

Town of Windsor

Memorandum

January 10, 2017

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 145, 148, and 152

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

Section 145 – add the words “if those services are readily available” to section 145-5 to help clarify the intent of the section.

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

This concludes our review of all sections of Town Code. As such, our next step will be to advertise all changes for public comment. Given the comprehensive nature of our update, it may be prudent to advertise the changes and provide some time for Citizens to provide comments before holding a public hearing. If this approach is acceptable, I recommend that we advertise the changes and set a public hearing for March to allow Citizens time to review the changes and to provide comments.

This is for Council’s discussion and direction.

Chapter 145. WATER

Article I. Water Supply

§ 145-1. Meters; responsibility for water rents.

A. Every regular consumer of water shall be supplied with a meter by the Town, which meter shall be under the exclusive control of the Maintenance Supervisor, for which the consumer shall deposit an amount as determined by the Council and filed in the Treasurer's office; this amount shall be refunded by the Town in the event that such consumer discontinues the use of Town water, less all charges that may stand against such consumer.

B. Water meters shall be located at the property line adjacent to a street or alleyway or at such other location as determined by the Maintenance Supervisor. The person in whose name the service is rendered shall be responsible for water rents.

§ 145-2. Schedule of water rates.

The schedule of water rates are set from time to time by the Council shall be kept current and maintained in the office of the Treasurer.

§ 145-3. Deposit required.

Each user of water supplied by the Town waterworks system shall deposit with the Treasurer an amount determined by the Council as a water deposit. This amount shall remain on deposit in the Town Treasury as a guarantee for water rent. In the event that such customer fails to pay the water rent, then the Treasurer shall apply the deposit towards liquidation of amount due by the customer, and the water supply to his premises shall be disconnected and shall be resumed only when the delinquent account has been paid in full.

§ 145-4. Payments due after discontinuance.

Each customer, from whose premises the supply of water has been discontinued, shall pay any and all water rents due.

§ 145-5. Connection required prior to building occupancy.

It shall be unlawful for any person to occupy any building of any kind unless the same is connected with the water and sewerage system of the Town if those services are readily available.

§ 145-6. Tampering with meters.

It shall be unlawful for any person to remove, tamper or in any way meddle with any water meter box, rim cover thereto, or any part of such water meter box.

§ 145-7. Maintenance of and accessibility to water meters.

Every customer of water supplied from the Town's waterworks system shall maintain the area around and above the location of the water meter in such a manner that the water meter can be accessed by the Town's personnel, for purpose of reading and maintenance, without restriction or prohibition. Should the Town's personnel be unable to have reasonable access to the water meter, thereby prohibiting the Town's personnel from reading and maintaining the water meter, the customer shall be billed for that particular billing cycle based upon the average of the consumption of water during the last three billing cycles, and a notice of inaccessibility to the water meter shall be delivered to the customer, and the customer shall alleviate the circumstances creating the inaccessibility before the next scheduled meter reading. Thereafter, should the Town's personnel be unable to have reasonable access to the water meter at and during any future meter reading of such customer, then a penalty of \$50 shall be assessed against the customer, which shall be paid in addition to the billing of water services provided to the customer, as provided hereinbefore. Once accessibility is restored to the water meter, adjustments will be made in the next billing cycle to account for the actual amount of water consumed during the period for which the estimated bills were sent.

§ 145-8. Use of water from public hydrants.

No person, except the Maintenance Supervisor, or the Chief of the Fire Department or other authorized persons, shall take water from any public hydrant, plug, street washer or drain cock.

§ 145-9. Certain water systems and waterworks and disposition of certain water prohibited.

No person, corporation, partnership, firm, cooperative, association, group or other organization shall locate, construct, maintain and operate a water system or waterworks, including water pipes, waterlines, water mains, motors, tanks, pumps, wires, tools and other related equipment and accessories, in the Town of Windsor, Virginia and sell, give away, furnish and supply water from such water system or waterworks located outside of said Town to another or others in said Town, either with or without charge, compensation or other consideration, without first having obtained a certificate of public convenience and necessity from the Virginia State Corporation Commission or the written permission and authority of the Town Council of said Town.

