

VIRGINIA:

At a regular meeting of the Board of Supervisors of the County of Northampton, Virginia, held in the Board Chambers of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, on the 19th day of November, 2013, at 4:00 p.m.

Present:

Willie C. Randall, Chairman	Laurence J. Trala, Vice Chairman
Richard L. Hubbard	Larry LeMond
Oliver H. Bennett	

The meeting was called to order by the Chairman.

Closed Session

Motion was made by Mr. Trala, seconded by Mr. Bennett, that the Board enter Closed Session in accordance with Section 2.2-3711 of the Code of Virginia of 1950, as amended:

(A) Paragraph 1: Discussion or consideration of employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees or employees of any public body.

Appointments to boards, committees.

(B) Paragraph 3: Discussion or consideration of the condition, acquisition, or use of real property for public purpose, or of the disposition of publicly held property.

(C) Paragraph 5: Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

Sale of Renstein parcel

(D) Paragraph 7: Consultation with legal counsel and briefings by staff members, consultants, or attorneys pertaining to actual or probable litigation, and consultation with legal counsel employed or retained by the Board of Supervisors regarding specific legal matters requiring the provision of legal advice by counsel.

All members were present and voted “yes.” The motion was unanimously passed.

After Closed Session, the Chairman reconvened the meeting and said that the Board had entered the closed session for those purposes as set out in paragraphs 1, 3, 5 and 7 of Section 2.1-3711 of the Code of Virginia of 1950, as amended. Upon being polled individually, each Board member confirmed that these were the only matters of discussion during the closed session.

The Chairman read the following statement:

It is the intent that all persons attending meetings of this Board, regardless of disability, shall have the opportunity to participate. Any person present that requires any special assistance or accommodations, please let the Board know in order that arrangements can be made.

Board and Agency Presentations:

(1) Mr. David Annis of the Accomack-Northampton Planning District Commission provided a status report on housing development through the ANPDC, the Accomack-Northampton Regional Housing Authority and the Eastern Shore of Virginia Housing Alliance.

He also distributed information relative to the Community Development Block Grant Program, a listing of past and current development projects and a brief description of the 2014 eligible project types.

(2) Mrs. Joan Prescott – Tall Ships Report. This report will be heard next month.

Consent Agenda:

(3) Minutes of the meetings of October 8, 16 and 28, 2013.

(4) Approve the Abstract of Votes cast in the General Election on November 5, 2013 and spread same upon the minutes of this meeting.

Motion was made by Mr. Hubbard, seconded by Mr. LeMond, that the Consent Agenda be approved as presented. All members were present and voted “yes.” The motion was

unanimously passed.

County Officials' Reports:

(5) Mrs. Leslie Lewis, Director of Finance, presented the following Budget Amendment and Appropriation Requests for the Board's consideration:

MEMORANDUM

TO: Board of Supervisors
FROM: Leslie Lewis, Director of Finance
DATE: November 11, 2013
RE: Budget Amendments and Appropriations – FY 2014

Your approval is respectfully requested for the following budget amendments and supplemental appropriations:

\$12,877.00 – This represents insurance proceeds received as a result of a lightning strike which affected the Administration Building's camera system and the Courthouse's fire alarm system.

\$672.00 – This represents insurance proceeds received as a result of a Sheriff's Office vehicle claim.

\$21,100.00 – This represents grant funds received from the Department of Motor Vehicles for traffic enforcement. Funds will be directed as follows:

Part-Time Salaries (\$16,500.00) – 100.3102.50050
Equipment (\$4,300.00) – 100.3102.55950
Training (\$300.00) – 100.3102.51750

\$325.09 – This represents a transfer from the Commonwealth Attorney's Forfeiture funds to Travel (\$298.59) – 100.2201.51650; and Office Supplies (\$27.00) – 100.2201.55350.

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Motion was made by Mr. Trala, seconded by Mr. Bennett, that the budget amendment and supplemental appropriation be approved as presented above. All members were present and

voted “yes.” The motion was unanimously passed.

MEMORANDUM

TO: Board of Supervisors
FROM: Leslie Lewis, Director of Finance
DATE: November 19, 2013
RE: Budget Amendments and Appropriations – FY 2014

Your approval is respectfully requested for the following budget amendments and supplemental appropriations as submitted by the Northampton County Public Schools:

\$3,643.01 – This represents a decrease to adjust the current appropriation to reflect the revision of Title VI-B Rural and Low-Income School program Allocations due to sequestration.

\$8,242.00 – This represents a grant received to expand the implementation of positive behavioral interventions and supports (PBIS).

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Motion was made by Mr. Bennett, seconded by Mr. LeMond, that the budget amendment and supplemental appropriation be approved as presented above. All members were present and voted “yes.” The motion was unanimously passed.

MEMORANDUM

TO: Board of Supervisors
FROM: Leslie Lewis, Director of Finance
DATE: November 19, 2013
RE: Budget Amendments and Appropriations – **FY 2013**

Your approval is respectfully requested for the following budget amendments and supplemental appropriations as submitted by the Northampton County Public Schools:

\$79,073.21 – This represents a budget *reduction* in the FY 2013 School Operating Fund – representing the partial replacement cost of one bus that was in an accident. However, those funds were not received in FY 13 because construction of the bus was not completed until August 2013. (see FY 2014 request for re-appropriation of the funds)

\$33,200.00 – This represents a budget *reduction* in the FY 2013 School Operating Fund – representing the partial replacement cost of one bus that was in an accident. While the funds were received in FY 2013, no expenditure was made, since the bus was not delivered until August 2013. (see FY 2014 request for re-appropriation of the funds).

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Motion was made by Mr. Trala, seconded by Mr. Bennett, that the budget amendment and supplemental appropriation be approved as presented above. All members were present and voted “yes.” The motion was unanimously passed.

MEMORANDUM

TO: Board of Supervisors
FROM: Leslie Lewis, Director of Finance
DATE: November 19, 2013
RE: Budget Amendments and Appropriations – FY 2014

Your approval is respectfully requested for the following budget amendments and supplemental appropriations as submitted by the Northampton County Public Schools:

\$80,225.07 – This represents insurance proceeds to be received related to a 2010 Thomas school bus, which was involved in an accident on November 14, 2012 and deemed to be a total loss. Please note that \$79,073.21 of this request was previously appropriated in FY 2013; however, the funds were not received in FY 13 because construction of the bus was not completed until August 2013. The bus has now been delivered and the insurance company has verified the check amount.

\$33,200.00 – This represents insurance proceeds that were received in FY 2013 related to a 2007 Thomas school bus which was involved in an accident on November 13, 2012 and deemed to be a total loss. Please note that these funds were previously received and appropriated in FY 13; however, no expenditures were incurred in FY 13 related to the claim, due to pending

receipt of the buses. \$18,657.79 of this balance will be used to pay the portion of the replacement cost for Bus #6 that was not covered by insurance proceeds. \$14,542.21 of this balance will be used to pay the remaining bus lease payments that were not covered by the original FY 14 appropriation (since the FY 14 bus lease allocation was reduced in the adopted budget, pending re-appropriation of these funds).

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Motion was made by Mr. Bennett, seconded by Mr. Trala, that the budget amendment and supplemental appropriation be approved as presented above. All members were present and voted “yes.” The motion was unanimously passed.

MEMORANDUM

TO: Board of Supervisors
FROM: Leslie Lewis, Director of Finance
DATE: November 19, 2013
RE: Budget Amendments and Appropriations – **FY 2013**

The Northampton County Public Schools has submitted the attached requests for budget amendments and appropriations (from Fiscal Year 2013) relative to the Sick Leave Payout line item as well as a future step-increase for teachers.

Both the County Administrator and I have concerns regarding these requests and our comments are attached for the Board’s review and consideration.

