

18-0-009

ALTERNATE VERSION DATED JANUARY 11, 2018

AN ORDINANCE AMENDING THE CHESAPEAKE CITY CODE, CHAPTER 14 THEREOF, ENTITLED "BUILDING AND BUILDING REGULATIONS," SECTIONS 14-206, 14-276, 14-287, 14-291, AND 14-296 THEREOF; CHAPTER 58, ENTITLED "SECONDHAND GOODS," SECTION 58-28 THEREOF; CHAPTER 66, ENTITLED "STREETS AND SIDEWALKS," SECTIONS 66-4 AND 66-121.1 THEREOF, CHAPTER 74, ENTITLED "TRAFFIC AND VEHICLES," SECTIONS 74-247 AND 74-410 THEREOF, TO AMEND PROVISIONS REFERENCING SIGNS TO COMPLY WITH CONSTITUTIONAL REQUIREMENTS AND TO AMEND OTHER SECTIONS TO UPDATE REFERENCES FOR PURPOSES OF CONSISTENCY.

BE IT ORDAINED by the Council of the City of Chesapeake, Virginia that Chapter 14, entitled "Buildings and building regulations," Article V, entitled "Swimming Pools and Spas," Section 14-206, entitled "Safety and rescue equipment; other safety features" and Article VI, entitled "Service Stations and Garages," Sections 14-276, entitled "Same-Preparation; contents," 14-287, entitled "Setback for buildings," 14-291, entitled "Signs" and 14-296, entitled "Procedure for discontinuing operation;" Chapter 58, entitled "Secondhand Goods," Article II, entitled "Garage Sales," Section 58-28, entitled "Operating requirements;" Chapter 66, entitled "Streets and Sidewalks," Article I, entitled "In General," Section 66-4, entitled "Church and hospital quiet zones" and Article II, entitled "Installations, Tree Cuttings or Other Work Affecting Streets," Section 66-121.1, entitled "Special permits for certain entryway structures, ornamental features and permitted signs in the public right-of-way" and Chapter 74, entitled "Traffic and Vehicles," Article VII, entitled "Stopping, Standing and Parking," Section 74-247, entitled "Parking for certain purposes prohibited," and Article XII, entitled, "Sound Trucks," Section 74-410, entitled, "Signs," of the City Code be amended and reenacted as follows:

Chapter 14 – BUILDINGS AND BUILDING REGULATIONS

ARTICLE V. – SWIMMING POOLS AND SPAS

DIVISION 4. - OPERATING REQUIREMENTS

Section 14-206. - Safety and rescue equipment; other safety features.

Every public swimming pool shall be equipped with the following aids to safety and rescue which shall be readily accessible at all times:

- (1) One or more safety tubes or lightweight but strong, rigid poles with blunted ends, not less than 12 feet (four meters) in length.
- (2) A minimum ½-inch (6.4mm) diameter throwing rope as long as one and one-half times the maximum width of the pool or 50 feet (15.2 m), whichever is less, that has been firmly attached to a Coast Guard approved ring buoy having an outside diameter of approximately 15 inches (38 cm), or some other similar flotation device.
- (3) A lifeline shall be provided at the break in grade between the shallow and deep portions of the swimming pool, or six inches (15.2 centimeters) of either shallow side of the break with its position marked with visible floats at not greater than seven-foot (2.10 meter) intervals. The lifeline shall be securely fastened to wall anchors or corrosion-resistant materials and of a type which shall be recessed or have no projection which shall constitute a hazard when the line is removed. The line shall be of sufficient size and strength to offer a good handhold and support loads normally imposed by bathers.
- (4) A readily-accessible room or area designated and equipped for emergency care of casualties. Minimum equipment shall be an approved first aid kit and a backboard meeting Red Cross standards.

