

SURVEY OF LOCAL CHESAPEAKE BAY PRESERVATION ACT PROGRAMS: JUNE 2006



JURISDICTION	SENSITIVE FEATURES IN RPA	SENSITIVE FEATURES IN RMA	DETERMINATION OF LANDWARD LIMIT OF RMA	IDAs	STAND ALONE?	APPEALS PROCESS	FINES AND ENFORCEMENT	PROGRAM STATUS (Dates in parentheses indicate dates of CBLAB action)	DATE OF REVISED ORDINANCE ADOPTION
CHESAPEAKE	Same as state regulations	Same as state regulations	Contiguous to the inland boundary of the RPA which includes, but is not limited to, the following land categories: floodplains, highly erodible soils, including steep slopes, highly permeable soils; and nontidal wetlands not included in the RPA.	Industrial waterfront - Southern Branch Elizabeth River, Great Bridge Locks	Yes	CBPA Review Committee - CBPA Board - Circuit Court	Civil and criminal penalties. Class 1 misdemeanor up to \$1,000 per offense. Civil charges schedule with fines ranging from \$100 to \$10,000.	Original adoption date: 10/21/91 Ordinance/map: Consistent 12/12/2005 Comprehensive plan: Consistent 12/12/2005 Compliance evaluation: To be scheduled	07/26/05
GLOUCESTER COUNTY	Same as state regulations	Same as state regulations	Countywide	Not Used	Yes	Administrative - Chesapeake Bay Preservation and Erosion Commission - Circuit Court	Class 1 misdemeanor, punishable by confinement in jail for not more than twelve months and a fine of not more than \$2,500, either or both under Virginia Code § 18.2-11.	Original adoption date: 10/15/91 Ordinance/Map: Consistent 4/03/2006 Comprehensive Plan: Consistent 3/18/2002 Compliance Evaluation: Compliant 9/19/2005 Phase I Revision: Consistent 04/03/06	12/02/03
HAMPTON	Same as state regulations	Same as state regulations	100 ft contiguous to and landward of RPA	Proposed for southern half of city - under review	Article in zoning ordinance; modified existing ordinances and developed stormwater management ordinance	Administrative - Chesapeake Bay Preservation District Committee (Exceptions) - Board of Zoning Appeals - Circuit Court	Under Zoning Ordinance. Misdemeanor with a maximum \$1,000 per charge.	Original adoption date: 11/14/1990 (6/16/1997) Ordinance/map: Inconsistent with 2 conditions 6/20/2005 Comprehensive plan: Consistent 9/16/2002 Compliance evaluation: Ongoing (Initiated but incomplete)	05/12/04
ISLE OF WIGHT COUNTY	Same as state regulations	Same as state regulations	Watershedwide	Not Used	Yes	Administrative - Planning Commission - Board of Supervisors - Courts	Civil and criminal penalties. Up to \$5,000 per day or \$10,000 lump sum civil penalty.	Original adoption date: 11/15/90 Ordinance/map: Consistent 3/21/2005 Comprehensive plan: Consistent 9/17/2001 Compliance evaluation: Not yet underway	12/18/03
JAMES CITY COUNTY	Same as state regulations	Same as state regulations	Countywide	Not Used	Yes	Administrative - Chesapeake Bay Board - Courts	Civil and criminal penalties. Up to \$5,000 per day or \$10,000 lump sum civil penalty.	Original adoption date: 8/6/1990 (1/25/1991) Ordinance/map: Consistent 3/24/2004 Comprehensive plan: Consistent 12/8/2003 Compliance evaluation: Fully compliant 9/19/2005	11/25/03, effective 1/1/04
NEWPORT NEWS	Same as state regulations	Same as state regulations	100 ft, including 15% slopes, floodplains, and highly erodible soils	Yes - Industrial Waterfront only	Article in Stormwater Regulations	Administrative - Board of Zoning Appeals - Courts	Civil and criminal penalties. Class 1 misdemeanor up to \$1,000 per offense. Civil charges up to \$5,000 per day or \$10,000 lump sum.	Original adoption date: 7/1/1991 (9/21/1998 and 12/16/2003) Ordinance/map: Consistent 9/19/2005 Comprehensive plan: Consistent 9/17/2001 Compliance evaluation: To be scheduled - 3rd Quarter 2007	04/12/05
NORFOLK	Same as state regulations	Same as state regulations - remainder of RPA parcel	Remainder of the parcel designated RPA	In both RPA and RMA - commercial, industrial, and some residential	No, modified existing ordinances	Administrative - Board of Zoning Appeals - Circuit Court	Penalties depend on the nature of the violation and follow guidelines under the city's wetlands program, E&S program, or Chapter 45 (vegetation within the buffer).	Original adoption date: 03/03/1992 Ordinance/map: Consistent 6/30/2005 Comprehensive plan: Consistent 9/15/2003 Compliance evaluation: Ongoing (Initiated but incomplete)	06/14/05
