

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

O-25-02

At the regular meeting of the Board of Supervisors of the County of New Kent in the Board Room of the County Office Building in New Kent, Virginia, on the 8th day of October, 2002:

Present:	Vote:
Dean E. Raynes	Aye
Julian T. Lipscomb	Aye
Rebecca M. Ringley	Aye
James H. Burrell	Aye
W. R. "Ray" Davis, Jr.	Aye

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

**AN ORDINANCE READOPTING PROVISIONS OF
CH. 6 (AMUSEMENTS), CH. 46 (OFFENSES) AND CH. 70 (TRAFFIC)
OF THE CODE OF NEW KENT THAT WERE
OMITTED FROM THE RECODIFICATION
ADOPTED ON JANUARY 14, 2002**

WHEREAS, the County of New Kent engaged the services of a publishing company to re-codify the ordinances duly adopted by the Board of Supervisors; and

WHEREAS, the publisher was instructed to amend all sections of the Code that were required to be amended pursuant to a legislative mandate; and

WHEREAS, the task was completed and a new Code for the County of New Kent was adopted on January 14, 2002; and

WHEREAS, there were certain provisions in the Code that were changed inadvertently or through editing error; and

WHEREAS, the Board of Supervisors did not intend to use the re-codification process to amend existing law.

NOW BE IT HEREBY ORDAINED, by the Supervisors of New Kent County that the following amendments to the Code of New Kent County be made:

A. Chapter 6 AMUSEMENTS AND ENTERTAINMENTS

- Amend § 6-32 (Definitions) by striking the definition for cultural events or programs and substituting the following definition:

Cultural events or programs means any festival, public dance, show, or similar gathering at which professional or amateur performers provide entertainment **and which is held at any place other than in a public building or permanent installation, which permanent installation has been constructed so that it can be used for the holding of such activities, to which members of public are invited or admitted for a charge or free of charge and which is attended by more than fifty (50) persons or where members of the public are invited or admitted for a charge or free of charge.**

Such events shall meet the requirements for parking as prescribed in chapter 98, zoning. Weddings, family reunions, on-site church activities, and similar activities are specifically excluded from this definition. The zoning administrator shall determine if a specific activity will be excluded.

- Amend § 6-33 (Restrictions in residential subdivisions) by striking this section in its entirety and substituting the following:

No person shall conduct any cultural event or program any outdoor gathering, oyster roast, pig roast, shad bake, steak feast, barbecue, or a similar gathering or a similar gathering for which an admission charge is made or for which tickets are sold in advance on any property location within a residential subdivision in the county. This restriction shall not apply to gatherings held entirely within an enclosed structure or to gatherings held in a specifically designated recreation area and not on any individual building lot within said subdivision.

- Amend § 6-64(6) as follows:

Waste management. The pickup and removal of refuse, trash, garbage, and rubbish from the site of a cultural event shall be at least once a day and more often if required by the health department. Removal of all trash and refuse shall be at the permittee's expense. The applicant shall clean up the premises and remove all trash and debris within 48 hours after the conclusion of the gathering. A security bond acceptable to the county attorney or certified check ~~in a total amount no less than \$10,000.00 shall be provided~~ **in a total amount of five thousand dollars (\$5,000) shall be required if attendance is expected to exceed one thousand (1,000) persons. An additional amount of five hundred dollars (\$500.00) shall be required for each additional five hundred (500) persons over one thousand (1,000).**

B. Chapter 18 COMMUNITY DEVELOPMENT

- Amend §18-231 (Planning Commission, Created; composition; appointment, term and removal of members; vacancies.

A planning commission is hereby created for the county in accordance with the provisions of Code of Virginia, § 15.2-2210 et seq. The planning commission shall consist of ~~nine~~ **eleven** members, one of whom shall be a member of the board of supervisors, and the remaining ~~eight~~ **ten** members shall be referred to as "appointed members". The term of the board of supervisors' member shall in all cases correspond with his tenure of office as supervisor, unless the board of supervisors, at the first regular meeting each year, appoints another member of the board to serve as its representative. Two of the appointed members shall be appointed in January of each year, each for a four-year term of office and until his successor has been appointed and qualified. Any vacancy in membership shall be filled through appointment by the board of supervisors, and such appointment in the case of any appointed member shall be for the unexpired term. Any appointed member may be removed by the board of supervisors for inefficiency, neglect of duty, malfeasance in office, failure to attend three consecutive meetings of the planning commission, or by reason of having moved out of the county; provided, however, that such removal may be made only after the member proposed to be removed is given an opportunity to appear before the board of supervisors and be heard on the charges against him. (Code 1999, § 2-61)

C. Chapter 46 OFFENSES AND MISCELLANEOUS PROVISIONS

- Amend § 46-10 (Disguises in Public) as follows:
 - (a) It shall be unlawful ~~for any person 12 through 15 years of age~~ **(for anyone in public)** to conceal in any way his identity or to disguise himself for any unlawful purpose.
 - (b) It shall be unlawful for any person ~~12 through 15~~ **16 years of age or over**, while wearing any mask, hood or other device whereby a substantial portion of the face is hidden or covered so as to conceal the identity of the wearer, to be or appear in any public place, or to be or appear upon any private property in this county without first having obtained from the owner or tenant consent to do so in writing; provided, however, that the provisions of this section shall not apply to persons wearing traditional holiday costumes, or to persons engaged in professions, trades, employment or other activities and wearing protective masks which are deemed necessary for the physical safety of the wearer or other persons, or to persons engaged in a bona fide theatrical production or masquerade ball.

