

1


13
12-18-10 21
~~12-14-10~~

City of Alexandria, Virginia

MEMORANDUM

DATE: DECEMBER 2, 2010

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER 

SUBJECT: CONSIDERATION OF AN AMENDMENT TO THE EROSION AND SEDIMENT CONTROL REGULATIONS

ISSUE: Ordinance to amend the City's Erosion and Sediment Control regulations

RECOMMENDATION: That City Council introduce the ordinance, pass it on first reading and schedule it for public hearing, second reading and final passage on Saturday, December 18.

DISCUSSION: On April 8, 2010 the Virginia General Assembly amended and reenacted § 10.1-562 of the Code of Virginia, relating to erosion and sediment control.

This amendment eliminates the existing State language as follows: "The civil penalty for any one violation shall be not less than \$100 nor more than \$1,000, ~~except that the civil penalty for commencement of land-disturbing activities without an approved plan, as provided in § 10.1-563 shall be \$1,000.~~"

The City erosion and sediment control regulations may not mandate specific penalties if not provided for in State law. Since the State law has removed this specific penalty the City must remove the corresponding penalty from the local ordinance.

FISCAL IMPACT: None

ATTACHMENT: Proposed Erosion and Sediment Control Ordinance (No. 4489)

STAFF:

Mark Jinks, Deputy City Manager
Richard Baier, P.E., Director, Transportation and Environmental Services
William Skrabak, Director, Office of Environmental Quality, T&ES
Christopher Spera, Assistant City Attorney
Claudia Hamblin-Katnik, Ph.D., Watershed Program Administrator, OEQ, T&ES

2

Introduction and first reading:	12/14/10
Public hearing:	12/18/10
Second reading and enactment:	12/18/10

INFORMATION ON PROPOSED ORDINANCE

1
2
3
4
5
6
7
8 Title

9
10 AN ORDINANCE to amend and reordain Section 5-4-14.1 of Chapter 4 (EROSION AND
11 SEDIMENT CONTROL), Title 5 (TRANSPORTATION AND ENVIRONMENTAL
12 SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended.
13

14 Summary

15
16 The proposed ordinance updates the Erosion and Sediment Control Ordinance by making a
17 change to the civil penalties section as required by a recent change in state law.
18

19 Sponsor

20
21 N/A
22

23 Staff

24
25 Richard Baier, P.E., Director, Transportation and Environmental Services
26 William Skrabak, Director, Office of Environmental Quality, T&ES
27 Christopher Spera, Deputy City Attorney
28 Claudia Hamblin-Katnik, Ph.D., Watershed Program Administrator, OEQ, T&ES
29

30 Authority

31
32 Va. Code §10.1-562
33

34 Estimated Costs of Implementation

35
36 None
37

38 Attachments in Addition to Proposed Ordinance and its Attachments (if any)

39
40 None
41
42
43
44
45

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

ORDINANCE NO. _____

AN ORDINANCE to amend and reordain Section 5-4-14.1 of Chapter 4 (EROSION AND SEDIMENT CONTROL), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 5-4-14.1, Chapter 4 of Title 5 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Section 5-4-14.1 Civil Penalties

(a) A violation of any section or provision of this article may, in addition to and notwithstanding the penalty provided for in subsection (b), be a civil violation that shall be enforced through the levying of a civil penalty, pursuant to section 1-1-11 of this code, of \$500 for a person's first violation and of \$1,000 for each subsequent violation of the same section or provision. ~~However, the civil penalty for commencement of land disturbing activities without an approved plan shall be \$1,000.~~ Each day during which a violation exists shall constitute a separate violation. However, a series of violations arising from the same operative set of facts shall not give rise to the levying of a civil penalty more frequently than once in any ten-day period, and shall not result in civil penalties exceeding a total of \$3,000.

(The remaining sections are unchanged)

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

- Introduction: 12/14/10
- First Reading: 12/14/10
- Publication:
- Public Hearing:
- Second Reading:
- Final Passage:

ORDINANCE NO. 4702

AN ORDINANCE to amend and reordain Section 5-4-14.1 of Chapter 4 (EROSION AND SEDIMENT CONTROL), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 5-4-14.1, Chapter 4 of Title 5 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Section 5-4-14.1 Civil Penalties

(a) A violation of any section or provision of this article may, in addition to and notwithstanding the penalty provided for in subsection (b), be a civil violation that shall be enforced through the levying of a civil penalty, pursuant to section 1-1-11 of this code, of \$500 for a person's first violation and of \$1,000 for each subsequent violation of the same section or provision. ~~However, the civil penalty for commencement of land-disturbing activities without an approved plan shall be \$1,000.~~ Each day during which a violation exists shall constitute a separate violation. However, a series of violations arising from the same operative set of facts shall not give rise to the levying of a civil penalty more frequently than once in any ten-day period, and shall not result in civil penalties exceeding a total of \$3,000.

(The remaining sections are unchanged)

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Introduction: 12/14/10
First Reading: 12/14/10
Publication:
Public Hearing:
Second Reading:
Final Passage: ~~Final Passage:~~ December 18, 2010