Article II. Cross-Connection Control

§ 145-10. Adoption of standards.

The Town of Windsor hereby adopts by reference Section 6, Cross-Connection and Backflow Prevention Control in Waterworks, Commonwealth of Virginia Waterworks Regulations.

§ 145-11. Definitions.

As used in this article, the following terms shall have the meanings indicated:

AIR GAP SEPARATION

The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying pure water to a tank, plumbing fixture, or other device and the rim of the receptacle.

AUXILIARY WATER SYSTEM

Any water system on or available to the premises other than the waterworks. These auxiliary waters may include water from another purveyor's waterworks; or water from a source such as wells, lakes, or streams; or process fluids; or used water. They may be polluted or contaminated or objectionable or constitute a water source or system over which the water purveyor does not have control.

BACKFLOW

The flow of contaminants, pollutants, process fluids, used water, untreated waters, chemicals, gases, or nonpotable waters into any part of a waterworks.

BACKFLOW PREVENTION DEVICE

Any approved device, method, or type of construction intended to prevent backflow into a waterworks.

CONSUMER

The owner or person in control of any premises supplied by or in any manner connected to a waterworks.

CONSUMER'S WATER SYSTEM

Any water system located on the consumer's premises, supplied by or in any manner connected to a waterworks.

CONTAMINATION

Any introduction into pure water of microorganisms, wastes, wastewater, undesirable chemicals, or gases.

CROSS-CONNECTION

Any connection or structural arrangement, direct or indirect, to the waterworks whereby backflow can occur.

DEGREE OF HAZARD

This is a term derived from an evaluation of the potential risk to health and the adverse effect upon the waterworks.

DOUBLE GATE-DOUBLE CHECK VALVE ASSEMBLY

An approved assembly composed of two single, independently acting check valves, including tightly closing shutoff valves located at each end of the assembly and petcocks and test gauges for testing the watertightness of each check valve.

HEALTH HAZARD

Any condition, device or practice in a waterworks or its operation that creates, or may create, a danger to the health and well-being of the water consumer.

INTERCHANGEABLE CONNECTION

An arrangement or device that will allow alternate but not simultaneous use of the two sources of water.

POLLUTION

The presence of any foreign substance (chemical, physical, radiological, or biological) in water that tends to degrade its quality so as to constitute an unnecessary risk or impair the usefulness of the water.

POLLUTION HAZARD

A condition through which an aesthetically objectionable or degrading material may enter the waterworks or a consumer's water system.

PROCESS FLUIDS

Any fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted which would constitute a health, pollutional, or system hazard if introduced into the waterworks. This includes, but is not limited to:

- A. Polluted or contaminated water;
- B. Process waters;
- C. Used waters originating from the waterworks which may have deteriorated in sanitary quality;
- D. Cooling water;
- E. Contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
- F. Chemicals in solution or suspension; and
- G. Oils, gases, acids, alkalis, and other liquid and gaseous fluids used in industrial or other processes, or for fire-fighting purposes.

PURE WATER or POTABLE WATER

Water fit for human consumption and use which is sanitary and normally free of minerals, organic substances, and toxic agents in excess of reasonable amounts for domestic usage in the area served and normally adequate in supply for the minimum health requirement of the person served.

REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION DEVICE

A device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closing shut-off valves located at each end of the device, and each device shall be fitted with properly located test cocks. These devices must be of the approved type.

SERVICE CONNECTION

The terminal end of a service line from the waterworks. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.

SYSTEM HAZARD

A condition posing an actual, or threat of, damage to the physical properties of the waterworks of a consumer's water system.

USED WATER

Any water supplied by a water purveyor from waterworks to a consumer's water system after it has passed through the service connection.