(c) Any person who shall violate the provisions of Code of Virginia, § 18.2-422 (prohibition of wearing of masks in certain places; exceptions) shall be guilty of a class 1 **6 felony**.

• Amend § 46-11 as follows:

(a) No person shall **engage in disorderly conduct in public places** or violate the provisions of Code of Virginia, § 18.2-416 (disorderly conduct in public places).

(b) **It shall be unlawful and shall constitute disorderly conduct for any person to do or engage in any of the following:**

1. **Any person who shall act in a violent or tumultuous manner toward another, whereby any person is placed in fear of safety of his life, limb or health.**

2. **Any person who shall act in a violent or tumultuous manner toward another, whereby public property or property of any other person is placed in danger of being destroyed.**

3. **Any person who shall endanger lawful pursuits of another by acts of violence, angry threats and abusive conduct.**

4. **Any person who shall cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another or public property.**

5. **Any person who shall assemble or congregate with another or others for the purpose of causing, provoking or engaging in any fight or brawl.**

6. **Any person who shall be found jostling or roughly crowding or pushing any person in any public place.**

7. **Any person who shall collect in bodies or in crowds for unlawful purposes.**

8. **Any person who shall assemble or congregate with another or others for the purpose of or with the intent to engage in gaming.**

9. **Any person who shall frequent any public place with intent to obtain money from another by any illegal and fraudulent scheme, trick, artifice or device.**

10. Any person who assembles with another or others for the purpose of engaging in any fraudulent scheme, device or trick to obtain any valuable thing in any place or from any person in the county, or who shall aid or abet therein.
 11. Any person who utters, in a public place or any place open to the public, any lewd or obscene words or epithets.
 12. Any person who frequents any place where gaming or the illegal sale or possession of alcoholic beverages or narcotics or dangerous drugs is practiced, allowed or tolerated.
 13. Any person who uses fight provoking words directed towards any person or who becomes outraged and thus creates turmoil.
 14. Any person who shall assemble or congregate with another or others for the purpose of doing bodily harm to another.
 15. Any person who shall, by acts of violence, interfere with another's pursuit of a lawful occupation.
 16. Any person who shall congregate with another or others in or on any public way so as to halt the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered to do so by a peace officer or other person having authority.
 17. Any person who damages, defouls or disturbs public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition.
- (c) Any person convicted of disorderly conduct, as defined in this section shall be guilty of a class 1 misdemeanor (9/10/73, § 1.) (87/14/75) (11/15/82)
- Amend § 46-12(b) (False alarms.)

No person under 15 years of age shall knowingly give or cause to be given any false alarm of explosion or impending danger of explosion.

C. Chapter 70 **TRAFFIC AND VEHICLES**

- Amend Chapter 70 to add:

§ 70-17 Glass, etc. to be removed from highway at time wrecked vehicle removed.

Any person removing a wrecked vehicle from a highway shall remove any glass or injurious substance dropped upon the highway from such vehicle.

- Amend Chapter 70 to add:

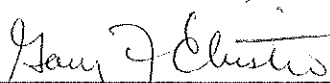
§ 70-18 Railroad cars obstructing highway; standing vehicle on railroad track.

It shall be unlawful for any railroad company, or any receiver or trustee operating a railroad, to obstruct for a longer period than five minutes the free passage on any highway or road by standing cars or trains across the same, except a passenger train while receiving or discharging passengers, but a passway shall be kept open to allow normal flow of traffic; nor shall it be lawful to stand any wagon or other vehicle on the track of any railroad which will hinder or endanger a moving train; provided, that when a train has been uncoupled, so as to make a passway, the time necessarily required, not exceeding three minutes to pump up the air after the train has been recoupled shall not be included in considering the time such cars or trains were standing across such highway or road. Any such railroad company, receiver or trustee, or driver of any such wagon or vehicle, violating any of the provisions of this section shall be fined not less than \$100.00 nor more than \$500.00.

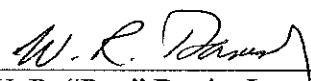
- Amend § 70-135(a) (Keeping of inoperable vehicles on residential or commercial or agricultural property) as follows:

It shall be unlawful for any person to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property zoned for residential or commercial or agricultural purposes any motor vehicle, trailer or semi-trailer, which is inoperable. As used in this section, an inoperable motor vehicle means any motor vehicle which is not in operating condition; or which for a period of ~~60~~ **90** days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle or on which there are displayed neither valid license plates nor a valid inspection decal. However, the provisions of this section shall not apply to a licensed business which on June 26, 1970, is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor. A vehicle licensed under the provisions of section 70-55 shall not be deemed to be inoperable.

This ordinance shall be effective upon adoption.



Gary F. Christie
County Administrator



W. R. "Ray" Davis, Jr.
Chairman