

## **CHAPTER 3**

### **AIR POLLUTION CONTROL**

Art. I. Air Pollution Control, §§3-1 – 3-10

#### **ARTICLE I. AIR POLLUTION CONTROL**

##### **SECTION 3-1. RULES OF CONSTRUCTION.**

For the purposes of this chapter:

- (a) Smoke shall be considered "dense" when its density is equal to or greater than number two (2) of the Ringelmann Chart adopted in Section 8.
- (b) "Steam boiler" shall not be construed to include any steam boiler used only for the heating of private residences, except when such residences contain three (3) or more family units. (Code 1959, §§3-1, 3-4)

##### **SECTION 3-2. APPOINTMENT OF AIR POLLUTION OFFICER.**

The City Manager may appoint an air pollution officer.  
(Ord. No. 040-88, 10-11-88; Ord. No. 2011, 10-11-11)

##### **SECTION 3-3. INSPECTIONS TO ENFORCE CHAPTER.**

The members of the police department or the officer designated by the City Manager to act as the city air pollution officer may inspect boilers, heating plants, industrial incinerators and like equipment and establishments for the purpose of enforcing this chapter. In addition, the City Manager may employ, engage, or obtain from time to time, if needed, a competent person for the purpose of making such inspections and otherwise enforcing this chapter. (Code 1959, §§3-2, 3-11, Ord. No. 040-88, 10-11-88)

##### **SECTION 3-4. RIGHT OF ENTRY TO ENFORCE CHAPTER.**

The members of the police department or the officer designated by the City Manager to act as the air pollution officer may enter any premises in the daytime or nighttime for the purpose of making inspections referred to in Section 3-3 and of enforcing this chapter. (Code 1959, §3-12; Ord. No. 040-88, 10-11-88)

**Charter reference--**Power of city to preserve health of inhabitants, §1.03.

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**Cross references**--Building regulations, Ch. 6; erosion and sedimentation control, Ch. 9; tax exemption for certified pollution control equipment, Chapter 27.

**State Law References**--Air pollution control, Code of Virginia, §10.1-1300 *et seq.*; submission of local ordinances to state air pollution control board, §10.1-1321; notification of local government, §10.1-1310.1; Right of entry of members of state air pollution control board, Code of Virginia, §10.1-1315.

### **SECTION 3-5. PENALTY AND LIABILITY FOR VIOLATIONS OF CHAPTER.**

Any person convicted of a violation of any provision of this chapter shall be punished by a fine of not more than one thousand dollars (\$1,000.00). All persons participating in any such violation, either as owners, proprietors, lessees, agents, tenants, managers, superintendents, engineers, firemen or janitors, or otherwise, shall severally be liable therefor and subject to such fine. (Code 1959, §3-8)

**State Law References**--Penalties for violation of state air pollution control law and rules, Code of Virginia, §10.1-1320; See also §10.1-1309.1, Penalties for violations of special orders of the Air pollution Control Board; Judicial Review of State Penalties, §10.1-1311.

### **SECTION 3-6. SEALING OF EQUIPMENT FOR REPEATED VIOLATIONS.**

In the event that any person shall have been notified in writing by the air pollution officer of three (3) violations of this chapter within any one-year period, then the Board may seal the equipment causing the violation to prevent further use until such time as necessary corrections have been made and approved by the air pollution Board. (Code 1959, §3-10; Ord. No. 040-88, 10-11-88; Ord. No. 2011-21, 10-11-11)

### **SECTION 3-7. SPECIFICATION OF TIME FOR BLOWING DOWN OR CLEANING FLUES, ETC.**

The air pollution officer may specify the time of day or night during which flues and like structures or apparatus may be blown down or cleaned. (Code 1959, §3-13; Ord. No. 040-88, 10-11-88)

### **SECTION 3-8. STANDARD FOR GRADING DENSITY OF SMOKE.**

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For the purpose of grading the density of smoke, the Ringelmann Chart, as published and used by the United States Bureau of Mines, which is hereby made a part of this chapter, shall be the standard. Two (2) copies of such chart shall be deposited with the City Manager. (Code 1959, §3-3)

### **SECTION 3-9. ESCAPE OF DENSE SMOKE, CINDERS, FUMES, ETC.--PROHIBITED.**

Except as otherwise provided, it shall be unlawful for any person to cause or allow to escape into the open air such quantities of dense smoke, cinders, soot, fly-ash, noxious acids, fumes, gases, dust, dirt or other materials in such place or manner as to cause injury, detriment, nuisance or annoyance to any other person or damage to any other property. (Code 1959, §3-5)

### **SECTION 3-10. SAME--EXCEPTIONS.**

The following exceptions to the provisions of Section 3-9 shall be permitted:

- (a) When a fire box is being cleaned out, or a new fire being built therein, smoke shall be permitted of a density of number two (2) smoke or less, as shown on the Ringelmann Chart adopted in Section 3-8, for a period of, or periods aggregating, nine (9) minutes or less in any one hour, or of a density in excess of number two (2) smoke, as shown on such chart, for a period of, or periods aggregating, six (6) minutes or less in any one hour.
- (b) When melting from cold charges in commercial metal melting equipment, smoke shall be permitted of a density of number two (2) or less, as shown on the Ringelmann Chart, for a period of, or periods aggregating, nine (9) minutes or less in any two (2) hour period and of a density in excess of number three (3) smoke, as shown on the Ringelmann Chart, for a period of, or periods aggregating, six (6) minutes or less in any two (2) hour period. (Code 1959, §3-6)

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