POQUOSON	Same as state regulations	Same as state regulations	Citywide	Not Used	Overlay in zoning ordinance	Administrative - BZA - City Council - Courts	Criminal penalties. Not less than \$10 nor more than \$1,000 per offense.	Original adoption date: 11/15/1991 (2/25/1993) Ordinance/map: Consistent 4/03/2006 Comprehensive plan: Consistent 3/18/2002 Compliance evaluation: Recommended compliant - 8/15/2006 Phase I Revision: Consistent	05/24/04
PORTSMOUTH	Same as state regulations	Same as state regulations	100 year flood plain and nontidal wetland or 530 ft	In both RPA and RMA - commercial, industrial, and multi-family residential	Yes	Planning Commission - Courts	Criminal penalties. Not less than \$10, nor more than \$250 per offense.	Original adoption date: 8/28/90 Ordinance/map: Consistent 3/21/2005 Comprehensive plan: Consistent 9/17/2001 Compliance evaluation: Fully compliant 6/20/2005	01/13/04
SMITHFIELD, TOWN OF	Same as state regulations	Same as state regulations	Townwide	In both RPA and RMA - commercial and residential per criteria	Overlay in zoning ordinance	Administrative - Planning Commission - Courts	Civil and criminal penalties. Up to \$5,000 per day or \$10,000 lump sum civil penalty.	Original adoption date: 9/4/90 Ordinance/map: Consistent with 8 conditions 12/31/2005 Comprehensive plan: Consistent 9/15/2003 Compliance evaluation: To be scheduled	04/06/04
SUFFOLK	Same as state regulations	Same as state regulations	Watershedwide	In both RPA and RMA - commercial, industrial, and residential (mostly multi-family)	Overlay in zoning ordinance	Planning Commission - City Council - Courts	Usually a civil fine. Generally, first offense \$100, second offense \$250.	Original adoption date: 9/19/90 Ordinance/map: Consistent 12/13/2004 Comprehensive plan: Recommended consistent 8/15/2006 Compliance evaluation: To be scheduled	11/19/03
SURRY COUNTY	Same as state regulations	Same as state regulations	Remainder of county within James River watershed	Not Used	Article in zoning ordinance	Administrative - Board of Zoning Appeals - Courts	Under zoning ordinance. Criminal penalties. Not less than \$10, nor more than \$250 per offense.	Phase I: Consistent, 5/6/1992 Phase II: Consistent, 9/18/2000 Major Program Modifications: None	05/06/04
VIRGINIA BEACH	Same as state regs plus highly erodible soils (equal to or > 6% slope) & variable width buffer	Same as state regulations	Remainder of Bay watershed not in the RPA	Not used	Yes	Administrative-Chesapeake Bay Preservation Area Board - Courts	Fine schedule found in the Wetlands Guidelines. Fines range from \$500 to a maximum civil charge of \$10,000 per offense. The Board imposes Civil Charges. The Circuit Court imposes Civil Penalties.	Original adoption date: 11/6/1990 Ordinance/map: Consistent 3/21/2005 Comprehensive plan: Consistent 3/19/2001 Compliance evaluation: Ongoing (Initiated but incomplete)	12/09/03
WILLIAMSBURG	Same as state regulations	Same as state regulations	500 ft	Not Used	Overlay in zoning ordinance	Administrative - Board of Zoning Appeals - Courts	Under Zoning Ordinance. Civil penalties of \$100 for initial summons; \$150 for each additional summons; maximum \$3,000. Option to bring legal action to ensure compliance with an injunction, abatement or other appropriate action or proceeding.	Original adoption date: 9/13/1990 (1/25/1990) Ordinance/map: Consistent 3/22/2004 Comprehensive plan: Consistent 6/19/2000 Compliance evaluation: Fully compliant 9/19/2005	12/11/03
WINDSOR, TOWN OF	Same as state regulations	Same as state regulations	Townwide	Not Used	Yes	Administrative - Board of Zoning Appeals - Town Council - Courts	None specified. May be subject to penalties under general provisions of Town Code.	Original adoption date: 10/13/92 Ordinance/map: Consistent 12/8/2003 Comprehensive plan: Consistent 5/2/1996 Compliance evaluation: Recommended compliant 8/15/2006	08/12/03
YORK COUNTY	Same as state regulations	Same as state regulations	500 ft or 100 year flood plain, whichever is greater	Amoco Oil; Virginia Power; Seaford-Scallops; Yorktown Historical Area	Yes	Chesapeake Bay Board - Courts	Civil charges: Minimum for homeowners=\$300; Maximum=\$10,000 Minimum for contractor = \$1000; Maximum = \$10,000	Original adoption date: 9/6/1990 (12/5/1991) Ordinance/map: Consistent 9/19/2005 Comprehensive plan: Consistent 9/17/2001 Compliance evaluation: Fully compliant 4/03/2006	12/16/03

* This table reflects information available as of June 30, 2006.