

**BOARD OF SUPERVISORS
COUNTY OF NEW KENT
VIRGINIA**

O-03-18 (R1)

At the regular meeting of the Board of Supervisors of the County of New Kent, in the Boardroom of the Administration Building in New Kent, Virginia, on the 9th day of April, 2018:

Present:	Vote:
C. Thomas Tiller, Jr.	Aye
Patricia Paige	Aye
Ron Stiers	Aye
W.R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye

Motion was made by Mr. Davis, which carried 5:0, to adopt the following ordinance:

**AN ORDINANCE TO AMEND
CHAPTER 58 (SOLID WASTE) AND
CHAPTER 70 (TRAFFIC AND VEHICLES)
OF THE NEW KENT COUNTY CODE
TO ELIMINATE THE REQUIREMENT FOR THE
ISSUANCE AND DISPLAY OF A COUNTY DECAL**

WHEREAS, Virginia Code § 46.2-752 enables localities to license vehicles and to impose a vehicle license tax which has been traditionally done by issuing an annual County decal; and

WHEREAS, the New Kent County Board of Supervisors desires to eliminate the requirement for the issuance and display of a County decal; and

WHEREAS, the Code Amendments have been advertised for public hearing before the Board of Supervisors in full accord with applicable provisions of the Code of Virginia;

NOW THEREFORE, BE IT ORDAINED, effective the 1st day of June, 2018, by the New Kent County Board of Supervisors, that the following sections of the New Kent County Code be readopted as follows:

Chapter 58 - SOLID WASTES

ARTICLE II. - COUNTY COLLECTION CONTAINER SITES

Sec. 58-41. - Use.

All county collection container sites operated by the county or its licensee are for the use and benefit of the resident householders and resident commercial businesses of the county and are for the deposit of residential and commercial waste only. CDL waste (construction, demolition, and land clearing debris) disposal is specifically prohibited at all New Kent County collection container sites. All deposits of solid waste at county collection container sites shall conform to the following provisions:

- (1) No liquid waste of any kind shall be deposited at county collection container sites. "Liquid waste" shall not be associated with acceptable "recyclable" liquids (anti-freeze, used oil, used oil filters and cooking oil).
- (2) No hazardous waste shall be deposited at county collection container sites.
- (3) No industrial waste shall be deposited at county collection container sites.
- (4) All solid waste shall be placed within collection containers and no solid waste shall be placed in any collection container so that it protrudes beyond the top or sides of the container.
- (5) No solid or liquid waste of any kind shall be deposited on the ground at any county collection container site.
- (6) No tires or dead animals shall be deposited in collection boxes or at collection sites.
- (7) No construction waste from commercial collectors shall be placed in collection boxes or at collection sites.
- (8) Debris from yards such as leaves, grass clippings, shrubs, and tree limbs may be deposited in collection boxes only if bagged or if firmly tied in bundles not exceeding four feet in length. Limbs exceeding six inches in caliper will not be accepted at any current waste transfer site or any other site operated on behalf of the county.
- (9) No stoves, washing machines, refrigerators or other appliances, bedsprings, mattresses, furniture, motor vehicle or any part thereof, or any other large and bulky item shall be deposited in any collection container or at any county collection container sites Rt. 612, Rt. 634 and Rt. 647. Such items except for motor vehicles will be accepted at the Rt. 618 main refuse collection site.
- (10) No load of solid waste larger than that capable of being transported by a pickup truck shall be deposited at collection sites Rt. 612, Rt. 634, and Rt. 647. Large loads are to be carried directly to the Rt. 618 main refuse collection site. No stumps, brush greater than six-inch in diameter and land clearing debris will be accepted at

the main refuse collection site or at any county collection container site or any other contracted refuse site.

- (11) No person not a resident of the county shall deposit any solid waste at any county collection container site. ~~For purposes of this subsection, persons driving vehicles not displaying a county license decal shall be presumed to be nonresidents of the county.~~

(12) Proof of residence in the form of a valid driver's license, valid county issued decal, or vehicle registration shall be required to deposit any solid waste at any county collection container site.

- ~~(12)~~ **(13)** No scavenging shall be conducted at county collection container sites. No person shall remove any item from any collection container nor shall any person sort through or examine the contents of any collection container for the purpose of removing items therefrom.