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The School’s request is outlined below:

“Paragraph 6 of the 2013 Budget Appropriation Resolution stipulates that any unspent appropriation in the School Operating fund for FY 13 will be recorded as reserved fund balance within that fund for the purpose of funding the projected sick leave liability for FY 14 and any remaining funds once that obligation is met shall be transferred to the School Capital Fund (Fund 395) and shall be utilized for funding projects in the adopted School’s Capital Improvement Plan. In addition, NCPS Regulation DA-R expresses the School Board’s intention to reserve funds remaining in personnel line items at year-end for the purpose of funding the projected total

future sick leave liability (not only the FY 14 portion).

While the Northampton County School Board understands the importance of funding the anticipated future Sick Leave Payout liability, providing pay increases to retain current employees is also a priority. Therefore, the Northampton County School Board respectfully requests the following distribution of the remaining year-end surplus:

A. Retain \$77,017.00 as Fund Balance Reserved for Sick Leave Payouts. This is the unspent balance of the Sick Leave Payout line item in FY 2013.

B. Retain \$102,926.00 as Unreserved School Operating Fund Balance. This represents the portion of year-end surplus attributable to personnel line item balances (except as noted in A above). The School Board plans to request re-appropriation of this balance in the Fiscal Year 2015 budget request to fund the first year cost of a step increase for Teachers.

C. Transfer \$252,840.37 to the School Capital Fund (Fund 395) for the purpose of funding projects in the School's Capital Improvement Plan."

* * * *

Mrs. Lewis' comments are set forth below:

"As the Finance Director of Northampton County, it is my recommendation for the Budget Amendments and Appropriations listed above, to be transferred in entirety (\$432,783.37) to Fund 395, School Capital Improvement Plan. Based on the FY 14 Appropriation Resolution, Page 8, item 6, states 'Any unspent appropriations in the School Operating Fund for FY 13 will be recorded as reserved fund balance within that fund for the purpose of funding the projected sick leave liability for FY 14 and any remaining funds once that obligation is met shall be transferred to the School Capital Fund (FY 395) and shall be utilized for funding projects in the adopted School's Capital Improvement Plan'. At the end of FY 13, the fund balance for Sick Leave liabilities is \$330,633.09 and according to the summary of sick leave liability prepared by the NCS Finance Director, projected sick leave liability is fully funded for FY 14. The sick leave liability for FY 14 is \$262,496 and the fund balance at the end of FY 13 without a contribution is \$330,633.09."

The County Administrator's comments are set forth below:

MEMORANDUM

TO: Board of Supervisors

FROM: Katherine H. Nunez, County Administrator
Leslie Lewis, Director of Finance

DATE: November 18, 2013

RE: Budget Amendment Request from Public Schools

The request from the Northampton County Public Schools seeking to reserve funds that would support a request for a step-increase for the teachers as part of the FY 2015 budget is not supported by the County Administrator and the Director of Finance.

Prior years' funds generated and earned at the close of the fiscal year, as was done at the close of FY 2013, should be earmarked as intended in the budget resolution for capital purposes or if not needed, should be returned to the County's General Fund and made a part of our undesignated fund balance.

This attempt to preserve funds for a budget yet to be debated or adopted by either body is ill-advised, inappropriate and not in the spirit of the budgetary process as outlined in the Code of Virginia. In addition, it appears to be an attempt to subvert incoming boards that are taking office as of January 1, 2014 and commit them to prior budgetary action which, again, I do not view as allowable under the Code of Virginia.

Therefore, I would request that the Board deny this portion of the School's budget amendment request and either vote to place that funding totaling \$102,926.00 in the Capital Reserve Fund for school use or to the County's General Fund undesignated balance.

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Motion was made by Mr. Trala, seconded by Mr. LeMond, that the Board deny the budget amendment and appropriation requests from the school relative to the sick leave payout line item. All members were present and voted "yes." The motion was unanimously passed.

Motion was made by Mr. Bennett, seconded by Mr. LeMond, that the Board reaffirm its

intent to transfer the entire \$432,783.37 to the School Capital Improvement Fund (Fund 395) as outlined in the FY 2014 Appropriation Resolution. All members were present and voted “yes.”

The motion was unanimously passed.

At 6:00 p.m., the Board recessed for supper.

At 7:00 p.m., the Chairman reconvened the meeting.

The invocation was offered by Mr. Bennett.

The Pledge of Allegiance was recited.

(6) Ms. Katherine H. Nunez, County Administrator, presented the following bi-monthly report was presented for the Board’s review.

- (i) 11/25/13: Work Session: To be cancelled – this is the date for one of the public information sessions dedicated to the revised Zoning Ordinance
- (ii) 12/23/13: Work Session: To be cancelled
- (iii) 1/27/14: Work Session: Topic to be announced

The County Administrator’s bi-monthly report was presented as follows:

TO: Board of Supervisors
FROM: Katie H. Nunez, County Administrator
DATE: November 14, 2013
RE: Bi-Monthly Report

I. Projects:

A. Public Service Authority:

The next meeting of the PSA is Monday, November 18, 2013 @ 7:00 p.m. in County Administration Building.

B. Eastville Waste Collection Center:

Construction is at substantial completion. We have now ordered and should have on-site the remaining equipment (roll-offs, etc.) by mid-December. We will have the site staffed and scheduled for opening on Thursday, January 2, 2014.

C. Zoning Ordinance Revision:

County staff has been working on a complete revision of the zoning ordinance for the last 10 months. This work has been substantially complete and a draft zoning ordinance has been released and was the subject of a specially-called work session on

Wednesday, October 16, 2013. From that meeting, staff has some additional proposed revisions to the draft zoning ordinance that we will review with the Board. In addition, we have two options for a new schedule associated with notification, public hearing and potential adoption of the proposed ordinance(s). Following staff review of the additional proposed changes to the draft ordinance which is listed as an agenda item following my report, the Board will need to select which proposed calendar they wish to follow in terms of scheduling the joint public hearing with the Planning Commission and the attendant responsibilities associated with bringing this document to public hearing.

D. Request from Elaine Meil re: Regional Wastewatchers Litter Effort:

Enclosed for your consideration is a request from Elaine Meil, Executive Director of the ANPDC to determine if Northampton County is interested in creating regional organization focused on litter and recycling issues. Since funding would be requested from both counties to support this effort, I am seeking Board input if you are desirous of participating in such an effort and do you want my office to move forward in developing the structure and financial support for said effort.

It was the consensus of the Board to consider this request as a part of the FY 2014 budget process.

E. FY15 Budget:

Forms have been distributed to all departments and outside agencies for the submission of all departmental and outside agency requests and are due back in by November 22, 2013 (with the exception of the School which is due on 12/31/2013 and the Town of Cape Charles who requested an extension until 12/18/2013). Finance Director Leslie Lewis and I will be meeting with the department heads during the month of December to review their budget requests and will begin developing a preliminary master budget. As part of the February 11, 2014 Board meeting, we will provide the presentation of proposed revenues and engage in a dialogue with you regarding this upcoming budget. Please note that this will be the first of many meetings concerning the FY15 Budget.

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In two items not on the bi-monthly report, the County Administrator noted that the preliminary local composite index has been received indicating a lower rate for Northampton County. Additionally, the County should realize a reduction based on the latest VRS actuarial study although the “teacher” component will seen increase.

(7) Mr. Charles McSwain, Director of Development, discussed with the Board several proposed staff changes to the draft zoning ordinance. It was the consensus of the Board

to approve all of the changes as outlined below with the exception of “Section 154.1-315.”

(Based on continued concerns expressed by Mr. Bennett, a meeting with staff will be convened at a later date for further discussion of this matter.)

Section 154.1-310 – Airfield Performance Standards

Section 154.1-202 – Conservation

Section 154.1-203 – Agricultural

Section 154.1-211 – Residential

Section 154.1-301 – General (Article III Design and Performance Standards for Special Uses, Structures and Buildings)

Section 154.1-308 – Agricultural Irrigation Ponds

Section 154.1-309 – Accessory Dwellings and Additional Single Family Dwellings on One Lot

Section 154.1-312 – Wireless Communications Facilities and Meteorological Towers

Section 154.1-315 – Vehicles, Containers and Manufactured Units Converted to Permanent Accessory Structures and Buildings

Section 154.1-403 – Height and Bulk

Section 154.1-704 – Permitted Signs

Section 154.1-1201 – Definitions

(Specific wording reflecting the changes referenced above are on file in the office of the County Administrator.)