- (5) A direct-dial telephone with numbers for police, fire, and rescue shall be readily accessible at all times.
- (6) Approved signs shall be maintained in a legible manner as follows:
- a. Occupant load signs. A sign with clearly legible letters, not less than four inches (10.2 centimeters) high shall be posted in a conspicuous place near the main entrance to a pool, which shall indicate the number of occupants permitted for each pool.
 - b. Spa/hot tub. The occupant capacity of a spa/hot tub shall be based on one bather for every ten square feet (1.9 square meters) of water surface area.
 - c. The occupant capacity of all other pools shall be based on one bather for every 27 square feet (2.50 square meters) of pool water surface area. Exception: Occupant capacity requirements do not apply to wading pools.
 - d. ~~Permanent and conspicuous signs shall be posted indicating the most direct route to the pool.~~
- (7) In areas so indicated, signs with clearly legible letters not less than four inches (10.162 centimeters) high shall be posted in a conspicuous place and shall state "NO DIVING ALLOWED."
- (8) Warning signs of pools using gas chlorine. Pools at which gas chlorine is used for disinfection shall have a conspicuously posted sign on the exterior side of the entry door to the chlorine room, or on the adjacent wall area. In addition to displaying the appropriate hazard identification symbol for gas chlorine, the sign shall state with clearly legible letters not less than four inches (10.16 centimeters) high, "DANGER: GASEOUS OXIDIZER-CHLORINE."

- (9) Spa/hot tub warning signs. A precautionary sign with clearly legible letters shall be posted in a prominent place near the entrance to a spa/hot tub, which shall contain the following language:

"CAUTION

- a. Elderly persons, pregnant women, infants and those with health conditions requiring medical care should consult a physician before entering the spa.
 - b. Unsupervised use by children under the age of fourteen (14) is prohibited.
 - c. Hot water immersion while under the influence of alcohol, narcotics, drugs or medicines may lead to serious consequences and is not recommended.
 - d. Do not use alone.
 - e. Long exposure may result in nausea, dizziness or fainting."
- (10) The depth of water in pools shall be marked at one-foot (30.48 centimeter) increments ~~30.48 centimeters~~) and at least every 20 feet (6.1 meters) on both the horizontal deck surface and vertical surfaces of the pool wall. Numerals and letters shall be at least four inches (10.16 centimeters) in ~~the~~ height and have a good contrast with the pool walls and deck.
- (11) Fixed and floating platforms in public swimming pools shall be constructed with an air space of at least one foot (0.3 meters) between the water surface and the underside of the platform.
- (12) There shall be one elevated lifeguard chair provided for every public pool with a depth of over five feet (1.52 meters) or 2,000 square feet (185.81 ~~202.99~~ square

meters) of water surface. An additional chair will be required for each additional 1,000 square feet (92.8 square meters) of water surface.

- (13) A material safety data sheet (MSDS) shall be available in a location known to all employees that may use or be exposed to the chemicals used in the operation of the pool or spa/hot tub. The MSDS must comply with OSHA standards for MSDS information. All employees must review these hazards and written documentation of training on hazards is required. All training records must be kept on premises.
- (14) Any room(s) containing hazardous chemicals must be clearly labeled on the outer door with the appropriate NFPA (National Fire Protection Agency) 704 placard identifying the hazards associated with materials stored within the enclosure. Also, a sign indicating no admittance by unauthorized personnel shall be posted conspicuously.

ARTICLE VI. – SERVICE STATIONS AND GARAGES

DIVISION 1. – GENERALLY

Section 14-276. - Same—Preparation; contents.

The final development plan required in section 14-275 shall be prepared by an engineer or certified surveyor and shall be drawn to a scale of at least one inch to 50 feet. Five copies of the final development plan shall be submitted and these copies shall show the following:

- (1) The total area of the site in square feet.
- (2) A boundary survey with an error of closure within the limit of one in 10,000 related to the true meridian.
- (3) All dimensions shown in feet and decimals of a foot; all bearings in degrees, minutes and seconds.

