

CHAPTER 46.1 – WATER SUPPLY

Sec. 46.1-2. Definitions

Director means the director of the Norfolk department of utilities or his designee

Person means any individual, firm, owner, sole proprietorship, partnership, corporation, unincorporated association, governmental body, municipal corporation, executor, administrator, trustee, guardian, agent, occupant or other legal entity.

Reservoir means any body of water owned by the city of Norfolk and used for drinking as listed: Lake Wright, Lake Whitehurst (Little Creek Reservoir East), Little Creek Reservoir (Little Creek Reservoir West), Lake Smith, Lake Lawson, Lake Taylor, Lake Prince, Lake Burnt Mills, and Western Branch Reservoir.

Watershed means that land area that surrounds the Norfolk lakes and reservoirs and that acts as a drainage basin into the lakes and reservoirs.

Water system of the City of Norfolk includes lakes and reservoirs, conjunctive use wells, water treatment facilities, intake, storage, pumping, transmission, distribution and related equipment and appurtenances.

Sec. 46.1-3. Violations of chapter.

Any person who violates any of the provisions of this chapter, notwithstanding any other provision to the contrary, shall be guilty of a Class 1 misdemeanor. Each day's continuance of such violation shall constitute a separate offense.

Sec. 46.1-3.1 Enforcement.

Any law enforcement officer, duly designated sworn police officer, the director of public health, or the fire marshal or any of his assistants, is authorized and shall have authority to enforce all provisions of this Chapter.

ARTICLE IV. POLLUTION OF WATER SUPPLY GENERALLY; PROTECTION OF WATERSHED

Sec. 46.1-46. Protection of watershed.

- (a) It shall be unlawful for any person to pollute, threaten, jeopardize or render impure, turbid or offensive, the water supply of the City of Norfolk.
- (b) No person shall put any filth, animal or vegetable matter, chips, compost, construction debris, shavings or any other substance or pollutant, whether solid or liquid, and whether buried or not, within the City of Norfolk's watershed property or

place or dispose of any such substance in an area which drains into the watershed property or the lakes and reservoirs of the City of Norfolk.

- (c) It shall be unlawful for any person to construct any sewer, privy vault, cesspool, septic tank or facility for the containment or treatment of domestic and household waste on any part of the watersheds surrounding the water supply of the city, without first securing a permit from the director of utilities and the director of health.
- (d) The director of utilities shall have the right to develop and enforce policies and procedures for the protection of the city's water system lakes and reservoirs, including the Norfolk watershed property.

**ARTICLE V. REGULATIONS APPLICABLE TO CITY-OWNED
LAKES AND ADJOINING LAND**

Sec. 46.1-47. Compliance with state fishing and boating laws.

Any person fishing in any of the reservoirs owned by the city shall comply with the regulations set by the Virginia Department of Game and Inland Fisheries as well as the following City of Norfolk regulations.

Sec. 46.1-48. Permit required for boating on city-owned lakes.

- (a) No person shall be extended the privilege of boating, including canoeing on any of the city-owned reservoirs unless a boating permit is obtained for the boat or canoe and the following fees are paid therefor:

- (1) Annual permits for privately owned boats beginning January 1, shall be issued for the period January first to December thirty-first of each year at the following charges:

Nonresidents.....	\$40.00
Norfolk residents	\$20.00
Sixty-two (62) years of age or over	\$10.00
City of Norfolk employees	\$10.00

- (2) Daily permits shall be issued for a 24 hours period at a cost of \$5.00.

- (b) The permit is nontransferable.
- (c) The director has the right to issue boat permits for law enforcement, special events, contractors and other situations as deemed appropriate.
- (d) The city treasurer may establish substations in convenient locations and appoint agents for the issuance of boat permits and may require surety bonds from said agents for the faithful performance of their duties. Appointed agents shall be entitled

to a One Dollar (\$1.00) handling fee per permit to be deducted from the cost of the fee imposed by section 46.1-48 in accordance with procedures established by the city treasurer.

Sec. 46.1-49. Boat identification tag.

- (a) A boat identification tag will be issued with each permit at no extra cost. The identification tag shall be securely attached to the left bow of the boat in plain view and easily recognizable. The number on the identification tag shall be stamped on the boat permit. Should an identification tag become mutilated so that its numbers cannot be read easily, it is to be removed and a new identification tag will be issued for a fee of one dollar (\$1.00). The boat owner will report a lost or stolen tag to the location where purchased.
- (b) Proof of legal ownership must be presented before an impounded boat will be released to any person claiming ownership.

Sec. 46.1-50. Regulations applicable to city lakes and city-owned land adjoining city lakes.

