




County Building One
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County Administration

6467 Main Street
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MEMORANDUM

TO: Mr. Ron Peaks, Director of Codes Compliance
Mr. Paul Koll, Building Official
✓ Ms. Denise Canada, Zoning Supervisor
Ms. Anne Ducey-Ortiz, Director of Planning
Mr. Scott Rae, Environmental Programs Administrator
Mr. Edwin "Ted" Wilmot, County Attorney

FROM: Brenda G. Garton, County Administrator 

DATE: December 4, 2008

**SUBJECT: APPROVAL OF AN ORDINANCE EXTENDING THE
WAIVER OF CERTAIN PERMIT FEES PERTAINING TO
HURRICANE ISABEL, TROPICAL STORM ERNESTO AND THE
UNNAMED NOR'EASTER OF OCTOBER 6TH AND 7TH**

The Gloucester County Board of Supervisors at their meeting on December 2, 2008 approved the attached ordinance waiving certain permit fees pertaining to Hurricane Isabel, Tropical Storm Ernesto and the unnamed Nor'easter of October 6th and 7th.

BGG:dmh
Attachment

At a meeting of the Gloucester County Board of Supervisors held on Tuesday, December 2, 2008, at 6:30 P.M., in the Board Room in the Colonial Courthouse, Court Circle, 6504 Main Street, Gloucester, Virginia: On a motion duly made by Mrs. Ressler, and seconded by Ms. Theberge, the following ordinance was adopted by the following vote:

Charles R. Allen, Jr., yes;
Teresa L. Altemus, yes;
Robert A. Crewe, yes;
Michelle R. Ressler, yes;
Christian D. Rilee, yes;
Louise D. Theberge, yes;
Gregory Woodard, yes;

AN ORDINANCE EXTENDING THE WAIVER OF CERTAIN PERMIT FEES PERTAINING TO HURRICANE ISABEL, TROPICAL STORM ERNESTO AND THE UNNAMED NOR'EASTER OF OCTOBER 6 AND 7, 2006.

WHEREAS, Hurricane Isabel struck Gloucester County on September 18, 2003 displacing many persons and causing serious property damage to portions of the County; and

WHEREAS, a local emergency was declared on September 16, 2003 in anticipation of Hurricane Isabel's landfall and a State of Emergency for the Commonwealth was declared by Governor Warner as well; and

WHEREAS, a local emergency was declared on September 1, 2006 in anticipation of Tropical Storm Ernesto's landfall and a State of Emergency for the Commonwealth was declared by Governor Tim Kaine as well; and

WHEREAS, a local emergency was declared on October 6th, 2006 due to the unnamed Nor'easter of October 6 & 7, 2006; and

WHEREAS, numerous homes and other buildings have been damaged or destroyed by the storms and there exists an ongoing need for both emergency and permanent repairs and reconstruction and for temporary safe and sanitary shelter; and

WHEREAS, substantial economic loss has been suffered by many citizens; and

WHEREAS, the Board of Supervisors of Gloucester County has previously taken action to assist affected citizens of the County by the waiver of certain permit fees; and

WHEREAS, the Board wishes to extend the waiver of those fees through December 31, 2010. Such waivers will be retroactive to January 1, 2008.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED: This 2nd day of December, 2008, by the Gloucester County Board of Supervisors that the ordinance adopted on December 3, 2003, revised April 6, 2004, October 5, 2004, June 7, 2005, December 6, 2005, December 5, 2006, and March 4, 2008 related to the waiver of various fees and certain temporary housing is amended to read as follows:

A. Purpose and intent.

The purpose of this ordinance is to waive certain fees when permits are required under various ordinances of Gloucester County for the purpose of restoring, repairing, or reconstructing improvements to real property which were damaged or destroyed by the force of Hurricane Isabel, Tropical Storm Ernesto, or the unnamed Nor'easter of October 6th & 7th, 2006.

It is further the purpose of this ordinance to facilitate the provision of safe and sanitary temporary shelter for those displaced by the storm.

B. Fee Waiver.

The following fees are waived for a period beginning April 1, 2004 and ending on ~~December 31, 2008~~ **December 31, 2010** for any activity, which is determined by the Director of Codes Compliance of Gloucester County to result from, or be necessitated by, damage caused by Hurricane Isabel, Tropical Storm Ernesto, or the unnamed Nor'easter of October 6th & 7th, 2006.

1. Building permit and related fees required by Article 1 of Chapter 5;
2. Erosion and Sedimentation Control Plan review and inspection fees required by Section 7.1.6 of the Gloucester County Code;
3. Processing fees for permitted wetlands activities required by Section 20-4 of the Gloucester County Code; and
4. Chesapeake Bay Preservation waiver or exemption fees required by Section 5.5-16 of the Gloucester County Code.

Nothing in this section shall be construed to waive the requirement for permits for engaging in the above-mentioned activities or compliance with all other applicable regulatory requirements.

C. Temporary Housing.

Notwithstanding any provisions of the Zoning Ordinance of Gloucester County to the contrary, and notwithstanding the provisions of any other ordinances of Gloucester County, manufactured homes, modular buildings, travel trailers, or campers may be

used as temporary replacement housing for residential structures destroyed or made uninhabitable by Hurricane Isabel. Such temporary replacement housing may be approved by the County Administrator or the County Administrator's designee upon:

1. Certification by the Director of Codes Compliance that such temporary housing will serve as a temporary replacement in accordance with the provisions of this section; and
2. Certification of the Building Official that such temporary housing meets pertinent plumbing and electrical codes.

Any such approval may be for an initial period of up to six (6) months and extensions may be granted if deemed to be necessary and appropriate to facilitate the provision of permanent housing.

D. Expiration.

This ordinance shall be of no force and effect after ~~December 31, 2008~~ **December 31, 2010** except to the extent that the provisions of paragraph C regarding the granting of extensions for the continued location of temporary replacement housing located before March 31, 2004 are applicable. Extensions may continue to be granted for such necessary periods deemed reasonable by the County Administrator.

A copy teste:



Brenda G. Garton, County Administrator

Date: 12/4/08