

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

O- 13-12

At the regular meeting of the Board of Supervisors of the County of New Kent in the Boardroom of the Administration Building in New Kent, Virginia, on the 9th day of October, 2012:

Present:	Vote:
Ron Stiers	Aye
W.R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye

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

**AN ORDINANCE AMENDING, RESTATING AND READOPTING CHAPTER 46,
ARTICLE V, HAZARDOUS MATERIALS TO ADD A CODE SECTION 46-156
ENTITLED “REIMBURSEMENT FOR EXPENSES INCURRED FROM
METHAMPHETAMINE LAB
CLEANUP/SITE RESTORATION.”**

WHEREAS, pursuant to the Virginia Code Section 15.2-1716.2, the New Kent County Board of Supervisors has the authority to amend, restate and readopt Chapter 46, Article V adding Section 46-156 of the County Code; and

WHEREAS, New Kent County finds that it is necessary to add section 46-156 to Chapter 46 allowing reimbursement for expenses incurred from methamphetamine lab cleanup/site restoration; and

NOW THEREFORE BE IT ORDAINED that Chapter 46 Offenses and Miscellaneous Provisions, Chapter V Hazardous Materials, be amended, restated and readopted as set forth below:

Section 46-156. Reimbursement for expenses incurred from methamphetamine lab cleanup.

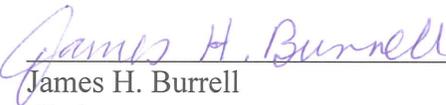
Any person convicted of an offense for the manufacture of methamphetamine under Virginia Code § 18.2-248 shall, at the time of sentencing or in a separate civil action, be liable for restitution to the county and/or any innocent property owner whose property is damaged, destroyed, or otherwise rendered unusable as a result of such methamphetamine production.

This restitution shall include any and all actual or reasonably estimated expenses associated with cleanup, removal, or repair of the affected property. The amount owed shall not exceed the actual expenses incurred in association with cleanup, environmental restoration, removal or repair of any affected property, and/or the replacement cost of personal protective equipment used during the course of such investigation and/or cleanup and associated restoration.

This Ordinance takes effect upon adoption.



Rodney A. Hathaway
Acting County Administrator



James H. Burrell
Chairman