



## Legislation Text

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**File #:** 19-0207, **Version:** 1

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Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by Amending Chapter 7, Boats, Beaches and Waterways, Article 1 Entitled, "In General," Sec. 7-7 Relating to Removal or Repair of Dangerous or Obstructing Structures or Vessels, Sec. 7-10 Relating to Mooring of Vessels and Sunset Creek Boat Ramp and Gosnold's Hope Park Boat Ramp, and Sec. 7-26 Relating to No Wake Zones, and to Article III Entitled "Beach Regulations," Sec. 7-49 Relating to Dogs on Beaches During the Summer

### **PURPOSE/BACKGROUND:**

**\*\*NO CHANGES REFLECTED IN THE PROPOSED UPDATES TO THE CITY CODE CONFLICT WITH VIRGINIA STATE CODE STATUTES\*\***

To amend Chapter 7 of the City Code of the City Hampton, Virginia

### **Discussion:**

As summer season is back in swing, the Hampton Police Division ("HPD") has identified several ordinances that could be improved in Chapter 7 of the Hampton City Code, which regulates boats, beaches and waterways. Below is a description of these changes:

1) In the past few years, the City has experienced an uptick in the amount of abandoned and/or hazardous boats in the waters of the City. Currently, the City Ordinance requires the City to provide the owner of the vessel (if the owner of the vessel can be determined) with 30 days to remove the vessel before it can take action. This time period is very long, particularly if the vessel is an ongoing hazard, for example if it is leaking fluids or sinking. Virginia Code §15.2-909, which authorizes this code section, only requires the notice to be for a "reasonable" period. Therefore, HPD is requesting that the time period be reduced to ten days.

2) Along the same lines, last year a boat was abandoned at the Sunset Creek boat ramp. Both this ramp and the Gosnold's Hope Park boat ramp are intended to be used only for putting boats into and out of the water, not for parking boats. Therefore, HPD proposes placing a time limit of one hour on the use of those ramps.

3) Currently, the ordinance regarding no wake zones imposes a speed limit; however, HPD's marine patrol cannot enforce these speed limits. The state code defines "no wake" as the operation of a motorboat at the slowest speed required to maintain steerage and headway. Therefore, HPD proposes revising the City ordinance to adopt that definition.

4) The current ordinance which prohibits dogs on beaches during the summer, does not allow for enforcement by the City's Animal Control Officers. Furthermore, this offense is currently classified as a class 1 misdemeanor, which is a jailable offense. HPD proposes to reduce the penalty to align it with the City's running at large code. The first violation will be a class 4 misdemeanor, the

second a class 3 misdemeanor and the third or subsequent will be a class 2 misdemeanor.

**Impact:**

**Recommendation:**

Approval of the Ordinance (no public hearing required).

**BE IT ORDAINED** by the City Council of the City of Hampton, Virginia, that Section 7-7, 7-10 and 7-26 of Article I, and Section 7-49 of Article III, Chapter 7 of the City Code of the City of Hampton, Virginia be adopted to read as follows:

**Chapter 7 - BOATS, BEACHES AND WATERWAYS**

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**ARTICLE I. - IN GENERAL**

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**Sec. 7-7. - Removal or repair of dangerous or obstructing structures or vessels.**

(a) Whenever the director of the department of public works, public safety, community development, or a city employee designated thereby, is of the opinion that any vessel has been abandoned or any wharf, pier, piling, bulkhead or any other structure or vessel might endanger the public health or safety of other persons or might constitute an obstruction or hazard to the lawful use of the waters within or adjoining the city, he shall ascertain the lawful owner of such property and notify such owner in writing to remove, repair or secure such wharf, pier, piling, bulkhead or other structure or vessel. If the owner of such property fails to remove, repair or secure the same within ten days after being given such notice, the city through its own agents or employees, may remove, repair or secure such property and subsequently dispose of such property pursuant to the procedures found in section 29-36 *et. seq.*

(b) In the event that the city, through its own agents or employees, removes, repairs or secures any wharf, pier, piling, bulkhead or other structure or vessel, after complying with the notice requirements of subsection (a) above, the cost or expenses thereof shall be chargeable to and paid by the owners of such property and, to the extent applicable, may be collected by the city as taxes and levies are collected.

(c) If the identity or whereabouts of the lawful owner of any property referred to in subsection (a) above is unknown or not able to be ascertained after a reasonable search and after lawful notice has been mailed to the last known address of any known owner, the city, through its own agents or employees, may repair or remove such wharf, pier, piling, bulkhead or other structure or vessel, after giving notice by publication once each week for two weeks in a newspaper of general circulation in the area where such property is located and may subsequently dispose of such property pursuant to the procedures found in section 29-35 *et. seq.*

(d) Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid, to the extent applicable, shall constitute a lien against the owner's real property, and such lien shall be recorded in the judgment lien docket book in the circuit court of the city. Such lien may also be reduced to a personal judgment against the owner.

**State Law reference** - Authority for above section, Code of Virginia, § 15.2-909.

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**Sec. 7-10. - Limitations on use of Sunset Creek boat ramp and Gosnold's Hope Park boat ramp.**

It shall be unlawful for any person to use or occupy the Sunset Creek boat ramp, including its piers, and the Gosnold's Hope Park boat ramp, including its piers, for the purpose of taking on or discharging any fish, crabs, oysters, clams or any other cargo of any type, to use them for any commercial purpose, or to fuel or refuel any boats at these facilities. In addition, it shall be unlawful for any vessel to occupy either boat ramp, including their piers for more than one hour.

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**Sec. 7-26. - No wake zones.**

It shall be unlawful for any person to operate any motorboat, vessel, or watercraft, at a speed greater than the slowest possible speed required to maintain steerage and headway within any of the city's registered and posted "No Wake" zones.

(Ord. No. 10, § 4; Ord. No. 44; Ord No. 186; Ord. No. 432; Code 1964, § 7-13; Ord. No. 1446, 11-15-06)

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**ARTICLE III. - BEACH REGULATIONS**

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**Sec. 7-49. - Dogs prohibited during certain period.**

It shall be unlawful for any person owning, having control of or harboring any dog to cause, suffer or permit such dog to be on the public sand beaches within the city, Buckroe Beach Boardwalk, or in those areas in Buckroe Beach Park designated by the parks, recreation and leisure services director, during the period from May fifteenth through September fifteenth of each year.

The first violation of this section shall constitute a Class 4 misdemeanor. The second violation on the same animal shall constitute a Class 3 misdemeanor and subsequent violations on the same animal shall constitute a Class 2 misdemeanor. This section may be enforced by any police officer, animal control officer or municipal park ranger employed by the city of Hampton.

The foregoing prohibition shall not apply to "hearing dogs" or "service dogs," as used by a blind or deaf person pursuant to Code of Virginia, § 51.5-44(E).

(Ord. No. 181; Ord. No. 290; Ord. No. 482; Ord. No. 494; Ord. No. 688, 5-13-81; Code 1964, § 27A-7; Ord. No. 755, § 27A-7(j), 6-22-83; Ord. No. 1250, 6-9-99; Ord. No. 1284, 9-27-00; Ord. No. 1446, 11-15-06; Ord. No. 16-0004, 3-9-16)

Cross reference - Animals, Ch. 5.

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