Next, Mr. Peter Stith, Long Range Planner, shared with the Board three zoning map issues which needed clarification from the Board and dealt with an area along Cemetery Road showing a portion of a parcel going from Agriculture to R-1; an area at the northern entrance to Business 13 in Eastville that is proposed to go from Agriculture to R-1; and a parcel in Hare

Valley that was proposed with split zoning between Agriculture and Village and is now proposed to be zoned entirely V – Village. The Board concurred with staff’s recommendation in all three cases. Copies of the specific maps can be seen in the office of the County Administrator.

Finally, the County Administrator noted that with the Board’s concurrence and on the advice of legal counsel, additional time is being sought by staff to allow a thorough review of the draft zoning ordinance prior to sending it to public hearing. A revised calendar will be developed and provided to the Board for its consideration at the December 10th meeting.

Citizen Information Period:

Mr. Robert Richardson of Seaview said that Dominion Power has won a bid for a wind farm near Fishermans Island. He said that this was a “gold ring” for the County and urged the Board to commit resources to this initiative. He also noted that it would provide redundancy for the local power grid.

Public Hearings:

With the concurrence of the Board, Chairman Randall called to order the following public hearings concurrently:

(8) An Ordinance to Amend Paragraph 33.012(B) of Chapter 33 – Finance and Taxation – of the Northampton County Code of Ordinances: Delinquent Real Estate Taxes Issued Before Special Use Permits, Variances, Rezoning or Other Land Use Permits

The purpose of this amendment is to bring the ordinance into compliance with the Code of Virginia.

**AN ORDINANCE TO AMEND THE
NORTHAMPTON COUNTY CODE
CHAPTER 33 – FINANCE AND TAXATION**

BE IT ORDAINED by the Northampton County Board of Supervisors that the following provision of Chapter 33 – Finance and Taxation – of the Northampton County Code is amended

as set out below:

§33.012(B) Delinquent Real Estate Taxes Issued Before Special Use Permits, Variances, Rezoning or Other Land Use Permits

~~(B) Prior to the initiation of an application for a special exception, special use permit, variance, rezoning or other land use permit, the authorizing body shall require the applicant to produce satisfactory evidence that any delinquent real estate taxes owed to the county which have been properly assessed against the subject property have been paid.~~

(B) No administrative officer or employee of Northampton County shall accept or approve an application by the owner of the subject property, the owner's agent, or any entity in which the owner holds an ownership interest greater than 50 percent for a special exception, special use permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits, or prior to the issuance of final approval, until and unless the applicant has provided satisfactory evidence that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the subject property, that are owed to the Northampton County and have been properly assessed against the subject property, have been paid.

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(9) An Ordinance to Amend an Ordinance Entitled, “An Ordinance to Permit Exemption from Taxation of Real Estate of Certain Elderly or Handicapped Persons”

The purpose of this amendment is to change the deadline date for applications in recognition of biannual tax billing.

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED,

“AN ORDINANCE TO PERMIT EXEMPTION
FROM TAXATION OF REAL ESTATE
OF CERTAIN ELDERLY OR HANDICAPPED PERSONS”

BE IT ORDAINED by the Board of Supervisors of Northampton County, Virginia, that the Ordinance entitled, “An Ordinance to Permit Exemption from Taxation of Real Estate of Certain Elderly or Handicapped Persons”, codified as Section 33.027 of the Northampton County Code, be amended follows:

§ 33.027 EXEMPTION FROM TAXATION OF REAL ESTATE OF CERTAIN ELDERLY OR HANDICAPPED PERSONS.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMISSIONER OF THE REVENUE. Commissioner of the Revenue of the County of Northampton, Virginia or any of his duly authorized deputies or agents.

DWELLING. The full-time residence of the person or persons seeking the exemption.

EXEMPTION. Exemption from the county real estate tax according to the provisions of this section.

NET COMBINED FINANCIAL WORTH. All assets of the owners of the dwelling who reside therein, and of the spouse of any such owners, including equitable interests, excluding the value of the dwelling and the land in an amount not to exceed one acre upon which it is situated. For determination of value of real estate properties, the fair market value shall be used.

PERMANENTLY AND TOTALLY DISABLED. Unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person's life.

PROPERTY. Real property.

TAXABLE YEAR. The calendar year, from January 1 through December 31, inclusive, for which exemption is sought.

TOTAL COMBINED INCOME. Total income from all sources of the owners of the dwelling residing therein and of any relative of the owners who reside in the dwelling. However, if a person has already qualified for exemption under this section, and if the person can prove by clear and convincing evidence that after so qualifying the person's physical or mental health has deteriorated to the point that the only alternative to permanently residing in a hospital, nursing home, convalescent home or other facility for physical or mental care is to have a relative move in and provide care for the person, and if a relative does then move in for that purpose, then none of the relative's income shall be counted towards the income limit.

TREASURER or COUNTY TREASURER. Treasurer of the County of Northampton, Virginia, or any of his duly authorized deputies or agents.

(B) *Administration.* The exemption shall be administered by the Commission of the Revenue or his authorized delegate according to the general provisions contained in this section. The Commissioner is authorized and empowered to prescribe, adopt and enforce rules and regulations, including the requirements of answers under oath, as may be reasonably necessary to determine qualifications for exemption. The Commissioner may require reproduction of certified tax returns and appraisal reports to establish income and financial worth.

(C) *Eligibility for exemption.* Exemption shall be granted to persons subject to the

following provisions:

(1) The title to the property for which exemption is sought is held or partially held, on December 31, immediately preceding the taxable year by the person or persons seeking the exemption. If the ownership of the property for which application for exemption is made is not held solely by the applicant or jointly with the applicant's spouse, then the amount of the tax exemption hereunder shall be in proportion to the applicant's ownership interest in the subject real property, as the ownership interest may appear;

(2) The head of the household occupying the dwelling and owning title or partial title hereto is 65 years or older on December 31 of the year, immediately preceding the taxable year. Such dwelling must be occupied as the sole dwelling of the person or persons seeking the exemption;

(3) The total combined income of the owners during the year immediately preceding the taxable year shall be determined by the Commissioner of the Revenue to be an amount not to exceed \$22,000. Total combined income shall include income from all sources of the owners, spouses, and of the owners relatives living in the dwelling for which exemption is claimed; provided, however, that the first \$3,000 of annual income of the owners' relatives living in the dwelling other than the spouse's shall be excluded in computing total combined income;

(4) The net combined financial worth as of December 31 of the year immediately preceding the taxable year of the owners and of the spouse of any owner shall be determined by the Commissioner of the Revenue to be an amount not to exceed \$80,000. Net combined financial worth shall include the value of all assets, including equitable interest of the owners and the spouse of any owner, excluding the fair market value of the dwelling and the land, not to exceed one acre, upon which it is situated and for which exemption is claimed;

(5) The levies against the property seeking relief be current and that the levy for the year the relief is granted be paid timely.

(D) *Application for exemption.*

(1) Annually after January 1, and before ~~April 1~~ **the last day of February** of the taxable year, the person or persons claiming exemption shall file with the Commissioner of the Revenue, on forms supplied by such Commissioner of the Revenue, an affidavit under oath and subject to the penalties of perjury, setting forth the location and assessed value of the property and the names of all the related persons occupying such real estate; the total combined income of the persons as specified in division (C)(3) above; and the net combined financial worth of the persons as specified in division (C)(3) above. If such person is under 65 years of age, such form shall have attached thereto a confirmation by the Social Security Administration, the Veterans' Administration, or the Railroad Retirement Board, or if such person is not eligible for certification by any of these agencies, a sworn affidavit by two medical doctors licensed to practice medicine in the Commonwealth, to the effect that such person is permanently and totally disabled, as herein defined. The affidavit of at least one of such doctors shall be based upon a physical examination of such person by said doctor.

