

Town of Windsor

Memorandum

July 12, 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 49, 51, 54, 61, and 70 of the Town Code. The sections are attached with the recommended changes in red. Additions are underlined and deletions are struck through.

My recommended changes are as follows:

Section 49 – add clarification in section 1 that Isle of Wight will assign any house numbers in the areas of Town that have 5 digit house numbers as this is part of the E-911 mapping system. It also provides clarification on who is authorized to grant variances from the required number sizes.

Section 54 – Add “State” to Virginia Code, and remove description of moped as this is covered under the State Code’s definition of a motor vehicle

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 49. BUILDINGS, NUMBERING OF

§ 49-1. Numbering required.

The principal structure on each parcel of real estate in the Town, together with each other structure on any such parcel which is used for any purpose not ancillary to that of the principal structure, shall be assigned a building number by the Town where house numbers are less than 5 digits and by Isle of Wight County in areas where house numbers are 5 digits.

§ 49-2. Location, size and appearance of numbers.

A. All building numbers shall be installed or affixed to the side of the structure facing the principal street on which the structure fronts, in such a manner and in such a location as to make them readily legible from such street.

B. For single-family residential buildings, the building numbers shall be not less than three inches in height. For single-structure businesses, duplexes, and multiunit residential structures containing up to six residential units, building numbers shall be not less than four inches in height. For industrial facilities, shopping centers, buildings containing three or more stories, and all other structures, building numbers shall be not less than 10 inches in height.

C. In any event, the building numbers shall be of durable material contrasting in color to the building color or the background color to which the numbers are affixed.

§ 49-3. Variances.

Variances from the minimum size requirement for building numbers may be granted in writing by the Town Zoning Administrator, upon application by the owner.

§ 49-4. Violations and penalties.

It shall be unlawful and a Class 4 misdemeanor for the owner of any real estate to fail or refuse to comply with this chapter.

Chapter 51. BUILDINGS, UNSAFE

§ 51-1. Notification of owner to remove or correct conditions.

Upon the Town Council finding by a majority vote that in its opinion a particular building or structure within the Town constitutes a hazard or menace from any standpoint, the Town Attorney shall immediately advise the record owner, at his last known post office address, by letter dispatched by certified mail with return receipt, of the findings of the Town Council and giving to the owner 90 days from the date of the dispatch of the notice to either remove the building or structure, or place it in a safe condition both from a physical and health standpoint.

§ 51-2. Inspection of premises upon owner's failure to comply; report of inspectors.

Upon the record owner of the property refusing, or failing, to comply with the terms of the notice given in the preceding section, and the Town Council not having rescinded its previous action in the premises, the Mayor shall select a disinterested person having experience in the erection and maintaining of dwellings and other structures, who, with the Isle of Wight County Health Officer, and after giving the record owner of the property 10 days' prior written notice of the place, date and time, shall meet upon the premises involved and make such an examination thereof as he in his opinion shall deem necessary, after which he shall make a written report to the Mayor together with his recommendations. The Mayor shall make a written report to the Town Council with his recommendations with reference thereto and shall furnish a copy of the report to the record owner of the building or other structure involved, at his last known post office address.

§ 51-3. Removal by Town upon owner's refusal to correct; collection of cost of removal.

Upon receipt of the recommendation of the Mayor and the report made to him pursuant to § 51-2, the Town Council shall proceed forthwith to make final disposition of the case. If the hazard is found to still exist, written notice by the Town Attorney to the record owner at his last known post office address, by certified mail with return receipt, shall be given to such property owner advising that the Town will remove the hazard or menace at the cost of the record property owner. All money expended by the Town in and about the removal of any such hazard or menace shall be a lien upon the subject property of like dignity to a lien for unpaid real estate taxes. Such costs shall be placed by the Town Treasurer on the list of unpaid real estate taxes filed in the Clerk's office of the Circuit Court of Isle of Wight County according to law. The collection thereof shall be in the same manner as the collection of unpaid real estate taxes.

§ 51-4. Removal by owner; procedure when hazard not removed.

In the event the owner removes the hazard or menace in accordance with the provisions of this chapter, he shall so notify the Mayor, in writing, and the latter shall inspect the premises and report his findings to the Town Council with his recommendations. In the event the Town Council is of the opinion that the hazard or menace has not been completely removed, it shall have the right to invoke such of the provisions of this chapter as it deems necessary, and convenient, in order to remove such hazard or menace.