- (4) The location and dimensions of all buildings, sheds and other structures.
- (5) The location and dimensions of all underground storage tanks, gasoline pump islands and existing and proposed easements.
- (6) The location and dimensions of all curb cuts, driveways, ~~offstreet~~ off-street parking areas, traffic islands and any miscellaneous storage areas, including the type of surfacing.
- (7) The location, total area and type of each permanent ~~advertising~~ sign and other ~~advertising~~ devices used to promote a commercial message.
- (8) The location of all fences, screens and walls, including the type of construction material to be utilized.
- (9) The width of all streets adjoining the site, including both the right-of-way and pavement.
- (10) The location of the existing edge of street pavement or curb.
- (11) The disposition of all stormwater drainage, including pipe sizes, types and grades. Topographic data necessary for the determination of drainage requirements shall also be included.
- (12) The location of all areas to be used for the storage of automobiles to be serviced or repaired.
- (13) The location of all areas to be used for the storage of portable trailers.
- (14) The signature block for the Director of Planning with the following statement:

"This is to certify that the final development plan as shown hereon is approved for the issuance of a building permit."

DIVISION 2. – DEVELOPMENT STANDARDS

Section 14-287. - Setback for buildings.

At an automobile gasoline supply station, automobile service station or automobile repair garage, all buildings and other permanent structures, except pump islands and gasoline pumps, canopies, ~~standard identification~~ permanent signs located at an entrance adjacent to a right-of-way and standard area lighting, shall comply with the requirements of the applicable zoning district.

Section 14-291. - Signs.

At automobile gasoline supply stations, automobile service stations and automobile repair garages, signs shall be subject to the following:

- (1) No sign shall be permitted within a public street right-of-way nor shall any sign project over such right-of-way.
- (2) The aggregate area of all signs located outside of the main building on the site shall not exceed three square feet of area for each one foot of horizontal building frontage.
- (3) ~~At automobile service stations, no pennants, except for the first ten days of operation, flags, other than the American flag, state flag or City flag, No signs~~ or devices that move, flash or blink shall be permitted on the site.
- (4) The location, height and construction of all signs shall conform to the Virginia Uniform Statewide Building Code.
- (5) All signs and lighting equipment shall be so arranged as to direct the light and glare away from all exterior property lines. All lighting equipment shall be shaded to eliminate any direct lighting.

Section 14-296. - Procedure for discontinuing operation.

If the operation of an automobile gasoline supply station, an automobile service station or an automobile repair garage is discontinued for a continuous period of 180 days, then all gasoline pumps, pump islands, ~~outdoor advertising~~ billboard signs, temporary signs and devices shall immediately be removed from the premises.

Chapter 58. – SECONDHAND GOODS

ARTICLE II. – GARAGE SALES

Section 58-28. - Operating requirements.

The following general operating requirements shall apply to all garage sales:

- (1) There shall be no parking on any main thoroughfare in which a garage sale is being conducted.
- (2) It shall be unlawful for any person to hold more than two garage sales at the same location within any 12-month period. ~~one year last past from the date of such person's current garage sale any 12-month period.~~ The holding of more than two garage sales at the same location within any 12-month period shall be prima facie evidence of the operation of a business subject to regulation under the Chesapeake Zoning Ordinance and licensure under chapter 18 of the City Code.
- (3) It shall be unlawful for any person to conduct a garage sale lasting longer than three consecutive days.
- (4) All signs related to the sale shall be posted in accordance with the requirements of the Chesapeake Zoning Ordinance. ~~No signs advertising the sale or giving directions to its location shall be used, erected or allowed, except one sign shall be allowed in the front yard of the sale location and one additional sign shall be~~

~~allowed at the terminus of side and collector streets where the streets intersect major thoroughfares, not to be located in the street right-of-way, during the time of the sale. No such signs shall exceed four square feet in sign area and four feet in height. All such signs shall be removed within 24 hours of the conclusion of such sale.~~

Chapter 66. – STREETS AND SIDEWALKS

ARTICLE I. – IN GENERAL

Section 66-4. – ~~Church and Hospital~~ quiet zones.

(a) Any portion of a street within 300 feet of any ~~church or~~ hospital shall constitute a quiet zone, and it shall be unlawful for any person to make unnecessary or loud noise within such a zone ~~adjacent to any church from 6:00 a.m. to 1:00 p.m. and from 7:30 p.m. to 9:00 p.m. on Sundays and within such a zone adjacent to a hospital~~ at any time.

