

April 27, 2021

Finance Committee Meeting – CANCELED

A G E N D A

City Council Meeting of April 27, 2021
Council Chamber | City Hall, 900 Church Street, Lynchburg, VA 24504

4:00 P.M. WORK SESSION

#1. Continue Council Budget Balancing

#2. Consideration of introducing a resolution allowing the distribution of the Chesapeake Stormwater Network Best Urban BMP in the Bay “Small But Mighty” monetary award.

#R-21-____

#3. Roll Call

7:30 P.M. City Council Agenda Items

COUNCILMEMBER TWEEDY WILL GIVE THE INVOCATION

GENERAL POLICY REGARDING PUBLIC PARTICIPATION AT CITY COUNCIL MEETINGS

Each speaker shall clearly state his or her name and locality of residence.

The City Council agenda is divided into four sections.

CONSENT AGENDA: This section includes routine items. All items may be approved by one vote.

PUBLIC HEARINGS: This section includes all public hearings as required by law or as Council may direct.

Procedure:

- Staff will make a presentation.
- For zoning petitions, the applicant or his or her representative shall have ten (10) minutes to make a presentation.
- Comments will then be solicited from those in favor.
- Comments will then be solicited from those in opposition.

During the public hearing, there shall be a time limit of three (3) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of five (5) minutes. A speaker representing a group shall identify that group at the beginning of his or her remarks. A group may have only one spokesperson. After public comments have been received, for zoning petitions, the applicant or the representative of the applicant, at his or her discretion, may respond with a rebuttal. There shall be a five (5)-minute time limit for rebuttal. Upon the conclusion of public comments or the applicant's rebuttal, the public hearing will be closed and the matter referred to Council for deliberation.

PUBLIC COMMENT: Public comment shall be for the purpose of allowing members of the public to present any matter, which, in their opinion, deserves the attention of the Council. They shall not serve as a forum for debate with the Council. Individuals may speak up to three (3) minutes; or group spokesperson up to five (5) minutes. Once Council has heard a presentation from a citizen or organization on a particular subject, the citizen or organization may not make another presentation on the same subject within three (3) months of the first presentation, except by a majority vote of the members of Council present and voting.

GENERAL BUSINESS: This section includes items of a general nature to be considered by Council.

City Council may make exceptions to these rules at its discretion. Prior to a meeting, any questions which citizens may have regarding any item on the agenda may be addressed to City Council or the City Administration. The following numbers are provided for the convenience of the citizens:

CITY COUNCIL 455-3995 MAYOR 455-3995 CITY MANAGER 455-3990

A reasonable charge may be made for copying and other activities related to responding to long and involved inquiries.

CITIZENS OFTEN EXPRESS CONFLICTING AND DIVERSE POSITIONS REGARDING SPECIFIC ISSUES UNDER CONSIDERATION. TO ENCOURAGE CITIZEN PARTICIPATION AND TO AVOID INTIMIDATION TO PERSONS WHO MAY EXPRESS SOMETIMES UNPOPULAR OPINIONS, APPLAUSE, CHEERS, OR JEERS FROM THE AUDIENCE ARE NOT PERMITTED. WHEN APPEARING BEFORE CITY COUNCIL, CITIZENS MAY NOT ENGAGE IN BEHAVIOR THAT INTIMIDATES OR INSULTS OTHERS, ENGAGE IN DISRUPTIVE BEHAVIOR, USE PROFANITY OR VULGAR LANGUAGE, PROMOTE PRIVATE BUSINESS VENTURES OR CAMPAIGN FOR PUBLIC OFFICE.

* **PREVIOUSLY DISCUSSED AND/OR CONSIDERED BY CITY COUNCIL**

RECOGNITION

- ❖ Music Week Proclamation (May 2 – May 9)
 - ❖ Drinking Water Week Proclamation (May 2 – May 8)
-

CONSENT AGENDA

- #4. Consideration of approving the minutes from the March 23, 2021 meeting.
 - *#5. Consideration of adopting Resolution #R-21-025 amending the FY 2021 Operating and Capital Budgets and appropriating or rescinding funds to reflect the FY 2021 Third Quarter Detail by Fund in Attachment A.
-

PUBLIC HEARING

- #6. Consideration of adopting a resolution granting an easement for the extension of electric service to a new Milestone Cell Tower.
#R-21-____
 - #7. Consideration of adopting a resolution granting an easement for the extension of electric service to a new gymnasium.
#R-21-____
-

PUBLIC COMMENTS

- #8. Hear from a citizen regarding a concern. (Brandon Barney)
-

GENERAL BUSINESS

- #9. Consideration of adopting an ordinance amending §17-22 of the City Code to allow electrically charged security fences in non-residential areas.
#O-21-____
- *#10. Consideration of adopting Resolution #R-21-024 regarding Substantial Amendment #3 for the CDBG program and the receipt of the Community Development Block Grant Coronavirus Aid, Relief and Economic Security Act (CARES ACT) (CDBG-CV) Round 3 Program Funds.
- #11. Consideration of introducing a resolution amending the FY 2021 School Capital Projects Fund budget and appropriate \$317,000 with resources from Lynchburg City Schools CARES funds for the installation of an intercom system at E. C. Glass.
#R-21-____
- #12. Consideration of adopting an ordinance amending §36-175 of the City Code to increase the gross combined income of the owner eligible for real estate tax relief and cap the amount of relief per applicant.
#O-21-____
- #13. Consideration of a closed meeting for consultation with legal counsel regarding a legal matter requiring the provision of legal advice, specifically legal matters relating to the collective bargaining laws that will become effective on May 1, 2021; and to discuss the appointment of members to the following boards or commissions: Martin Luther King, Jr./Lynchburg Community Council, Airport Commission, City Employee Appeals Board, Transit Company Board of Directors, pursuant to Section 2.2-3711(A.)(7.) and Section 2.2-3711(A.)(1) of the Code of Virginia, as amended.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **April 27, 2021**

AGENDA ITEM #: **2**

CONSENT:
ACTION: **X**

REGULAR:
INFORMATION:

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: Distribution of Chesapeake Stormwater Network Best Urban BMP in the Bay “Small But Mighty” Monetary Award

KEY ELEMENTS:

☐ Economic Development ☒ Excellent Government ☒ Natural and Built Environment ☐ Safe Community ☒ Vibrant Community

RECOMMENDATION: Adopt a resolution to allow the Chesapeake Stormwater Network to distribute the monetary award on behalf of the City of Lynchburg’s Department of Water Resources as follows: \$1,000 to Camp Kum-Ba-Yah, \$1,000 to the James River Association, and \$1,000 to Claytor Nature Center to provide Lynchburg youth with financial support to attend environmental education summer camps.

SUMMARY: Lynchburg Water Resources (LWR) was nominated for and won a Best Urban BMP in the Bay-“Small, but Mighty” Award from the Chesapeake Stormwater Network (CSN) for Lynchburg Water Resource’s “Water Wonders” program. Along with regional recognition, CSN provided a monetary award of \$3,000. Staff’s recommendation is to distribute the \$3,000 monetary award equally to community partners who are working with the Water Resources Department to provide environmental education to Lynchburg youth. The award would be split equally between Camp Kum-Ba-Yah, The James River Association, and Claytor Nature Center. Each community partner will receive \$1,000 to provide scholarships for Lynchburg youth to attend environmental education camps in the summer of 2021. The award money would allow for at least 12 Lynchburg students to attend an environmental education camp for a full week. All community partners offer both full and partial scholarships, so it will be at the discretion of each organization to disperse the funds as they see fit, as long as the youth is from the City of Lynchburg.

It is important to the awardees that the monetary award be reinvested into environmental education programs in the community. Distributing the award money to these three community partners is an opportunity to foster positive relationships with non-governmental organizations (NGOs) that support the department’s work in the community. These NGOs will provide excellent educational and experiential learning opportunities to Lynchburg youth, who otherwise may not be able to afford to participate these exemplary learning experiences in the summer of 2021.

PRIOR ACTION(S): N/A

FISCAL IMPACT: None

CONTACT(S): Tim Mitchell, Director of Water Resources, 455-4252

ATTACHMENT(S): Resolution authorizing distribution of award money to community NGOs

REVIEWED BY: klw

050A

RESOLUTION:

BE IT RESOLVED that the Chesapeake Stormwater Network will distribute \$3,000 on behalf of Lynchburg Water Resources as follows: \$1,000 to Camp Kum-Ba-Yah, \$1,000 to The James River Association, and \$1,000 to Claytor Nature Center to fund Lynchburg youth to attend environmental education camps in the summer of 2021.

Introduced:

Adopted:

Certified:

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 23rd day of March, 2021, at 4:00 P.M. in the Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

Present: MaryJane Dolan, Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy,
Sterling A. Wilder, Chris Faraldi 7

Absent: 0

// In the matter of Recognition, Mayor Dolan Proclaimed April 4 – 10, 2021 as Library Week in Lynchburg and encouraged citizens of all ages to visit the local library online or in person to discover the many free resources it has to offer for everyone. Ms. Beverly Blair, Director of Libraries was in attendance to accept.

// In the matter of Budget, Agenda Item #1, Chief Financial Officer Ms. Donna Witt reviewed the FY 2022 Projected Revenues. Staff, including the Commissioner of the Revenue and the City Assessor, will be updating these revenue figures as more information becomes available and will have report out by April 6, 2021. Ms. Witt went through the following projected revenues: Current Real Property Tax; Current Personal Property Tax – Local Portion; Local Sales and Use Tax; Consumer Utility Tax Electric; Communications Sales and Use Tax; Business Licenses; Motor Vehicle Licenses; Lodging Tax; Meals Tax; and Ambulance Service Fees.

Councilmember Faraldi asked for clarification regarding a line item on the Ambulance Service Fees of \$100 being charged to patients who receive emergency medical services but do not require transport. He asked Ms. Witt to clarify if this was a new fee, to which she replied it was not.

Councilmember Nelson asked for further explanation with the increase to online sales. Ms. Witt explained that this figure increased due to the Wayfair Act and because more people were buying things online since the pandemic. Councilmember Nelson asked if she believed there could be an uptick in next year's revenues, or if the increase was simply due to the pandemic; his hope is that there will be extra revenues in the coming years to accommodate equalizing the tax rate. Ms. Witt explained that she believes the increase in online sales will level off once brick and mortar retail store open back up and revenues will be shared between retail sales and online sales.

Councilmember Wilder asked for further explanation on the Real Property Tax Relief Program. Ms. Witt explained that this program is for the disabled and the elderly and is administered through the Commissioner of the Revenue.

Councilmember Helgeson added the following items to The List: Funds available above the minimum 10% unassigned fund balance policy; Schools Funding; and the Trash Bag Decal Violation.

Councilmember Tweedy requested feedback in writing for the following item: understand the financial involvement with the Rotary Centennial Skate Park.

// In the matter of Budget, Agenda Item #2, Interim City Manager Dr. Reid Wodicka reviewed with Council the Proposed FY 2022 – 2026 Capital Improvement Program and gave an overview of each project.

Councilmember Helgeson added the following items to The List: Parking Lot Repairs and Improvement/Multiple Projects. He also asked Mr. Brian Booth, Director of Greater Lynchburg Transit Company (GLTC), if the transit company could utilize federal CARES funds for the 10% local match. Mr. Booth stated that he would look into the matter. Councilmember Faraldi expressed the same sentiment as Councilmember Helgeson. Councilmember Tweedy asked Mr. Booth if the CARES funds were received due to the loss in ridership. Mr. Booth explained that the funds were due to ridership loss and revenue loss is the primary source, however, in certain circumstances there is the ability to use it for some capital, but will check to confirm what those are. If we use CARES funds we would be taking away the potential of having those funds for future years in the operating budget.

Councilmember Nelson asked to add the following item to The List: Sandbar Removal – Hollins Mill Road Trail Crossing.

// In the matter of Roll Call, Councilmember Faraldi asked staff for data on the cost of both a firefighter position and police officer. Councilmember Wilder asked staff to explore a naming opportunity with businesses for parking decks and other downtown renovation projects as a possible revenue source; he also gave condolences for the families that were affected by both the Colorado and Atlanta shootings; he paid tributes to the life of a community advocate and volunteer, Ms. Laura Munson. Councilmember Tweedy noted that there has been trash on both the on- and off-ramps on the highway and that refuse

collection is important to keep in mind during budget discussions. Councilmember Nelson had no items. Councilmember Helgeson agreed with Councilmember Tweedy that trash is a real problem for the city; he also stated that he hoped that the Lynchburg City Schools would have opened back up by now. Vice Mayor Wright had no items. Mayor Dolan made the following announcements:

- If you haven't registered for the vaccine or have not updated your information please do so at vaccinate.virginia.gov or call 877-VAX-IN-VA.
- The Lynchburg Regional Vaccination Center located in the Candler's Station Shopping Center needs both medical and non-medical volunteers. In addition to vaccinators, the Center needs NAVIGATORS, OBSERVERS, REGISTRATION, SCREENERS and SCRIBES. I encourage you to sign up to help in this rewarding community effort by going to vaccinatecentralva.org. You will find all the information you need to volunteer for this worthwhile effort! Together we can do it!
- On Wednesday, April 7, at 7:00 p.m. join Bridges to Progress and the City of Lynchburg for a Virtual Town Hall Meeting called, Faith, Facts, and the COVID Vaccine. A moderated panel of Lynchburg faith leaders and healthcare professionals will discuss the COVID-19 vaccine and its impact on communities of color. Look for more information soon on the City's Facebook page.

// The meeting was recessed at 6:08 p.m.

// City Council reconvened the meeting at 7:30 p.m. The following members were present:

Present: MaryJane Dolan, Beau Wright, Jeff S. Helgeson, J. Randy Nelson, Treney Tweedy,
Sterling A. Wilder, Chris Faraldi 7

Absent: 0

Councilmember Faraldi gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of the Consent Agenda Item #4, copies of the minutes of the March 9, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Nelson, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of Community Development, Agenda Item #5, Council considered adopting Resolution #R-21-021 approving the allocation of the FY 2022 Community Development Block Grant (CDBG) and HOME Program funds and incorporating the FY 2022 CDBG Fund and HOME Fund Budgets and Program Year 2021 Annual Action Plan.

Ms. Melva Walker, Grants Manager, provided Council with a brief summary of the request. The U.S. Department of Housing and Urban Development (HUD) funds the CDBG and HOME Programs. The City has available the following funds to use for eligible CDBG and HOME activities during FY 2022 (PY 2021).

<u>CDBG AVAILABLE FUNDING/SOURCE</u>	<u>AMOUNT</u>
HUD Entitlement Allocation	\$718,593.00
Reprogrammed Funds	<u>22,712.47</u>
Total CDBG Funding Available	\$741,305.47

<u>HOME AVAILABLE FUNDING</u>	<u>AMOUNT</u>
HUD Entitlement Allocation	\$413,856.00
Reprogrammed Funds	<u>54,568.87</u>
Total HOME Funding Available	\$468,424.87

All CDBG and HOME funds will be expended in accordance with primary objectives of the programs. The City estimates that over 70% of the CDBG FY 2022 funding will benefit low/moderate income persons which complies with HUD regulations. All applications submitted for funding consideration are available for review in the Grants Administration Office, Second Floor, City Hall.

At the conclusion of the public hearing, City Council will review the recommendations of the CDAC and approve the funding allocations to be included in the FY 2022 CDBG Fund and HOME Fund

Budgets and PY 2021 CDBG and HOME Program Annual Action Plan. The Annual Action Plan will subsequently be submitted to HUD for approval.

There was no one in person to either speak in favor or opposition. There were several correspondences previously furnished to the Clerk of Council which were then read into the record. Ms. Olyvia Brown-Coles, Director of Housing Services at Lynchburg Community Action Group (Lyn-CAG), spoke on behalf of the group to request Council consider approving the funds related to its HOME project, First Time Homebuyer Down Payment Assistance Program. Mr. Jeff Smith, Executive Director of Rush Homes, spoke on behalf of the group to request Council consider approving the funds related to its HOME project Florida Terrace Rental Housing. Ms. Donna Vincent, Executive Director of Greater Lynchburg Habitat for Humanity, spoke on behalf of the group to request Council consider approving the funds related to its HOME project Knott Street Development. Ms. Sarah Quarantotto, Executive Director of Miriam's House, spoke on behalf of the group to request Council consider approving funds related to the CDBG project, Lynchburg Redevelopment and Housing Authority Centralized Homeless Intake Coordinator. At the conclusion of citizen input, the public hearing was closed and the matter rested with Council.

Vice Mayor Wright, Chair of CDAC, reviewed the projects recommended for approval:

CDBG:

City Administration	\$126,500.00
Jefferson Park Revitalization Improvements	\$507,017.47
Lynchburg Redevelopment and Housing Authority (LRHA) Centralized Homeless Intake Coordinator	\$65,000.00
LRHA Affordable Housing Resource Center	\$42,788.00
Total CDBG	\$741,305.47

HOME:

City Administration	\$33,000.00
Rush Lifetime Homes- Florida Terrace Rental Housing (CHDO)	\$150,000.00
Greater Lynchburg Habitat for Humanity Knott Street Development	\$208,424.87
Lynchburg Community Action Group (Lyn-CAG)- Down Payment Assistance	\$77,000.00
Total HOME	\$468,424.87

Vice Mayor Wright made the motion to approve the recommendations, seconded by Councilmember Tweedy.

Councilmember Helgeson asked for clarification on the increase in funds for the line item “City Administration” for the CDBG funds. Mr. Kent White, Interim Deputy City Manager, indicated that the increase will help fund the extra support needed to maintain these funds for the projects. These are five-year grants and the city has several CDBG COVID grants that are requiring a lot of staff time.

Councilmember Helgeson wishes that more of the money would go to projects and not administration.

With no other discussion from Council, the following vote was recorded approving Resolution #R-21-021.

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
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Noes:	0
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// In the matter of Public Comment, Agenda Item #6, Mr. Andrew Glover spoke to Council about its decision at its February 23, 2021 meeting to hold a public hearing at a later date regarding the renaming of 5th Street to Martin Luther King, Jr. Boulevard. Mr. Glover commented that the request generated from seemingly very little community impetus and urged Council to also hold a public hearing to garner citizen feedback from parents on reopening Lynchburg City Schools.

// In the matter of Parking, Agenda Item #7, Council considered adopting an ordinance amending Chapter 25; Division 3 – Permit Parking of the City Code. Mr. David Malewitz, Director of Parking Management, provided Council with a brief summary of the request. The Lynchburg Parking Authority (LPA) at its February 9, 2021 meeting recommended City Council adopt revisions to the City Code that would modify code language to effectively manage residential parking permits and permitted districts. Highlights of the proposed revisions include (i) allowing the Department of Parking Management to establish rules and fees for visitor permits, (ii) the creation of two distinct residential permit parking districts in the Central Business District, (iii) replace the yearly on-street residential parking permits in the Central Business District with a monthly permit and establish a new monthly parking permit rate for on-street residential parking permits, (iv) institute a \$5 late fee after the 5th of the month for monthly permits not renewed by

the first of the month, and (v) establish rules to allow the Lynchburg Parking Authority board to set monthly residential parking permit rates for all off-street City-owned or City-managed parking facilities. The recommendations are consistent with the Lynchburg Parking Authority 2019-2021 Comprehensive Work Plan. The plan is designed to identify parking specific strategies focused on continually maintaining, improving, and increasing parking opportunities in the Central Business District.

Councilmember Helgeson stated a concern with increasing the business parking permits. Businesses, who in essence are only occupying the space for eight hours a day, pay a higher rate than a residential permit holder who could be maintaining the space twenty-four hours a day. He further stated that the downtown area is a business zone but preferential treatment is being granted to residential permit holders. He also stated that he would like to strike the addition of allowing the LPA to set monthly residential permit rates in off-street parking facilities since the LPA is an appointed body whose purpose is to recommend rates to Council.

Councilmember Faraldi stated that he would be in favor of including a grandfather clause for the individuals in the Central Business District who would be affected by the change from a yearly rate to a new monthly permit at a higher rate.

Councilmember Tweedy commented that businesses will receive a tax write-off at the end of the year and will receive a benefit. Councilmember Helgeson stated that it is plausible that not all businesses pay for their employees parking and that employees will be affected with the increased business rate.

Councilmember Wilder asked if there was any residential and downtown business representation on the committee that recommended these changes. Mr. Malewitz explained that there was downtown loft management representation, business owners, and the Downtown Lynchburg Association representation on LPA. Councilmember Wilder commented that parking downtown during the day is more in demand so he is supportive of the higher business permit rate. He is also supportive of a grandfather clause and removing the authority of the LPA to set rates.

