

## Town of Windsor

### Memorandum

October 11, 2016

**TO:** The Honorable Mayor and Town Council

**FROM:** Michael Stallings, Town Manager *MS*

**SUBJECT:** Town Code Update

In accordance with the Town Code update schedule, I have completed my review of sections 110, 112, 119, and 123.

Staff and I have reviewed the ordinances and recommend the following changes:

Section 110 – Section 1: Change the language to reflect that the Town Manager appoints the Police Chief.

Section 119 – Section 1: Add the language “or his designee” after Town Manager in the last sentence to allow the Town Manager to defer the decision of sewer availability to staff within the Town or Isle of Wight County when appropriate.

Section 123 – Section 2: Remove the restrictions on what size trash containers citizens can use when they are not used for automated collection as it is irrelevant when the containers are not being disposed of by the Town.

If Council is agreeable to these changes, we will add them to the previous batch for advertisement at a future date.

This is for Council’s discussion and direction.

## **Chapter 110. POLICE PROTECTION**

### **§ 110-1. Establishment and composition of department; Chief of Police.**

There is hereby established a Town Police Department to consist of a Chief of Police and such other officers as are authorized by the Council. The Chief of Police shall be appointed by the Town Manager Council and shall serve at the pleasure of the Council. The Chief shall have general supervision of the department and shall have such powers and duties as are prescribed by the Town Manager Council and by state law.

### **§ 110-2. Violations and penalties.**

Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a Class 1 misdemeanor.

### **§ 110-3. Resisting or obstructing officers.**

It shall be unlawful for any person to resist, hinder or obstruct any of the police officers or special policemen of the Town in the discharge of their duties.

### **§ 110-4. Refusal to assist officers.**

No person, on being required by any sheriff or other police officer, shall refuse or neglect to assist him in the execution of his office in a criminal case, in the preservation of the peace, in apprehending or securing any person for a breach of the peace or in any use of escape or rescue. A violation of this section shall constitute a Class 2 misdemeanor.

### **§ 110-5. Impersonating officers.**

No persons shall falsely assume or exercise the functions, powers, duties and privileges incident to the office of sheriff, police officer, marshal or other peace officer or falsely assume or pretend to be any such officer.

### **§ 110-6. Unlawful wearing of officer's uniform.**

It shall be unlawful for any person, who is not a member of the Police Department of the Town, to wear any such uniform as is designated for the use of the members of such department.

### **§ 110-7. False reports to police.**

It shall be unlawful for any person to knowingly give a false report as to the commission of any crime to any of the police officers or special policemen of the Town, with intent to mislead.

## **Chapter 112. POOL AND BILLIARD ROOMS**

### **§ 112-1. Use by minors.**

It shall be unlawful for any minor under 18 years of age to frequent, play in or loiter in any public poolroom or billiard room or to be permitted by the owner, operator or proprietor thereof or his agent, employee or lessee to frequent, play in or loiter in any such public poolroom or billiard room in the Town of Windsor, Virginia.

### **§ 112-2. Interior to be visible; hours of operation.**

It shall be unlawful for the owner, operator or proprietor, or his agent, employee or lessee, of any such poolroom or billiard room to open or permit to remain open or to operate or cause to permit the operation of any such poolroom or billiard room in said Town unless the interior thereof is at all times visible to the public, or to open or permit to remain open or to operate or cause or permit the operation of any such poolroom or billiard room in said Town between the hours of 12:00 midnight and 7:00 a.m. on the next ensuing and succeeding day, except that no such poolroom or billiard room shall be opened or permitted to remain open or operated or caused or permitted to be operated in said Town between the hours of 12:00 midnight on each Saturday and 12:00 noon on each next ensuing and succeeding Sunday, the hours and time referred to above being the legal time in effect in the Town of Windsor, Virginia.

### **§ 112-3. Revocation or suspension of license.**

The Town Council may, in its discretion, at any time or from time to time, revoke, or suspend for a definite or indefinite period of time the license issued for the operation of any such poolroom or billiard room for the violation of any of the provisions of this chapter without any judicial determination thereof.

### **§ 112-4. Violations and penalties.**

Any person, partnership, firm, association, organization or corporation who shall violate any of the provisions of this chapter shall be deemed guilty of a Class 2 misdemeanor.