WATER PURVEYOR

An individual, group of individuals, partnership, firm, association, institution, corporation, municipal corporation, county, or authority which supplies water to any person within this state from or by means of any waterworks.

WATERWORKS

All structures and appliances used in connection with the collection, storage, purification and treatment of water for drinking or domestic use and the distribution thereof to the public or residential consumers as set forth in Title 62.1, Chapter 4, § 62.1-45a, Code of Virginia, 1950, as amended.

§ 145-12. Inspections.

It shall be the duty of the Town of Windsor to cause inspections to be made of properties served by the waterworks where cross-connection with the waterworks is deemed possible. The frequency of inspections, and reinspections, based on potential health hazards involved, shall be established by the Mayor or authorized agent in the Cross-Connection Control and Backflow Prevention Program and as approved by the Virginia Department of Health.

§ 145-13. Access to properties; furnishing of information to inspectors.

The representative of the Town of Windsor shall have the right to enter, at any reasonable time, properties served by a connection to the waterworks of the Town of Windsor for the purpose of inspecting the piping system or systems for cross-connections. Upon request, the owner, or occupants, or property served shall furnish to the inspection agency pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections.

§ 145-14. Backflow prevention device required.

The water purveyor may deny or discontinue the water service to a consumer if the required backflow prevention device is not installed. If it is found that the device(s) has been removed or bypassed or if a cross-connection exists on the premises, or if the pressure in the waterworks is lowered below 10 psi gauge, the purveyor shall take positive action to insure that the waterworks is adequately protected at all times. Water service to such premises shall not be restored until the deficiencies have been corrected or eliminated in accordance with the Commonwealth of Virginia Waterworks Regulations and to the satisfaction of the purveyor.

§ 145-15. Potable water.

The potable water made available on the properties served by the waterworks shall be protected from possible contamination or pollution by enforcement of this article and the Isle of Wight County Plumbing Code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled as "Water Unsafe for Drinking" in a conspicuous manner.

§ 145-16. Effect on plumbing codes.

This article is a supplement to the applicable plumbing codes.

§ 145-17. Violations and penalties.

Any person or customer found guilty of violating any of the provisions of this article, or any written order of the Town of Windsor, in pursuance thereof, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of \$100 for each violation. Each day upon which a violation of the provisions of this article shall occur shall be deemed a separate and additional violation for the purposes of this article.

Article III. Water Conservation and Water Supply Emergencies

§ 145-18. Water conservation during normal conditions.

A. Flow rates for plumbing fixtures. In all new construction and in all remodeling and/or replacement of plumbing fixtures, only fixtures not exceeding the following flow rates and/or water consumption shall be permitted:

| Fixture | Permissible Flow Rate |
|---------------------------------|----------------------------------|
| Water closet | 1.6 gallons per flush |
| Urinal | 1.0 gallon per flush |
| Shower head | 2.5 gallons per minute at 80 psi |
| Lavatory, nonpublic | 2.2 gallons per minute at 60 psi |
| Lavatory, public | 0.5 gallon per minute at 80 psi |
| Lavatory, public (self-closing) | 0.25 gallon per metering cycle |
| Sink faucet | 2.2 gallons per minute at 60 psi |

B. Car washes. All new car wash installations shall be equipped with an approved water recycling system. All existing car wash installations shall be equipped with such recycling devices no later than one year from the effective date of this article.

C. Waste of water; leak repairs.

(1) Any owner of any residential unit, commercial or industrial establishment who is found to be an excessive user of water due to leakage from water lines or plumbing fixtures on the premises and who fails to repair and stop such leakage after notice by the governing authority shall be subject to penalties provided under § 145-20 of this article.

(2) No person shall permit the water to run from any hydrant, meter, or fixture without proper care to prevent waste.

D. Continuous flow equipment. In all new construction and all repair or replacement construction, any device or appliance requiring a continuous flow of five gallons per minute or more and not covered by § 145-18 of this article shall be equipped with an approved water recycling system.

§ 145-19. Water conservation during water supply emergencies.