Deputy City Attorney Mr. Matthew Freedman commented that the Lynchburg Parking Authority Act had already been adopted under state law which permits the LPA to set rates for off-street facilities. He suggested that Council could include language in the ordinance that the LPA will consider a recommendation from Council as it relates to those rates. He reiterated that Council regulates the on-

street rates, however, because of the Lynchburg Parking Authority Act, the LPA has the power to regulate off-street City maintained facilities. Vice Mayor Wright asked if this was just a housekeeping item to align City Code with state law to which Mr. Freedman replied that it was.

Councilmember Nelson stated that he would be in favor of the LPA setting monthly residential parking permit rates for all off-street City-owned or City-managed parking facilities as long as it was written in the ordinance that the LPA would hold a public hearing with the affected audience in order to learn of the needs of those they serve. He also stated that he is very reluctant to increase any fees or taxes during a pandemic if it can be helped. He also stated that the rate should go up for on-street parking. He commented that he would like to see this delayed so as to discuss with a little more detail to make sure Council assess properly.

Interim City Manager Dr. Reid Wodicka reiterated that staff will bring this item back for Council's consideration after the addition of language addressing a grandfather clause, as well as a codifying a rate setting process for the Lynchburg Parking Authority, and further consideration to the business rates. Councilmember Tweedy asked staff to survey businesses downtown to see who pays for their employees parking.

Mr. Malewitz reminded Council that there is a time constraint associated with this item due to the sale of on-street parking permits that begin on April 15th.

// In the matter of the Fire Department, Agenda Item #8, Council received the first reading of Resolution #R-21-022 amending the FY 2021 City/Federal/State Aid Fund budget and appropriate \$67,200 with resources to purchase eighteen Pharm Guard Temperature Controls systems for pharmacy drug boxes carried on fire and EMS apparatus for the Fire Department.

Fire Chief Greg Wormser provided Council with a brief summary of the request. The Virginia Office of Emergency Medical Services (EMS) awards grant funding to EMS agencies for the purpose of obtaining and maintaining emergency vehicles and equipment; providing EMS management, leadership, and advanced life support training; and achieving other goals that support the enhancement of community EMS services. The Fire Department has been awarded RSAF grant funds to purchase eighteen Pharm Guard Temperature Controls Systems for pharmacy boxes carried on fire and EMS apparatus. These

devices are designed to provide climate control for the medications on each of the apparatus. The medications the department carry must be climate controlled in accordance with Virginia Office of EMS regulations to ensure efficacy. The grant requires a local match. The Fire Department applied for these funds under a Hardship Request, which would have required the locality to pay 20 percent and RSAF would have paid 80 percent. However, the RSAF funds were awarded with a required 50 percent match. With a total cost of \$67,200, the required local match is \$33,600. The match will be funded from the FY 2021 General Fund Fire Department budget.

At its March 23, 2021 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Helgeson brought the committee's recommendation for approval forward as a motion. No second was required, and with no discussion from Council, the following recorded vote approved the motion:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

//On motion of Councilmember Wilder, seconded by Councilmember Tweedy, Council, by the following recorded vote, elected to hold a closed meeting for the discussion of discussion and consideration of information provided to the City by a private entity under the provisions of the Public-Private Transportation Act relating to the possible construction of a Police Headquarters Facility, pursuant to Sections 2.2-3711(A.) (28) and 2.2-3705.6(11) of the Code of Virgini, as amended.

With no discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Faraldi, and Council, by the following recorded vote, adopted the motion:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// Councilmember Tweedy made a statement supporting the Lynchburg City Schools Return to Learn Plan.

// The meeting adjourned at 9:26p.m.

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **April 27, 2021**

AGENDA ITEM #: **6**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Appalachian Power Company (AEP) Electric Line Easement 2521 Old Wards Road (Milestone Tower Site)

KEY ELEMENTS:

___Economic Development **X**Excellent Government ___Natural and Built Environment ___Safe Community ___Vibrant Community

RECOMMENDATION: Hold a public hearing and adopt a resolution granting an easement, located at 2521 Old Wards Road, Lynchburg City Tax Map No. 16109001, for the extension of electric service to a new Milestone Cell Tower.

SUMMARY: Milestone LP is presently constructing a Cell Tower on City Property off Old Wards Road. As part of the project, it is necessary for Appalachian Power Company to acquire, from the City, easements to extend an electric service line from Old Wards Road to the tower.

PRIOR ACTION(S): April 13, 2021: The Physical Development Committee recommended approval of the easement.

August 11, 2020 – City Council approved a Conditional Use Permit petition to allow the construction of a one hundred fifty-four (154) foot monopole to be used for telecommunications at 1501 Fenwick Drive.

FISCAL IMPACT: None

CONTACT(S): Lee Newland, City Engineer – 455-3947
Gaynelle Hart, Director of Public Works – 455-4406

ATTACHMENT(S): Resolution
Easement Plat

REVIEWED BY: klw

048A

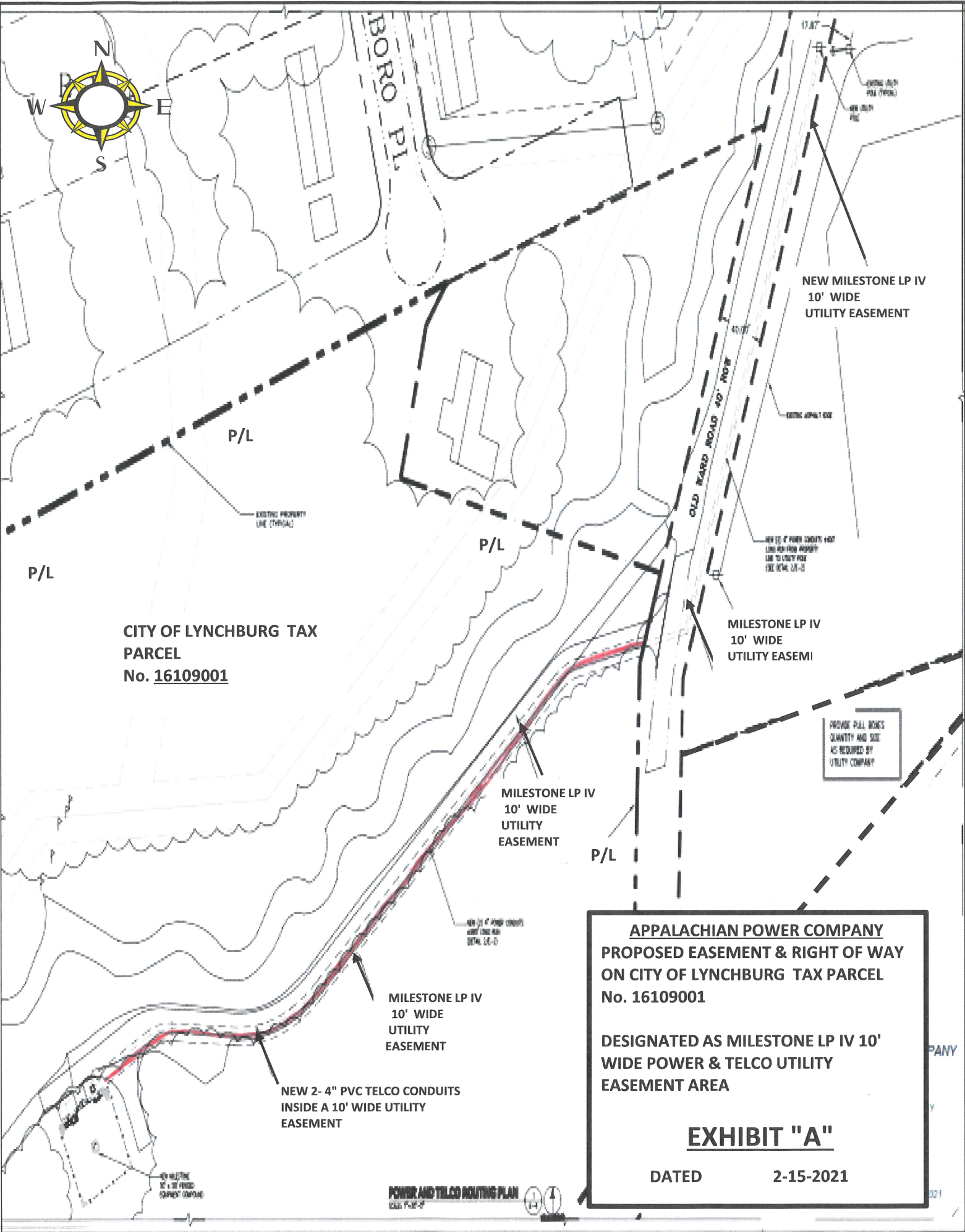
RESOLUTION:

BE IT RESOLVED THAT: The Lynchburg City Council hereby authorizes Reid Wodicka, Interim City Manager, and/or his designees, to execute a right of way and easement agreement with Appalachian Power Company for the installation and maintenance of a power line in order to serve the Milestone Cell Tower on city property, Tax Parcel Number 16109001.

Adopted:

Certified:

Clerk of Council



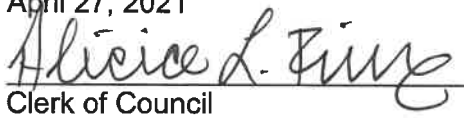
RESOLUTION:

#R-21-029

BE IT RESOLVED THAT: The Lynchburg City Council hereby authorizes Reid Wodicka, Interim City Manager, and/or his designees, to execute a right of way and easement agreement with Appalachian Power Company for the installation and maintenance of a power line in order to serve the Milestone Cell Tower on city property, Tax Parcel Number 16109001.

Adopted: April 27, 2021

Certified:


Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **April 27, 2021**

AGENDA ITEM #: **7**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Appalachian Power Company (AEP) Electric Line Easement 409 Perrymont Avenue

KEY ELEMENTS:

___Economic Development **X**Excellent Government ___Natural and Built Environment ___Safe Community ___Vibrant Community

RECOMMENDATION: Hold a public hearing and adopt a resolution granting an easement, located at 409 Perrymont Avenue, Lynchburg City Tax Map No. 05613002, for the extension of electric service to a new gymnasium.

SUMMARY: Lynchburg City Schools is presently constructing a new gymnasium at Perrymont Elementary School. As part of the project, it is necessary for Appalachian Power Company to acquire, from the City, easements to extend an electric service line from the right of way to the gym.

PRIOR ACTION: April 13, 2021 – Physical Development Committee recommended approval of the easement.

FISCAL IMPACT: None

CONTACT(S): Lee Newland, City Engineer – 455-3947
Gaynelle Hart, Director of Public Works – 455-4406

ATTACHMENT(S): Resolution
Easement Plat

REVIEWED BY: klw

049A

RESOLUTION:

BE IT RESOLVED THAT: The Lynchburg City Council hereby authorizes Reid Wodicka, Interim City Manager, and/or his designees, to execute a right of way and easement agreement with Appalachian Power Company for the installation and maintenance of a power line in order to serve the Perrymont School Gymnasium on city property, Tax Parcel Number 05613002.

Adopted:

Certified:

Clerk of Council



OAKDALE DR.

PERRYMONT AVE.

NEW POLE

NEW POLE

40'

CITY OF LYNCHBURG
PARCEL # 05613002

PROPERTY LINE

PROPOSED
CENTERLINE

NEW POLE

NEW
GYMNASIUM

APPALACHIAN POWER COMPANY
EXHIBIT "A" DATED 11-11-2020

PROPOSED RIGHT OF WAY AND EASEMENT
ON THE PROPERTY OF: CITY OF LYNCHBURG

DRAWN BY : DENNIS SMITH
TAX PARCEL# 05613002

NO SCALE

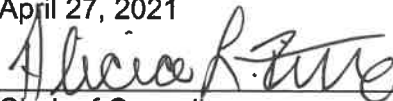
RESOLUTION:

#R-21-030

BE IT RESOLVED THAT: The Lynchburg City Council hereby authorizes Reid Wodicka, Interim City Manager, and/or his designees, to execute a right of way and easement agreement with Appalachian Power Company for the installation and maintenance of a power line in order to serve the Perrymont School Gymnasium on city property, Tax Parcel Number 05613002.

Adopted: April 27, 2021

Certified:


Clerk of Council

Finney, Alicia

From: Brandon Barney <bbarney2475@gmail.com>
Sent: Wednesday, April 21, 2021 10:57 AM
To: Finney, Alicia
Subject: Re: City Council meeting

CAUTION: External Sender

Firefighter mental health and burnout

On Wed, Apr 21, 2021, 6:52 AM Finney, Alicia <Alicia.Finney@lynchburgva.gov> wrote:

Hello Mr. Barney,

I'm happy to place you on our agenda for next Tuesday night's (April 27) Council meeting under Public Comment. Could you please provide a brief summary of what you'd like to talk about? A sentence should do.

Thank you!

ALICIA L. FINNEY – Clerk of Council

City of Lynchburg

900 Church Street

Lynchburg, VA 24504

P: (434) 455-3990 **F:** (434) 847-1536

*Formerly alicia.campbell@lynchburgva.gov

From: Brandon Barney <bbarney2475@gmail.com>
Sent: Tuesday, April 20, 2021 4:28 PM
To: Finney, Alicia <Alicia.Finney@lynchburgva.gov>
Subject: City Council meeting

Alicia,

I am a retired fireman and would like to speak on my behalf

054A

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **April 27, 2021**

AGENDA ITEM #: **9**

CONSENT:
ACTION:

REGULAR: **X**
INFORMATION:

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: City Code Amendment Chapter 17 – Fences and Walls, Section 17-22, Electrically Charged Fences

KEY ELEMENTS:

☐ Economic Development ☒ Excellent Government ☒ Natural and Built Environment ☒ Safe Community ☐ Vibrant Community

RECOMMENDATION: Consider amending Section 17-22, Electrically Charged Fences to allow electrically charged security fences in non-residential areas.

SUMMARY: Electrically charged fences are not currently permitted in the City. Mr. Donald McLellan, AMAROCK, LLC has requested that City Council consider amending the City Code to allow electrically charged security fences in non-residential areas. City staff has reviewed a “model” ordinance provided by Mr. McLellan as well as similar ordinances from other Virginia First Cities and drafted amendments for City Council’s consideration.

The draft ordinance proposes:

- Allowing electrically charged security fences around the perimeter of non-residential outside storage areas.
- Requiring compliance with International Standard IEC 60335-2-76.
- Requiring a non-electric fence to surround the perimeter of the electric fence.
- Setting a maximum height of ten (10) feet.
- Requiring identification of the electric fence with warning signs.
- Requiring notification to the City’s Police & Fire Departments upon installation.

PRIOR ACTION(S):

January 28, 2020:

City Council repealed Sections of the City Code pertaining to Fences and Walls that conflicted with the *Zoning Ordinance* and the Code of Virginia.

FISCAL IMPACT:

N/A

CONTACT(S):

Tom Martin, City Planner – 455-3900
Mr. Donald McLellan, AMAROCK, LLC – (803) 201-1773

ATTACHMENT(S):

- Ordinance
- Presentation Slides
- International Standard IEC 60335-2-76
- Model Ordinance

REVIEWED BY: klw

053A

AN ORDINANCE TO AMEND AND REENACT SECTION 17-22 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTION RELATING TO ELECTRICALLY CHARGED FENCES WITHIN THE CITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That Section 17-22 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

Sec. 17-22. - Electrically charged fence.

~~No electrically charged fence shall be erected or maintained within the city.~~

- A. As used in this section “electric fence” shall mean a fence designed to conduct electric current along one (1) or more wires thereof so that a person or animal touching any such wire or wires will receive an electric shock.
- B. The construction and use of electric fences shall be allowed in the city only as provided in this section and subject to the following standards:
 1. Unless otherwise specified herein, electric fences shall be constructed and installed in conformance with the specifications set forth in the International Standard IEC 60335-2-76.
 2. Electrification
 - (a) The energizer for electric fences shall be driven by a commercial storage battery not to exceed twelve (12) volts DC. The storage battery shall be charged primarily by a solar panel; however, the solar panel may be augmented by a commercial trickle charger.
 - (b) The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of International Standard IEC 60335-2-76.
 3. Perimeter fence or wall: No electric fence shall be installed or used unless it is completely surrounded by a non-electrical fence or wall that meets the standards of the Zoning Ordinance.
 4. Location: Electric fences shall only be permitted along the perimeter of non-residential storage areas.
 5. Height: Electric fences shall not exceed a height of two (2) feet above the height of the perimeter fence.

6. Warning signs: Electric fences shall be clearly identified with warning signs that read "Warning – Electric Fence" at intervals of not less than thirty (30) feet.
7. A Knox Remote Power Box or equivalent device acceptable to the City's Police & Fire Departments shall be installed with the capability of deenergizing the fence during an emergency.
8. Notification: Upon installation of an electric fence the owner of the property shall notify the City's Police Department & Fire Department of the location of the electric fence and the device capable of deenergizing the electric fence.

2. That this ordinance shall become effective upon its adoption.

Adopted:

Certified: _____

Clerk of Council



Electric Fences

Tom Martin, AICP City Planner

City Council
April 27, 2021



Purpose and Outline

Purpose: Discuss allowing electrically charged security fences

Outline:

- 1. City Code**
- 2. Background**
- 3. Considerations**
- 4. Discussion**



- **Chapter 17 – Fences and Walls, Section 17-22**
- **Electrically charged fences prohibited in City since 1959**
- **January 28, 2020 – City Council repealed Sections of City Code pertaining to Fences and Walls that conflicted with Zoning Ordinance**



Background

- AMAROCK, LLC is requesting City Council consider amending City Code to allow electrically charged security fences
- AMAROCK, LLC has provided a “model” ordinance
- International Standard IEC 60335-2-76 lists requirements for electric fence energizers





Considerations

- **Leave current prohibition**
- **Allow in non-residential areas with standards**
- **Public Safety Considerations**
- **Permitting & Inspection Considerations**



Discussion:

Discussion

INTERNATIONAL STANDARD

IEC
60335-2-76

Second edition
2002-08

Household and similar electrical appliances – Safety –

Part 2-76: Particular requirements for electric fence energizers

*Appareils électrodomestiques et analogues –
Sécurité –*

*Partie 2-76:
Règles particulières pour les électrificateurs
de clôtures*



Reference number
IEC 60335-2-76:2002(E)

Publication numbering

As from 1 January 1997 all IEC publications are issued with a designation in the 60000 series. For example, IEC 34-1 is now referred to as IEC 60034-1.

Consolidated editions

The IEC is now publishing consolidated versions of its publications. For example, edition numbers 1.0, 1.1 and 1.2 refer, respectively, to the base publication, the base publication incorporating amendment 1 and the base publication incorporating amendments 1 and 2.