Chapter 54. CEMETERIES

§ 54-1. Burial in vaults in Town cemetery required.

All burials in the Town Cemetery of the Town of Windsor shall be in burial vaults constructed of concrete or stronger material.

§ 54-2. Motor vehicles in cemetery.

A. It shall be unlawful for any person to operate any motor vehicle, as defined hereinbelow, over and upon any land owned by the Town and now occupied by or reserved for future use as the Town Cemetery, except in conjunction with a funeral procession or a bona fide visitation of a grave site, and in any case all motor vehicles shall be operated only within established driveways and parking areas.

B. For purposes of this section, the term "motor vehicle" shall mean any motor vehicle as defined by ~~§ 46.2-100, Virginia State Code, as amended, and all pedal bicycles with helper motors commonly known as "mopeds."~~

C. Violations of the provisions of this section shall be punishable as Class 3 misdemeanors.

Chapter 61. CURFEW

§ 61-1. Prohibited conduct by parent or guardian.

It shall be unlawful for any parent, guardian or other adult person having the care and custody of any minor under 18 years of age to permit, allow or encourage such minor to be in and upon any playground, vacant lot, place of amusement or entertainment, or other unsupervised place, or public area, in the Town between the hours of 12:00 midnight and 5:00 a.m. of the following day, unless such minor is accompanied by his parent, guardian or other adult person having the care and custody of such minor, or is on an emergency errand or legitimate business.

§ 61-2. Prohibited conduct by minor.

It shall be unlawful for any minor under the age of 18 years to be in and upon any playground, vacant lot, place of amusement or entertainment, public building, or other unsupervised place, or public place, in the Town between the hours of 12:00 midnight and 5:00 a.m. of the following day, unless such minor is accompanied by his parent, guardian or other adult person having the care and custody of such minor, or is on an emergency errand or legitimate business.

§ 61-3. Presumptive evidence.

In any court proceedings involving this chapter, the fact that the minor was unaccompanied by parent, guardian or other adult person having the care and custody of such minor, when found upon any of the aforesaid prohibited places, between the hours of 12:00 midnight and 5:00 a.m. of the following day, shall be prima facie evidence that such minor is in violation of this chapter, that no reasonable excuse exists therefor and that the parent, guardian or other adult person having the care and custody of such minor is permitting, allowing or encouraging such minor to violate this chapter.

§ 61-4. Violations and penalties.

Any parent, guardian or other adult person having the care and custody of such minor who shall violate any of the provisions of this chapter or who shall fail to appear pursuant to a summons or other notice issued or given by an officer shall be deemed guilty of a Class 2 misdemeanor and, upon conviction thereof, shall be punished as provided in § 1-3 of this Code, and each such violation by a minor or a parent, guardian or other adult person having the care or custody of such minor shall constitute a separate offense.

Chapter 70. FIREARMS

§ 70-1. Willfully discharging in public places.

If any person willfully discharges or causes to be discharged any firearm in any street in the Town, or in any place of public business or place of public gathering, he shall be guilty of a misdemeanor; provided that this section shall not apply to any law enforcement officer in the performance of his official duties or to any other person whose willful act is otherwise justifiable or excusable at law in the protection of his life or property, or is otherwise specifically authorized by law.

§ 70-2. Shooting in or along road or in street.

A. If any person discharges a firearm in or along any road, or within 100 yards thereof, or in a street of the Town, he shall, for each offense, be guilty of a misdemeanor punishable by a fine of not more than \$250.

B. The provision of this section shall not apply to firing ranges or shooting matches maintained, and supervised or approved, by law enforcement officers and military personnel in performance of their lawful duties.

§ 70-3. Shooting within Town limits.

A. No person shall discharge a rifle of any kind within the Town limits, except black powder rifles and rifles chambered in rimfire .22lr.

B. No person shall discharge any firearm on any property within the Town limits, except for those properties zoned Agricultural (A-1) or Low-Density Residential (R-4).

C. No Person shall discharge any firearm within 100 yards of any structure.

D. This section shall not apply to law enforcement officers in performance of their lawful duties, or those individuals acting under a permit issued by any Federal, State, or Local government.