(b) The ~~churches and~~ hospitals to which this section applies may take action ~~keep upon such streets the necessary signs~~ to notify the public that such area constitutes a quiet zone. Any such signs which seek to be placed in the public right-of-way shall be subject to approval by the Director of Public Works or designee. All signs shall be posted in accordance with the requirements of the Chesapeake Zoning Ordinance.

ARTICLE II. – INSTALLATIONS, TREE CUTTINGS OR OTHER WORK

AFFECTING STREETS

DIVISION 2. – PERMITS

Section 66-121.1. - Special permits for certain entryway structures, ornamental features and permitted signs in the public right-of-way.

(a) As permitted by section 66-8 of this chapter, the Director of Development and Permits or designee is authorized to issue permits for privately owned entryway structures and

ornamental features, other than signs, in the public right-of-way, provided each of the following criteria are met:

- (1) The applicant presents plans and elevations showing the proposed location, size, dimensions, design, architectural treatment and materials of the entryway structure or ornamental feature. All such plans and elevations shall be subject to approval based solely on the reasonable discretion of the Director of Development and Permits or designee. In exercising this discretion, the Director of Development and Permits or designee should give due consideration to quality of materials and, aesthetics and may seek recommendations of the Director of Planning in this regard.
- (2) The applicant presents evidence of the owner's financial ability to construct, maintain and repair the entryway structure or ornamental feature for so long as such structure or feature is to remain on the property.
- (3) The owner posts a cash bond or other acceptable surety with the Director of Development and Permits or designee in an amount deemed sufficient to remove and dispose of the entryway structure or ornamental feature in the event it remains in the right-of-way longer than permitted.
- (4) The owner executes an agreement to promptly relocate or remove the entryway structure or ornamental feature when requested to do so by the City and to indemnify the City from all damages and losses suffered by any person or entity arising out of, or alleged to have arisen out of, the design, construction, placement, maintenance, failure to maintain repair, relocation or removal of the structure or feature; or arising out of, or alleged to have arisen out of, the

maintenance or failure to maintain the right-of-way in the general vicinity of the structure or feature.

- (5) The owner maintains the grass and other vegetation in the public right-of-way in the general vicinity of the entryway structure or ornamental feature.
- (6) The entryway structure or ornamental feature does not encroach on any governmental or public service company easements or utility facilities without written permission from the owner of the easement.
- (7) The Department of Development and Permits or designee determines that the entryway structure or ornamental feature will not impede traffic; hinder visibility; interfere with the maintenance or improvement of the right-of-way or any public utility facility; or otherwise adversely affect adjacent properties or the public health, safety or welfare. Any permit issued by the Director of Development and Permits or designee under this section may be revoked at any time, with or without cause, upon 60 days' notice to the owner of the entryway structure or ornamental feature.

~~(b) The Director of Development and Permits or designee is authorized to issue permits for signs in the public right-of-way in compliance with the following:~~

- ~~(1) Advertisements on bus shelters owned and operated by Hampton Roads Transit (HRT) in accordance with subsection 14-706.D. of the zoning ordinance.~~
- ~~(2) Signs in unimproved right-of-way as authorized under subsection 14-707.10(a) of the zoning ordinance. In addition, each of the following criteria shall be met:~~
 - ~~a. The Director of Development and Permits or designee finds that sign will not adversely affect public safety, impede traffic, hinder visibility or~~

~~unduly interfere with maintenance of the public right of way or public utility facility~~

- ~~b. The sign owner posts a cash bond or other acceptable surety with the Director of Development and Permits or designee in an amount deemed sufficient by the Director or designee to cover potential removal costs in the event the sign is left on the site longer than permitted; and~~
- ~~e. The Director of Development and Permits or designee issues a permit for the encroachment. The permit issued under this subsection may be revoked at any time, with or without cause, upon 60 days' notice to the owner of the sign; and~~
- ~~d. The sign has been approved by the Zoning Administrator and remains approved by the Zoning Administrator.~~