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INTERNATIONAL STANDARD

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de clôtures*

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International Electrotechnical Commission
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CONTENTS

FOREWORD	4
INTRODUCTION	6
1 Scope	7
2 Normative references.....	7
3 Definitions	7
4 General requirement.....	11
5 General conditions for the tests	11
6 Classification	12
7 Marking and instructions	12
8 Protection against access to live parts	13
9 Starting of motor-operated appliances	14
10 Power input and current.....	14
11 Heating.....	14
12 Void	15
13 Leakage current and electric strength at operating temperature	15
14 Transient overvoltages.....	15
15 Moisture resistance.....	17
16 Leakage current and electric strength	17
17 Overload protection of transformers and associated circuits.....	18
18 Endurance	18
19 Abnormal operation.....	19
20 Stability and mechanical hazards.....	21
21 Mechanical strength.....	21
22 Construction	21
23 Internal wiring	24
24 Components	24
25 Supply connection and external flexible cords.....	24
26 Terminals for external conductors	25
27 Provision for earthing.....	26
28 Screw and connections	26
29 Clearances, creepage distances and solid insulation	26
30 Resistance to heat and fire	26
31 Resistance to rusting	27
32 Radiation, toxicity and similar hazards	27
Annexes.....	30
Annex AA (informative) Circuit for the independent control of the switching speed of the major pulse-switching device.....	32
Annex BB (normative) Instructions for installation and connection of electric fences	33
Annex CC (informative) Installation of electric security fences.....	39
Bibliography.....	43

Figure 101 – Schematic examples of the different types of battery-operated energizers suitable for connection to the mains	28
Figure 102 – Current limited energizer characteristic limit line.....	29
Figure AA.1 – Circuit for the independent control of the switching speed of the major pulse-switching device	32
Figure BB.1 – Symbol for warning sign.....	38
Figure CC1 – Prohibited area for pulse conductors	40
Figure CC2 – Typical constructions where an electric security fence is exposed to the public	41
Figure CC3 – Typical fence constructions where the electric security fence is installed in windows and skylights	42
Table 101 – Battery source impedance	15
Table 102 – Additional test voltages.....	17
Table BB 1 – Minimum clearances from power lines for electric animal fences	34
Table BB 2 – Minimum clearances from power lines for electric security fences	36

INTERNATIONAL ELECTROTECHNICAL COMMISSION

**HOUSEHOLD AND SIMILAR ELECTRICAL APPLIANCES –
SAFETY –****Part 2-76: Particular requirements for electric fence energizers**

FOREWORD

- 1) The IEC (International Electrotechnical Commission) is a worldwide organization for standardization comprising all national electrotechnical committees (IEC National Committees). The object of the IEC is to promote international co-operation on all questions concerning standardization in the electrical and electronic fields. To this end and in addition to other activities, the IEC publishes International Standards. Their preparation is entrusted to technical committees; any IEC National Committee interested in the subject dealt with may participate in this preparatory work. International, governmental and non-governmental organizations liaising with the IEC also participate in this preparation. The IEC collaborates closely with the International Organization for Standardization (ISO) in accordance with conditions determined by agreement between the two organizations.
- 2) The formal decisions or agreements of the IEC on technical matters express, as nearly as possible, an international consensus of opinion on the relevant subjects since each technical committee has representation from all interested National Committees.
- 3) The documents produced have the form of recommendations for international use and are published in the form of standards, technical specifications, technical reports or guides and they are accepted by the National Committees in that sense.
- 4) In order to promote international unification, IEC National Committees undertake to apply IEC International Standards transparently to the maximum extent possible in their national and regional standards. Any divergence between the IEC Standard and the corresponding national or regional standard shall be clearly indicated in the latter.
- 5) The IEC provides no marking procedure to indicate its approval and cannot be rendered responsible for any equipment declared to be in conformity with one of its standards.
- 6) Attention is drawn to the possibility that some of the elements of this International Standard may be the subject of patent rights. The IEC shall not be held responsible for identifying any or all such patent rights.

This part of International Standard IEC 60335 has been prepared by subcommittee 61H: Safety of electrically operated farm appliances, of IEC technical committee 61: Safety of household and similar electrical appliances.

This second edition cancels and replaces the first edition published in 1997 and its amendment 1 (1999). It constitutes a technical revision.

The text of this part of IEC 60335 is based on the following documents:

FDIS	Report on Voting
61H/173/FDIS	61H/174/RVD

Full information on the voting for the approval of this standard can be found in the report on voting indicated in the above table.

This Part 2 is to be used in conjunction with the latest edition of IEC 60335-1 and its amendments. It was established on the basis of the fourth edition (2001) of that standard.

NOTE 1 When "Part 1" is mentioned in this standard, it refers to IEC 60335-1.

This part 2 supplements or modifies the corresponding clauses in IEC 60335-1, so as to convert that publication into the IEC standard: Safety requirements for electric fence energizers.

When a particular subclause of Part 1 is not mentioned in this Part 2, that subclause applies as far as is reasonable. When this standard states “addition”, “modification” or “replacement”, the relevant text in Part 1 is to be adapted accordingly.

NOTE 2 The following numbering system is used:

- subclauses, tables and figures that are numbered starting from 101 are additional to those in Part 1;
- unless notes are in a new subclause or involve notes in Part 1, they are numbered starting from 101, including those in a replaced clause or subclause;
- additional Annexes are lettered AA, BB, etc.

NOTE 3 The following print types are used:

- requirements: in roman type
- *test specifications: in italic type*
- notes: in small roman type.

Words in **bold** in the text are defined in Clause 3. When a definition concerns an adjective, the adjective and associated noun are also in bold.

The committee has decided that the contents of this publication will remain unchanged until 2004. At this date, the publication will be

- reconfirmed;
- withdrawn;
- replaced by a revised edition, or
- amended.

The following differences exist in the countries indicated below:

- 6.101: Only energy limited energizers are allowed (Austria, Denmark, France, Germany, Netherlands, Norway, Switzerland and United Kingdom).

A bilingual version of this publication may be issued at a later date.

INTRODUCTION

It has been assumed in the drafting of this International Standard that the execution of its provisions is entrusted to appropriately qualified and experienced persons.

This standard recognizes the internationally accepted level of protection against hazards such as electrical, mechanical, thermal, fire and radiation of appliances when operated as in normal use taking into account the manufacturer's instructions. It also covers abnormal situations that can be expected in practice.

This standard takes into account the requirements of IEC 60364 as far as possible so that there is compatibility with the wiring rules when the appliance is connected to the supply mains. However, national wiring rules may differ.

If an appliance within the scope of this standard also incorporates functions that are covered by another part 2 of IEC 60335, the relevant part 2 is applied to each function separately, as far as is reasonable. If applicable, the influence of one function on the other is taken into account.

This standard is a product family standard dealing with the safety of appliances and takes precedence over horizontal and generic standards covering the same subject.

An appliance that complies with the text of this standard will not necessarily be considered to comply with the safety principles of the standard if, when examined and tested, it is found to have other features that impair the level of safety covered by these requirements.

An appliance employing materials or having forms of construction differing from those detailed in the requirements of this standard may be examined and tested according to the intent of the requirements and, if found to be substantially equivalent, may be considered to comply with the standard.

HOUSEHOLD AND SIMILAR ELECTRICAL APPLIANCES – SAFETY –

Part 2-76: Particular requirements for electric fence energizers

1 Scope

This clause of Part 1 is replaced by the following.

This International Standard deals with the safety of **electric fence energizers**, the **rated voltage** of which is not more than 250 V and by means of which fence wires in agricultural, feral animal control and security fences may be electrified or monitored.

NOTE 101 Examples of **electric fence energizers** coming within the scope of this standard are:

- **mains-operated energizers**;
- **battery-operated electric fence energizers suitable for connection to the mains**, as shown in Figure 101;
- **electric fence energizers** operated by non-rechargeable batteries either incorporated or separate.

This standard does not in general take into account

- the use of appliances by young children or infirm persons without supervision;
- the playing with appliances by young children.

NOTE 102 Attention is drawn to the fact that

- for appliances intended to be used on board ships or aircraft, additional requirements may be necessary;
- in many countries additional requirements are specified by the national health authorities, the national authorities responsible for the protection of labour, the national water supply authorities and similar authorities.

NOTE 103 This standard does not apply to

- appliances intended to be used in locations where special conditions prevail, such as the presence of a corrosive or explosive atmosphere (dust, vapour or gas);
- separate battery chargers (IEC 60335-2-29);
- electric fishing machines (IEC 60335-2-86);
- electric animal-stunning equipment (IEC 60335-2-87);
- appliances for medical purposes (IEC 60601).

2 Normative references

This clause of Part 1 is applicable except as follows.

Addition:

IEC 60068-2-52, *Environmental testing – Part 2: Tests – Test Kb: Salt mist, cyclic (sodium chloride solution)*

3 Definitions

This clause of Part 1 is applicable except as follows.

3.1.1 *Addition:*

For **type D energizers**, the **rated voltage** of the **energizer** is the **rated voltage** for battery supply.

3.1.6 *Addition:*

For **battery-operated electric fence energizers** not for connection to the mains, it is the average input current assigned to the **energizer** by the manufacturer.

3.1.9 *Replacement:*

normal operation

operation of the appliance under the following conditions: the **electric fence energizer** is operated as in normal use when connected to the supply, with no load connected to the output terminals

3.6.3 *Addition:*

NOTE 101 It also includes terminals for the connection of the battery and other metal parts in a battery compartment that become accessible when replacing batteries even with the aid of a **tool**.

3.6.4 *Replacement:*

live part

conductive part that may cause an electric shock

3.101

electric fence energizer

appliance that is intended to deliver periodically voltage impulses to a fence connected to it

NOTE **Electric fence energizers** are hereinafter also referred to as **energizers**.

3.102

mains-operated energizer

energizer designed for direct connection to the mains

3.103

battery-operated energizer suitable for connection to the mains energizer

- operated by batteries and having, or being designed for connection to, facilities for charging these batteries from the mains, or
- designed for operation from the mains and from batteries

3.104

type A energizer

battery-operated energizer suitable for connection to the mains consisting of an impulse generating circuit, a battery charging circuit and a battery, the impulse generating circuit being connected to the mains or the battery when the energizer is in operation

NOTE **Type A energizers** are shown schematically in Figure 101.

3.105

type B energizer

battery-operated energizer suitable for connection to the mains consisting of an impulse generating circuit, a battery charging circuit and a battery, the impulse generating circuit being connected to the battery and disconnected from the battery charging circuit and the mains when the **energizer** is in operation. For recharging the battery the impulse generating circuit is disconnected and rendered inoperable

NOTE **Type B energizers** are shown schematically in Figure 101.

3.106**type C energizer**

battery-operated energizer suitable for connection to the mains consisting of an impulse generating circuit and a battery, the impulse generating circuit being connected to the mains or the battery when the energizer is in operation, and where it is necessary to remove the battery to recharge it using a separate **battery charger** or, in the case of a non-rechargeable battery, to replace it with a new battery

NOTE **Type C energizers** are shown schematically in Figure 101.

3.107**type D energizer**

battery-operated energizer suitable for connection to the mains consisting of an impulse generating circuit intended to be powered by a battery, the impulse generating circuit being connected to the battery when the **energizer** is in operation and the **energizer** or the battery being connected to a separate **battery charger** for recharging the battery

NOTE **Type D energizers** are shown schematically in Figure 101.

3.108**battery-operated energizer**

energizer deriving its energy solely from batteries or other sources of energy and not designed for connection to the mains

3.109**battery charger**

appliance to be connected to the mains and intended for charging one or more batteries

3.110**fence**

barrier for animals or for security purposes, comprising one or more conductors, such as metal wires, rods or rails

3.111**fence circuit**

all conductive parts or components within an **energizer**, that are connected or intended to be connected galvanically to the output terminals

3.112**earth electrode**

metal structure that is driven into the ground near an **energizer** and connected electrically to the output earth terminal of the **energizer**, and that is independent of other earthing arrangements

3.113**prospective peak voltage**

peak output voltage of the impulse generator specified in Clause 14 that would be obtained with the **energizer** not connected to the test circuit

3.114**rated voltage for battery supply**

voltage for battery supply, for **types A, B, C and D energizers**, assigned to the **energizer** by the manufacturer

3.115**rated voltage range for battery supply**

voltage range for battery supply, for **types A, B, C and D energizers**, assigned to the **energizer** by the manufacturer, expressed by its lower and upper limits

3.116

impulse duration

duration of that part of the impulse that contains 95 % of the overall energy and is the shortest interval of integration of $I^2(t)$ that gives 95 % of the integration of $I^2(t)$ over the total impulse

NOTE $I(t)$ is the impulse current as a function of time.

3.117

output current

r.m.s. value of the **output current** per impulse calculated over the impulse duration

3.118

standard load

load consisting of a non-inductive resistor of $500\ \Omega \pm 2,5\ \Omega$ and a variable resistor that is adjusted so as to maximize the energy per impulse or **output current** in the $500\ \Omega$ resistor, as applicable. The variable resistor is connected in series or parallel with the $500\ \Omega$ resistor, whichever gives the more unfavourable result

3.119

electric fence

a barrier that includes one or more electric conductors, insulated from earth, to which electric pulses are applied by an **energizer**

3.120

connecting lead

an electric conductor, used to connect the **energizer** to the **electric fence** or the **earth electrode**

3.121

electric animal fence

an **electric fence** used to contain animals within or exclude animals from a particular area

3.122

electric security fence

a fence used for security purposes that comprises an **electric fence** and a physical barrier electrically isolated from the **electric fence**

3.123

physical barrier

a barrier not less than 1,5 m high intended to prevent inadvertent contact with the **pulsed conductors** of the **electric fence**

NOTE **Physical barriers** are typically constructed from vertical sheeting, rigid vertical bars, rigid mesh, rods or chainwire mesh.

3.124

public access area

any area where persons are protected from inadvertent contact with **pulsed conductors** by a **physical barrier**

3.125

pulsed conductors

conductors that are subjected to high voltage pulses by the **energizer**

3.126

secure area

an area where a person is not separated from **pulsed conductors** below 1,5 m by a **physical barrier**

4 General requirement

This clause of Part 1 is applicable.

5 General conditions for the tests

This clause of Part 1 is applicable except as follows.

5.2 Modification:

Replace the test specification by the following:

*The tests are made on two **energizers** as delivered, one being subjected to all the tests with the exception of that of Clause 18, and the other to the tests of clause 5 and Clause 18. However, the tests of Clauses 22 to 28 may be made on separate samples.*

*For **types A and C energizers**, an additional sample is required for the test of Clause 18.*

Addition:

NOTE 101 Where **electronic circuits**, **electronic components** or other devices are normally encapsulated, specially prepared samples may be needed for the tests of 19.11 and 19.101.

5.3 Addition:

The measurements of 22.108 shall be carried out before the tests of Clause 14. The tests specified in 14.101 shall be carried out on all appliances.

*If any **electronic component** has been damaged during the tests of Clause 14, the tests of Clause 19 are made twice, once before and once after the damaged **electronic components** have been replaced by new **electronic components**.*

5.5 Addition:

*The **energizer** is mounted in a normal position such that the deviation from the position for which it is designed does not exceed 15°. However, if the **energizer** is provided with means for adjustment to the normal position, such as a spirit level, the **energizer** shall be adjusted to within ±2° of the normal position.*

*The earthing terminal of the **fence circuit** is connected to earth. However, if there is no indication as to which of the output terminals is to be connected to earth, the terminal that gives the most unfavourable result is earthed.*

5.8.1 Addition:

*For **types A, B, C and D energizers** where the terminals for the connection of the battery have no indication of polarity, the more unfavourable polarity of the voltage source replacing the battery shall be applied.*

*For **battery-operated energizers** where the supply terminals for the connection of the battery have no indication of polarity, the more unfavourable polarity shall be applied.*

*For **mains-operated energizers** and **battery-operated energizers suitable for connection to the mains**, the reference source impedance of the mains supply shall be $0,4 \Omega + j0,25 \Omega$.*

5.101 *All **energizers** are tested as **motor-operated appliances**.*

6 Classification

This clause of Part 1 is applicable except as follows.

6.1 Replacement:

Mains-operated energizers and **battery-operated energizers suitable for connection to the mains** shall be **class II** with respect to protection against electric shock.

Compliance is checked by inspection and by the relevant tests.

6.2 Addition:

Energizers shall be of at least IPX4.

6.101 Energizers are classified as being either **energy limited energizers** or **current limited energizers**.

Compliance is checked by the appropriate tests.

7 Marking and instructions

This clause of Part 1 is applicable except as follows.

7.1 Addition:

Energizers shall be marked with symbol 1641 of ISO 7000.

Types A, B and C energizers shall be marked with the **rated voltage for battery supply** or **rated voltage range for battery supply**, in volts.

Battery-operated energizers shall be marked with the substance of the following:

WARNING: Do not connect to mains-operated equipment.

Energy limited energizers that are marked with a maximum energy/impulse exceeding 5 J shall also be marked with the corresponding load resistance at which maximum energy/impulse is obtained.

7.6 Addition:



[symbol 5036 of IEC 60417] Dangerous voltage



[symbol 5017 of IEC 60417] Earth (ground)

The symbols for output (**Fence**) and output (Earth) shall be in accordance with symbols 5036 and 5017 of IEC 60417 respectively.

7.12 Addition:

Instructions for **types A, B and D energizers** shall

- include a warning against using non-rechargeable batteries;
- state that, during charging, lead-acid batteries must be placed in a well-ventilated area.

The instructions for **battery-operated energizers** shall in particular emphasize the warning marked on the **energizer** that states the substance of the following:

WARNING: Do not connect to mains-operated equipment.

7.101 Unless the correct mode of connection is obvious, the output terminals shall be clearly and indelibly identified by marking with the words EARTH and FENCE, or with symbols 5017 and 5036 of IEC 60417 respectively.

Where alternative output terminals are provided they shall be similarly marked, or marked with the words FULL POWER, REDUCED POWER or REDUCED VOLTAGE, as appropriate.

If a switch to control the output energy is provided, the various positions of the switch shall be marked with the appropriate symbols, or with the words FULL POWER, REDUCED POWER or REDUCED VOLTAGE, as appropriate.

The lettering of the marking shall have a height of at least 3 mm and the symbols a height of at least 6 mm.

Compliance is checked by inspection and measurement.

7.102 For **types A, B, C and D energizers** and **battery-operated energizers** the supply terminals for connection of the battery shall be clearly indicated by the symbol “+” or the colour red, if of positive polarity, and by the symbol “–” or the colour black, if of negative polarity, unless the polarity is irrelevant.

Compliance is checked by inspection.

7.103 Energizers shall be supplied with instructions that contain information regarding

- the installation of **electric fences**;
- the means of connecting the **energizer** to the **electric fence**.

Such information shall contain the substance of the wording given in BB.1 (**electric animal fences**) or Annex BB.2 (**electric security fences**), as appropriate.

NOTE It is recommended that **energizers** intended for use with **electric security fences** also be supplied with the information given in Annex CC.

Compliance is checked by inspection.

8 Protection against access to live parts

This clause of Part 1 is applicable except as follows.

8.1.4 Addition:

*The means for the connection of the **fence** is not considered to be a **live part**.*

9 Starting of motor-operated appliances

This clause of Part 1 is not applicable.

10 Power input and current

This clause of Part 1 is applicable except as follows.

10.101 For **energy limited energizers** that are marked with a maximum energy/impulse exceeding 5 J, the value so marked shall not deviate from that delivered by more than $\pm 10\%$ and the load resistance at which it is obtained shall not deviate from the value marked on the **energizer** by more than $\pm 5\%$.

Compliance is checked by the following test.

*The **energizer** is supplied at **rated voltage** or **rated voltage for battery supply**, as appropriate, under conditions of **normal operation** but with a variable resistive load connected across its output terminals.*

*The energy per impulse dissipated in the resistive load connected across the **energizer** output terminals is measured using the measuring arrangement described in 22.108. The resistive load value is measured after it is adjusted to maximize the energy per impulse measured.*

11 Heating

This clause of Part 1 is applicable except as follows.

11.2 Addition:

*For **type A energizers** when connected for mains supply, **type D energizers** when connected for **battery charger supply** and **type B energizers** when connected for mains supply with battery charge operation, a battery of the largest type for which the **energizer** is designed is connected to the terminals for the connection of the battery supply. Before starting the test, the battery is discharged to such an extent that the voltage delivered by the battery does not exceed 0,75 times its nominal value.*

11.5 Replacement:

*The **energizer** is operated under **normal operation**, supplied as follows.*

*A **mains-operated energizer** is supplied with the most unfavourable supply voltage between 0,85 and 1,1 times **rated voltage**.*

***Types A and C energizers**, when they are connected for mains supply, are supplied with the most unfavourable supply voltage between 0,85 and 1,1 times **rated voltage**.*

*A **type B energizer**, when it is connected for mains supply with battery charge operation, is supplied with the most unfavourable supply voltage between 0,85 and 1,1 times **rated voltage**.*

***Types A, B, C and D energizers**, when they are connected for battery supply, and **battery-operated energizers** are supplied at the terminals for the connection of the battery with the most unfavourable supply voltage between*

- 0,55 and 1,1 times **rated voltage for battery supply**, if the **energizer** can be used with non-rechargeable batteries;
- 0,75 and 1,1 times **rated voltage for battery supply**, if the **energizer** is designed for use with rechargeable batteries only.

The values specified in Table 101 for the internal resistance per cell of the battery shall be taken into account.

Table 101 – Battery source impedance

Supply to the terminals for the connection of the battery	Internal resistance per cell Ω	
	Non-rechargeable batteries	Rechargeable batteries
1,1 times rated voltage for battery supply	0,08	0,0012
1,0 times rated voltage for battery supply	0,10	0,0015
0,75 times rated voltage for battery supply	0,75	0,0060
0,55 times rated voltage for battery supply	2,00	–
NOTE When determining the internal resistance of a battery, two or more cells connected in parallel are considered to be one cell.		

Type D energizers, when they are connected for **battery charger** supply, are supplied from a source incorporating a series resistance of 1 Ω and having the form of

- a half-wave rectified sine-wave with an r.m.s. value equal to the **rated voltage for battery supply**,
- a full-wave rectified sine-wave with an r.m.s. value equal to the **rated voltage for battery supply**,

whichever is the more onerous.

11.7 Replacement:

The **energizer** is operated until steady conditions are established.

