

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

O-04-16

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 May, 2016:

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

Motion was made by Ms. Paige, which carried 5:0, to adopt the following resolution:

**AN ORDINANCE TO AMEND CHAPTER 46, OFFENSES AND
MISCELLANEOUS PROVISIONS TO ESTABLISH NO WAKE
AREAS IN THE COUNTY OF NEW KENT, VIRGINIA**

WHEREAS, the Board of Supervisors of New Kent County has received a request from residents along Diascund Creek to establish an ordinance that allows for the designation of “No Wake” areas along waterways within the County; and

WHEREAS, Section 29.1 -744 of the Code of Virginia authorizes locality to enact ordinance which parallel general law regulating the operation of vessels on any waters within its territorial limits; and

WHEREAS, the Board of Supervisors of New Kent County desires to establish “no wake” areas in order to protect public safety and prevent erosion damage to adjacent property;

NOW THEREFORE BE IT ORDAINED, by the New Kent County Board of Supervisors this the 9th day of May 2016, that Chapter 46 of the New Kent County Code be, and it is hereby, amended as set forth below:

Sec. 46-53. - “No Wake” regulatory markers on waterways.

(a) As used in this section, the following terms shall have the meanings listed below:

"Motorboat" means any vessel propelled by machinery whether or not the machinery is the principal source of propulsion.

"No wake" means operation of a motorboat at the slowest possible speed required to maintain steerage and headway.

"Operate" means to navigate or otherwise control the movement of a motorboat or a vessel.

"Personal watercraft" means a motorboat less than sixteen feet in length which uses an inboard motor powering a jet pump, as its primary motive power and which is designed to be operated by a person sitting, standing, or kneeling on, rather than in the conventional manner of sitting or standing inside, the vessel.

"Vessel" means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

- (b) No person shall operate a motorboat or vessel, which shall include personal watercraft, at such a speed as to create a wake, swell or displacement wave in and on any of the following waterways in New Kent County which are designated as "no wake" areas by the New Kent County Board of Supervisors:

- (1) Diascund Creek approximately 370 yards south of the CSX Rail Road Bridge, extending southward for approximately 630 yards and marked by the placement of two buoys at the following locations:

Buoy location along the northern boundary of the "no wake" area.

	Latitude	Longitude
1)	37°24'07.1"N	76°53'43.6"W

Buoy location along the southern boundary of the "no wake" area.

	Latitude	Longitude
2)	37°23'59.1"N	76°53'51.2"W

- (c) Any person who desires to place "no wake" buoys or other markers relating to safe and efficient operation of vessels shall apply to the county administrator who shall prepare the material necessary for the request to be formally considered and acted on by the board of supervisors. The applicant shall be responsible for paying the costs of a legal advertisement to be published at least 14 days prior to the board of supervisors' consideration of the request. Subsequent to the board of supervisors' action, the county administrator shall forward the request, along with documentation of the board's action, to the director of the Virginia Department of Game and Inland Fisheries who will, within thirty (30) days, approve, disapprove

or approve with modifications the placement and type of “no wake” marker to be used. As used in this and the following subsection, the term “person” or “applicant” may include the board of supervisors acting on its own initiative.

- (d) Upon authorization by VDGIF, the applicant shall place and maintain the approved regulatory marker(s), at the expense of the applicant. Any marker or buoy which is not in conformance with the VDGIF regulations shall be removed.
- (e) All law enforcement officers may enforce the proper observance by watercraft operators of any marker installed under this article. Violations shall constitute a class 4 misdemeanor.

Adopted this 9th day of May, 2016.

Rodney A. Hathaway
County Administrator

Ronald P. Stiers
Chairman