

BY-LAWS  
NORTHAMPTON COUNTY WETLANDS/PRIMARY SAND DUNE  
BOARD  
COUNTY OF NORTHAMPTON, VIRGINIA

ARTICLE 1. OBJECTIVES

This Board, established in conformance with the ordinance adopted by the Board of Supervisors of the County of Northampton, Virginia on June 5, 1972, has adopted the following Articles in order to facilitate its powers and duties in accordance with the provisions of Chapter 13 of Titles 28.2-1300 through 28.2-1320 of the Code of Virginia and Chapter 14 Titles 28.2-1400 through 28.2-1420 of the Code of Virginia.

The official title of the Board shall be the “Northampton County Wetlands Board.”

These by-laws adopted by the Northampton County Wetlands Board are to be effective October 21, 1998, as revised on January 19, 2011.

ARTICLE 2. DEFINITIONS

1. AGENT: Person hired or otherwise designated by the applicant to represent the applicant in obtaining the needed permits for a marine project or construction.
2. APPLICANT: Person who applies for a permit via the Joint Permit Application.
3. APPLICATION: Joint Permit Application, forms of which are provided by the U. S. Army Corps of Engineers (US ACOE).
4. BOARD: Northampton County Wetlands Board.
5. MINOR REPAIR WORK ON MARINE STRUCTURES: Repair work, such as replacement of pier decking, replacement of pilings, replacement of bulkhead sheeting, or reworking of an existing rip rap structure where the replacement material will be replaced in the exact location without any additional encroachment into wetlands. This does not include the replacement of an entire marine structure with a new structure.
6. PERMIT: Wetlands permit issued by the Northampton County Wetlands Board.
7. PERMITTEE: The person granted the Wetlands Permit to undertake construction or other activities within the jurisdiction of the Board.
8. PROJECT: Marine construction or other activity as described in the Joint Permit Application.

9. TEN-DAY WAITING PERIOD: Time allowed for the Virginia Marine Resources Commission to review and/or receive an appeal of the Board's decision on a project.
10. VIMS: The Virginia Institute of Marine Science.
11. VMRC: The Virginia Marine Resources Commission.
12. WETLANDS BOARD JURISDICTION: As defined in the Northampton County Wetlands Ordinance and the Coastal Primary Sand Dune Ordinance, includes "vegetated wetlands", "non-vegetated wetlands", "coastal primary sand dune", "beaches", and that designated area between mean low water and mean high water.
13. WETLANDS OFFICE: The Northampton County Department of Planning and Zoning.

### ARTICLE 3. MEMBERSHIP

1. The Board shall consist of seven (7) residents of the county appointed by the Board of Supervisors of Northampton County. All terms of office shall be for five years each, except that original appointment shall be made for such terms that the term of one member shall expire each year. The chairman of the board shall notify the Board of Supervisors at least sixty (60) days in advance of the expiration of any term of office, and shall also notify the Board of Supervisors promptly if any vacancy occurs. Such vacancies shall be filled by the Board of Supervisors without delay upon receipt of such notice. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may serve successive terms. A member whose term expires shall continue to serve until his successor is appointed and qualified. Term limits: all volunteers to the Board must be residents of the County and are limited to two consecutive full terms of service when the term of service is a four-year or five-year term.
2. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by the Board of Supervisors of Northampton County, after a hearing held after at least fifteen (15) days of notice.
3. Policy for Non-attendance: No member shall accumulate an annual total of more than three (3) unexcused absences, or be absent from more than one-fourth of the total number of meetings held within a given calendar year, for reasons other than personal illness, the illness or death of a relative, or other circumstances beyond the member's control. If this limitation is exceeded, the board will advise the County Administrator who will notify such member in writing, with a copy of such notification to the Board of Supervisors that due to unexcused absences in excess of the number allowed, his or her term of membership on the board has terminated.

ARTICLE 4. ELECTION OF OFFICERS

1. The officers of the Board shall consist of a Chairman and a Vice-Chairman. A Planning & Zoning Representative shall serve as Secretary to the Board.
2. Nomination of officers shall be made from the floor at the regular January meeting or the first meeting of each calendar year. Election of officers shall follow immediately.
3. A candidate receiving a majority vote of the entire membership of the Board shall be declared elected. He shall take office immediately and serve for one (1) year or until his successor shall take office.
4. Vacancies in office shall be filled immediately by regular election procedures.