12 Void

13 Leakage current and electric strength at operating temperature

This clause of Part 1 is applicable except as follows.

13.1 Modification:

Compliance is checked by the tests of 13.2 and 13.3 for **mains-operated energizers** and **battery-operated energizers suitable for connection to the mains** only.

Addition:

The **energizer** is operated under **normal operation** when supplied as specified in 11.5 for mains operation.

14 Transient overvoltages

14.101 Energizers shall be resistant to atmospheric surges entering from the **fence**.

Compliance is checked by the tests of

- 14.102 to 14.104 for **mains-operated energizers** and **types A, B and C energizers**;
- 14.102 to 14.104 for **type D energizers**;
- 14.104 for **battery-operated energizers** with a **rated voltage** exceeding 42,4 V.

NOTE The value of U_0 is the peak value of the **energizer** output voltage obtained during the test of 22.111.

Unless otherwise specified, during the tests, no disruptive discharges shall occur but surge protection devices are allowed to operate.

Mains-operated energizers and **types A, B, C and D energizers** are fixed to a metal plate having dimensions that are at least 150 mm in excess of those of the orthogonal projection of the **energizer** on the plate, and are then installed as in normal use.

Battery-operated energizers are installed as in normal use.

The tests are made by means of an impulse generator producing positive and negative full lightning impulses having a front time of 1,2 μ s and a time to half-value of 50 μ s, the tolerances being

- ± 5 % for the peak value;
- ± 30 % for the front time;
- ± 20 % for the time to half-value.

Small oscillations in the impulse are allowed, provided their amplitude near the peak of the impulse is less than 5 % of the peak value. For oscillations during the first half of the front time, amplitudes up to 10 % of the peak value are allowed.

*The shape of the impulses is adjusted with the **energizer** connected to the impulse generator. The adjustment shall be made at approximately 50 % of the test voltage specified. If, for the test of 14.104, it is not possible to obtain the correct shape of the impulses, it is only necessary to ascertain that the front time has the required value at approximately 50 % of the **prospective peak voltage** specified.*

The impulse generator to be used for the tests shall have an energy content of at least 125 J at the test voltage.

14.102 Five positive and five negative impulses, each having a **prospective peak voltage** of $2U_0$ but not less than 25 kV, are applied between

- the output terminals and a.c. input terminals connected together and the metal plate, for **mains-operated energizers** and **types A, B and C energizers**,
- the output terminals and the metal plate, for **type D energizers**,

the interval between consecutive impulses being at least 10 s.

14.103 Five positive and five negative impulses, each having a **prospective peak voltage** of $2U_0$ but not less than 25 kV, are applied between the output terminals connected together and

- the a.c. input terminals connected together, for **mains-operated energizers** and **types A, B and C energizers**,
- the terminals for connection of the external **battery charger**, for **type D energizers**,

the interval between consecutive impulses being at least 10 s.

If, during this test, a surge protection device operates, the test is repeated with the surge protection device rendered inoperative. During the repeat test no disruptive discharges are allowed.

If the **energizer** has more than one **fence circuit**, each **fence circuit** is subjected to this test in turn, the other **fence circuits** being open-circuited.

14.104 Five positive and five negative impulses, each having a **prospective peak voltage** of $2U_0$ but not less than 25 kV, are applied between the output terminals, the interval between the impulses being at least 10 s. The input terminals are open-circuited.

15 Moisture resistance

This clause of Part 1 is applicable.

16 Leakage current and electric strength

This clause of Part 1 is applicable except as follows.

16.1 Modification:

Compliance is checked by the tests of

- 16.2, 16.3 and 16.102 for **mains-operated energizers** and **battery-operated energizers** suitable for connection to the mains;
- 16.101 and 16.102 for **battery-operated energizers**.

16.2 Modification:

The test voltage is the upper limit of the voltage in 11.5.

16.3 Addition:

Other values of the test voltages and the points of application are shown in Table 102.

Table 102 – Additional test voltages

Points of application	Test voltage^a
Between the supply circuit and accessible parts for metal-encased class II energizers	$2U_0$ but not less than 10 000 V
Between the fence circuit and accessible parts ^b	$2U_0$ but not less than 10 000 V
Between the supply circuit and the fence circuit	$2U_0$ but not less than 10 000 V
^a The value $2U_0$ is a peak value equal to twice the maximum peak value of the output voltage measured in 22.111. ^b A gap of 50 mm around the output terminal shall be provided in the metal foil in contact with accessible parts .	

16.101 For **battery-operated energizers** the supply terminals are connected for 10 min to a voltage between 1,1 and 1,5 times **rated voltage for battery supply**, that is so chosen that the output voltage, without a load connected, has the maximum value, protective spark gaps, if any, being disconnected.

The insulation between the poles of the supply circuit is then subjected for 1 min to a d.c. voltage of approximately 500 V. Before this test is made, capacitors, resistors, inductors, transformer windings and **electronic components** that are connected between the poles of the supply circuit are disconnected. When a capacitor forms part of an integrated circuit and cannot be disconnected separately, the circuit as a whole is disconnected.

No breakdown shall occur during the test.

16.102 Immediately after the tests of 16.3 and 16.101, the output characteristics are measured as specified in 22.108.

The values measured shall be within the limits specified in 22.108 and shall not deviate in an unfavourable way by more than 10 % from the values measured during the tests of 22.108.

17 Overload protection of transformers and associated circuits

This clause of Part 1 is not applicable.

18 Endurance

Energizers shall be so constructed that they are able to endure extreme temperatures that may be encountered in normal use. Moreover, overload **protection devices** shall not operate under these conditions.

Compliance is checked by the following test.

Mains-operated energizers, and **types A and C energizers** when they are connected for mains supply are operated under conditions of **normal operation**. The voltage applied is the **rated voltage**.

Type D energizers, when connected for **battery charger** supply, are operated under conditions of **normal operation**. The voltage applied is as specified in 11.5.

Battery-operated energizers and **type B energizers** connected for battery operation are placed in their normal position and are fitted with a battery having a nominal voltage equal to the **rated voltage for battery supply** of the **energizer**. The battery shall be of the largest type for which the **energizer** is designed. The battery shall be fully charged at the beginning of the test and shall be replaced by a fresh one as soon as, during the test, the voltage of the battery decreases to 0,75 times its nominal voltage for a rechargeable battery or to 0,55 times its nominal voltage for a non-rechargeable battery.

For **types A and D energizers**, a battery of the largest type for which the **energizer** is designed is connected and placed in the battery compartment. Before starting the test the battery is discharged to such an extent that the voltage delivered does not exceed 0,75 times its nominal value.

The other sample, for **types A and C energizers**, is to be connected for battery supply and supplied from a battery of the largest type for which the **energizer** is designed. The battery shall be fully charged at the beginning of the test, and shall be replaced by a fresh one as soon as, during the test, the voltage of the battery decreases to 0,75 times its nominal voltage for a rechargeable battery or to 0,55 times its nominal voltage for a non-rechargeable battery.

The **energizer** is operated continuously for 168 h (seven days) at an ambient temperature of $-15\text{ °C} \pm 2\text{ °C}$ and then for 168 h (seven days) at an ambient temperature of $50\text{ °C} \pm 2\text{ °C}$.

The output terminals are loaded with a non-inductive resistor of $500\ \Omega \pm 2,5\ \Omega$ during the first 84 h of each period of 168 h and the load is removed for the remainder of these periods.

At the end of each of the periods of 168 h, the output characteristics are measured, as specified in 22.108, at the ambient temperature prescribed for the relevant period.

The values measured shall be within the limits specified in 22.108 and shall not deviate in an unfavourable way by more than 10 % from the values measured during the test of 22.108.

During the test, the **energizer** shall show no change impairing its further use, the sealing compound, if any, shall not flow out to such an extent that **live parts** are exposed and the **energizer** shall still meet the requirements of Clause 8.

19 Abnormal operation

This clause of Part 1 is applicable except as follows.

19.1 Modification:

Instead of the indication of the subclauses applicable to the various types of appliances, the following applies.

Energizers are subjected to the tests of 19.11, 19.12, 19.101, 19.102, 19.103 and 19.104.

Addition:

The **energizer** is mounted as in 11.2, except that the battery, where applicable, is fully charged.

During the tests, fuses that are accessible to the user are short-circuited.

19.11.1 Addition:

Components, except the major switching device, directly related to the pulse interval timing of the major switching device where this is an **electronic component**, are exempt from the tests of 19.11.2.

19.11.3 Not applicable.

19.12 Addition:

If, for any of the fault conditions, the impulse repetition rate is greater than 1 Hz and the safety of the **energizer** depends upon the operation of a non-self-resetting **protective device** incorporating an internal fuse, the test is carried out three times to ensure that this fuse operates reliably and that internal parts are not damaged at the increased impulse repetition rate.

19.13 Addition:

During the tests the output characteristics shall be as specified in 22.108, except for the impulse repetition rate.

*If the impulse repetition rate is greater than 1,34 Hz, the discharge energy per second into a load consisting of a non-inductive resistor of 500 Ω shall not exceed 2,5 J/s for a period exceeding 3 min before the **energizer** is rendered inoperative by a non-self-resetting **protective device**.*

The temperature rises of the windings shall not exceed the values shown in Table 8.

19.101 Energizers are subjected to each of the following conditions in turn, while being supplied with the voltage specified in 11.5, including those associated with such other fault conditions that are an actual consequence of the condition chosen:

- the **energizer** is placed in its most unfavourable position even if it is not likely to be installed in this position in normal use;
- parts intended for adjusting the **energizer**, other than those that are adjustable from the outside of the **energizer** without the aid of a **tool**, are adjusted to their most unfavourable position, even if these parts are not intended to be adjusted by the user, unless they are effectively sealed against further adjustment;
- the earthing conductor is removed from the earthing terminal of the **fence circuit** and connected to any other output terminal;
- the output terminals are short-circuited;
- switches, relay-contacts and the like, that form part of the impulse device, are short-circuited or open-circuited, whichever is the more unfavourable;
- fuses that are accessible without the aid of **tools**, series spark gaps in the **fence circuit**, discharging valves and thermal relays are short-circuited;
- except for **electronic circuits**, any **creepage distance** or **clearance** between **live parts** of different potential that is less than 5 mm for the **fence circuit**, or 2 mm or less for other circuits, is short-circuited, and any unlocked connection is loosened;
- the switching speed of an **electronic component** used as the major pulse switching device shall be varied in the range 0,1 Hz to twice the **rated frequency**, in approximately a 1:2:5 progression sequence over three decades, by referencing the gate signal of this device to the voltage across it using an external independent control.

NOTE Details of a simple comparator circuit that has been found suitable for controlling the switching speed of the major pulse switching device are given in Annex AA.

19.102 Types A, C and D energizers are subjected to each of the following conditions in turn, while being supplied with the voltage specified in 11.5:

- with the **energizer** connected for battery supply, terminals for the connection of the battery having an indication of polarity are connected to the opposite polarity, unless such a connection is unlikely to occur in normal use;
- with the **energizer** connected for mains operation, terminals for the connection of the battery supply are connected to the most unfavourable load, including a short circuit.

19.103 Type B energizers connected for mains supply with battery charge operation are subjected to each of the following conditions in turn, while being supplied with the voltage specified in 11.5:

- the terminals for the connection of the battery having an indication of polarity are connected to the opposite polarity, unless such a connection is unlikely to occur in normal use;
- the terminals for the connection of the battery supply are connected to the most unfavourable load, including a short circuit.

19.104 *Battery-operated energizers and type B energizers connected for battery supply are supplied with the voltage specified in 11.5. The supply terminals having an indication of polarity are connected to the opposite polarity, unless such a connection is unlikely to occur in normal use.*

20 Stability and mechanical hazards

This clause of Part 1 is not applicable.

21 Mechanical strength

This clause of Part 1 is applicable except as follows.

21.101 The **energizer** shall withstand the effect of being dropped.

Compliance is checked by the following test.

*The **energizer** is bolted centrally to a board 1 000 mm $\pm$ 5 mm long by 225 mm $\pm$ 5 mm wide and approximately 25 mm thick. The board is supported at each end on a rigid table by baulks of timber of such a size that the **energizer** is held clear of the table surface. One end of the board is lifted through a distance of 200 mm $\pm$ 5 mm and allowed to fall freely. The test is repeated 20 times. This procedure is then repeated with the board placed on each of its other longitudinal edges in turn.*

*After the test, the **energizer** shall show no damage within the meaning of this standard.*

22 Construction

This clause of Part 1 is applicable except as follows.

22.31 *Modification:*

The requirement applies only to **mains-operated energizers** and **battery-operated energizers suitable for connection to the mains**.

22.32 *Modification:*

The requirement applies only to **mains-operated energizers** and **battery-operated energizers suitable for connection to the mains**.

22.101 For **mains-operated energizers** and **battery-operated energizers suitable for connection to the mains**, internal connections shall be so fixed or protected, and **energizers** shall be so designed that, even in the event of the loosening or breaking of wires, a conductive connection cannot be formed between the mains supply and the **fence circuit**, and no other hazardous condition shall arise.

The input winding and the output windings of transformers used to isolate the **fence circuit** from the supply circuit shall be separated by an insulating barrier, and the construction shall be such that there is no possibility of any connection between these windings, either directly or indirectly through other metal parts.

In particular, precautions shall be taken to prevent

- displacement of input or output windings, or the turns thereof;

- undue displacement of parts of windings, or of internal wiring, in the event of a rupture or loosening of connections.

Compliance is checked by inspection and by the tests of the other clauses of this standard.

NOTE 1 Isolation between the mains and the **fence circuit** may be achieved by the incorporation of a double-wound transformer situated either in the input circuit or in the **fence circuit**. If such transformers are incorporated in both circuits, at least one of these transformers should provide the required degree of isolation.

NOTE 2 Circuits connected between the input terminals and the primary side of the transformer providing the required degree of isolation are considered to be connected to the mains, and circuits connected between the output terminals and the secondary side of this transformer are considered to belong to the **fence circuit**.

NOTE 3 Examples of constructions that comply with the requirements of this subclause for windings are

- windings on separate spools of adequate insulating material, rigidly fixed with respect to each other and to the core of the transformer;
- windings on a single spool with a partition wall, both of adequate insulating material, provided that the spool and partition wall are pressed or moulded in one piece, or that, in the case of a pushed-on partition wall, there is an intermediate sheath or covering over the joint between the spool and the partition wall;
- concentric windings on cheekless formers, provided that
 - each layer of the winding is interleaved with adequate insulating material projecting beyond the end turns of each layer,
 - one or more separate sheets of insulating material of adequate thickness are provided between the input winding and the output windings, and
 - the windings are impregnated with a hard-baked or other suitable material that fully penetrates the interstices and effectively seals off the end turns.

NOTE 4 It is not to be expected that two independent fixings will become loose at the same time.

22.102 For **mains-operated energizers** and **battery-operated energizers suitable for connection to the mains**, transformers in the **fence circuit** shall be placed in a separate compartment. This compartment shall not contain any part that is, or can come, in contact with the mains, with the exception of the input winding of the transformer. The bushings referred to in 22.105 shall be in the wall of this compartment.

Compliance is checked by inspection and by the tests of the other clauses of this standard.

22.103 For metal-encased **class II energizers**, the output terminals shall be placed so that external conductors connected to these terminals are not likely to come into contact with the enclosure.

Compliance is checked by inspection.

22.104 **Energizers** shall be so designed that

- the conductors for the connection of the **fence** and the **earth electrode** can be easily connected;
- it is possible to actuate switches and other controls, if this is necessary in normal use, after the **energizer** has been mounted and connected to the supply, without opening or removing any enclosure that provides protection against harmful ingress of water or unintended electric shock.

Compliance is checked by inspection.

22.105 For **mains-operated energizers** and **battery-operated energizers suitable for connection to the mains**, any assembly gap in **supplementary insulation** shall not be co-incidental with any such gap in **basic insulation**, neither shall any such gap in **reinforced insulation** give straight access to **live parts**.

Compliance is checked by inspection.

22.106 In **types A, B and C energizers**, terminals for the connection of the battery and other metal parts in a battery compartment that become accessible when replacing batteries, even with the aid of a **tool**, shall be insulated from **live parts** by **double insulation** or **reinforced insulation**.

In **type D energizers** and **battery-operated energizers**, parts in a battery compartment that become accessible when replacing batteries, even with the aid of a **tool**, shall not be **live parts**.

*Compliance is checked by inspection, measurement and by the tests specified for **double insulation** or **reinforced insulation**.*

22.107 Battery-operated energizers and battery-operated energizers suitable for connection to the mains shall be provided with means to prevent the user from being subjected to an electric shock due to the **energizer** output voltage, when connecting a battery to the **energizer**.

Compliance is checked by inspection.

NOTE Examples of such means are:

- a switch that isolates the terminals for the connection of the battery;
- a control that enables the output voltage to be reduced to zero;
- insulated crocodile clips or similar devices.

22.108 Energizer output characteristics shall be such that

- the impulse repetition rate shall not exceed 1 Hz;
- the **impulse duration** of the impulse in the 500 Ω component of the **standard load** shall not exceed 10 ms;
- for **energy limited energizers** the energy/impulse in the 500 Ω component of the **standard load** shall not exceed 5 J;
- for **current limited energizers** the **output current** in the 500 Ω component of the **standard load** shall not exceed for
 - an **impulse duration** of greater than 0,1 ms, the value specified by the characteristic limit line detailed in Figure 102;
 - an **impulse duration** of less than 0,1 ms, 15 700 mA.

*Compliance is checked by measurement when the **energizer** is supplied with the voltage in 11.5, the **energizer** being operated under conditions of **normal operation** but with the **standard load** connected to its output terminals. When measuring the impulse repetition rate the **standard load** is not connected.*

The measurements are made using a measuring arrangement with an input impedance consisting of a non-inductive resistance of not less than 1 M Ω in parallel with a capacitance of not more than 100 pF.

22.109 If the **energizer** is provided with more than one **fence circuit**, the output characteristics shall be within the limits specified in 22.108 for any possible connection of the **fence circuits**.

The impulses for the individual sets of output terminals shall be synchronized and

- the **impulse duration** shall not exceed the value specified in 22.108;
- the impulse repetition rate shall not exceed the value specified in 22.108;

for any possible combination of individual impulses.

Compliance is checked by the measurements specified in 22.108

22.110 For **types A and B energizers** that have terminals for the connection of the battery, the no-load d.c. output voltage shall not exceed 42,4 V.

*Compliance is checked by measuring the no-load d.c. output voltage appearing at the terminals for the connection of the battery when the **energizer** is connected for mains supply and is supplied at **rated voltage**.*

22.111 The peak value of the output voltage, U_0 , shall be measured and recorded to enable the tests and measurements of 14.102, 14.103, 14.104 and 16.3 to be carried out.

Compliance is checked by the following test.

*The peak value of the output voltage is measured, using a measuring arrangement described in 22.108 with the **energizer** supplied with the voltage in 11.5 under conditions of **normal operation**, but with a load connected to the output terminals consisting of a capacitor having a capacitance that can be varied between 0 and 200 nF in steps of approximately 10 nF.*

23 Internal wiring

This clause of Part 1 is applicable except as follows.

23.7 Replacement:

For **mains-operated energizers** and **battery-operated energizers suitable for connection to the mains**, conductors identified by the colour combination green/yellow shall not be used.

Compliance is checked by inspection.

24 Components

This clause of Part 1 is applicable.

25 Supply connection and external flexible cords

This clause of Part 1 is applicable except as follows.

25.1 Addition:

Type D energizers shall be provided with a non-detachable flexible cord with connecting means that are not suitable for connection to the mains, or an appliance inlet, having at least the same degree of protection against moisture as required for the **energizer**, that is not compatible with appliance couplers complying with the standard sheets of IEC 60320.

Compliance is checked by inspection.

25.5 Addition:

The flexible leads or flexible cord used to connect the battery in **battery-operated energizers** shall be assembled with the **energizer** by a **type X attachment**.

25.7 Replacement:

Supply cords, other than the flexible leads or flexible cord connecting an external battery or battery box with an **energizer**, shall not be lighter than

- ordinary polyvinyl chloride sheathed cord (code designation 60227 IEC 53);
- ordinary polychloroprene sheathed cord (code designation 60245 IEC 57).

The ordinary polychloroprene sheathed cord shall be used where, for climatic reasons, the ordinary polyvinyl chloride sheathed cord is not suitable.

Compliance is checked by inspection.

25.8 Addition:

The conductors in flexible leads or flexible cords used to connect the battery in **battery-operated energizers** shall have a nominal cross-sectional area of not less than 0,75 mm².