(2) The affidavit of one of the doctors may be based upon medical information contained in the records of the Civil Services Commission which is relevant to the standards for determining permanent and total disability as herein defined. The Commissioner of the Revenue shall also make such further inquiry of persons seeking exemption requiring answers under oath as may be reasonably necessary to determine qualifications therefor, including qualifications as permanently and totally disabled. The Commissioner of the Revenue is authorized to require the reproduction of certified tax returns to establish the income or financial worth of any applicant for exemption from tax hereunder.

(3) If, after audit and investigation, the Commissioner of the Revenue determines that the person or persons are qualified for exemption he or she shall so certify the same, and shall determine the percentage of exemption allowable and issue non-negotiable exemption certificates in the amount of the exemption determined to be applicable to the claimant's real estate tax liability.

(4) Such exemption certificate shall apply only to the tax year for which issued. The person or persons to whom an exemption certificate has been issued shall, on or before the past due date established for payment of such real estate tax, present such exemption certificate to the Treasurer, together with payment of the difference between such exemption and the full amount of the tax payment due on the property for which the exemption was issued. Any exemption certificate not presented in settlement of such taxes on or before the date specified for payment shall be null and void and unusable thereafter and the Commissioner of the Revenue may not reissue a certificate for such tax year.

(5) An exemption certificate may be renewed by the Commissioner of Revenue annually for two years, provided the person holding the exemption files an affidavit, under oath and subject to the penalties of perjury, that no information contained in the last preceding affidavit or written statement has changed.

(E) *Exempt schedule.*

(1) Where the person or persons seeking exemption conforms to the standards and does not exceed the limitations contained herein, the real estate tax exemption shall be as shown on the following schedule:

<i>Total Combined Income From All Sources</i>	Tax Exemption Net Worth
	0 - 80,000
0 - 16,000	90%
16,001 - 17,500	80%
17,501 - 19,000	70%
19,001 - 20,500	60%

20,501 - 22,000	50%
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(2) Provided, however, that the maximum annual exemption on any one property shall not exceed \$400.

(F) *Additional provisions.*

(1) The fact that persons who are otherwise qualified for tax exemption are residing in hospitals, nursing homes, convalescent homes or other facilities for physical or mental care for extended periods of time shall not be construed to mean that the real estate for which the exemption is sought does not continue to be the sole dwelling of such person/persons during such extended periods of other residence so long as such real estate is not used by or leased to others for consideration.

(2) Changes in respect to income, financial worth, ownership of property or other factors occurring during the taxable year for which the affidavit is filed and having the effect of exceeding or violating the limitations and conditions provided in this section shall nullify any exemption for the then current tax year immediately following.

(3) For purposes of this section, a mobile home shall be real estate if the owner's intention that it be permanently affixed is shown by the facts that:

(a) It is located on land belonging in whole or in part to the owner of the mobile home, his spouse, parent or child, and is connected to permanent water and sewer lines or facilities; or

(b) Whether or not it is located on land belonging to persons described in subsection (a), it rests on a permanent foundation, and consists of two or more mobile units which are connected in such a manner that they cannot be towed together on a highway or consists of a mobile unit and other connected rooms or additions which must be removed before the mobile unit can be towed on a highway.

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(10) An Ordinance to Repeal Chapter 51 of the Code of Ordinances (Sewage Regulations)

The purpose of this ordinance is to repeal the ordinance because these provisions are now regulated by the State Code.

**AN ORDINANCE TO REPEAL
CHAPTER 51 OF THE CODE OF ORDINANCES
OF NORTHAMPTON COUNTY**

WHEREAS, the Northampton County Board of Supervisors adopted on June 30, 1949, a certain ordinance regulating the disposal of human wastes and excrement, said ordinance now

being codified and set out in Chapter 51 of the Code of Ordinances of Northampton County; and

WHEREAS, the Northampton County Board of Supervisors adopted on December 12, 1988, a certain ordinance regulating sewage disposal construction permits; and

WHEREAS, the Northampton County Board of Supervisors now deems it advisable to repeal the aforesaid ordinances which constitute the totality of Chapter 51 of the Code of Ordinances of Northampton County.

NOW, THEREFORE, BE IT ORDAINED, by the Northampton County Board of Supervisors that Chapter 51 of the Code of Ordinances of Northampton County be and the same is hereby repealed.

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(11) An Ordinance to Repeal Chapter 52 of the Code of Ordinances (Heat Pump Regulations)

The purpose of this ordinance is to repeal the ordinance because these provisions are now regulated by the State Code and the Building Code.

**AN ORDINANCE TO REPEAL
CHAPTER 52 OF THE CODE OF ORDINANCES
OF NORTHAMPTON COUNTY**

WHEREAS, the Northampton County Board of Supervisors adopted on June 8, 1987, a certain ordinance regulating water-to-air heat pumps, said ordinance now being codified and set out in Chapter 52 of the Code of Ordinances of Northampton County; and

WHEREAS, the Northampton County Board of Supervisors now deems it advisable to repeal the aforesaid ordinance which constitutes the totality of Chapter 52 of the Code of Ordinances of Northampton County.

NOW, THEREFORE, BE IT ORDAINED, by the Northampton County Board of Supervisors that Chapter 52 of the Code of Ordinances of Northampton County be and the same is hereby repealed.

* * * * *

(12) An Ordinance to Repeal Chapter 53 of the Code of Ordinances (Groundwater Protection)

The purpose of this amendment is to repeal the ordinance because these provisions are now regulated by the State Health Department.

**AN ORDINANCE TO REPEAL
CHAPTER 53 OF THE CODE OF ORDINANCES**

OF NORTHAMPTON COUNTY

WHEREAS, the Northampton County Board of Supervisors adopted on June 23, 2003, a certain ordinance entitled, "Northampton County Ground Water Protection Ordinance", said ordinance now being codified and set out in Chapter 53 of the Code of Ordinances of Northampton County; and

WHEREAS, the Northampton County Board of Supervisors now deems it advisable to repeal the aforesaid ordinance which constitutes the totality of Chapter 53 of the Code of Ordinances of Northampton County.

NOW, THEREFORE, BE IT ORDAINED, by the Northampton County Board of Supervisors that Chapter 53 of the Code of Ordinances of Northampton County be and the same is hereby repealed.

* * * * *

(13) An Ordinance Amending Certain Sections and Repealing Certain Sections of Chapter 70 of the Northampton County Code (General Provisions).

The purpose of these amendments is to bring this ordinance into compliance with the Code of Virginia.

AN ORDINANCE AMENDING CERTAIN SECTIONS AND REPEALING CERTAIN SECTIONS OF CHAPTER 70 OF THE NORTHAMPTON COUNTY CODE OF ORDINANCES

BE IT ORDAINED by the Northampton County Board of Supervisors that the following provisions of Chapter 70 – General Provisions – of the Northampton County Code are amended and/or repealed as set out below:

70.04 Powers of the County Administrator

This section is repealed in its entirety.

70.05 Authority of Firefighting Officials

This section is repealed in its entirety.

70.06 Display of State License Plates Required

This section is repealed in its entirety.

70.07 State Inspection Sticker Required

This section is repealed in its entirety.

70.08 Temporary Removal and Disposition of Vehicles Involved in Accidents

~~Whenever a motor vehicle, trailer or semitrailer involved in an accident is found upon or adjacent to a highway in the county and is so situated as to impede the orderly flow of traffic, the police may remove such motor vehicle, trailer or semitrailer from the highway to some reasonable location where such motor vehicle, trailer or semitrailer will not impede the flow of traffic.~~

Whenever a motor vehicle, trailer, or semitrailer involved in an accident is so located as to impede the orderly flow of traffic, the police or other uniformed employee of the local law-enforcement agency who specifically is authorized to do so by the chief law-enforcement officer or his designee may (i) at no cost to the owner or operator remove the motor vehicle, trailer, or semitrailer to some point in the vicinity where it will not impede the flow of traffic or (ii) have the vehicle removed to a storage area for safekeeping and shall report the removal to the Department of Motor Vehicles of the Commonwealth of Virginia and to the owner of the vehicle as promptly as possible. If the vehicle is removed to a storage area under clause (ii), the owner shall pay to the parties entitled thereto all costs incidental to its removal and storage. This Ordinance is adopted pursuant to the authority granted in Code of Virginia §46.2-1212.