ARTICLE 5. DUTIES OF OFFICERS AND STAFF

1. The Chairman shall be a member of the Board and shall:
  - A. Preside at all meetings.
  - B. Appoint committees, special and/or standing.
  - C. Rule on all procedural questions (subject to a reversal by a two-thirds majority vote of members present.)
  - D. Carry out other duties as assigned by the Board.
2. The Vice-Chairman shall be a member of the Board and shall act in the absence or inability of the Chairman to act.
3. The Secretary to the Board shall:
  - A. Process all applications and permits.
  - B. Notify applicants of Board field visit.
  - C. Organize and establish files for public record.
  - D. Coordinate meetings and field visits.
  - E. Record minutes of Board meetings.
  - F. Prepare agendas and Board packets.
  - G. Collect, record, and transmit fees and fines to the Treasurer.
  - H. Issue permits as approved by the Board.
4. A Planning & Zoning Representative such as the Zoning Inspector shall:
  - A. Inspect and document all permitted projects.
  - B. Investigate violations and prepare reports on notices to comply and stop work orders and take action on violations

5. A Planning & Zoning Representative such as the Zoning Administrator shall:

- A. Present staff reports and recommendations to the Board.
- B. Delineate jurisdiction.
- C. Coordinate issuance of zoning and building permits for all projects.

ARTICLE 6. MEETINGS

1. Regular meetings of the Board shall be held on the third Wednesday of each month at the Northampton County Administrative Complex located in Eastville, Virginia or other location as designated, unless no cases are pending, in which instance no meeting shall be held. The time of the meeting will vary depending upon the number and location of field visits to be conducted prior to the regular meeting.
2. For the conduct of any hearing and the taking of any action, a quorum shall be not less than four (4) members of the seven-member Board.
3. The order of business at all regular meetings of the Board shall follow Robert's Rules of Order.
4. All regular meetings, hearings, records, and accounts shall be open to the public.
5. The Board may go into executive session in accordance with the Code of Virginia, Chapter 37 of Titles 2.2-3711 through 2.2-3712 of the Code of Virginia. A motion shall be made to adjourn a meeting in public session to be reconvened in executive session. Such a motion shall state specifically the purpose or purposes which are to be the subject of the meeting and reasonably identifying the substance of the matters to be discussed. A statement shall be included in the minutes of the open meeting which shall make specific reference to the applicable exemption or exemptions from public meeting requirements provided in §2.1-3712. Consultation with legal counsel and briefings by staff members, consultants or attorneys, pertaining to actual or probable litigation, or other specific legal matters requiring the provision of legal advice by counsel (§2.2-3711) is an applicable exemption from public meeting requirements. Prior to executive session with legal counsel the following motion shall be made by a Board member, seconded, and voted upon in open session prior to executive session:

*"I move that the meeting be adjourned in open session and reconvene in executive session in accordance with the Code of Virginia, Chapter 37, §2.2-3712, for legal consultation pertaining to actual or probable litigation and on other specific legal matters requiring the provision of legal advice by counsel concerning [subject of the meeting]."*

Immediately after the approved motion to adjourn an executive session, the Board shall reconvene in open session and take a roll call vote on the following statement to be read by the Chairman.

*“I hereby certify that, to the best of my knowledge, only public business matters lawfully exempted from the open meeting requirements prescribed by the Virginia Freedom of Information Act and only such matters identified in the motion to convene executive session, were heard, discussed, or considered by this Board during executive session. (roll call vote) All in favor ‘Aye’ or ‘Nay’.”*

6. The Board may adjourn a regular meeting if all applications or appeals cannot be disposed of on the day set, and no further public notice shall be necessary for a continuation of such meeting.
7. Special meetings may be called by the Chairman, provided that at least five (5) days or written notice of such meeting is given each member. Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting.

**ARTICLE 7. MARINE PROJECTS AND CONSTRUCTION REQUIRE THE SUBMISSION OF A JOINT PERMIT APPLICATION.**

1. All marine projects and construction require the filing of a Joint Permit Application. This ensures the orderly processing, reviewing and permitting of marine construction and projects in Northampton County.
2. Minor repair work on marine structures may be reviewed by the Department of Planning & Zoning, documented by photograph, and authorized by a Northampton County building permit or written notice when another permit is not required.