~~(3) Political signs permitted by subsection 14-705.E. of the zoning ordinance that comply with the requirements contained in section 14-705.E. of the zoning ordinance need not be approved under this section. Political signs that do not comply with the requirements of section 14-705.E. of the zoning ordinance and are located in the public right of way may be subject to removal under subsection (e) of this section.~~

~~(4) Overhanging signs in accordance with section 7-512.N.5 of the zoning ordinance.~~

~~(5) Public signs located in the public right of way in accordance with section 14-705.L of the zoning ordinance.~~

(b) Where any entryway structure, ornamental feature, sign, or other building, structure or device is unlawfully placed in the right-of-way, the Director of Public Works or

designee or Director of Development and Permits or designee may remove same and either place the item on the private property immediately abutting the right-of-way or take the item into custody. If the item is taken into custody, with the exception of illegal signs of any type, due care shall be taken to determine ownership and send notice by first class mail to the owner's last known address advising that the item may be reclaimed within a specified time period and upon reimbursement of all costs incurred by the City in the removal and storage of the item. If ownership cannot be ascertained, or if the owner fails to claim the item within the notice period or pay costs incurred by the City, the item may be disposed of. In addition, the Director of Public Works may immediately remove and dispose of any building, structure, sign or other device, whether lawfully permitted or not, that the Director determines is in a state of disrepair or deteriorated to such a degree as to constitute a public safety hazard. In the case of illegal signs of any type, the notice provisions herein shall not apply. In addition, a citizen who has attended training provided by the Director of Public Works and been designated by the Director of Public Works as an approved member of the City's Sign Sweeper Program, may be authorized to remove temporary and snipe signs that do not comply with the requirements of the Chesapeake Zoning Ordinance.

(d) (c) As used herein, the term "entryway structure" shall mean guardhouses and similar roofed structures intended to enhance or embellish a primary entrance to a residential subdivision, shopping center, commercial center, industrial park or other unified development. The term "ornamental feature" shall mean decorative devices, including monuments, statues, gardens, walls, trellises, benches and similar devices. Neither term shall be interpreted to include signs as defined in section 14-700 of the zoning ordinance.

Chapter 74. – TRAFFIC AND VEHICLES

ARTICLE VII. – STOPPING, STANDING AND PARKING

Section 74-247. - Parking for certain purposes prohibited.

(a) Unless otherwise provided in section 74-251 of this chapter, or elsewhere in this Code, it shall be unlawful for any person to park or place any automobile, truck, trailer or other vehicle upon or in any street, right-of-way, alley or parkway for the purpose of selling or offering the vehicle for sale or rent. ~~No sign or lettering shall be attached or placed upon any automobile, truck, trailer or other vehicle parked in or upon any public street, alley or parkway in the City indicating that such vehicle is offered for sale or for rent.~~ It shall also be unlawful to park any vehicle upon any street in a business district from which any merchandise is being sold.

(b) It shall be unlawful to stop a vehicle at any time upon the highway for commercial purposes or for the purpose of selling or offering the vehicle for sale or rent. ~~the purpose of advertising any article of any kind or to display thereupon advertisements of any article or advertisement for the sale of the vehicle itself.~~

ARTICLE XII. – SOUND TRUCKS

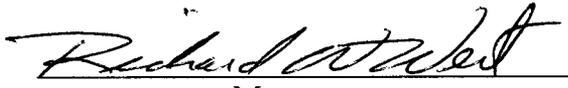
DIVISION 1. – GENERALLY

Section 74-410. - Signs.

All signs displayed on sound trucks within the City shall not be obscene ~~be of a decent and moral character~~ and shall be so constructed and attached so as not to endanger any person or ~~his or her~~ property.

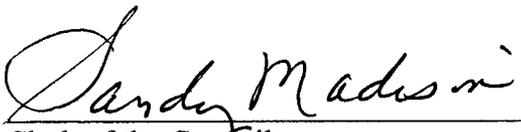
ADOPTED by the Council of the City of Chesapeake, Virginia, this 13th day of
February _____, 2018.

APPROVED:



Mayor

ATTEST:



Clerk of the Council