70.09 Removal and Disposition of Unattended Vehicles

~~(A) (1) Whenever any motor vehicle, trailer or semitrailer is found on the public highway or right of way thereof unattended by the owner or operator and same constitutes a hazard to traffic or is parked in such manner as to be in violation of law or whenever any motor vehicle, trailer or semitrailer is left unattended for more than ten days upon any privately owned property other than the property of the owner of such motor vehicle, trailer or semitrailer, within the county, or is abandoned upon such privately owned property, without the permission of the owner, lessee or occupant thereof, any such motor vehicle, trailer or semitrailer may be removed for safekeeping by or under the direction of a police officer to a storage garage or area; provided, however, that no such vehicle shall be so removed from privately owned premises without the written permission of the owner, lessee or occupant of such premises.~~

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

~~(C) Each removal shall be reported immediately to the Sheriff's office and notice thereof shall be given to the owner of the motor vehicle, trailer or semitrailer, as promptly as possible.~~

~~—(B) The owner of such vehicle or trailer or semitrailer, before obtaining possession thereof, shall pay to the county all reasonable costs incidental to the removal, storage and locating of the owner of such motor vehicle, trailer or semitrailer. Should such owner fail or refuse 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 Division of Motor Vehicles of this state against the motor vehicle, trailer or semitrailer, the Sheriff or other officer designated by the governing body of the county may, after due notice of sale, dispose of the same at a public sale and the proceeds from the sale shall be forwarded by the selling officer to the County Treasurer; provided, that if the value of such motor vehicle, trailer or semitrailer be determined by three disinterested dealers or garagemen to be less than \$100 or to exceed the expenses which would be incurred by such advertising and public sale, it may be disposed of by private sale or junked. The County Treasurer shall pay from the proceeds of sale the cost of removal, storage, and investigation as to the ownership and liens and notices of sale, after the cost of same has been certified to him by the selling officer, and the balance of such funds shall be held by him for the owner and paid to the owner upon satisfactory proof of ownership.~~

~~—(C) (1) If no claim has been made by the owner for the proceeds of such sale, after the payment of the above mentioned cost of \$100, the funds may be deposited to the General Fund or any special fund of the county.~~

~~—(2) Any such owner shall be entitled to apply to the county within three years from the date of such sale, and if timely application is made therefor, the county shall pay the owner without interest or charges. No claim shall be made nor shall any suit, action or proceeding be instituted for the recovery of such funds after three years from the date of such sale.~~

Pursuant to §46.2-1213:

(A) A uniformed deputy or other employee of the Northampton County Sheriff's Department who is specifically authorized by the Sheriff or his designee may order the removal for safekeeping of any motor vehicle, trailer or semitrailer, or parts thereof, if it is:

1. found on the public highway or right-of-way thereof unattended by the owner or operator and same constitutes a hazard to traffic; or
2. illegally parked; or
3. left unattended for more than ten days either upon public property or on privately owned 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; or
5. presumed to be abandoned under the criteria set out in Code of Virginia §46.2-1213.

(B) The removal authorized in subsection (A), above, shall be carried out by or under the direction uniformed deputy or other employee of the Northampton County Sheriff's Department who is specifically authorized by the Sheriff or his designee. Provided, that nothing in this Ordinance shall be construed to authorize removal of motor vehicles, trailers, semitrailers, and parts thereof from private property without the written request of the owner, lessee, or

occupant of the premises. A person at whose request the motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer is removed from private property shall indemnify the county, city, or town against any loss or expense incurred by reason of removal, storage, or sale thereof. As promptly as possible, the removal of any such motor vehicle, trailer or semitrailer, or parts thereof, shall be reported to the County Administrator of Northampton County and to the owner of the property removed. Before obtaining possession of the motor vehicle, trailer, semitrailer, or part thereof, the owner shall pay to the parties entitled thereto all costs incidental to its removal and storage and locating the owner. If the owner fails or refuses to pay the cost or if his identity or whereabouts is 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 with the office of the Department against the motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer, the vehicle shall be treated as an abandoned vehicle under the provisions of Article 1 of Title 46.2 of the Code of Virginia as amended.

70.10 Contracts with Private Persons for Removal of Vehicles

This section is repealed in its entirety.

70.11 Sale of Personal Property Found in Unattended Vehicles

This section is repealed in its entirety.

70.99 Penalty

~~(A) It shall be unlawful for any person to refuse, fail or neglect to comply with any of the provisions of this title or any rule or regulation promulgated pursuant thereto, and any such violation shall constitute a misdemeanor.~~

~~————(B) Each person convicted of a misdemeanor for a violation of any of the provisions of this title or any rule or regulation promulgated pursuant thereto, for which no other penalty is otherwise provided herein or by state law shall, for a first conviction thereof, be punished by a fine of not less than \$10 nor more than \$500, or by imprisonment in jail for not less than one nor more than ten days, or by both such fine and imprisonment; for a second such conviction within one year such person shall be punished by a fine of not less than \$20 nor more than \$1,000 or by imprisonment in jail for not less than one nor more than 20 days, or by both such fine and imprisonment; for a third or subsequent conviction within one year such person shall be punished by a fine of not less than \$50 nor more than \$1,000 or by imprisonment in jail for not less than ten days nor more than 30 days, or by both such fine and imprisonment.~~

Violations of the provisions of Chapter 70 of this Code of Ordinances shall be subject to penalty as set out in Code of Virginia §46.2-113.

* * * * *

(14) An Ordinance to Repeal Chapter 71 of the Northampton County Code

The purpose of this amendment is to bring this ordinance into compliance with the Code of Virginia.

AN ORDINANCE TO REPEAL CHAPTER 71 OF THE CODE OF ORDINANCES OF NORTHAMPTON COUNTY

WHEREAS, the Northampton County Board of Supervisors adopted on August 12, 1991, a certain ordinance regulating traffic, said ordinance now being codified and set out in Chapter 71 of the Code of Ordinances of Northampton County; and

WHEREAS, the Northampton County Board of Supervisors now deems it advisable to repeal the aforesaid ordinance which constitutes the totality of Chapter 71 of the Code of Ordinances of Northampton County.

NOW, THEREFORE, BE IT ORDAINED by the Northampton County Board of Supervisors that Chapter 71 of the Code of Ordinances of Northampton County be and the same is hereby repealed.

* * * * *

(15) An Ordinance to Repeal and Re-Enact Chapter 92 of the Code of Ordinances of Northampton County

The purpose of this amendment is to bring the ordinance into compliance with the Code of Virginia.

AN ORDINANCE TO REPEAL AND RE-ENACT CHAPTER 92 OF THE CODE OF ORDINANCES OF NORTHAMPTON COUNTY

WHEREAS, the Northampton County Board of Supervisors adopted on May 13, 1991, a certain ordinance regulating the leaving of motor vehicles on private property and the removal and disposition of unattended or immobile vehicles on public or private property, and providing penalties for the violation thereof; and

WHEREAS, the Northampton County Board of Supervisors adopted on October 15, 2002, a certain ordinance regulating inoperable motor vehicles; and

WHEREAS, the Northampton County Board of Supervisors now deems it advisable to repeal the aforesaid ordinances which constitute the totality of Chapter 92 of the Code of Ordinances of Northampton County; and

WHEREAS, the Northampton County Board of Supervisors hereby re-enacts a new Chapter 92: Vehicles of the Code of Ordinances of Northampton County as set out below:

Chapter 92 Abandoned, Inoperable and Unattended Motor Vehicles.

92.01 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this Chapter, except where the context clearly indicates a different meaning:

Abandoned motor vehicle means a motor vehicle, trailer, or semitrailer or part of a motor vehicle, trailer, or semitrailer that:

- (1) Is left unattended on public property, other than a primary highway, for more than 48 hours;
- (2) Has remained for more than 48 hours on private property without the consent of the property's owner, regardless of whether it was brought onto the private property with the consent of the owner or person in control of the private property;
- (3) Is left unattended on the shoulder of a primary highway.