25.13 Addition:

This requirement is not applicable to the flexible leads or flexible cord connecting external batteries or a battery box with an **energizer**.

25.23 Addition:

In **types A, B, C, D** and **battery-operated energizers**, if the battery is placed in a separate box, the flexible lead or flexible cord connecting the box with the **energizer** is considered to be an **interconnection cord**.

25.101 Battery-operated energizers shall have suitable means for connection of the battery. If the type of battery is marked on the **energizer**, the means of connection shall be suitable for this type of battery.

Compliance is checked by inspection.

26 Terminals for external conductors

This clause of Part 1 is applicable except as follows.

26.1 Addition:

The second sentence of the requirement does not apply to the **energizer** output terminals.

26.5 Addition:

Terminal devices in an **energizer** for the connection of the flexible leads or flexible cord with **type X attachment** connecting an external battery or battery box shall be so located or shielded that there is no risk of accidental connection between supply terminals.

26.9 Addition:

The requirement does not apply to the **energizer** output terminals.

26.101 Output terminals shall be so designed or located that it is not possible to connect the **fence** or the **earth electrode** to the **energizer** by means of a plug that is designed for connection to a socket-outlet for mains supply.

Compliance is checked by inspection and by manual test.

26.102 Output terminals shall be fixed so that they will not work loose when external conductors are connected or disconnected.

Compliance is checked by inspection and by manual test.

26.103 Devices for clamping the conductors connecting the **fence** or the **earth electrode** to the **energizer** shall not serve to fix any other component.

Compliance is checked by inspection.

27 Provision for earthing

This clause of Part 1 is applicable except as follows.

27.1 Addition:

NOTE 101 In **class II energizers** provision may be made for connecting at least one of the output terminals to the **earth electrode**.

28 Screw and connections

This clause of Part 1 is applicable.

29 Clearances, creepage distances and solid insulation

This clause of Part 1 is applicable except as follows.

Addition:

Compliance is also checked by the requirements and measurements of 29.101.

29.101 Clearances between

- **live parts** of the **fence circuit** and other metal parts, or
- metal enclosures and other metal parts of the **energizer**, including foil wrapped around the **supply cord** inside inlet bushings, cord guards, cord anchorages and similar parts,

shall not be less than 25 mm.

The **clearances** between the poles of the supply circuit in **battery-operated energizers** shall be not less than 2 mm, when the **energizer** is fitted with conductors as in normal use.

Compliance is checked by measurement.

30 Resistance to heat and fire

This clause of Part 1 is applicable except as follows.

30.2.1 Modification:

The glow-wire test is made at a temperature of 650 °C.

30.2.2 Not applicable.

31 Resistance to rusting

This clause of Part 1 is replaced by the following.

The enclosure of metal-encased **class II energizers** shall be adequately protected against corrosion.

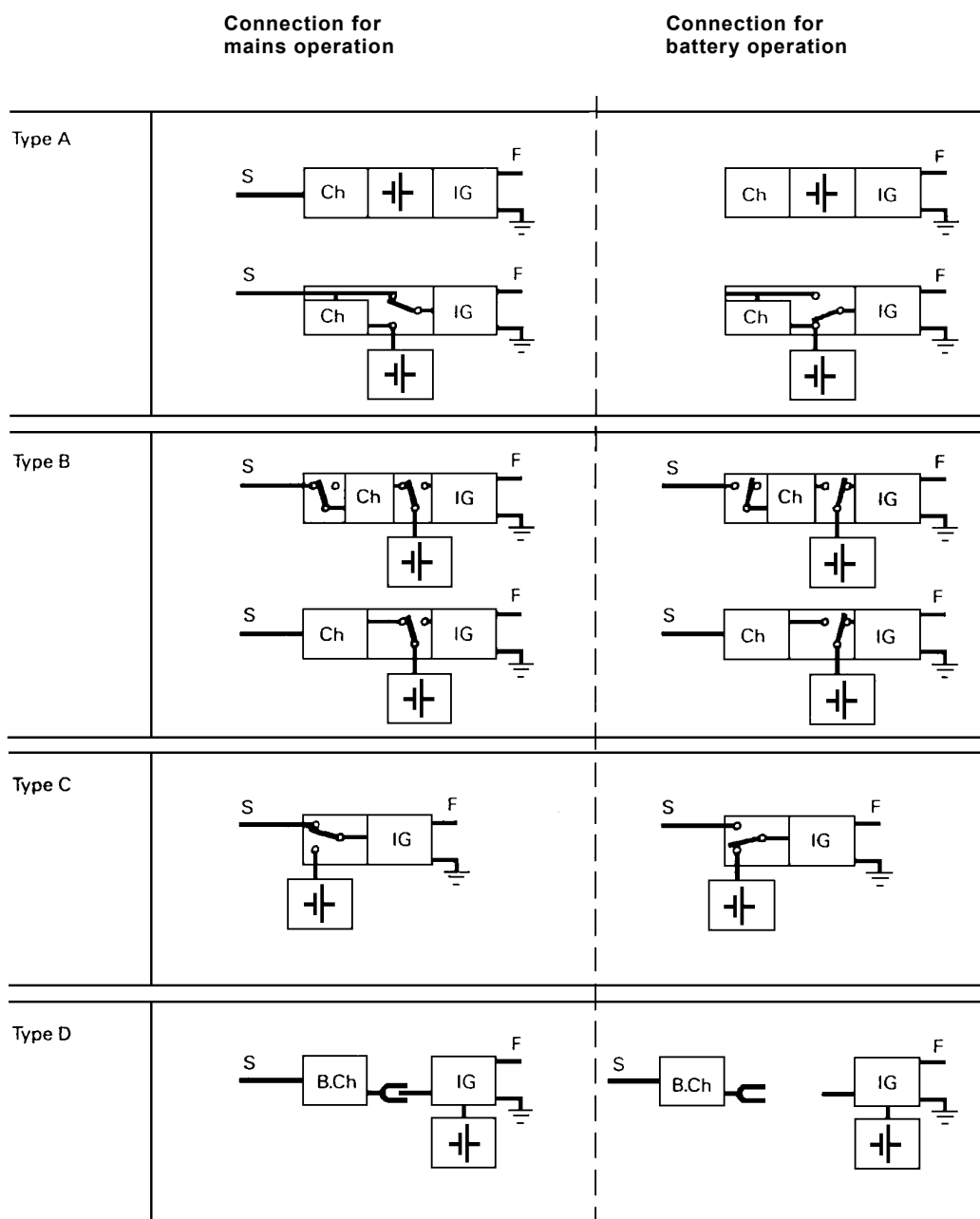
Compliance is checked by the salt mist test of IEC 60068-2-5. Severity 2 is applicable.

Before the test, coatings are scratched by means of a hardened steel pin, the end of which has the form of a cone with an angle of 40°. Its tip is rounded with a radius of 0,25 mm ± 0,02 mm. The pin is loaded so that the force exerted along its axis is 10 N ± 0,5 N. The scratches are made by drawing the pin along the surface of the coating at a speed of approximately 20 mm/s. Five scratches are made at least 5 mm apart and at least 5 mm from the edge.

After the test, the appliance shall not have deteriorated to such an extent that compliance with this standard is impaired. The coating shall not have broken and shall not have loosened from the metal surface.

32 Radiation, toxicity and similar hazards

This clause of Part 1 is applicable.



IEC 425/97

Key

S = supply mains

Ch = **battery charger** circuit

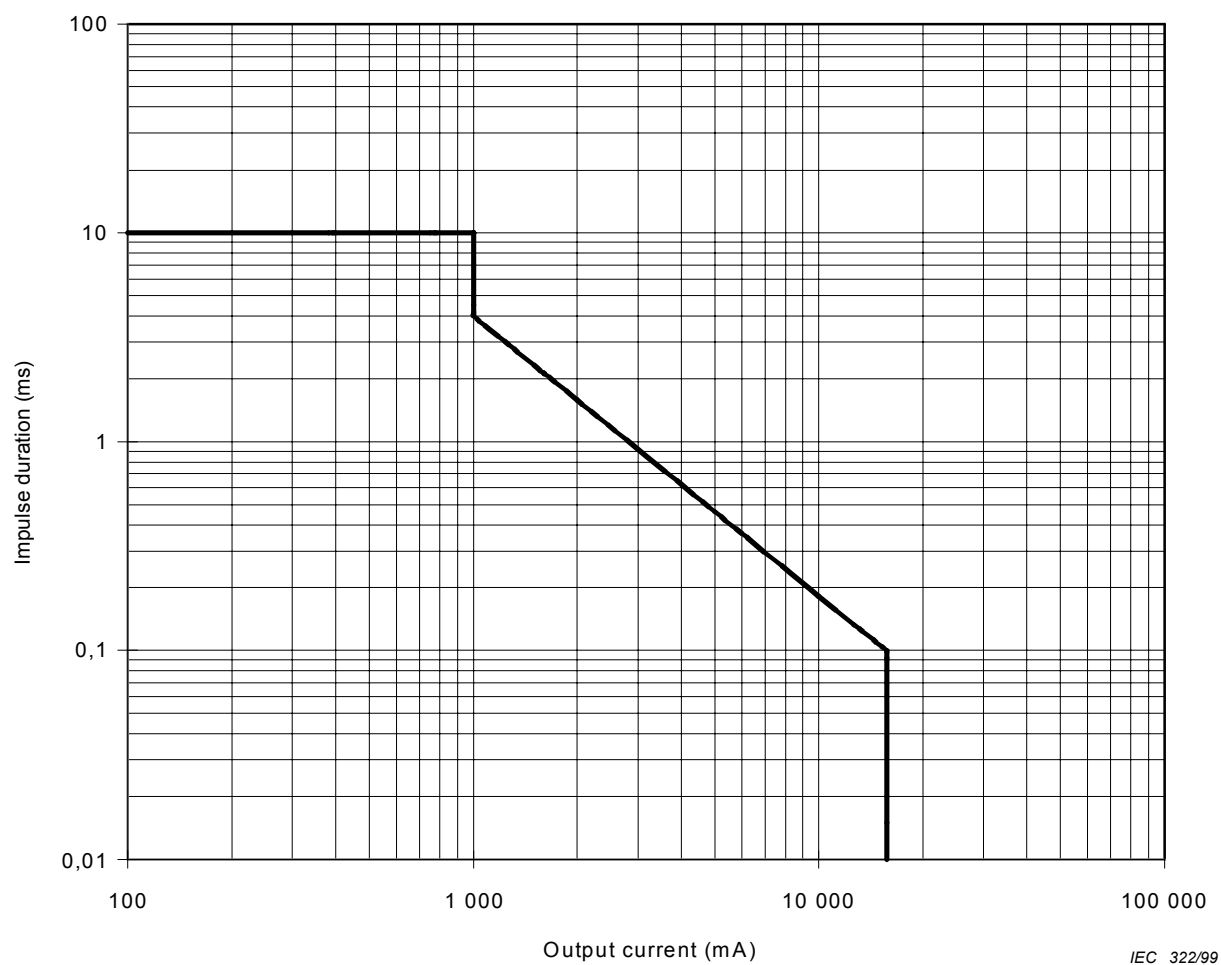
IG = impulse generating circuit

B.Ch = separate **battery charger**

 = **battery**

F = **fence** connection

Figure 101 – Schematic examples of the different types of battery-operated energizers suitable for connection to the mains



NOTE The equation of the line relating **impulse duration** (ms) to **output current** (mA) for 1 000 mA < **output current** < 15 700 mA, is given by **impulse duration** = $41,885 \times 10^3 \times (\text{output current})^{-1,34}$

Figure 102 – Current limited energizer characteristic limit line

Annexes

The Annexes of Part 1 are applicable except as follows.

Annex A (informative)

Routine tests

This Annex of Part 1 is applicable except as follows.

A.2 Electric strength test

Addition:

*For **mains-operated energizers** and **battery-operated energizers suitable for connection to the mains**, an electric strength test is carried out between the mains supply circuit and the **fence circuit**, the test voltage being 10 000 V, a.c., 50 Hz or 60 Hz for 1 s.*

A.3 Functional test

Addition:

*The **energizer** output characteristic shall be checked by operating the **energizer** at **rated voltage** with a 500 Ω load connected across the fence terminals.*

*The **energizer** output characteristic shall be such that*

- the impulse repetition rate shall not exceed 1 Hz;*
- the **impulse duration** of the impulse shall not exceed 10 ms;*
- for **energy limited energizers**, the energy/impulse shall not exceed 5 J;*
- for **current limited energizers**, the **output current** shall not exceed*
 - the value specified by the characteristic limit line detailed in Figure 102;*
 - for an **impulse duration** of less than 0,1 ms, 15 700 mA.*

Annex B
(normative)

Appliances powered by rechargeable batteries

This Annex of Part 1 is applicable except as follows.

Addition:

The modifications to 3.19, 11.7, 19 and 30.2 are not applicable.

Annex AA (informative)

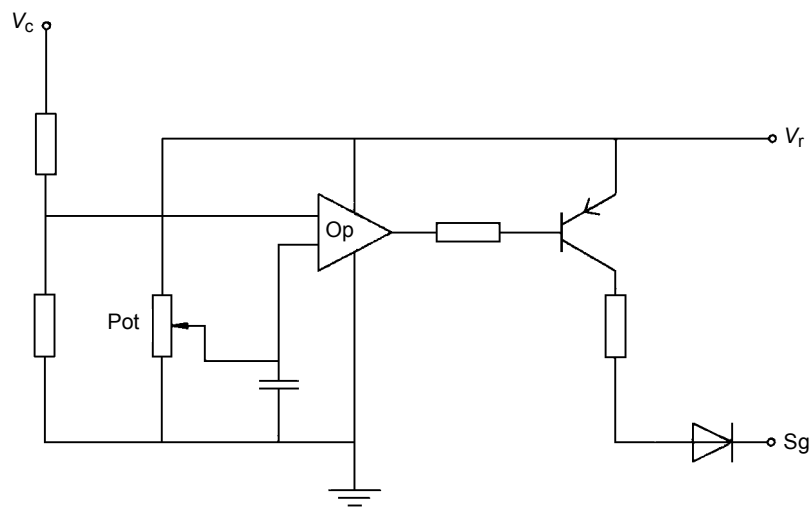
Circuit for the independent control of the switching speed of the major pulse-switching device

A suitable circuit for external independent control of the switching speed of semiconductor devices used as the major pulse-switching device in the **energizer**, in accordance with the eighth dashed item of 19.101, is shown in Figure AA.1.

The circuit is used to reference the gate signal of the major pulse-switching device to the voltage across this device so that it can be triggered at the same point in the charging cycle.

The reference voltage should be of such a value that the comparator is adjustable over the whole range of the **energizer** charging voltage, thereby allowing the switching speed to be set at any desired frequency.

The input impedance of the comparator circuit should be such that it does not influence the results of the test.



Key

V_c = Charging voltage

V_r = Reference voltage

S_g = Gate signal

Pot = Switching speed adjuster

Op = Comparator

**Figure AA.1 – Circuit for the independent control of the switching speed
of the major pulse-switching device**

Annex BB (normative)

Instructions for installation and connection of electric fences

BB.1 Requirements for electric animal fences

Electric animal fences and their ancillary equipment shall be installed, operated and maintained in a manner that minimizes danger to persons, animals or their surroundings.

Electric animal fence constructions that are likely to lead to the entanglement of animals or persons shall be avoided.

An **electric animal fence** shall not be supplied from two separate **energizers** or from independent **fence circuits** of the same **energizer**.

For any two separate **electric animal fences**, each supplied from a separate **energizer** independently timed, the distance between the wires of the two **electric animal fences** shall be at least 2 m. If this gap is to be closed, this shall be effected by means of electrically non-conductive material or an isolated metal barrier.

Barbed wire or razor wire shall not be electrified by an **energizer**.

A non-electrified fence incorporating barbed wire or razor wire may be used to support one or more off-set electrified wires of an **electric animal fence**. The supporting devices for the electrified wires shall be constructed so as to ensure that these wires are positioned at a minimum distance of 150 mm from the vertical plane of the non-electrified wires. The barbed wire and razor wire shall be earthed at regular intervals.

Follow the energizer manufacturer's recommendations regarding earthing.

A distance of at least 10 m shall be maintained between the **energizer earth electrode** and any other earthing system connected parts such as the power supply system protective earth or the telecommunication system earth.

Connecting leads that are run inside buildings shall be effectively insulated from the earthed structural parts of the building. This may be achieved by using insulated high voltage cable.

Connecting leads that are run underground shall be run in conduit of insulating material or else insulated high voltage cable shall be used. Care must be taken to avoid damage to the **connecting leads** due to the effects of animal hooves or tractor wheels sinking into the ground.

Connecting leads shall not be installed in the same conduit as the mains supply wiring, communication cables or data cables.

Connecting leads and **electric animal fence** wires shall not cross above overhead power or communication lines.

Crossings with overhead power lines shall be avoided wherever possible. If such a crossing cannot be avoided it shall be made underneath the power line and as nearly as possible at right angles to it.

If **connecting leads** and **electric animal fence** wires are installed near an overhead power line, the clearances shall not be less than those shown in Table BB1.

Table BB1 – Minimum clearances from power lines for electric animal fences

Power line voltage V	Clearance m
≤ 1 000	3
> 1 000 and ≤ 33 000	4
> 33 000	8

If **connecting leads** and **electric animal fence** wires are installed near an overhead power line, their height above the ground shall not exceed 3 m

This height applies to either side of the orthogonal projection of the outermost conductors of the power line on the ground surface, for a distance of

- 2 m for power lines operating at a nominal voltage not exceeding 1 000 V;
- 15 m for power lines operating at a nominal voltage exceeding 1 000 V.

Electric animal fences intended for deterring birds, household pet containment or training animals such as cows need only be supplied from low output **energizers** to obtain satisfactory and safe performance.

In **electric animal fences** intended for deterring birds from roosting on buildings, no **electric fence** wire shall be connected to the **energizer earth electrode**. A warning sign shall be fitted to every point where persons may gain ready access to the conductors.

Where an **electric animal fence** crosses a public pathway, a non-electrified gate shall be incorporated in the **electric animal fence** at that point or a crossing by means of stiles shall be provided. At any such crossing, the adjacent electrified wires shall carry warning signs.

Any part of an **electric animal fence** that is installed along a public road or pathway shall be identified at frequent intervals by warning signs securely fastened to the fence posts or firmly clamped to the fence wires.

The size of the warning sign shall be at least 100 mm × 200 mm.

The background colour of both sides of the warning sign shall be yellow. The inscription on the sign shall be black and shall be either

- the symbol of Figure BB1, or
- the substance of “CAUTION: **Electric animal fence**”.

The inscription shall be indelible, inscribed on both sides of the warning sign and have a height of at least 25 mm.

Ensure that all mains-operated, ancillary equipment connected to the **electric animal fence circuit** provides a degree of isolation between the fence circuit and the supply mains equivalent to that provided by the **energizer**.

NOTE 1 Ancillary equipment that complies with the requirements relating to isolation between the **fence circuit** and the supply mains in Clauses 14, 16 and 29 of the standard for the **electric fence energizer** is considered to provide an adequate level of isolation.

Protection from the weather shall be provided for the ancillary equipment unless this equipment is certified by the manufacturer as being suitable for use outdoors, and is of a type with a minimum degree of protection IPX4.

BB.2 Requirements for electric security fences

Electric security fences and their ancillary equipment shall be installed, operated and maintained in a manner that minimizes danger to persons, and reduces the risk of persons receiving an electric shock unless they attempt to penetrate the **physical barrier**, or are in the **secure area** without authority.

Electric security fence constructions that are likely to lead to the entanglement of persons shall be avoided.

Gates in **electric security fences** shall be capable of being opened without the person receiving an electric shock.

An **electric security fence** shall not be supplied from two separate **energizers** or from independent **fence circuits** of the same **energizer**.

For any two separate **electric security fences**, each supplied from a separate **energizer** independently timed, the distance between the wires of the two **electric security fences** shall be at least 2,5 m. If this gap is to be closed, this shall be effected by means of electrically non-conductive material or an isolated metal barrier.

Barbed wire or razor wire shall not be electrified by an **energizer**.

Follow the energizer manufacturer's recommendations regarding earthing.

The distance between any **electric security fence earth electrode** and other earth systems shall be not less than 2 m, except when associated with a graded earth mat.

NOTE 1 Where possible the distance between any electric **security fence earth electrode** and other earth systems should preferably be at least 10 m.

Exposed conductive parts of the **physical barrier** shall be effectively earthed.

Where an **electric security fence** passes below bare power line conductors, the highest metallic element shall be effectively earthed for a distance of not less than 5 m on either side of the crossing point.