## **Chapter 119. SEWERS**

### **§ 119-1. Mandatory connection.**

All new premises, buildings or dwelling units where sewer service is available shall connect to such sewer main. All other existing premises, buildings or dwelling units where sewer service is available shall connect to such sewer main within one year of receipt of official connection notice, unless specifically otherwise provided for in this chapter. Where service becomes available by virtue of extending the Isle of Wight County sewerage system to serve other subdivisions or neighborhoods, connection to such main shall be mandatory. All premises, buildings or dwelling units connected directly to the Hampton Roads Sanitation District sewerage system may elect not to connect to the Isle of Wight County sewerage system; however, payment of all remaining balances of applicable fees and charges as established by Isle of Wight County shall be required. Sewer is deemed to be available to the property to be connected if service can be provided without unreasonable cost or unusual construction techniques. As an example, a sewer is not available to a property when it is within the right-of-way but, in order for said property to be served, the extension will involve unusual construction techniques such as boring and casing, unusual traffic problems, etc. Availability of sewer may be declared by the Town Manager or his designee based on costs to provide service, construction techniques or other unusual condition.

### **§ 119-2. Responsibility of owner or tenant.**

The owner or tenants of each improved property connected to the Isle of Wight County sewerage system shall be responsible for all acts insofar as such acts shall be governed by this chapter.

### **§ 119-3. Placing certain wastes prohibited.**

It shall be unlawful for any person with access to public sewage collection facilities to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Town, any human excrement or other objectionable sewerage wastes.

### **§ 119-4. Violations and penalties.**

A violation of the provisions of this chapter shall be punishable as a Class 3 misdemeanor.

## **Chapter 123. SOLID WASTE**

### **Article I. Garbage and Refuse Collection and Disposal**

#### **§ 123-1. Applicability of certain provisions.**

Sections 123-2 through 123-10 apply only to refuse and garbage containing animal and vegetable matter subject to decay or fermentation (herein collectively referred to as "garbage"), bottles, cans and like materials.

#### **§ 123-2. Containers.**

##### A. Receptacles generally.

(1) All refuse to be collected by the Town shall be stored in proper receptacles between times of collection. ~~Except in those areas serviced by automated collection equipment, such receptacles shall be metallic or plastic, with a capacity of not more than 32 gallons or a total weight of not more than 50 pounds.~~ Any automated refuse receptacle serviced by the Town shall not be filled to exceed 200 pounds total weight, and all refuse therein must fit inside the receptacle. Refuse may be placed in plastic or polyethylene bags which meet the standards set by the Town Manager or his designee. Each receptacle shall have a tight-fitting cover, and each bag shall be tightly secured. The cover of any receptacle shall be kept on at all times except when the receptacle is being filled, emptied or cleaned.

(2) Any areas serviced by automated collection equipment shall use automated refuse receptacles as approved by the Town Manager or his designee. All garbage or receptacle material shall be placed within the automated refuse receptacles. Medical waste or any other similar refuse shall not be placed in any container used for collection by the Town or a Town contractor. No other types of receptacles are permitted for use in the automated collection areas. If more than one receptacle is needed, the resident or business must contact the contractor and pay for the collection of more containers. No more than three containers per household or business are allowed. Exceptions to these requirements may only be made by the Town Manager or his or her designee.

#### **§ 123-3. Placement of containers for collection.**

A. All receptacles containing garbage to be hauled out and disposed of shall be placed or located at a convenient place as near the street as practicable so that they can be easily and conveniently reached by those hauling away the garbage.

B. Containers shall be out by 7:30 a.m. on the day of collection and shall be removed on the same day.

#### **§ 123-4. Disposal of refuse and garbage.**

All such refuse and garbage shall be disposed of at least once each week and more frequently if necessary to prevent odor or decay which would be injurious to the health of the community.

**§ 123-5. Inspections.**

In order to protect the health and welfare of the public, the Town shall have the right to send employees on the premises for the purpose of making inspection of such garbage.

**§ 123-6. Additional regulations.**

The Council shall have the authority to promulgate any additional reasonable regulations pertaining to garbage and refuse collection and disposal as may be deemed desirable.

**§ 123-7. Frequency of collection.**

A. Garbage and household trash at residences shall be collected by the Town one time each week, except when otherwise designated by the Town Manager or his or her designee. Oversized household trash, and bulky items such as refrigerators, water heaters and washing machines shall be collected only on special days as designated by the Town Manager and advertised by the Town.

B. Yard waste may be collected in conjunction with weekly household refuse removal. Limbs must be bundled in accordance with contractor requirements and no more than 10 bags of lawn clippings will be accepted at any one time.

**§ 123-8. Points of collection.**

The Town will not make refuse collections on private property.

**§ 123-9. Limitation on the number of mobile containers.**

A. Commercial establishments may place more than three mobile containers of refuse each collection day if authorized by the Town Manager or his or her designee.

B. Refuse collection service shall be provided by the Town on official holidays only as designated by the Town Manager.

**§ 123-10. (Reserved)**

**§ 123-11. When effective.**

This article shall be effective on and after July 1, 2008.