**ARTICLE 8. JOINT PERMIT/PRIMARY DUNE APPLICATION SUBJECT TO REVIEW BY THE DEPARTMENT OF PLANNING & ZONING**

An application for a wetlands or primary dune permit shall be deemed accepted by the Wetlands Board when received in the Department of Planning and Zoning from the VMRC with an assigned permit number and appropriate fee paid; such application must be received at least 30 days prior to the public hearing. The applicant shall provide all information requested on the Joint Permit Application provided by the US ACOE, and any such additional information and data as may be required to advise the Board fully with reference to the application. Applications must be made on the proper form and submitted for each parcel of property involved, unless the property owner(s) owns adjacent parcels of property on which the project is proposed.

Upon receipt, the application is entered into the Department of Planning and Zoning database and then reviewed for the following:

1. Completion. Section 4(b) of the Northampton County Wetlands Ordinance lists the required information which must be included in applications. Following the list of standard requirements, this Section authorizes the Board to require “such additional materials and documentation as the wetlands board may deem necessary.”

2. Board Jurisdiction.

- A. The wetlands board jurisdiction includes projects located in vegetated wetlands and non-vegetated wetlands as defined in Section 2 of the Northampton County Wetlands Ordinance and projects located on coastal primary sand dunes and beaches in accordance with Section 2 of the Northampton County Coastal Primary Dune Ordinance.
- B. A field visit is made if the question of jurisdiction cannot be determined by the application.

3. Permit Status.

- A. A permit is required from the Board for any project located within the Board's jurisdiction and not exempt by Section 3 of the Northampton County Wetlands Ordinance.
- B. A permit is not required from the Board for any project not located within the Board's jurisdiction or for any project exempt by Section 3 of the Northampton County Wetlands Ordinance. However, a Northampton County Building Permit for the project or construction will not be issued until written authorization for the project is received from the VMRC, the US ACOE, and any other applicable review agency.
- C. A General Wetlands Permit for Emergency Situations may be issued in accordance with VMRC Regulation Chapter 2, Title 28.2-210.

ARTICLE 9. PUBLIC HEARING PROCESS.

- 1. A nonrefundable processing fee as set by the Board of Supervisors to cover the cost of processing the application shall be submitted to the Department of Planning & Zoning. The applicant is responsible for the cost of the required legal notices published in *The Eastern Shore News*.
- 2. Not later than sixty (60) days after receipt of a complete application and the required fee, the Board shall hold a public hearing on such application.
- 3. The following interested parties will be notified of the public hearing by mail not less than twenty (20) days prior to the date set for the public hearing.
  - A. The applicant and his agent.
  - B. The Virginia Marine Resources Commission
  - C. The owner of record of any land adjacent to the wetlands in question
  - D. Known claimants of water rights in or adjacent to the wetlands in question
  - E. The Virginia Institute of Marine Science
  - F. The Department of Games and Inland Fisheries
  - G. The Water Division of the Department of Environmental Quality

- H. The Virginia Department of Transportation
- I. Governmental agencies expressing an interest therein.

4. Public notice of the hearing will be published in *The Eastern Shore News* at least once a week for two weeks prior to the hearing.

ARTICLE 10. FIELD VISITS FOR APPLICATIONS/PROJECTS PENDING PUBLIC HEARING.

The Board and Planning & Zoning Representative will conduct field visits prior to any public hearings on the scheduled date of the hearings. Board members who cannot visit the property on this day will visit the property, when possible, before the public hearing after attempting to first notify the property owner as a courtesy.

ARTICLE 11. PUBLIC HEARINGS.

1. In addition to those required by law, the Board, at its discretion, may hold public hearings when it deems that a hearing will be in the public interest.
2. The case before the Board shall be introduced by the Chairman or other member delegated by the Chairman.
3. The Planning & Zoning Representative will give a Staff Report and Recommendation for the application. In addition, the Planning & Zoning Representative will review the recommendation provided by the Board's technical advisor from the Virginia Institute of Marine Science.
4. After the Staff Report, the floor will be open for public comments.
  - A. A person must be recognized by the Chairman and shall state his name and address for the record before speaking to the application.
  - B. Each person who desires to address the Board shall be allowed five (5) minutes to present written and/or oral comments, except that attorneys or agents representing five or more citizens shall be allowed fifteen (15) minutes.
  - C. After all persons who desire to address the Board have had an opportunity to do so, the Chairman may grant additional time to persons who have spoken previously.
  - D. Comments shall be directed to the Board, not to the audience.
  - E. Board members may question each speaker at the end of his presentation. Such questioning may extend beyond the five- or fifteen-minute time limit.
  - F. The applicant will be given an opportunity for a final rebuttal.