Inoperable abandoned motor vehicle means an abandoned motor vehicle which is inoperable and which the fair market value, as determined by the locality's official responsible for assessing motor vehicles under Code of Virginia, § 58.1-3503, is less than the cost of its restoration to an operable condition.

Inoperable motor vehicle means any motor vehicle, trailer or semitrailer:

- (1) that is not in operating condition;
- (2) for a period of 60 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
- (3) on which there are displayed neither valid license plates nor a valid inspection decal.

Shielded or screened means hidden from sight, from any ground level location, by vegetation or fences.

Unattended motor vehicle means any motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer that is:

- (1) Left unattended on a public road or other public property and constitutes a traffic

hazard;

(2) Illegally parked;

(3) Left unattended for more than ten days 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 situations.

Authorized County Official means the County Administrator of Northampton County, acting in accordance with the Board of Supervisors, on her designees, who may be County personnel or firms or corporations who may be independent contractors authorized by him to remove, preserve store and dispose of abandoned, inoperable or unattended motor vehicles in accordance with this Chapter and the applicable sections of the Code of Virginia, 1950, as amended.

Demolisher means any person or entity whose business is to convert motor vehicles into processed scrap or scrap metal or otherwise to wreck or dismantle such vehicles.

Scrap metal processor means any person who is engaged in the business of processing motor vehicles into scrap for remelting purposes who, from a fixed location, utilizes machinery and equipment for processing and manufacturing ferrous and nonferrous metallic scrap into prepared grades, and whose principal product is metallic scrap.

Vehicle removal certificate means a transferable document issued by the Virginia Department of Motor Vehicles for any abandoned motor vehicle that authorizes the removal and destruction of the vehicle.

Department means the Virginia Department of Motor Vehicles.

Commissioner means the Commissioner of the Virginia Department of Motor Vehicles.

92.02 Offenses relating to inoperable motor vehicles on private property

a. It shall be unlawful for any person to keep an inoperable motor vehicle on any property zoned for residential or commercial or agricultural purposes, except within a fully enclosed building or structure or otherwise shielded or screened from view.

b. This subchapter shall not apply to a salvage dealer, demolisher, rebuilder, salvage pool or vehicle removal operator as defined in VA Code § 46.2-1600.

c. This subchapter shall not apply to farm use motor vehicles used exclusively for farm use when owned by a person who is engaged either as an owner, renter, or operator of a farm of a size reasonably requiring the use of such vehicle used in the transportation of agricultural commodities, poultry, dairy products or livestock of the farm he is working to market, or when used to transport materials, tools, equipment or supplies that are to be used or consumed on the farm he is working shall be exempt from this subchapter.

d. Any person violating this section shall be assessed a civil penalty in the amount of \$100 for a first violation and \$250 for a second violation upon a finding by the Northampton General District Court. Each day during which the violation is found to have existed shall constitute a separate offense. A separate offense shall be deemed committed for each motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer or semitrailer that is in violation of this section. In addition to such civil penalties, such violations shall be also be a Class 3 misdemeanor in the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period.

e. If the violation remains uncorrected at the time of the admission of liability or finding of liability, the court may order the violator to abate or remedy the violation. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within a period of time as determined by the court, but not later than six months of the date of admission of liability or finding of liability. Each day during which the violation continues after the court-ordered abatement period has ended shall constitute a separate offense.

f. In addition to the penalty prescribed in subsection d, the Authorized County Official may cause the owner or occupant of any parcel of land found to contain an inoperable motor vehicle which is not enclosed in a structure or shielded or screened from view, to be given notice that the County will cause the vehicle to be removed unless the vehicle is enclosed in a structure or shielded or screened from view or removed from the property within 48 hours or within some longer time period stated in the notice. If the owner or occupant fails to comply with the notice and abate the nuisance within the specified time, the County may cause such vehicle to be removed and impounded

92.03 Offenses relating to abandoned motor vehicles

a. No person shall cause any motor vehicle to become an abandoned motor vehicle. In any prosecution for a violation of this section, proof that the defendant was, at the time that the vehicle was found abandoned, the owner of the vehicle shall constitute in evidence a rebuttable presumption that the owner was the person who committed the violation. Such presumption, however, shall not arise if the owner of the vehicle provided notice to the Department, as provided in Va. Code § 46.2-604, that he had sold or otherwise transferred the ownership of the vehicle.

b. A summons for a violation of this section shall be executed by mailing a copy of the summons by first-class mail to the address of the owner of the vehicle as shown on the records of the Department of Motor Vehicles and delivered to the sheriff of the County for service on the accused personally.

c. Any person convicted of a violation of this section shall be subject to a civil penalty of no more than \$500. If any person fails to pay any such penalty, his privilege to drive a motor vehicle on the highways of the Commonwealth shall be suspended as provided in § 46.2-395.

d. All penalties collected under this section shall be paid into the state treasury to be

credited to the Literary Fund as provided in § 46.2-114.

92.04 Procedures for impounding motor vehicles

The Authorized County Official may take abandoned, inoperable and unattended motor vehicles into custody of the County and dispose of them in accordance with the provisions hereof. For purposes of implementation hereof, the County may utilize County personnel, equipment and facilities or may hire persons, equipment and facilities or firms or corporations who may be independent contractors for removing, preserving and storing abandoned motor vehicles.

92.05 Reclaiming of impounded vehicles; towing and storage charges

- a. The owner of any vehicle impounded under this Chapter or any person duly authorized by the owner and any person possessing a security interest in the vehicle shall be permitted to repossess the vehicle up to the time of its sale by making payment all the towing and storage charges.
- b. Payment of the charges and costs identified in subsection a shall not operate to relieve the owner of the impounded vehicle or the owner's agent from liability for any fine or civil penalty.

92.06 Notice of impounded motor vehicles

- a. As soon as possible after taking an abandoned motor vehicle into custody, the Authorized County Official or her designee shall initiate a search for the owner or any secured parties with respect to the abandoned motor vehicle in compliance with the procedures of Va. Code § 46.2-1200 *et seq.* and shall work in accordance with those procedures to dispose of the vehicle.
- b. The following notice must be provided for all other impounded motor vehicles:
 1. The authorized County official directing the removal of any vehicle under this article, shall, within 15 days of the impoundment of the motor vehicle, by registered or certified mail, return receipt requested, provide notice to the owner of record of the impounded vehicle, as shown in records maintained by the Department; provided, that the vehicle has not already been released from the impoundment facility. The notice shall state the following: (i) the year, make, model and registration number of the motor vehicle; (ii) the address where the vehicle is being held; and (iii) that the owner and any person having a security interest in the vehicle may reclaim the vehicle within 15 days from the date of the notice, after payment of all towing and storage charges resulting from the removal and storage of the vehicle.
 2. If the owner fails or refuses to pay the cost or if his identity or whereabouts is 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 with the Department against the motor vehicle, the vehicle shall be considered an abandoned motor vehicle and the provisions of subsection a apply.