Connecting leads that are run inside buildings shall be effectively insulated from the earthed structural parts of the building. This may be achieved by using insulated high voltage cable.

Connecting leads that are run underground shall be run in conduit of insulating material or else insulated high voltage cable shall be used. Care must be taken to avoid damage to the **connecting leads** due to the effects of vehicle wheels sinking into the ground.

Connecting leads shall not be installed in the same conduit as the mains supply wiring, communication cables or data cables.

Connecting leads and **electric security fence wires** shall not cross above overhead power or communication lines.

Crossings with overhead power lines shall be avoided wherever possible. If such a crossing cannot be avoided it shall be made underneath the power line and as nearly as possible at right angles to it.

If **connecting leads** and **electric security fence** wires are installed near an overhead power line, the clearances shall not be less than those shown in Table BB2.

Table BB2 – Minimum clearances from power lines for electric security fences

Power line voltage V	Clearance m
≤1 000	3
>1 000 and ≤33 000	4
>33 000	8

If **connecting leads** and **electric security fence** wires are installed near an overhead power line, their height above the ground shall not exceed 3 m

This height applies to either side of the orthogonal projection of the outermost conductors of the power line on the ground surface, for a distance of

- 2 m for power lines operating at a nominal voltage not exceeding 1 000 V;
- 15 m for power lines operating at a nominal voltage exceeding 1 000 V.

A spacing of 2,5 m shall be maintained between uninsulated **electric security fence** conductors or uninsulated **connecting leads** supplied from separate **energizers**. This spacing may be less where conductors or connecting leads are covered by insulating sleeving, or consist of insulated cables rated to at least 10 kV.

This requirement need not apply where the separately energized conductors are separated by a **physical barrier** that does not have any openings greater than 50 mm.

A vertical separation of not less than 2 m shall be maintained between **pulsed conductors** fed from separate **energizers**.

Electric security fences shall be identified by prominently placed warning signs.

The warning signs shall be legible from the **secure area** and the **public access area**.

Each side of the **electric security fence** shall have at least one warning sign.

Warning signs shall be placed

- at each gate;
- at each access point;
- at intervals not exceeding 10 m;
- adjacent to each sign relating to chemical hazards for the information of the emergency services.

Any part of an **electric security fence** that is installed along a public road or pathway shall be identified at frequent intervals by warning signs securely fastened to the fence posts or firmly clamped to the fence wires.

The size of the warning sign shall be at least 100 mm × 200 mm.

The background colour of both sides of the warning sign shall be yellow. The inscription on the sign shall be black and shall be either

- the symbol of Figure BB1, or
- the substance of “CAUTION: **Electric security fence**”.

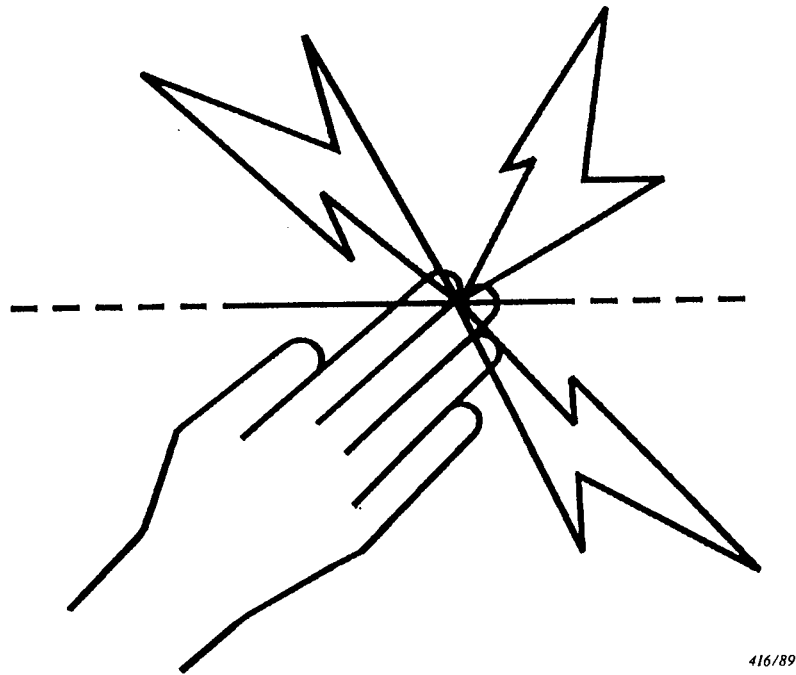
The inscription shall be indelible, inscribed on both sides of the warning sign and have a height of at least 25 mm.

Ensure that all mains operated, ancillary equipment connected to the **electric security fence circuit** provides a degree of isolation between the **fence circuit** and the supply mains equivalent to that provided by the **energizer**.

NOTE 2 Ancillary equipment that complies with the requirements relating to isolation between the **fence circuit** and the supply mains in Clauses 14, 16 and 29 of the standard for the **electric fence energizer** is considered to provide an adequate level of isolation.

Mains supply wiring shall not be installed in the same conduit as signalling leads associated with the **electric security fence** installation.

Protection from the weather shall be provided for the ancillary equipment unless this equipment is certified by the manufacturer as being suitable for use outdoors, and is of a type with a minimum degree of protection IPX4.



416/89

Figure BB1 – Symbol for warning sign

Annex CC (informative)

Installation of electric security fences

CC.1 General

An **electric security fence** should be installed so that, under normal conditions of operation, persons are protected against inadvertent contact with **pulsed conductors**.

NOTE 1 This requirement is primarily intended to establish that a desirable level of safety is present or is being maintained in the **physical barrier**.

NOTE 2 When selecting the type of **physical barrier**, the likely presence of young children should be a factor in considering the size of openings.

CC.2 Location of electric security fence

The **electric fence** should be separated from the **public access area** by means of a **physical barrier**.

Where an **electric fence** is installed in an elevated position, such as a window or skylight, the **physical barrier** may be less than 1,5 m high where it covers the whole of the **electric fence**.

CC.3 Prohibited zone for pulsed conductors

Pulsed conductors shall not be installed within the shaded zone shown in Figure CC1.

NOTE 1 Where an **electric security fence** is planned to run close to a site boundary, the relevant government authority should be consulted before installation begins.

NOTE 2 Typical **electric security fence** installations are shown in Figure CC2 and Figure CC3.

CC.4 Separation between electric fence and physical barrier

Where a **physical barrier** is installed in compliance with CC.3 at least one dimension in any opening should be not greater than 130 mm and the separation between the **electric fence** and the **physical barrier** should be

- within the range of 100 mm to 200 mm or greater than 1 000 mm where at least one dimension in each opening in the **physical barrier** is not greater than 130 mm;
- greater than 1 000 mm where any opening in the **physical barrier** has all dimensions greater than 50 mm;
- less than 200 mm or greater than 1 000 mm where the **physical barrier** does not have any openings.

NOTE 1 These restrictions are intended to reduce the possibility of persons making inadvertent contact with the **pulsed conductors** and to prevent them from becoming wedged between the **electric fence** and the **physical barrier**, thereby being exposed to multiple shocks from the **energizer**.

NOTE 2 The separation is the perpendicular distance between the **electric fence** and the **physical barrier**.

CC.5 Prohibited mounting

Electric fence conductors should not be mounted on a support used for any overhead power line.

CC.6 Operation of electric security fence

The conductors of an **electric fence** should not be energized unless all authorized persons, within or entering the **secure area**, have been informed of its location.

Where there is a risk of persons being injured by a secondary cause, appropriate additional safety precautions should be taken.

NOTE An example of a secondary cause is where a person may be expected to fall from a surface if contact is made with **pulsed conductors**.

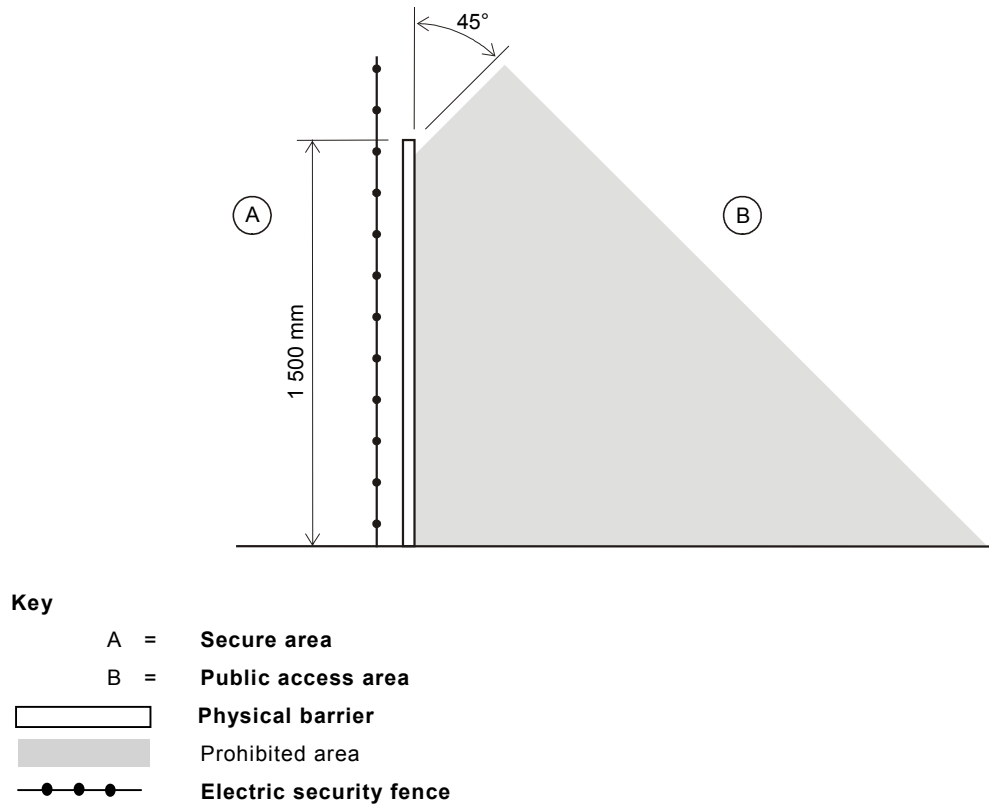
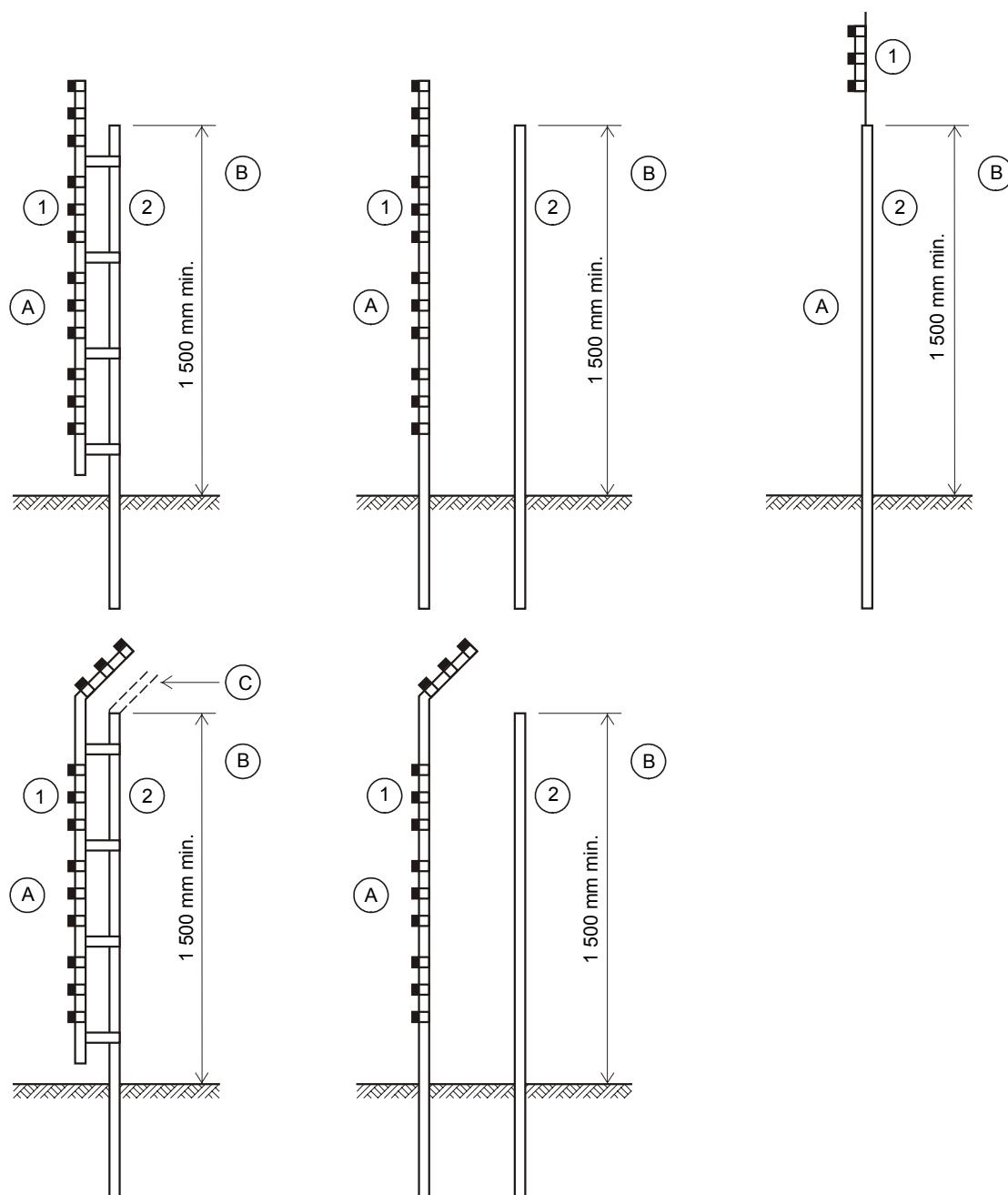


Figure CC1 – Prohibited area for pulse conductors

**Key**

A = Secure area

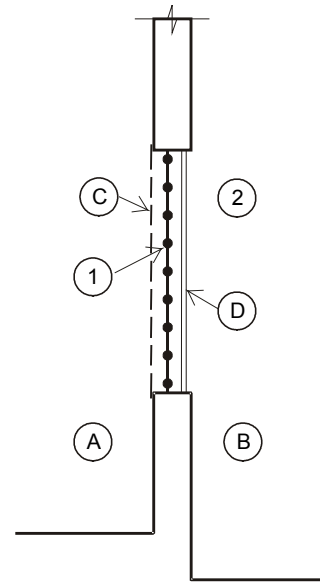
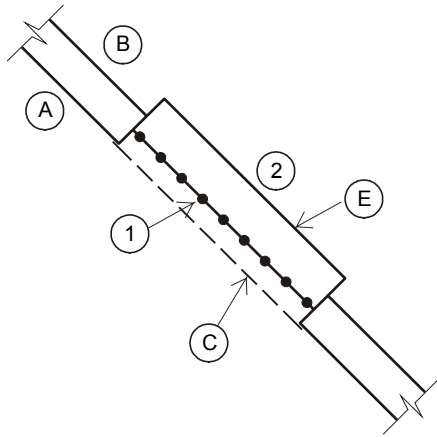
B = Public access area

C = Barrier where required

1 = Electric security fence

2 = Physical barrier

Figure CC2 – Typical constructions where an electric security fence is exposed to the public



Key

A = **Secure area**

B = **Public access area**

C = Barrier where required

D = Glass window pane

E = Skylight in roof

1 = **Electric security fence**

2 = **Physical barrier**

Figure CC3 – Typical fence constructions where the electric security fence is installed in windows and skylights

Bibliography

The bibliography of Part 1 is applicable except as follows.

Addition:

IEC 60335-2-86, *Household and similar electrical appliances – Safety – Part 2-86: Particular requirements for electric fishing machines*

IEC 60335-2-87, *Household and similar electrical appliances – Safety – Part 2-87: Particular requirements for electric animal stunning equipment*



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International Electrotechnical Commission

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Switzerland

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MODEL ELECTRIC FENCE ORDINANCE

A. The construction and use of electric fences shall be allowed in the city only as provided in this section, subject to the following standards:

1. IEC Standard 60335-2-76: Unless otherwise specified herein, electric fences shall be constructed or installed in conformance with the specifications set forth in International Electro technical Commission (IEC) Standard No. 60335-2-76.
2. Electrification:
 - (a) The energizer for electric fences must be driven by a commercial storage battery not to exceed 12 volts DC. The storage battery is charged primarily by a solar panel. However, the solar panel may be augmented by a commercial trickle charger.
 - (b) The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of IEC Standard No. 60335-2-76.
3. Perimeter fence or wall:
 - (a) No electric fence shall be installed or used unless it is completely surrounded by a non-electrical fence or wall that is not less than five feet.
4. Location: Electric fences shall be permitted on any non-residential outdoor storage areas.
5. Height: Electric fences shall have a height of 10 feet (or 2 feet higher than the perimeter fence whichever is higher).
6. Warning signs: Electric fences shall be clearly identified with warning signs that read: "Warning-Electric Fence" at intervals of not less than sixty feet.
7. Electric fences shall be governed and regulated under burglar alarm regulations and permitted as such.

AN ORDINANCE TO AMEND AND REENACT SECTION 17-22 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTION RELATING TO ELECTRICALLY CHARGED FENCES WITHIN THE CITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That Section 17-22 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

Sec. 17-22. - Electrically charged fence.

~~No electrically charged fence shall be erected or maintained within the city.~~

- A. As used in this section "electric fence" shall mean a fence designed to conduct electric current along one (1) or more wires thereof so that a person or animal touching any such wire or wires will receive an electric shock.
- B. The construction and use of electric fences shall be allowed in the city only as provided in this section and subject to the following standards:
 - 1. Unless otherwise specified herein, electric fences shall be constructed and installed in conformance with the specifications set forth in the International Standard IEC 60335-2-76.
 - 2. Electrification
 - (a) The energizer for electric fences shall be driven by a commercial storage battery not to exceed twelve (12) volts DC. The storage battery shall be charged primarily by a solar panel; however, the solar panel may be augmented by a commercial trickle charger.
 - (b) The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of International Standard IEC 60335-2-76.
 - 3. Perimeter fence or wall: No electric fence shall be installed or used unless it is completely surrounded by a non-electrical fence or wall that meets the standards of the Zoning Ordinance.
 - 4. Location: Electric fences shall only be permitted along the perimeter of non-residential storage areas.

5. Height: Electric fences shall not exceed a height of two (2) feet above the height of the perimeter fence.
6. Warning signs: Electric fences shall be clearly identified with warning signs that read "Warning – Electric Fence" at intervals of not less than thirty (30) feet.
7. A Knox Remote Power Box or equivalent device acceptable to the City's Police & Fire Departments shall be installed with the capability of deenergizing the fence during an emergency.
8. Notification: Upon installation of an electric fence the owner of the property shall notify the City's Police Department & Fire Department of the location of the electric fence and the device capable of deenergizing the electric fence.

2. That this ordinance shall become effective upon its adoption.

Adopted: April 27, 2021

Certified:

A handwritten signature in cursive script, appearing to read "Alicia L. Fitts", written over a horizontal line.

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **April 27, 2021**

AGENDA ITEM #: ***10**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Substantial Amendment #3 for the CDBG program and the receipt of the Community Development Block Grant Coronavirus Aid, Relief and Economic Security Act (CARES ACT) (CDBG-CV) Round 3 Program Funds

KEY ELEMENTS:

☐ Economic Development ☐ Excellent Government ☒ Natural and Built Environment ☒ Safe Community ☒ Vibrant Community

RECOMMENDATION: Adopt a resolution approving the submission of Substantial Amendment #3 to the Program Year (PY) 2019 Annual Action Plan (Fiscal Year [FY] 2021) for the Community Development Block Grant (CDBG) and HOME Program to the U. S. Department of Housing and Urban Development (HUD); and amend the FY 2021 Community Development Block Grant budget with resources of \$389,143 from the Community Development Block Grant *Coronavirus Aid, Relief And Economic Security Act (CARES ACT)* (CDBG-CV) Round 3 Program Funds.

SUMMARY: The City has received notification from HUD for an additional special allocation of Community Development Block Grant funds to be used to prevent, prepare for, and respond to the coronavirus (COVID-19). This allocation was authorized by HUD on September 11, 2020 and constituted a third round of CDBG-CV funds for states and local governments. These funds are an extension of the *Coronavirus Aid, Relief, and Economic Security Act (CARES Act)*, which was signed by President Trump on March 27, 2020, to respond to the growing effects of this historic public health crisis. Lynchburg's allocation is \$389,143.