As adopted Jan. 19, 2011

5. The final decision on any case before the Board shall be in the form of a motion approved by a quorum of the membership of the Board. Four affirmative votes are required to approve any motion.
6. The Board shall make its determination within thirty (30) days of the date of the hearing.

#### ARTICLE 12. NOTIFICATION OF DETERMINATION.

1. Within forty-eight (48) hours of the Board's determination, the Staff Representative shall notify the following of the determination:
  - A. Applicant
  - B. Agent, when applicable
  - C. VMRC
  - D. VIMS
  - E. US ACOE
2. If an applicant is represented by an agent, the applicant will be notified that the permit will be sent to this agent after the ten-day waiting period has expired. At this time, the applicant will also be notified of mandatory inspections of his permitted project.

#### ARTICLE 13. MODIFICATIONS OF APPLICATIONS.

1. Project modified before the Board holds a public hearing.
  - A. If revised drawings are received before the public hearing notices are mailed, the revised project will be advertised.
  - B. Revised drawings received after public hearing notices have been mailed are considered modifications and announced as such at the public hearing.
2. Project modified during the public hearing on the project.
  - A. If the applicant wishes to propose modifications at the time of the hearing, revised drawings shall be submitted for review by Board members, the Planning & Zoning Representative, and the VMRC representative.
  - B. If approved, the modification becomes a condition of the permit.
3. Project modified by the Board during a public hearing.
  - A. The modification becomes a condition of the permit.
  - B. A revised drawing must be submitted by the applicant or his agent and approved by the Planning & Zoning Representative.



4. Project modified after the Board has made a determination.
  - A. The revised project is scheduled for the next available agenda.
  - B. All interested parties, listed in Section 6 of the Northampton County Wetlands Ordinance and Section 6 of the Northampton County Coastal Primary Dune Ordinance and any protestants who provided written or oral comments in opposition to the original application will be notified by the Secretary of the revised project and the upcoming meeting at which it will be considered.

ARTICLE 14. ISSUANCE OF PERMITS.

1. After approval of a project a public hearing, the permit will be produced, then signed by the Chairman or the Chairman Designee and notarized and retained in the file.
2. A copy of the notarized permit will be mailed to the permittee or agent (if applicable) after the end of the 10-day waiting period. During this waiting period, the Board's decision on a project may be reviewed by and/or appealed to VMRC.
3. Within 48 hours of action taken by the Board VMRC, VIMS, and US ACOE shall be sent written notification by the Secretary of the Board's decision and a copy of said notification shall be retained in the file.
4. A Northampton County building permit will not be issued until the Wetlands Office has received:
  - A. The notarized permit copy is issued to the permittee;
  - B. Written authorization for the project from VMRC, the US ACOE, or other applicable review agencies.

ARTICLE 15. EXPIRATION OF PERMITS.

Unless otherwise noted by the Board in its motion to permit a project, permits will expire twelve (12) months after the Board's approval of the project.

ARTICLE 16. EXTENSION OF PERMITS.

1. The Board will consider a request for a permit extension provided that the permittee or agent submits a written request prior to the permit expiration date or within a 30-day grace period following the expiration date. Requests received after the grace period has elapsed will not be considered for an extension; however, the permittee is free to submit a new application.

As adopted Jan. 19, 2011

2. When an extension is requested, the-Secretary shall review the permit record and notify any project protestants who provided written or oral comments in opposition to the original application that the permit is being considered for an extension.
3. In no case shall any permit be extended so that it is valid for more than three (3) years from the original date of permit issuance without reapplication with processing fee, notice and advertising being required.

#### ARTICLE 17. MANDATORY INSPECTIONS OF APPROVED PROJECTS.

1. Mandatory inspections of approved projects will be conducted after the following notification:
  - A. The Northampton County Wetlands Office must be notified 48 hours (two working days) prior to beginning a permitted project.
  - B. If a permitted project involves backfill behind structures, notice must be given to the Wetlands Office 24 hour prior to placing the fill.
  - C. The Wetlands Office must be notified within 48 hours (two working days) after the completion of a permitted project.
2. Notification for these inspections must be made to the Wetlands Office by the permittee, the contractor, or the agent. The permittee is responsible for ensuring that the office is notified so that these inspections can be conducted.