A. Should the Town Council, the Town Manager, or the Director of the State Department of Environmental Quality (DEQ) find that a water supply emergency exists, the Town will, by public declaration, limit or prohibit the following uses of water:

(1) The use of water to wash down sidewalks, walkways, driveways, parking lots, tennis courts or other hard-surfaced areas, building, or structure.

(2) The use of water to wash automobiles, trucks, trailers, or any other types of mobile equipment, except in facilities operating with a water recycling system. Any facility operating with an approved recycling system must prominently display in public view a sign stating that such recycling system is in operation.

(3) The watering of shrubbery, trees, lawns, grass, plants or other vegetation, except when using recycled water, or except from a watering container not exceeding three gallons in capacity.

(4) The use of water in the operation of any ornamental fountain, or for scenic and recreational ponds and lakes, except for the minimum amount required to support fish life.

(5) The use of water to fill or refill swimming pools.

(6) The serving of drinking water in restaurants unless requested by customers.

B. Any or all of the above restrictions shall become effective upon their being printed in any newspaper of general circulation in the Town and/or broadcast over any radio or television station serving the Town. These restrictions shall be terminated upon finding that the water shortage is over and the emergency situation no longer exists.

C. Should the implementation of all of the above measures fail to conserve a sufficient amount of water supply for the citizens of the Town, then specific allotments of water supply, by volume, to each water customer shall be imposed. If the allotted amount of water is exceeded within any billing period, each customer so exceeding its allotment shall pay a surcharge. The allotment for each customer and the surcharge rate shall be determined by the Town Council.

§ 145-20. Violations and penalties.

Any person convicted of violating any of the provisions of this article shall be guilty of a misdemeanor punishable by a fine of not more than \$500. Each day such violation continues shall constitute a separate offense.

Chapter 148. WEEDS AND REFUSE

§ 148-1. Accumulation of garbage, refuse, litter and other substances.

It shall be unlawful for any property owner to allow trash, garbage, refuse, litter, and other substances which might endanger the health or safety of other residents of the Town to accumulate on his property. When any such property owner shall allow such accumulation on his property and after 10 day's written notice by the Town to remove the trash, garbage, refuse, litter, and other substances which might endanger the health of other residents of the Town, he shall be guilty of a violation of this Code section. The Town, after having given the notice aforesaid, may, in its discretion, remove such garbage, refuse, litter, and other substances which might endanger the health or safety of other residents of the Town, in which event the costs and expenses thereof shall be chargeable to and paid by the owner of the property; if the same is not paid by the owner, such costs and expenses shall be assessed against and become a lien upon the property and may be collected as real estate taxes and levies are collected.

§ 148-2. Depositing rubbish and junk at unauthorized places prohibited.

No person shall remove from private property any trash, garbage, refuse, litter, paper, offal, vegetables, broken glass, tin cans, old machinery, old tools, old automobiles, junk or any obnoxious or offensive matter or thing whatsoever and deposit or place the same within the Town, except at such place or places as may be provided by the Town Council.

§ 148-3. Growth of weeds and grass; removal by Town.

No owner of property shall allow grass, weeds and other foreign growth on his property, or any part thereof, to exceed 12 inches in height; provided, however, that this prohibition shall not apply to trees, bushes and other common shrubbery. When any such property owner shall allow grass, weeds and other foreign growth to exceed 12 inches in height and, after 10 days' written notice by the Town, shall fail to cut such grass, weeds and other foreign growth, he shall be guilty of a violation of this Code section. The Town, after having given the notice aforesaid, may, in its discretion, cut such grass, weeds and other foreign growth, in which event the costs and expenses thereof shall be chargeable to and paid by the owner of the property; if the same is not paid by the owner, such costs and expenses shall be assessed against and become a lien upon the property and may be collected as real estate taxes and levies are collected.

§ 148-4. Transporting garbage and other materials over streets.