(Code 1999, § 7-12; Ord. No. O-03-07, § A, 8-13-07; Ord. No. O-22-07, 12-10-07)

Chapter 70 – TRAFFIC AND VEHICLES

ARTICLE II. – VEHICLE LICENSE*

~~Sec. 70-57. – Issuance and display of decal.~~

~~The county will issue a permanent decal to all persons owning, leasing, or having control of a motorized vehicle with the exception of motorized recreational vehicles and motorcycles. The decal will remain valid as long as the person owns the motorized vehicle. On passenger vehicles, the owner shall affix the decal to the windshield to the right of the inspection sticker issued by the state when looking through the windshield from the inside of the vehicle. The county will not issue a decal to residents for motorized recreational vehicles, motorcycles, trailers or other non-motorized equipment. The county will issue a decal without charge to any resident who purchases a new or used motorized vehicle during the calendar year.~~

~~(Ord. No. O-10-09, 7-13-2009) Sec. 70-58. – Duplicate decal when original lost. The county will issue a duplicate decal upon receiving a piece of the damaged decal or an affidavit from the resident stating that the original decal was lost, stolen, damaged, or destroyed.~~

~~(Ord. No. O-10-09, 7-13-2009)~~

Secs. 70-57 – 70-58. Reserved.

~~Sec. 70-62. — Transfer of license registration fees and refunds.~~

~~It is unlawful for any person to whom the county issues a decal to give, loan, rent, sell, assign or transfer such decal to another or otherwise permit another to use in any manner such license decal. Any person violating this provision shall be guilty of a Class 4 misdemeanor as defined in § 18.2-11 of the Virginia Code. The county will not refund any of the license registration fee assessed for vehicles sold or otherwise disposed of during the fee year.~~

~~(Ord. No. O-10-09, 7-13-2009)~~

Sec. 70-62. Reserved.

Sec. 70-140. - Removal and disposition of unattended, abandoned or immobile vehicles generally.

(a) Whenever any motor vehicle, trailer, semitrailer or part thereof is:

(1) Left unattended on a public highway or other public property and constitutes a traffic hazard;

(2) Illegally parked;

(3) Left unattended for more than ten days either on public property or on private property without the permission of the property owner, lessee or occupant; or

(4) Immobilized on a public roadway by weather conditions or other emergency situation; any such motor vehicle, trailer, semitrailer or part thereof may be removed for safekeeping by or under the direction of the sheriff or one of his deputies to a storage garage or area; provided, however, that no such vehicle shall be so removed from private property without the written request of the owner, lessee or occupant of the premises.

(b) The person at whose request such motor vehicle, trailer, semitrailer or part thereof is removed from private property shall indemnify the county against any loss or expense incurred by reason of removal, storage or sale.

(c) It shall be presumed that any such motor vehicle, trailer, semitrailer or part thereof is abandoned if:

(1) It lacks either:

a. A current license plate;

~~b. — A current county license tag or decal; or~~

c. A valid state inspection certificate or sticker; and

(2) It has been in a specific location for four days without being removed.

(d) As promptly as possible, each removal shall be reported to the sheriff's department and to the owner of the motor vehicle, trailer or semitrailer. The owner of such motor vehicle, trailer, semitrailer or part thereof, before obtaining possession thereof, shall pay to the county, and to other persons entitled thereto, all costs incidental to the removal, storage and location of the owner. If the owner fails or refuses to pay the cost or should the identity or whereabouts of such owner be unknown and unascertainable after a diligent search has been made, and after notice to him at his last known address and to the holder of any lien of record in the office of the state department of motor vehicles against the motor vehicle, trailer, semitrailer or part thereof, the vehicle shall be treated as an abandoned vehicle under the provisions of Code of Virginia, § 46.2-1200 et seq.

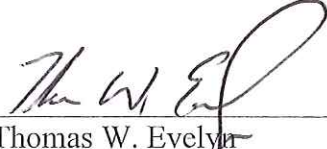
(Code 1999, § 10-72)

State Law reference— Authority for above section, Code of Virginia, § 46.2-1213.

Attest:



Rodney A. Hathaway
County Administrator



Thomas W. Evelyn
Board Chairman