For receipt of these funds, in accordance with HUD regulations; the City is required to submit a "Substantial Amendment" to its HUD PY 2019 CDBG Annual Action Plan. This Amendment is to include projects that will prevent, prepare for, and respond to the Coronavirus (COVID-19).

Utilizing the CDBG application process and the guidelines from HUD for eligible projects/activities, City staff solicited and accepted applications for the CDBG-CV funds. Attached is a summary of the applications received from local nonprofits and City departments. These projects/activities are eligible according to the HUD guidelines and will benefit the citizens of Lynchburg that have been or will be affected by COVID-19.

In accordance with the CDBG Citizen Participation Plan's "In the Event of an Emergency" section, the public comment period was reduced to five (5) days as approved by HUD. The Community Development Advisory Committee (CDAC) did not conduct a public meeting regarding the submitted projects. However, the applications were provided to CDAC with the opportunity to comment on the proposed projects. The CDAC comments provided to City staff supported the funding of the proposed projects. The following lists of projects are recommended for funding by City staff:

CDBG-CV PROJECTS PROPOSED FOR FUNDING:

City Administration	\$18,448
Feeding the Homebound (Meals on Wheels of Greater Lynchburg)	\$46,500
Emergency Housing Assistance (Lynchburg Community Action Group)	\$75,000
Reducing Evictions through Legal Aid (Virginia Legal Aid Society)	\$30,000
Domestic Violence Prevention Program (YWCA of Central Virginia)	\$6,680
Summer Lunch & Play Program (City's Department of Parks and Recreation)	\$20,000
Shelter Program and Apparatus Air Purifier Project (City's Fire Department)	\$192,515
Total CDBG-CV ROUND 3	\$389,143

The public was notified of the public hearing through a public notice advertisement published in *The News and Advance* on April 5 and through various sources of social media. Following the public hearing, City Council approved all of the projects except for the "Reducing Evictions through Legal Aid" request. That item was tabled and staff was asked to provide additional information (i) from Virginia Legal Aid Society on additional federal and/or state funding they have received to reduce evictions and (ii) from the Lynchburg Redevelopment and Housing Authority on the level of communication and partnership the agency has with Virginia Legal Aid Society. The response from Virginia Legal Aid Society is attached and the Executive Directors of both agencies plan to attend the City Council meeting.

PRIOR ACTION(S): City Council conducted a public hearing on April 13, 2021.

FISCAL IMPACT: The FY 2021 (HUD PY 2019) Community Development Block Grant fund will be increased by \$389,143

CONTACT(S): Melva Walker, Grants Manager, 455-3916;
Kent White, Interim Deputy City Manager/Director of Community Development, 455-3919

ATTACHMENT(S): Resolution
Attachment A – Summary of CDBG-CV Applications
Attachment B – CDBG-CV Worksheet
Attachment C – Virginia Legal Aid Society Background Information

REVIEWED BY: klw

057A

RESOLUTION:

#R-21-024

BE IT RESOLVED that the HUD Program Year 2019 (FY 2021) Community Development Block Grant (CDBG) Annual Action Plan Substantial Amendment #3 is amended incorporating the proposed CDBG-CV Round 3 projects and is hereby approved for submittal to the U. S. Department of Housing and Urban Development (HUD); and

BE IT FURTHER RESOLVED that the FY 2021 Community Development Block Grant budget (HUD Program Year 2019) is amended and \$389,143 is appropriated with resources from the Community Development Block Grant Coronavirus Aid, Relief and Economic Security Act (CARES ACT) (CDBG-CV-Round 3).

Introduced: April 13, 2021

Adopted:

Certified:

Clerk of Council

Summary of Fiscal Year (FY) 2021, Program Year (PY) 2019 Community Development Block Grant Coronavirus Aid, Relief and Economic Security Act (Cares Act) (CDBG-CV-Round 3) Program funds from the U. S. Department of Housing and Urban Development (HUD)

Following is a brief summary of each of the applications received for consideration of the CARES Act CDBG-CV-Round 3 Program funding. Entire applications are available and can be reviewed in the Grants Administration Office.

City Administration (Grants Administration) - \$18,448

Funding is requested for personnel and operating costs associated with managing and monitoring the CDBG-CV Round 3 projects.

Feeding the Homebound (Meals on Wheels of Greater Lynchburg) - \$46,500

In response to the coronavirus (COVID-19), Meals on Wheels of Greater Lynchburg will utilize the CDBG-CV Round 3 funds to deliver approximately 15,000 nutritionally appropriate meals to people that are quarantined individuals or individuals that need to maintain social distancing due to medical vulnerabilities as a result of COVID-19. These individuals are some of the most vulnerable people in our community and the COVID-19 pandemic puts their health at even greater risk.

During 2020, Meals on Wheels delivered 118,188 meals, 33,613 more than the year before without delays or waiting lists. The majority of new recipients received a meal the next day after they called, especially during the start of the pandemic when there was limited understanding of the disease and its impact. Meals on Wheels staff has stated that the agency will continue to provide meals to homebound individuals that have been affected by COVID-19.

COVID-19 Emergency Housing Assistance Program (Lynchburg Community Action Group-Lyn-CAG) - \$75,000

The COVID-19 Emergency Housing Assistance Program will assist clients, whose income was impacted by the pandemic, with up to three (3) months of past due rent or mortgage payments. Through this program it is Lyn-CAG's goal to keep households housed, which will prevent exposure to congregate settings (shelter) where the likelihood of contracting the virus is higher.

Through this program Lyn-CAG is preparing for increased needs to address the lasting impacts of the virus and unemployment. This program is a direct response to the coronavirus and efforts to alleviate its impact. As the loom of ending moratoriums and forbearance approaches the security of a home is in jeopardy. This could result in an eviction or foreclosure which places a household in danger of contracting the virus. Lyn-CAG's Emergency Housing Assistance Program aims to prevent both evictions and foreclosures due to the pandemic.

Reducing Evictions Through Legal Aid (Virginia Legal Aid Society-VLAS) - \$30,000

Virginia Legal Aid Society (VLAS) attorneys and paralegals will provide legal representation, advice, education and outreach to low-income residents of Lynchburg to help reduce the number of anticipated evictions as a result of COVID-19. In response to COVID-19, VLAS will negotiate on behalf of these clients, represent them in court or administrative proceedings, advise them on how to apply state law to help protect themselves against evictions and other potentially illegal activities by their landlords, and inform them of their rights and responsibilities through public education events. This project will help approximately 600 people.

Domestic Violence Prevention Program (YWCA of Central Virginia) - \$6,680

YWCA of Central Virginia requested funding through the CDBG-CV ROUND 3 allocation for the Domestic Violence Prevention Program (DVPP). Funds requested will be used to prevent coronavirus by procuring proper HEPA air filtration/sanitization units for our Sadler House shelter. Funds requested will be used to respond to coronavirus by hiring a Youth Prevention Coordinator to support the youth entering shelter during this time, as the program has noted that youth are suffering both mentally and academically due to the pandemic compounding their domestic violence-based trauma. Further, this person would provide critical prevention education for the city's youth once schools reopen. Data has shown that COVID-19 cases surged in March 2020 with the stay-at-home orders, but the YWCA hotline calls dropped more than 50% during that time. The pandemic has exposed the support that professional and caring experts can provide not only to adult survivors, but to you the survivors. Further, the YWCA realizes that youth tend to disclose to individuals in the community who interact with them including educators. This will allow the YWCA to further respond to the complexities that COVID-19 has left in its wake outside of the virus and medical trauma, but it also has deeply impacted intimate partner violence reporting and care.

Summer Lunch & Play Program (City-Department of Parks and Recreation) - \$20,000

The Summer Lunch & Play Program supports families by providing nutritious meals and recreational activities for youth, from the neighborhood center grounds, during the summer recess. The free program is offered in partnership with non-profit organizations and Lynchburg City Schools, the sponsor of the USDA Summer Food Service Program.

Due to the coronavirus, the Summer Lunch & Play Program model has been modified – with the guidance of federal and state public health authorities – in an effort to keep citizens safe through physical distancing, restrictions on gathering, and enhanced cleaning.

While under normal circumstances centers would offer congregate meals and a variety of activities on site all summer long, the Parks and Recreation Department has adapted the format in response to the coronavirus pandemic. The schedule will be Monday through Friday, from 11am to 4pm. The “Lunch” component will be carry-out rather than eat-in. The “Play” component is flexible and can be adapted to the pandemic public health guidance at the time of implementation. The Department will offer both a carry-out option (recreation-to-go) option as well as an on-site option (stay-and-play) for kids and families visiting the center/park.

The CDBG-CV funds will be used to purchase supplies for both the recreation-to-go and the stay-and-play options. Examples of supplies include classic recreation items such as balls, hula hoops, jump ropes, and sidewalk chalk. These “recreation-to-go” activities would then be distributed to youth from the center grounds. New play items would be introduced throughout the Summer Lunch & Play Program.

This hybrid carry-out/in-person model, allows for flexibility as pandemic conditions evolve. The “recreation -to-go” model, keeps kids healthy and active during the lazy days of summer by providing them with unitized play things, to support at-home recreational activity, until such time as the centers are open again. The “stay-and-play” options allow for in-person socialization, education, and recreation. Together, these options provide the most flexible solution for summer programming for youth and families at the neighborhood centers during this uncertain time.

Shelter Program and Apparatus Air Purifier Project (City-Fire Department) - \$192,515

The Fire Department's application for CDBG-CV Round 3 funds includes a Shelter program and Apparatus Air Purifier program. These funds will provide a mobile location to carry out testing, diagnosis, and other services related to the COVID-19 Coronavirus. This program will include three portable self-contained shelters (two 15' x 18" and one 16' x 16') that will be insulated, wired, with AC/Heat, lighting, toilet kits, carry cases, generators. These shelters will be multi-use such as a portable vaccine or illness test site facilities, natural or manmade disasters, extreme heat or cold event shelters. During pandemic, illness, natural or manmade disaster events the poverty and low-income areas of the City are hit very hard due to lack of personal resources. The Apparatus Air Purifier systems will be installed in all emergency apparatus to purify the air and reduce the risk to providers and patients. Currently, when a patient is transported by a Lynchburg Fire Department ambulance there is no air filter or purifier system in the patient compartment. Items to be purchased include: Shelter kits, AC and Heaters, Toilet Kits, generators, air purifiers and installation.

CDBG CARES ACT CORONAVIRUS (CV) - ROUND 3 ENTITLEMENT FUNDS		
FISCAL YEAR (FY) 2021/PROGRAM YEAR (PY) 2019		
Total CDBG CV-Round 3 Available	\$ 389,143.00	
		City Council
	Amount	Amount
	Requested	Awarded
NAME	FY 2021	FY 2021
City Administration	\$ 18,448.00	
Feeding the Homebound (Meals on Wheels of Greater Lybg)	46,500.00	
Emergency Housing Assistance (Lyn-CAG)	75,000.00	
Reducing Evictions through Legal Aid (Virginia Legal Aid Society)	30,000.00	
Domestic Violence Prevention (YWCA of Central Virginia)	6,680.00	
Summer Lunch & Play Program (Dept. of Parks & Recreation)	20,000.00	
Shelter Program and Apparatus Air Purifier (Fire Department	192,515.00	
Totals	\$ 389,143.00	\$ -
Remaining Amount to Award	\$ -	\$ 389,143.00



ATTACHMENT C

Administrative Office:
Toll-free for clients: 888.846.8527
P.O. Box 6200, 513 Church Street
Lynchburg, VA 24505-6200
434.846.1326 Phone
434.528.3571 Fax

David B Neumeyer, Executive Director
Kate W Sigler, Director of Administration

Writer's direct phone: 434-455-3090
davidn@vlas.org

April 19, 2021

By Email

Melva C. Walker, Grants Manager
Office of Grants Administration
City of Lynchburg
900 Church Street
Lynchburg, VA 24504

Re: Responses

Dear Ms. Walker:

Please find attached for City Council's April 27 meeting packet the response of Virginia Legal Aid Society to questions that were raised in the April 13 Council meeting.

I will be present at the April 27 to answer any questions that Council members may want to ask.

Thank you.

Sincerely,

David B. Neumeyer

Enclosure



Virginia Legal Aid Society Response to City Council Questions and Opposition of Lynchburg Redevelopment and Housing Authority Chair Regarding Funding for Eviction Prevention

April 19, 2021

Background:

In the current Request for Proposals offered by the City of Lynchburg for efforts to mitigate the spread and effects of COVID-19, Virginia Legal Aid Society (VLAS) has applied for \$30,000 to help prevent evictions.

In an email dated April 13, 2021 addressed to Lynchburg's Mayor, Vice Mayor, and members of Council, Turner Perrow ¹criticized Virginia Legal Aid Society (VLAS) for its representation of tenants in Lynchburg Redevelopment and Housing Authority (LRHA) evictions and urged City Council to decline Legal Aid 's request for \$30,000 in HUD funds to defend tenants facing eviction because

In 2018 and 2019, the LRHA spent an average of \$37,000 per year in legal actions related to evictions. Evictions were suspended in 2020. Most of this expense may be attributed to Legal Aid defending tenants that have blatantly violated the lease in a manner that cannot be resolved, such as fraudulent activity or violence.

This expense equates to two years' worth of HUD rent vouchers at \$433/month for seven families. I would much rather use HUD money to house families in need than to pay attorneys to evict tenants that blatantly violate the lease, defy HUD procedures, and illegally occupy space where a deserving family is patently waiting for permanent supportive housing.

Email of Turner Perrow addressed to the Mayor, Vice Mayor and City Council, sent to Melva Walker and Chris Faraldi, April 13, 2021

Mr. Perrow urged that Council "allocate those funds to support housing families instead of propagating frivolous defenses preventing deserving families from being housed. At the least, please prevent Legal Aid from using HUD dollars to defend LRHA eviction proceedings, which are also funded by HUD dollars. It is a waste of federal money."

We believe that Mr. Perrow's comments are inaccurate and misleading, and explain below how they are so.

One Council member spoke against Legal Aid at City Council's April 13 meeting and one asked whether VLAS has received funding from any Federal or State source to provide legal assistance to persons being evicted as a result of the COVID-19 virus. We answer that below in detail, but the short answer is "not for Lynchburg."

The following pages respond further to these concerns.

¹ Mr. Perrow is a former member of City Council of course, and his email twice stated that he is chair off the LRHA Board though says he does not write as a representative or spokesperson for the LRHA.

Virginia Legal Aid Society and Housing

VLAS adopts a new strategic plan every five years based on extensive community needs assessment involving paper surveys, online surveys, town hall meetings, and review of the thousands of applications we receive and thousand of cases we handle every year. Our program's five offices annually receive between 15,000 and 20,000 requests for service, and we provide as much assistance as we can to every caller. The strategic plan determines which types of cases we accept for extended representation, which we accept for advice and counsel, and which we refer to other providers.

The Impact of Eviction

Housing cases have always been at the top of our legal work priorities. Evictions are the most common traumatic event faced by low income families and individuals because everyone is vulnerable; budgeting insufficient income against the many costs of shelter, utilities, food, medicines and medical care, clothing, transportation, and school and work expense means that not every bill gets paid every month, and low-income people go without, skimping on food, heat, medical care, and rent to get by. If rent is skimmed, eviction becomes a cost of being poor, and it is a tremendous cost. Furniture, clothing and other belongings are put on the street with many items permanently lost. Loss of a home, temporary doubling up with another family, or living in a car or on the street are traumatic events, and

landlords often turn away applicants with recent evictions on their records, evicted families regularly experience prolonged homelessness and increased residential mobility.... When they do locate subsequent housing they frequently must accept substandard conditions in disadvantaged neighborhoods. Eviction often prevents families from qualifying for housing programs.... Studies have linked eviction to psychological trauma and have identified it as a risk factor for suicide.

Desmond et al., *Evicting Children*, 92 Soc. Forces 303 (2013) at 303 (citations omitted).

We know that the effects of trauma last for years and lifetimes, especially if inflicted upon children whose brains develop in response to all stimuli. Less well known is that neighborhoods with larger percentages of children experience higher evictions, and the presence of children in a household significantly increases the odds of receiving an eviction judgment. Id. at 304.

Another impact of eviction during this pandemic is to

increase infection rates because eviction results in overcrowded living environments, doubling up, transiency, limited access to healthcare, and a decreased ability to comply with pandemic mitigation strategies (e.g. social distancing, self-quarantine, and hygiene practices.). Indeed, recent studies suggest that eviction may increase the spread of COVID-19 and that the absence or lifting of eviction moratoria may be associated with an increased rate of COVID-19 infection and death. Eviction is also a driver of health inequity as historic trends and recent data demonstrate that people of color are more likely to face eviction and associated comorbidities. ,

Benfer et al., *Eviction, Health Inequity, and the Spread of Covid -19: Housing Policy as a Primary Pandemic Mitigation Policy*, J.Urban Health (2021)

These impacts are among the reasons that housing and evictions are important to the welfare of every community.

The Impact of Poor and Dangerous Conditions

Another important aspect of housing is the impact of health-threatening conditions in poorly maintained rental housing

Under Virginia law, most landlords² must do these things:

- Follow building and housing codes affecting health and safety.
- Make all repairs needed to keep the place fit and habitable (livable).
- Keep the common areas clean and safe.
- Keep in good and safe working order all electrical, plumbing, sanitary, heating, ventilating, air conditioning, and other facilities and appliances that the landlord supplies or must supply. This includes maintaining a carbon monoxide alarm installed by the landlord. The landlord must install a carbon monoxide alarm if the tenant requests it in writing, and it must be done within 90 days after the request is made. The landlord can charge the tenant a reasonable fee for the installation.
- Supply water, hot water, air conditioning if provided, and heat in season; unless the tenant alone controls the heat, air conditioning, or hot water, or unless provided directly by a utility company to the tenant on a separate meter.
- Maintain the place so as to prevent the accumulation of moisture and the growth of mold.
- Promptly get rid of mold when it appears.
- Prevent or remove infestation of rodents.
- Keep clean and safe any common areas used by more than one tenant household.
- Provide and keep up trash containers (except for single family houses).

When landlords and property managers do not maintain their properties to these standards, the result is often holes in doors, floors walls, windows and screen that lead to pest and rodent infestation, moisture and mold, inadequate heat during winter, rusty and lead-contaminated pipes, and window frames and walls contaminated with lead paint even if under layers of more recent latex. All present a variety of adverse and long-term health impacts to adult and child tenants.

Law and Housing

These are all reasons why housing is continually the most important legal work priority of Virginia Legal Aid Society. We as a nonprofit law firm have a unique ability to stop and remedy these threats because our society's rule of law includes statutes and regulations determining how and when evictions take place and how rental properties are maintained. Civil laws like these are enforced by courts that act on cases brought and defended by lawyers, and Virginia Legal Aid Society and its lawyers exist to help those of low income who cannot afford a lawyer protect the basics of life.

Every state in the country allows forcible evictions to take place only with a court order, entered as part of a lawsuit in which the landlord must file a complaint which is served on the tenant and to which the

² Under Virginia law, all tenants must do these things: • Keep your rented space and plumbing as clean and safe as conditions permit. • Make reasonable efforts to keep the premises so as to prevent accumulation of moisture and growth of mold. Promptly notify the landlord of excess moisture and growth of mold. • Keep your rented space free from pests and insects, and promptly notify the landlord of the existence of them in your unit. • Use all utilities and appliances reasonably, and get rid of trash. • Not destroy or damage the property, or allow anyone else to. • Not disturb your neighbors, or allow your household members or guests to do so. • Follow the lease and reasonable rules of your landlord. • Pay your rent on time.

tenant may respond with defenses. Landlords must give advance notice in the form of a notice to pay or to quit the premises, and a tenant can choose to voluntarily comply, but the power of the state in enforcing an order of eviction can be used only after this court process has been followed and a judge has decided that an order of eviction is appropriate. Public and subsidized housing, in which federal money subsidizes the cost of housing for low-income individuals and families, comes with additional requirements involving an opportunity the opportunity for administrative notice and hearing in most cases so that a dispute might be resolved without going to court.

Courts also enforce condition standards for rental housing such as Virginia's standards above. Lawyers can file lawsuits to enforce condition standards when they are not followed by landlords. Tenants can also file a "tenant's assertion" rent escrow case If repairs aren't made in a reasonable time.³ A hearing is held within 15 days of the time the landlord is served with notice, but the hearing may be earlier if it's an emergency such as lack of heat, sewage, or other health or safety issues.