#### ARTICLE 18. VIOLATION PROCEDURES.

1. A violation may be observed or reported to the Board or Wetlands Office by a citizen or a governmental agency.
2. A field inspection shall be conducted the Planning & Zoning Representative.
  - A. Prior to inspection, notice shall be given to the owner, occupier or operator.
  - B. Any recorded information about the property, such as prior permits, topographic maps, and aerial photographs will be reviewed.
  - C. During the inspection measurements from permanent benchmarks will be obtained and the property will be photographed.
3. If no violation is observed, the Planning & Zoning Representative will send a potential violation letter to the property owner if fill material or equipment is adjacent to a jurisdictional area and the referring party or agency will be advised of the determination.
4. If an active violation is observed, the following guideline will be followed:

A. Minor permit violations:

- (1) The Planning & Zoning Representative shall serve a Notice to Comply (certified mail, return receipt) to the permittee and designated agent. The Notice shall detail measures needed to bring the project into compliance. A time period for completion shall be specified.
- (2) Failure to comply may result in the issuance of a stop work order. The Board may revoke the permit and/or issue a restoration order to gain compliance.

B. Unauthorized activities or substantial permit violations

- (1) The Planning & Zoning Representative will complete a Sworn Complaint outlining the violation specifics and forward it to the Board Chairman.
- (2) The Board Chairman or Planning & Zoning Representative will send a Stop Work Order to the property owner or permittee. The order will be mailed certified-return receipt. If unclaimed, the letter will be resent by regular mail (date documented). The Stop Work Order directs the violator to cease additional activities within the jurisdictional area and to contact the Wetlands Office within seven days to arrange for an on-site meeting.
- (3) The Planning & Zoning Representative will advise other County officials (e.g., Planning Director, Building Official) of potential code violations as a result of the activity.

C. Violation of Stop Work Order

- (1) The Planning & Zoning Representative shall advise the Board Chairman.
- (2) The Board Chairman or Planning & Zoning Representative will send to the violator a show cause letter (with a thirty-day notice) directing an appearance before the Board.
- (3) The county Attorney may immediately seek injunctive relief.

5. Field meeting with violator.

- A. Representatives of the US ACOE, VMRC, VIMS and other agencies will be invited as appropriate.
- B. The purpose of the project and past filling or grading dates will be determined.
- C. The names of any contractors or other involved parties will be determined.

- D. The violation will be documented with field measurements and photographs.
  - E. The violator will be informed of regulations, violation procedures, and permit requirement.
6. If a violation is complete, an Office investigation will be conducted as follows:
- A. Property ownership will be verified.
  - B. The approximate square footage of wetlands displaced or impacted will be determined.
    - (1) Refer to any recorded information about the property, such as prior permits, topographic maps and aerial photographs.
    - (2) Perform additional field inspections (following notice procedures). Include the Board's technical advisor from VIMS as necessary.
  - C. The Board Chairman or Planning & Zoning Representative will send a show cause letter (certified-return receipt) to property owner/permittee. The letter will detail results of the Office investigation and request that the property owner/permittee appear before the Board (after a 30-day notice) to show cause why they should not be held in violation of the Wetlands Ordinance.
  - D. The County Attorney will be consulted for legal advice.
7. Wetlands Office Assistance with Voluntary Restoration.
- A. In voluntary restoration cases, the Staff will provide assistance in identifying the damaged resources and appropriate measures needed to restore the site. If the Board Chairman or Planning & Zoning Representative determines that the unauthorized activities resulted in minimal impacts and voluntary restoration is completed in a timely manner, then he may, at his discretion, choose not to bring the violation before the Board for action. If the unauthorized activities resulted in more than minimal impacts, constitute a knowing violation, or if the area was restored after a Show Cause letter was sent, then the violation must be brought before the Board for action.
  - B. In certain cases, a violation site may be voluntarily restored so that an application may be submitted to solve a bona fide erosion problem. The Wetlands Office, in these cases, is authorized to accept and process the application provided that restoration is achieved prior to the public notice deadline. In these situations, a violation may be closed out and an application considered at the same public hearing.
8. Public Hearing

- A. Staff will present the violation and provide a recommendation based upon a review of the State Guidelines and/or consultation with the Board's technical advisor and legal counsel.
  - B. The Board may take the following actions:
    - (1) Require submission of an After-the Fact permit application.
    - (2) Impose a restoration order with time period for compliance.
    - (3) Impose civil charges.
9. After-the Fact applications must follow prescribed notice and public hearing procedures.
10. Restoration order.
- A. Restoration order as approved by the Board is prepared and issued by the Board Chairman or Planning & Zoning Representative (sent certified-return receipt).
  - B. Field inspections will be conducted by staff following notice procedures.
  - C. Non-compliance may result in appropriate legal action by the Board's legal counsel.
11. Civil Charges.