92.07 Disposition of unreclaimed vehicles; proceeds of sale

- a. If a motor vehicle impounded under this article is not reclaimed:
 1. The Authorized County Official shall obtain from the Department a Vehicle Removal Certificate in a manner prescribed by the Commissioner;
 2. the vehicle may then be sold or transferred to a licensee or a scrap metal processor, as defined in Virginia Code § 46.2-1600 (1950) as amended; or
 3. If the County desires to sell the vehicle at public auction, the Authorized County Official shall post notice for at least 21 days of its intent to auction the motor vehicle with the Department.
 - (a) Postings of intent shall be in an electronic manner prescribed by the Commissioner who shall also ensure that written notice of intent is provided in public locations throughout the Commonwealth of Virginia.
 - (b) If the Department confirms a lien, the Authorized County Official shall notify the lienholder of record, by certified mail, at the address on the certificate of title of the time and place of the proposed sale 10 days prior thereto.
- b. The purchaser of an impounded vehicle at public auction shall take title to the vehicle free of all liens and claims of ownership of others, shall receive a sales receipt, an abandoned vehicle receipt and a completed Vehicle Removal Certificate, and shall be entitled to apply to and receive from the Department a certificate of title and a registration card for the vehicle.
- c. The proceeds from the sale of an impounded motor vehicle shall be used to pay from the towing charge, storage charge and any costs incurred by the County in learning the identity of the vehicle owner and the holders of a security interest in the vehicle and in conducting the sale. The balance of the proceeds shall be held by the Director of Finance for the owner and paid to the owner upon satisfactory proof of ownership; provided, that the owner makes application for such proceeds within 90 days from the date of sale. If the owner fails to make timely application, the balance of the proceeds shall become the property of the County, and shall be deposited in the County general fund.
- d. Any personal property found in an impounded motor vehicle may be sold along with the sale of the vehicle.
- e. In addition to the sale as outlined in this section, the cost of removal and disposal for inoperable motor vehicles shall be chargeable to the owner of the motor vehicle or the owner of the premises from which it was removed and may be collected by the County as taxes and levies are collected, and every cost authorized by this section assessed against the owner of the premises shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of costs has been made to the County.

f. After the sale at auction of any motor vehicle, the Authorized County Official shall notify the state Department of the disposition of the motor vehicle.

92.08 Disposition of inoperable abandoned vehicles

a. Notwithstanding any other provisions of this article to the contrary, any inoperable abandoned motor vehicle which has been impounded pursuant to this article may be disposed of to a demolisher, for the sole purpose of having the vehicle wrecked, dismantled or demolished, without the title and the notification procedures otherwise required by this article. The demolisher, upon taking custody of such motor vehicle, shall notify the Department of this fact on forms provided by the Department.

b. When a motor vehicle is disposed of as provided for in subsection a of this section, the Authorized County Official shall certify this fact to and claim reimbursement from the Department pursuant to Code of Virginia, § 46.2-1207.

92-09 Record of impounded vehicles

The Authorized County Official shall keep a record of all vehicles impounded pursuant to this Chapter.

State Law References: : Definitions, Code of Virginia, § 46.2-1200; Authority to restrict keeping of inoperable motor vehicles, etc., on residential or commercial property, removal of such vehicles, Code of Virginia, § 15.2-904; Notice to owner of vehicle taken into custody, Code of Virginia, § 46.2-1202; sale of vehicle at public auction, disposition of proceeds, Code of Virginia, § 46.2-1203; removal and disposition of unattended or immobile vehicles, ordinances in counties, cities and towns, Code of Virginia, § 46.2-1213; sale of personal property found in unattended or abandoned vehicle, Code of Virginia, § 46.2-1214; prohibition against leaving a motor vehicle on the private property of any other person without the consent of that other person, Code of Virginia, § 46.2-1215; for vehicles left unattended on or adjacent to any roadway and constituting a traffic hazard, Code of Virginia, § 46.2-1209; for vehicles obstructing movement from driveways, etc., Code of Virginia, § 46.2-1211.

* * * * *

(16) An Ordinance to Amend Chapter 95 – Animals – of the Northampton County Code.

The purpose of this amendment is to correct the title of “Animal Control Officer” and the name of the holding facility (Eastern Shore Regional Animal Control Facility)

AN ORDINANCE TO AMEND CHAPTER 95 - ANIMALS – OF THE NORTHAMPTON COUNTY CODE

BE IT ORDAINED by the Northampton County Board of Supervisors that the following provisions of Chapter 95 – Animals – of the Northampton County Code are amended as set out

below:

95.01 Duck Blinds

This section is repealed in its entirety.

95.02 Swine Control

This section is repealed in its entirety.

95.20 Enforcement of Animal Laws

In accordance with VA Code Section 3.1-796.104, an Animal ~~Warden~~ **Control Officer** shall be appointed and he shall have the power to enforce all state laws for the protection of domestic animals, all comprehensive animal laws, and the provisions of this subchapter. Nothing in this section shall be deemed to prevent the issuance of a warrant for any violation of this subchapter by any law enforcement officer authorized to issue arrest warrants generally, or by the District Health Director.

95.21 Vaccination of Dogs and Cats Required

This section is repealed in its entirety.

95.24 Displaying Receipts; Dogs to Wear Tags

This section is repealed in its entirety.

95.25 Effect of Not Wearing Collar as Evidence

This section is repealed in its entirety.

95.27 Confinement or Destruction of Animals Exposed to Known or Suspected Rabid Animals

(A) Dogs or cats which have not been vaccinated for rabies and which come into contact with a known or suspected rabid animal shall be quarantined by the owner in accordance with standards and requirements established by the Northampton County Health Department or shall be euthanized at the discretion of the District Health Director. If the owner is allowed and elects to quarantine the animal, the animal shall be held at the ~~Acomack Northampton SPCA~~ **Eastern**

Shore Regional Animal Control Facility for a period not to exceed ten calendar days while the owner constructs an approved quarantine enclosure. The animal shall then be transported by an Animal Control Officer and a representative from the Health Department directly to the quarantine enclosure constructed by the owner. While being held in the ~~Accomack-Northampton SPCA~~ **Eastern Shore Regional Animal Control Facility**, the animal shall be maintained in a special quarantine area and the owner shall pay all fees incurred during the quarantine period. If the owner has not constructed the quarantine enclosure by the end of the ten day quarantine period in the ~~Accomack-Northampton SPCA~~ **Eastern Shore Regional Animal Control Facility**, the animal shall be euthanized at the discretion of the District Health Director. Any animal which is so quarantined which breaks quarantine shall be euthanized at the direction of the District Health Director.

(B) Dogs or cats which are currently vaccinated for rabies and which come in contact with a known or suspected rabid animal shall be re-vaccinated immediately and shall be confined by the owner in accordance with a quarantine agreement with the Northampton County Health Department for a period of 90 days.

(C) Animals other than dogs or cats which come in contact with a known or suspected rabid animal shall be quarantined by the owner in accordance with standards and requirements established by the Northampton County Health Department or shall be euthanized at the discretion of the District Health Director.

(D) Any animal which is required to be quarantined by the Northampton County Health Department, which begins to exhibit symptoms suggestive of rabies during the quarantine period, shall be:

- (1) Euthanized; or
- (2) Euthanized and tested at the discretion of the District Health Director.

(E) All expenses in connection with the provisions of this section shall be borne by the owner of the animal in question.

95.28 Confinement of Biting Animals

(A) Any dog or cat which has bitten a person shall be quarantined by the owner in accordance with a quarantine agreement with the Northampton County Health Department. Any such animal which breaks the quarantine shall be impounded at the ~~Accomack-Northampton SPCA~~ **Eastern Shore Regional Animal Control Facility** for the remainder of the ten day quarantine period. The owner shall pay all fees incurred during the quarantine period.

(B) Any stray or unwanted dog or cat that bites or otherwise exposes a person may be euthanized and tested at the discretion of the District Health Director.

(C) Animals, other than dogs or cats, which might have exposed a person, a pet, or livestock to rabies may be euthanized and tested at the discretion of the District Health Director.

95.30 Humane Destruction of Animals

This section is repealed in its entirety.

95.32 Emergency Declaration of Quarantine

This section is repealed in its entirety.

95.33 Transportation, Harboring and Sale of Foxes, Skunks and Raccoons Prohibited

This section is repealed in its entirety.

95.45 through 95-99 Dangerous Dogs

These sections are repealed in their entirety.

* * * * *

(17) An Ordinance to Amend Section 1 of Chapter 97 – Open Burning – of the Code of Ordinances of Northampton County

The purpose of this amendment is to add the code authority reference.

**AN ORDINANCE TO AMEND SECTION 1
OF CHAPTER 97 (“OPEN BURNING”) OF THE
CODE OF ORDINANCES OF NORTHAMPTON COUNTY**

BE IT ORDAINED by the Board of Supervisors of Northampton County, that Section 1 of Chapter 97 of the Code of Ordinances of Northampton County be and the same is hereby amended to read as follows:

1. That Section 1. Purpose be amended to read as follows:

Section 1. Purpose and Authority.