No person shall haul, carry, transport or move any dirt, sand, coal, wood, litter, rubbish, debris, trash, paper, offal, vegetables, garbage, ashes or any offensive matter of any kind or description along or over any of the streets of the Town without having and keeping the same in such secure condition as to prevent the same from scattering or falling on any of the streets.

§ 148-5. Burning leaves.

A. It shall be unlawful for any person to burn leaves in the open at any time within the Town, except on the property where the person resides between the hours of 9:00 a.m. and 7:00 p.m., provided that:

- (1) All embers of any such fire or burning shall be totally extinguished by 7:00 p.m.;
- (2) The location of the fire or burning shall not be less than 50 feet from any occupied building or structure;
- (3) At no time shall the fire or burning be unattended;
- (4) Any person doing such burning shall take reasonable care to prevent the spread of any such fire or burning to the buildings, structures or lands other than those owned or occupied by the person burning such leaves; and
- (5) The burning is not otherwise prohibited by applicable state or county fire laws.

B. Nothing in this section shall be construed to prevent, prohibit, limit or restrict the power and authority of the Town to institute and maintain equity proceedings in the Circuit Court of Isle of Wight County, Virginia, to prevent, abate, remove, restrain and enjoin any violation or threatened violation of this section.

§ 148-6. Violations and penalties.

A. Violations of this chapter shall be subject to a civil penalty, not to exceed \$50, for the violation or violations from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall not exceed \$200. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000 in a twelve-month period.

B. 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 twenty-four-month period, then such violations shall be a Class 3 misdemeanor.

Chapter 152. YARD AND OTHER SALES

§ 152-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

RUMMAGE SALE

A sale conducted by a civic, church, or charity organization on premises belonging to, or under the control of, such civic, church, or charity organization, of tangible personal property donated for the purpose of raising funds for such civic, church, or charity organization.

YARD SALE

An outdoor sale conducted by a resident on premises belonging to, or under the control of, the resident, of tangible personal property owned by the resident.

§ 152-2. Permit required; display of permit.

No yard sale or rummage sale shall be conducted within the Town of Windsor, Virginia unless and until the person or organization conducting such yard sale or rummage sale shall have obtained a permit from the Town of Windsor, to be issued by the Zoning Administrator. The permit shall be conspicuously displayed on the premises where the sale is conducted during the entire time period of the sale.

§ 152-3. Signs.

Only signs provided by the Zoning Administrator shall be displayed for purposes of advertising any yard sale or rummage sale; provided, however, that the person or organization may display other signs on the premises where the yard sale or the rummage sale is being conducted; and, further, provided that all such signs comply with all other ordinances of the Town of Windsor. All other signs are prohibited.

§ 152-4. Permit and deposit fees; maximum number of signs.

Each permit obtained pursuant to this chapter for a yard sale or a rummage sale shall be issued upon the payment of a permit fee of \$1 and a refundable deposit fee of \$1 for each yard sale or rummage sale sign requested from, and provided by, the Zoning Administrator. A maximum of five signs may be issued with each yard sale permit or rummage sale permit.

§ 152-5. Removal of signs; return of deposit.

All signs permitted to be displayed under this chapter shall be removed within 24 hours of the conclusion of the yard sale or the rummage sale. All signs obtained from the Town of Windsor shall be returned to the Town of Windsor within seven days of the conclusion of the yard sale or the rummage sale, and upon such return of such signs in a condition similar to their condition upon delivery to the person or organization, normal wear and tear excepted, the refundable deposit for each sign shall be paid over to the person or organization who placed such deposit. Failure to return all such signs to the Town of Windsor within the time period specified herein shall result in a forfeiture of the refundable deposit.

§ 152-6. Number of sales per year; term of sale.

No more than two yard sales shall be permitted during a calendar year at any one location within the Town of Windsor. If, however, the identities of all the residents at such location change during the calendar year, the new residents at such location may have up to two yard sales during the remainder of such calendar year. No more than two rummage sales shall be permitted during the calendar year by any one organization. Each yard sale or rummage sale may be conducted for up to three consecutive calendar days.