Every permit issued pursuant to section 46.1-48, shall be subject to the following regulations which are hereby established for the use of all city reservoirs and city owned land adjoining such reservoirs:

- (1) All city reservoirs and adjacent city-owned property shall be open during hours designated by the director and posted at major entry points. No person shall go on any city reservoir or adjacent watershed property outside of posted hours unless he is a warden, law enforcement officer, member of a reserve unit or other authorized personnel.
- (2) No person shall use water skis, jet skis, surfboards, open bottom paddle boats, houseboats, tubes, rafts, inflatable boats or similar devices on any city reservoirs except as allowed by the director for non-recreational use.
- (3) Sailing is not permitted on any portion of the city reservoirs.
- (4) No person shall permit stagnant water to accumulate in such person's private boat on any city reservoirs.
- (5) No person shall carry or possess any firearms unless expressly authorized by the director in writing, or set off any firecrackers or other fireworks from any boat on any city reservoir or from any city-owned land adjoining any city reservoir.
- (6) No person shall swim in any city reservoirs without the permission of the director of utilities.

- (7) No person shall fish from any city-owned land adjoining any city reservoir, except on property designated therefor at the fishing stations unless otherwise authorized in writing by the director.
- (8) All boating and fishing shall be in compliance with the regulations set by local, state, and federal agencies having jurisdiction.
- (9) No person shall take any fish from any city reservoir except with rod, line and hooks baited with natural or artificial bait unless authorized by the director.
- (10) No person under the age of twelve (12) years shall operate any boat unless accompanied by an adult on any city reservoir.
- (11) No person shall use any boat having an operational outboard motor exceeding twelve (12) horsepower on any city reservoir. The director may grant exceptions for city departments, agencies and contractors.
- (12) Boats shall be launched only from designated launching areas on city reservoirs and at any other launching areas designated by the director of utilities.
- (13) All permits issued pursuant to this section must be produced for inspection when requested by any patrol officers or person of properly constituted authority.
- (14) Except as otherwise provided by law no person shall bring, possess, or drink any alcoholic beverage on the city reservoirs or on any city-owned land adjoining any city reservoir.
- (15) No person shall cause the disturbance of others through the use any sound amplification equipment or radio on the city reservoirs on any city-owned land adjoining any city reservoir.

Sec. 46.1-51. Damage to or Removal of Trees or Shrubs.

- (a) It shall be unlawful for any person except an authorized employee or agent of the Department of Utilities to perform any of the following acts without first obtaining a permit from the director:
 - (1) Plant, prune, trim or remove any tree or portion thereof or damage, cut, tap, caulk, paint, attach any rope, wire, nail, sign or any manmade object to any tree or shrub, or dig a tunnel trench or otherwise excavate or place any dirt, rubble or debris within the drip line of any tree or shrub.
 - (2) Place any material of any sort, including, but not limited to, dirt, soil, rubble, concrete, bricks, wood, dredge spoil, asphalt, creosote timbers, logs, garbage,

tires, organic wastes and other materials including herbicides and growth regulators that either prevent or hinders the establishment of vegetation or is detrimental to the environment beneath the drip line of any tree or shrub except as authorized by permit.

- (b) When a tree is removed, destroyed or damaged beyond recovery in violation of this section, the director may require that they be replaced on the basis of one tree with a minimum 2.5 inches in caliper for every 2.5 inches diameter of tree removed, destroyed or damaged. Failure to replace or replant as directed shall constitute a violation of this chapter.
- (c) Nothing in this section shall be construed to exempt any person from the requirements of obtaining any additional permits as required by law.

Sec. 46.1-52. Permit Revocation.

In the event of the violation of any of the foregoing regulations by any person holding a permit issued pursuant to this chapter, the director shall have the right, in addition to any other remedies herein provided or otherwise allowed by law, to revoke such permit and to deny such person access to the city reservoir and city-owned land adjoining any city reservoir for a period deemed appropriate.

**ARTICLE VII
STRUCTURES ON RESERVOIRS**

Sec. 46.1-58. Permit required; prior permits validated.

- (a) The director is hereby authorized to issue permits authorizing the construction, maintenance and use of bulkheads and/or piers, fences, landings or similar structures made out into the waters of water supply reservoirs and adjacent property owned by the city from property adjacent to said waters owned by the city.
- (b) Persons who would otherwise be subject to this section holding permits issued by the director of community improvement prior to the adoption of this section, pursuant to article IV of chapter 54 of the Code of the City of Norfolk, 1958, as amended shall not be required to apply for permits pursuant to this section if such permits issued by the director of community improvement or any renewals thereof are in effect as of the effective date of this section.

Sec. 46.1-59. Permit Exemption.

Permit requirements shall not apply to the city or any of its departments, and the City specifically reserves the right to use and improve its reservoir property as it deems proper.

Sec. 46.1-60. Application for permit.