The purpose of this article is to protect public health, safety, and welfare by regulating open burning within the county to achieve and maintain, to the greatest extent practicable, a level of air quality that will provide comfort and convenience while promoting economic and social development. This article is intended to supplement the applicable regulations promulgated by

the state air pollution control board and other applicable regulations and laws.

This ordinance is adopted pursuant to Section 15.2-922.1 of the Code of Virginia of 1950, as amended.

* * * * *

(18) An Ordinance to Repeal Section 110.01 of Chapter 110 of the Code of Ordinances of Northampton County

The purpose of this amendment is to repeal the ordinance regulating the imposition of a license tax on persons engaged in selling pistols or revolvers as these vendors are already being assessed a Business License Tax.

**AN ORDINANCE TO REPEAL SECTION 110.01
OF CHAPTER 110 OF THE CODE OF ORDINANCES
OF NORTHAMPTON COUNTY**

WHEREAS, the Northampton County Board of Supervisors adopted a certain ordinance imposing a license tax on persons engaged in selling pistols or revolvers, said ordinance now being codified and set out as Section 110.01 in Chapter 110 of the Code of Ordinances of Northampton County; and

WHEREAS, the Northampton County Board of Supervisors now deems it advisable to repeal the aforesaid ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Northampton County Board of Supervisors that Section 110.01 of Chapter 110 of the Code of Ordinances of Northampton County be and the same is hereby repealed.

* * * * *

(19) An Ordinance to Repeal Chapter 111 (Precious Metals Dealers) of the Code of Ordinances of Northampton County

The purpose of this amendment is to repeal the ordinance regulating dealers in precious metals and jewels as these vendors are already being assessed a Business License Tax.

**AN ORDINANCE TO REPEAL CHAPTER 111
OF THE CODE OF ORDINANCES
OF NORTHAMPTON COUNTY**

WHEREAS, the Northampton County Board of Supervisors adopted on October 13, 2009, a certain ordinance regulating dealers in precious metals and jewels, said ordinance now being codified and set out in Chapter 111 of the Code of Ordinances of Northampton County; and

WHEREAS, the Northampton County Board of Supervisors now deems it advisable to repeal the aforesaid ordinance which constitutes the totality of Chapter 111 of the Code of Ordinances of Northampton County.

NOW, THEREFORE, BE IT ORDAINED by the Northampton County Board of Supervisors that Chapter 111 of the Code of Ordinances of Northampton County be and the same is hereby repealed.

* * * * *

(20) An Ordinance to Repeal Chapter 112 (Door-to-Door Vendors) of the Code of Ordinances of Northampton County

The purpose of this amendment is to repeal the ordinance regulating door-to-door vendors as these vendors are already being assessed a Business License Tax.

**AN ORDINANCE TO REPEAL CHAPTER 112
OF THE CODE OF ORDINANCES
OF NORTHAMPTON COUNTY**

WHEREAS, the Northampton County Board of Supervisors adopted on May 9, 1977, a certain ordinance regulating door to door vendors, said ordinance now being codified and set out in Chapter 112 of the Code of Ordinances of Northampton County; and

WHEREAS, the Northampton County Board of Supervisors now deems it advisable to repeal the aforesaid ordinance which constitutes the totality of Chapter 112 of the Code of Ordinances of Northampton County.

NOW, THEREFORE, BE IT ORDAINED by the Northampton County Board of Supervisors that Chapter 112 of the Code of Ordinances of Northampton County be and the same is hereby repealed.

* * * * *

The Chairman asked if there were any present desiring to speak.

The County Administrator briefed the Board on each ordinance revision/revocation and answered questions relative to the justification and reasoning for such proposed action. She recommended that agenda item (#12) be denied as it had been determined that this ordinance should remain on the books.

Mr. Robert Richardson agreed with the Chairman's plan for simultaneous public hearings for all ordinances as outlined.

There being no further speakers, the public hearing was closed.

Motion was made by Mr. Hubbard, seconded by Mr. Bennett, that the following ordinances be adopted:

“An Ordinance to Amend Paragraph 33.012(B) of Chapter 33 – Finance and Taxation – of the Northampton County Code of Ordinances: Delinquent Real Estate Taxes Issued Before Special Use Permits, Variances, Rezoning or Other Land Use Permits”;

“An Ordinance to Amend an Ordinance Entitled, “An Ordinance to Permit Exemption from Taxation of Real Estate of Certain Elderly or handicapped Persons”;

“An Ordinance to Repeal Chapter 51 of the Code of Ordinances (Sewage Regulations)”;

“An Ordinance to Repeal Chapter 52 of the Code of Ordinances (Heat Pump Regulations)”;

“An Ordinance Amending Certain Sections and Repealing Certain Sections of Chapter 70 of the Northampton County Code (General Provisions)”;

“An Ordinance to Repeal Chapter 71 of the Northampton County Code”;

“An Ordinance to Repeal and Re-Enact Chapter 92 of the Code of Ordinances of Northampton County”;

“An Ordinance to Amend Chapter 95 – Animals – of the Northampton County Code”;

“An Ordinance to Amend Section 1 of Chapter 97 – Open Burning – of the Code of Ordinances of Northampton County”;

“An Ordinance to Repeal Section 110.01 of Chapter 110 of the Code of Ordinances of Northampton County”;

“An Ordinance to Repeal Chapter 111 (Precious Metals Dealers) of the Code of Ordinances of Northampton County”; and

“An Ordinance to Repeal Chapter 112 (Door-to-Door Vendors) of the Code of Ordinances of Northampton County”

be adopted as set out above. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Hubbard, seconded by Mr. Bennett, that “AN ORDINANCE TO REPEAL CHAPTER 53 OF THE CODE OF ORDINANCES OF NORTHAMPTON COUNTY (Groundwater Protection Ordinance)” be denied. All members were present and voted “yes.” The motion was unanimously passed.

Tabled Item:

(21) Action on 10/4/2013 request from Charles Floyd for boundary adjustment within the Church Neck AFD

Based on staff recommendation, it was the consensus of the Board to leave this item on the table.

Matters Presented by the Board Including Committee Reports & Appointments

Motion was made by Mr. Bennett, seconded by Mr. Hubbard, that Ms. Devin Allen be reappointed to the Recreation Board for a new term of office commencing January 1, 2014. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Trala, seconded by Mr. Bennett, that Mr. David Naar be appointed to the Wetlands Board for a term of office commencing July 1, 2013. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Trala, seconded by Mr. Bennett, that Mr. Steve Lewis be reappointed to the Recreation Board for a new term of office commencing January 1, 2014. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Trala, seconded by Mr. Hubbard, that Mr. Oliver H. Bennett be reappointed to the Eastern Shore Area Agency on Aging/Community Action Agency for a new term of office commencing January 1, 2014. All members were present and voted “yes.” The motion was unanimously passed.

Mr. Hubbard asked about the quarterly financial statements for the first quarter of FY 2014 and the County Administrator indicated that she would research this inquiry and provide same if they have not been released yet.

It was the consensus of the Board to cancel the November 25 and December 23, 2013 work sessions.

Closed Session

Motion was made by Mr. Trala, seconded by Mr. Bennett, that the Board enter Closed Session in accordance with Section 2.2-3711 of the Code of Virginia of 1950, as amended:

Paragraph 5: Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business’ or industry’s interest in locating or expanding its facilities in the community.

All members were present and voted “yes.” The motion was unanimously passed.

After Closed Session, the Chairman reconvened the meeting and said that the Board had entered the closed session for that purpose as set out in paragraph 5 of Section 2.1-3711 of the Code of Virginia of 1950, as amended. Upon being polled individually, each Board member confirmed that this was the only matter of discussion during the closed session.

Adjourn

Motion was made by Mr. Trala, seconded by Mr. LeMond, that the meeting be adjourned. All members were present and voted “yes.” The motion was unanimously passed.

The meeting was adjourned.

_____CHAIRMAN

_____COUNTY ADMINISTRATOR