As specified in §28.2-1320 and §28.2-1420 of the Code of Virginia, the Board may order, with the consent of the person in violation, a one-time payment of civil charges for each violation not to exceed \$10,000.00. Civil charges shall be in lieu of any appropriate civil penalty which could be imposed by the Circuit Court. Civil charges may be in addition to the cost of any restoration ordered by the Wetlands Board.

- A. The policy of the Northampton County Wetlands Board is to consider the assessment of a civil charge for violations of the County's Wetlands Ordinance which meet one of the following criteria:
  - (1) As determined by the Board, the violation was knowingly or intentionally committed. Factors to consider include, but are not limited to, evidence of prior consultation or field meeting with the Wetlands Office, testimony or evidence presented at the violation hearing, and issuance of a prior Wetlands Permit. Failure to comply with the conditions of an authorized Wetlands Permit shall constitute a knowing violation.
  - (2) The violator has been served notice to appear before the Wetlands Board on prior violation(s). In all cases, inclusion in this category shall constitute a knowing violation under criteria (1) above.

- (3) Significant and/or irreparable damage has occurred to the wetlands as a result of the subject violation.
- B. There is a presumption by the Board that all persons engaged in the business of constructing shoreline defense structure or conducting land disturbing activities are aware of permitting requirements. Therefore, the Board will consider the assessment of a civil charge against such persons even though they may not have had any prior contact with the Wetlands Office.
- C. It will be the policy of the Board to determine the civil charge amount based on the degree of environmental impact and non-compliance. The civil charge matrix presented in the VMRC staff report entitled, "A Review of Current Enforcement Procedures in Light of Recent Changes to Title 62.1 of the Code of Virginia," shall be considered in determining an appropriate civil charge amount.
  - (1) Environmental impacts shall be based upon supporting documentation provided with the State's guidelines and/or an evaluation by the Board's technical advisor from the Virginia Institute of Marine Science.
  - (2) The degree of non-compliance shall be a further consideration in determining the civil charge amount. Relative degree of deviation or non-compliance refers to the extent, or magnitude, of a violation. Other factors to be considered are the violator's degree of good faith, willfulness, history of non-compliance, and cooperation.
- D. The above factors and specific circumstances of the violation shall govern the establishment of an appropriate civil charge. However, in order to defray administrative costs of pursuing a civil charge, it shall be the policy of the Board not to establish a charge of less than \$100.00.
- E. In cases of unauthorized activity or permit violation, Staff shall provide a recommendation on whether to assess a civil charge based upon the policy criteria. In cases where a civil charge is recommended, Staff will provide a recommended charge amount based on an evaluation of environmental impact, degrees of non-compliance, and evaluation of the VMRC civil charge matrix.

#### ARTICLE 19. RECORDS.

1. A complete file on each application shall be kept by the Board at the Wetlands Office.
2. All records of the Board shall be a public record and may be reviewed in the Wetlands Office, Northampton County Administrative Complex, in Eastville, Virginia.

As adopted Jan. 19, 2011

3. The Board shall keep full public records of its proceedings and shall submit a report of its activities to the Northampton County Board of Supervisors annually, with a copy of this report of VMRC.

ARTICLE 20. AMENDMENTS.

These rules may be changed by a recorded majority vote of the entire membership after thirty days prior notice.

ARTICLE 21. SURETY.

The Board may require a reasonable bond or letter of credit in an amount and with surety and conditions to ensure satisfactory compliance with the conditions and limitations set forth in the permit. Surety may be in the form of a bond, cash, escrow or a letter of credit.

ARTICLE 22. SUSPENSION OR REPEAL OF PERMIT.

The Board may suspend or revoke a permit if the Board finds that the applicant has failed to comply with any of the conditions or limitations set forth in the permit or has exceeded the scope of work as set forth in the application.

ARTICLE 23. ACTIONS OF THE BOARD.

The Board may take any such action which is consistent with the law of Northampton County, the Commonwealth of Virginia, and the United States, that it deems necessary to carry out its functions or to achieve its purpose.