- (a) Application for a permit shall be made in writing and shall set forth the proposed location of such structure and the purposes for which it is to be used, and shall be accompanied with plans and specifications for the construction thereof.
- (b) No permit shall be issued unless the prescribed application with plans and specifications are approved by the director.
- (c) The director shall approve, and provide public access to, standards for the type and characteristics of the materials from which such structures may be constructed, for the dimensions or ranges of dimensions thereof, for the placement of such structures with regard to the water line and any other relevant topographical features, and for any other aspects of such structures for which he deems standards necessary to preserve and protect the waters of the reservoir and/or the purity thereof. Such standards shall be mandatory upon all persons applying for permits, and shall have been set forth in documentary form on or before the effective date of this section. Documents for the construction of piers, bulkheads and similar structures shall be made available and shall set forth the standards for construction on the reservoirs.

Sec. 46.1-61. Qualifications for issuance of permit.

Only those persons owning real property in fee simple adjacent to real property owned by the city upon which such structure is proposed to be located may be issued permits pursuant to this article. Any person making application for a permit shall state in writing as part of said application, that he meets all the requirements of this article.

Sec. 46.1-62. Insurance; hold-harmless agreement.

- (a) Issuance of a permit pursuant to this article shall be conditioned upon the person applying for and holding said permit obtaining, paying for and keeping in effect public liability insurance with the city as named insured, in the minimum amount of four hundred thousand dollars (\$400,000) per person injured and property damage per incident combined.
- (b) Any person applying for or holding a permit pursuant to this article shall agree in writing to hold and save the city harmless from any and all liability of whatsoever nature, and to indemnify the city against any loss whatsoever, incurred by reason of the existence or maintenance of the permitted structure.

Sec. 46.1-63. Permit dependent upon other permits.

The granting of any permit pursuant to this article shall be conditioned upon the applicant's obtaining all other applicable permits, licenses or permissions required by any local, state or federal government agency having jurisdiction. Failure to obtain all required

permits, licenses or permissions shall constitute grounds for denial of a permit or revocation of the permit issued pursuant to this article.

Sec. 46.1-64.Revocation of Permit.

Any permit issued pursuant to this section may be revoked by the director at any time upon reasonable evidence satisfactory to him that any of the conditions of this article or of the standards have not been complied with or have been violated.

Sec. 46.1-65.Transferability.

No permit issued under the provisions of this article shall be transferable. However, subsequent purchasers of property having such permit shall be allowed to apply for a new permit if they do so within thirty (30) calendar days after purchase.

Sec. 46.1-66.Existing structures.

The owner of any existing bulkhead and/or pier, landing or similar structure for boats made out into the waters of city-owned water supply reservoirs from property adjacent to said water owned by the city, shall make application to the director for a permit as provided in this article. Upon such application, such structure shall be inspected by the director as to its suitability and compliance with the provisions of this article and the standards established pursuant to this article. If such structure is found to be suitable and in proper repair, a permit shall be issued therefor as provided in this article. If such structure is not found to be suitable and in proper repair, the owner thereof shall be notified in writing by certified mail, return receipt requested, as to what is to be done to make such structure comply with said standards and requirements of this article. If the matters required to be done, as set forth in said written notification, have not been accomplished and completed within sixty (60) days after the date such notification is mailed to said owner at the address given on said application, the director shall cause such structure to be removed at the cost and expense of the said owner. Ten (10) days prior to the removal of such structure as aforesaid, the director shall post a notice upon such structure that it will be removed and demolished at the expense of the owner upon the date to be stated in the notice. If for any reason the notice cannot be posted upon such structure, the director shall cause such notice to be mailed to the owner at his last known address by certified mail, return receipt requested.

Sec. 46.1-67. Rights of permittee.

In granting a permit pursuant to this article, the city grants the same only insofar as it is authorized by law to do so; and it does not in any way guarantee to any permittee or any other person any rights or privileges with regard to constructing, maintaining or using any such bulkhead and/or pier, landing or other similar structure.

Sec. 46.1-68. Prohibitions and restrictions.

- (a) No such structure shall be used or permitted to be used for any commercial purpose, nor for building, constructing or repairing any boat. No charge shall be made for the use of any such structure.
- (b) No vessel fitted for use as a dwelling or residence or occupied as such shall be permitted at any pier, bulkhead or similar structure allowed pursuant to this article.
- (c) The person making application for a permit pursuant to this article shall at all times keep the permitted structure clean and in good repair. No changes or additions to such structure shall be allowed subsequent to issuance of the permit therefore.
- (d) The person holding a pier permit pursuant to this section may keep and tie up a boat at the permitted structure, and may place such boat upon the structure from the water; such permit holder may not place such upon land owned by the city or transport such boat across such land, or cause or allow such placement or transportation. Any such boat shall be subject to the rules and regulations of the city pertaining to boats upon waters owned by the city, as the same now exist or as they may be amended in the future; except that such boat may be kept, tied up and placed as provided in this section.
- (e) The person holding a pier permit pursuant to this article shall be permitted to fish from the pier provided all applicable regulations related to fishing are adhered to. For purposes of this section, person shall mean all occupants of the property and immediate family members.

Section 2:- That this ordinance shall be in effect from and after its adoption.