VLAS Housing Cases in 2018, 2019 and 2020

Due to pandemic-related evictions, applications and case acceptances by our Lynchburg office for housing-related representation soared in 2020, and most of the total was in private rental housing"

Cases opened	2019	2020	% increase
Private housing	62	140	125%
Subsidized housing	51	54	6%
Public housing	13	7	-38%
Total	126	201	60%

In calendar years 2018 and 2019, the years chosen by Mr. Perrow, VLAS accomplished the following for housing cases in the City of Lynchburg. Note that only 72 cases, or 16% of our housing cases, required litigation.

Totals 2018 and 2019 combined:

Total cases closed: 461

Total People Helped: 1,114

Total dollars recovered for clients: \$128,205

Total dollars in unjustified claims prevented: \$116,105

Total dollar impact: \$244,309

Households with children: 228, or 49% of Lynchburg housing cases

Reason Closed	#	% of all L housing cases
Counsel and Advice	275	60%
Limited Action	54	12%

³ To use this procedure, tenants must be current on rent due to the landlord, and pay the full rent into court within five days of the date that rent next comes due. Tenants fill out a "Tenant's Assertion and Complaint" form at the General District Court for the county or city where they live, attaching a copy of any inspection report and letters to the landlord. They can also list the bad conditions on the form. They can ask the judge to order repairs completed before rent is released to the landlord; to order repairs and return of some (or all) of the rent money to the for having to put up with the bad conditions; and/or to order the lease ended so the tenant can move out without paying future rent. The court sets a hearing day and has the landlord served with a summons to appear in court.

Negotiated Settlement Without Litigation	46	10%
Negotiated Settlement With Litigation	30	7%
Administrative Agency Decision	8	2%
Uncontested Court Decisions	11	2%
Contested Court Decisions	32	7%
Other	2	0%
Extensive Service (not resulting in Settlement or Court/ Admin Action)	3	1%
Total	461	

Case Outcomes

Prevented Eviction

Cases	People helped:	PH	% of all L housing cases
46		121	10%

Delayed Eviction

Cases	PH	% of all L housing cases
14	39	3%

Protected Rights & Access, or stopped Unfair LL practices

Cases	PH	% of all L housing cases
45	118	10%

Repairs

Cases	PH	% of all L housing cases
10	18	2%

Facing an Expected Flood of Eviction Cases when Moratoria End

According to the Centers for Disease Control, in its rule extending the federal eviction moratorium until June 30,

[r]esearchers estimate that, in 2020, Federal, state, and local eviction moratoria led to over one million fewer evictions than the previous year.[30] Additional research shows that, despite the CDC eviction moratorium leading to an estimated 50% decrease in eviction filings compared to the historical average, there have still been over 100,000 eviction filings since September, suggesting high demand and likelihood of mass evictions....

Evicted renters must move, which leads to multiple outcomes that increase the risk of COVID-19 spread. Specifically, many evicted renters move into close quarters in shared housing or other congregate settings. According to the Census Bureau American Housing Survey, 32% of renters reported that they would move in with friends or family members upon eviction, which would introduce new household members and potentially increase household crowding. Studies show that COVID-19 transmission occurs readily within households. The secondary attack rate in households has been estimated to be 17%, and household contacts are estimated to be 6 times more likely to become infected by an index case of COVID-19 than other close contacts. A study of pregnant women in New York City showed that women in large households (greater number of residents per household) were three times as likely to test positive for SARS-CoV-2 than those in smaller households, and those in neighborhoods with greater household crowding (>1 resident per room) were twice as likely to test positive.

Throughout the United States, counties with the highest proportion of crowded households have experienced COVID-19 mortality rates 2.6 times those of counties with the lowest proportion of crowded households.....

Preliminary modeling projections and observational data from COVID-19 incidence comparisons across states that implemented and lifted eviction moratoria indicate that evictions substantially contribute to COVID-19 transmission The authors estimated that anywhere from 1,000 to 100,000 excess cases per million population could be attributable to evictions depending on the eviction and infection rates.

Centers for Disease Control, *Temporary Halt in Residential Evictions To Prevent the Further Spread of COVID-19*, 86 FR 16731, March 31, 2021, at 16734 .

The expected flood of evictions when the moratoria do come to an end, combined with the health threats facing evicted families and the people with whom they come in contact, require VLAS to generate as many financial resources as we can to hire attorneys and paralegals who can assist tenants when they are facing eviction. We submitted our application to the City of Lynchburg for this HUD funding for this reason.

To date, VLAS has received only modest additional COVID-19-related resources for the representation of tenants: last fall, the IKEA Corporation provided a two-year grant, matched by Governor Northam, to provide additional attorneys across the state to assist tenants in eviction cases; VLAS received two of these positions, which we placed in Danville and Suffolk because we did not have a housing-dedicated attorney in those offices. We do have an attorney in Lynchburg dedicated to housing work thanks to funding assistance we have received from the General Assembly for two years and from United Way of Central Virginia for thirty years.

VLAS Cases Against the Lynchburg Redevelopment and Housing Authority in 2017 and 2018

In the 27 cases we handled against the LRHA in this time period, following is our record of the case outcomes. There is no evidence to support Mr. Perrow's emailed charges that:

- "Most of this [\$37,000 per year LHRA litigation] expense may be attributed to Legal Aid defending tenants that have blatantly violated the lease in a manner that cannot be resolved, such as fraudulent activity or violence."
- "Tenants... blatantly violate the lease, defy HUD procedures, and illegally occupy space"
- VLAS spends its funding "propagating frivolous defenses preventing deserving families from being housed."

On the contrary, LRHA attorneys often agreed with VLAS's position on cases and were willing to settle, and in situations that LRHA did not agree with VLAS's position, the judge hearing the case did agree with VLAS's position.

1. VLAS appealed, circuit court dismissed eviction.
2. VLAS negotiated repayment plan with LRHA (\$636 total, to be paid through an extra \$50/month to LRHA on top of \$62 monthly rent. Client agreed to terms.
3. VLAS did not represent but advised client that if LRHA did not provide notice of accepting rent with reservation, then it was not entitled to obtain writ for sheriff to remove her. Two cases on appeal were resolved. LRHA agreed to dismiss them. Client kept her housing.
4. LRHA presented VLAS with copy of signed acceptance of rent with reservation notice. We advised CI we would be unable to help her in stopping eviction, provided her with information on emergency housing services in area.
5. VLAS requested informal grievance hearing on 5 day pay or quit notice. LRHA did not respond but rescinded cancelation of lease.
6. GDC judge awarded LRHA possession judgment & continued case on \$ award. CI vacated apt, did not appear at damage hearing. Judge awarded LRHA default judgment on \$ damages, including \$391 in unpaid monthly rent for 6 months.
7. Client thought LRHA overcharging on rent. LRHA determined CI was correct. CI recovered lump sum \$750 in overpaid rent. Rent going forward reduced from \$468 → \$222 (\$246/mo avoided).
8. CI chose to not contest eviction. VLAS advised client that judgment against her should be for \$408 and asked LRHA if CI could have more than 10 days to move out LRHA refused.
9. LRHA nonsuited
10. LRHA withdrew lease termination after CI agreed to and passed 3 monthly inspections.
11. CI phone was disconnected. Wrote CI letter with advice.
12. CI said she was unable to meet terms of settlement and moved out before writ of possession was executed.
13. LRHA agreed, corrected the error and said CI did not owe any money and was not in violation of lease.
14. CI moved out, eviction case closed.
15. Client paid overdue rent using state right of redemption, LRHA accepted payment and dismissed eviction. VLAS also determined LRHA was charging appropriate rent.
16. Advice given
17. Advice given
18. Advice given
19. Advice given
20. VLAS represented CI in court to get escrow funds returned to her. Judge ruled escrow funds would go to LRHA.
21. Advice given
22. VLAS contacted LRHA. LRHA said they discovered error and owed CI \$246. Not clear what happened with smoking issue. CI satisfied with results.
23. Our letter to the client said "The court entered the dismissal order of your eviction case against you. I have enclosed a copy for your records. The attorney for LRHA agreed that the issues with the notices and the housekeeping were not sufficient to evict you."
24. Advice given

25. CI addressed LHRA's concerns and LHRA confirmed the issue was resolved. Provided advice on next steps.
26. VLAS negotiated a settlement that gave CI one month to move out, dropping the UD, which was changed to warrant in debt. CI agreed to accept \$762 judgment, which included \$256 costs and attorney's fees.
27. VLAS negotiated settlement that dropped eviction proceedings and ensured she would not have to pay any rent going forward

These results indicate that in most of the cases between us, VLAS helps LRHA and tenants work out disputes to their mutual benefit, avoiding protracted litigation and involuntary eviction in most instances

Case examples

The following two case stories, one involving LRHA-managed public housing and one involving privately managed subsidized housing, will illustrate some of the work we do to prevent evictions and improve housing conditions.

1. Eviction

"Donna" had been living in Lynchburg public housing for 10 years. In the fall of 2018, her fiancé gave the family a chihuahua, knowing her two children would love to have a dog. A month later, he died unexpectedly, plunging Donna into depression. She lost 25 pounds and failed to clean the apartment for a few weeks. This, unfortunately, coincided with an apartment inspection, which Donna failed.

Her troubles cascaded. Her fiancé's death meant the loss of a babysitter for her 3-year-old son, which in turn led to the loss of her job. Soon, Donna was threatened with eviction for failing the inspection and for failing to provide a \$300 pet deposit for the chihuahua. She didn't know what to do. She couldn't afford the deposit, but her children would be devastated by the loss of their dog.

Desperate, Donna turned to Virginia Legal Aid Society. Her VLAS attorney reached out to the Lynchburg Redevelopment and Housing Authority and negotiated a settlement. As part of the settlement, LRHA conducted three monthly inspections of the apartment. When Donna passed all three, LRHA agreed to drop its efforts to terminate Donna's lease and evict her. Donna was able to stay in her apartment, maintaining housing stability to help her through her crisis. And LRHA maintained a tenant who had been a solid, reliable resident for 10 years.

2. Conditions

Shy-Lyn Austin and Dominique Hubbard (names used with permission) are tenants of James Crossing Apartments, a 288-unit federally subsidized property in Lynchburg. Several of the buildings had plumbing issues causing leaks, mold, and collapsed ceilings. The Lynchburg City Council in 2019 had approved \$28 million in bonds to rehabilitate James Crossing.

The two mothers reported their children often had to stay elsewhere because their asthma symptoms were worse in James Crossing. Each had tried to contact the property manager with no result. "They weren't answering the phone to talk to us," Shy-Lyn said. "It was months before I decided I needed help. I called Legal Aid." So did Dominique. The housing attorney at VLAS took both cases.

VLAS began by asking the landlords to make repairs and remediate the mold according to Virginia law. Although some repairs were made, others were not. When issues continued, VLAS filed an action asking Lynchburg Circuit Court to order safe housing be provided and repairs made. James Crossing agreed to put both families in a hotel while crews cleaned HVAC units and treated the mold. Shy-Lyn, Dominique, and their families are now back in their apartments. Meanwhile, VLAS has helped eight additional James Crossing tenants. VLAS has helped three of them move, helped others obtain needed repairs, and has continued to negotiate on behalf of the others.

Conclusion

In the forty-four years since our founding in 1977, Virginia Legal Aid Society has worked to keep low-income families and individuals in Lynchburg and in other communities in safe, affordable housing. The number of applications we receive and cases we handle involving rental housing are significantly increasing, and will continue to greatly increase as pandemic moratoria end. Increases in homelessness will increase the spread in COVID-19 in Lynchburg. VLAS receives pro bono assistance from local private attorneys, but many volunteer attorneys prefer not to handle landlord tenant cases, and those that do handle them seldom take cases involving public or subsidized housing because of the extensive federal regulations governing both types of housing. VLAS therefore needs more financial resources to pay for more representation by full-time and part-time staff attorneys. We respectfully ask that the \$30,000 that we have requested and for which we are eligible be included in this city disbursement of HUD funding.

RESOLUTION:

#R-21-024

BE IT RESOLVED that the HUD Program Year 2019 (FY 2021) Community Development Block Grant (CDBG) Annual Action Plan Substantial Amendment #3 is amended incorporating the proposed CDBG-CV Round 3 projects and is hereby approved for submittal to the U. S. Department of Housing and Urban Development (HUD); and

BE IT FURTHER RESOLVED that the FY 2021 Community Development Block Grant budget (HUD Program Year 2019) is amended and \$389,143 is appropriated with resources from the Community Development Block Grant Coronavirus Aid, Relief and Economic Security Act (CARES ACT) (CDBG-CV-Round 3).

Introduced: April 13, 2021

Adopted: April 27, 2021

Certified:


Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **April 27, 2021**

AGENDA ITEM #: **11**

CONSENT:
ACTION: X

REGULAR: X
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Appropriation for Intercom System at E.C. Glass with Schools Cares Funds

KEY ELEMENTS:

___Economic Development XExcellent Government ___Natural and Built Environment ___Safe Community ___Vibrant Community

RECOMMENDATION: Adopt a resolution to amend the FY 2021 School Capital Projects Fund budget and appropriate \$317,000 with resources from Lynchburg City Schools CARES funds for the installation of an intercom system at E. C. Glass.

SUMMARY: The original intercom system for E.C. Glass was installed over 20 years ago. The system has been experiencing problems for the last few years. The intercom system has failed and replacement parts are not available. The Schools will use CARES funds to replace the intercom system. The new system will be provided by AudioEnhancement.com and will provide touch screen functionality, configurable zones, and the ability to upgrade firmware remotely. An upcoming release will provide the ability to type in a student name and highlight their location on a building map based on their class schedule. This new intercom system will provide a safe learning environment for students, staff and families, including communication within the building around social distancing and CDC guidelines.

All School buildings are City property and all additions must be recorded as an asset of the City. This project will be set up in the School Capital Projects fund. The funds will be transferred to the City from the Schools.

PRIOR ACTION(S): None

FISCAL IMPACT: \$317,000 increase to the Schools Capital Projects Fund.

CONTACT(S): Dr. Crystal M. Edwards, Superintendent, Lynchburg City Schools, 515-5070
Kimberly Lukanich, Chief Financial Officer, Lynchburg City Schools, 515-5010

ATTACHMENT(S): Resolution

REVIEWED BY: raw

051A

RESOLUTION:

BE IT RESOLVED that the FY 2021 School Capital Projects Fund is amended and \$317,000 is appropriated with resources from Lynchburg City Schools CARES funds for the installation of an intercom system at E. C. Glass.

Introduced:

Adopted:

Certified:

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **April 27, 2021**

AGENDA ITEM #: **12**

CONSENT:
ACTION: X

REGULAR: X
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: City Code Amendment – Section 36-175, Exemption of real estate taxes on property of certain elderly or permanently and totally disabled persons.

KEY ELEMENTS:

☒ Economic Development ☒ Excellent Government ☐ Natural and Built Environment ☐ Safe Community ☐ Vibrant Community

RECOMMENDATION: Adopt an ordinance to amend Section 36-175 of the Lynchburg City Code to increase the gross combined income of the owner eligible for real estate tax relief and cap the amount of relief per applicant.

SUMMARY: City Code Section 36-175 details the real estate tax exemptions for certain elderly or disabled persons. The code section was last updated in 2012. The proposed amendments would adjust the gross combined income limit to \$40,000 to account for past Social Security increases and automatically adjust the income amount in subsequent years based on the previous year's Social Security percentage increase, not to exceed \$50,000. The proposed amendment also caps the amount of relief per applicant at \$2,500.

This issue was raised during City Council's discussion of the FY 2022 Budget on April 6, 2021 and is being brought forward as a staff recommendation.

PRIOR ACTION(S): N/A

FISCAL IMPACT: The amount of money budgeted for relief will remain unchanged from the City's FY 2021 Budget. The City has lost approximately 300 applicants over the past several years because of the increase in Social Security payments.

CONTACT(S): Mitchell Nuckles, Commissioner of the Revenue, 455-3871

ATTACHMENT(S): Ordinance
Presentation Slides

REVIEWED BY: klw

052A

AN ORDINANCE TO AMEND AND REENACT SECTION 36-175 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTION RELATING TO THE EXEMPTION OF REAL ESTATE TAXES ON THE PROPERTY OF CERTAIN ELDERLY OR PERMANENTLY AND TOTALLY DISABLED PERSONS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That Section 36-175 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

Sec. 36-175. - Exemption of real estate taxes on property of certain elderly or permanently and totally disabled persons.

(a) Exemption of taxation of real estate and mobile homes as defined herein below is hereby provided for qualified property owners who are not less than 65 years of age or who are permanently and totally disabled and who are eligible therefor, pursuant to the provisions of Section 58.1-3210 of the Code of Virginia (1950), as amended.

(b) The exemption shall be administered by the city manager or his authorized delegates. Applications for real estate tax relief for the elderly or the permanently and totally disabled shall be filed with the commissioner of the revenue. Immediately upon approval of the application, it shall be forwarded to the department of finance for processing. The city manager is hereby authorized and empowered to prescribe, adopt and enforce rules and regulations, including the requirement of answers under oath, as would be reasonably necessary to determine qualifications for exemption.

(c) Exemptions shall be granted to persons subject to the following provisions:

(1) Effective July 1, 2012 21, the person claiming the exemption must on June 30 immediately preceding the taxable year, have held title to the property for which the exemption is claimed.

(2) The head of the household occupying the dwelling and owning title, or partial title thereto, is 65 years or older or permanently and totally disabled on June 30 of the year immediately preceding the taxable year. Such dwelling must be occupied as the sole dwelling of the person or persons claiming exemptions.

(3) The gross combined income of the owner during the year immediately preceding the taxable year, from all sources, shall be determined by the commissioner of the revenue to be an amount not to exceed ~~\$32,500.00~~ 40,000.00. The gross combined income will be adjusted each year thereafter based on the previous year's Social Security percentage increase, rounded to the next hundred not to exceed \$50,000. Gross combined income shall include all income from all sources of the owner, spouse and of the owner's relatives, and any other individual living in the dwelling for which exemption is claimed except that the first \$4,000.00 of income of each relative, other than the spouse, of the owner, or owners, who is living in the dwelling, shall not be included in such total.

(4) The net combined financial worth of the owner as of June 30 of the year immediately preceding the taxable year shall be determined by the commissioner of the revenue to be an amount not to exceed \$60,000.00. Net combined financial worth shall include the value of all assets, including equitable interest, of the owner and spouse of any owner, excluding the fair market value of the dwelling and the land, not exceeding one acre upon which it is situated and for which exemption is claimed, and excluding household furnishings, including furniture, household appliances and other items typically used in a home. The fair market value shall be determined by the city assessor.

(5) For the purposes of this section, the term "permanently and totally disabled" shall mean unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person's life.

(6) Applicants who are both 65 years or older and permanently and totally disabled shall be entitled to only one exemption.

(7) For the purposes of this section, a mobile home means an industrialized building unit constructed on a

chassis for towing to the point of use and designed to be used without a permanent foundation for continuous year-round occupancy as a dwelling; or two or more such units separately towable, but designed to be joined together at the point of use to form a single dwelling, and which is designed for removal to and installation or erection on other sites.

(d) Annually, and not later than August 1 of the taxable year, the person or persons claiming such an exemption must file a real estate affidavit with the commissioner of the revenue; provided, however, that in the case of filing hardship, as defined by the director of finance, or first-time applicants, such applications may be filed by November 15 of such year. Such applicants will qualify for benefits insofar as funds are then available for the tax relief program within the budget appropriation for this purpose. Such affidavit shall set forth, in a manner prescribed by the city manager, the location, assessed value of the property, and the names of the related persons occupying the dwelling for which exemption is claimed, their gross combined incomes and net financial worth. If such person is under 65 years of age such form shall have attached thereto a certification by the Social Security Administration, the Veterans Administration, or the Railroad Retirement Board, or if such person is not eligible for certification by any of these agencies, a sworn affidavit by two medical doctors licensed to practice medicine in the commonwealth to the effect that such person is permanently and totally disabled, as defined in subsection (c)(5). The affidavit of at least one of such doctors shall be based on a physical examination of such person by such doctor. The affidavit of one of such doctors may be based upon medical information contained in the records of the Civil Service Commission which is relevant to the standards for determining permanent and total disability as defined in subsection (c)(5).

If, after an audit and investigation, the commissioner of the revenue determines that the person or persons are qualified for exemption, he shall so certify the same, and immediately forward the application form to the department of finance. The director of finance shall determine the percentage of exemption allowable, which exemption shall be deducted from the applicant's real estate tax liability. Such exemption shall be applicable only to the tax year following application therefor. Any real estate tax liability reduced by virtue of an exemption pursuant to this section shall be paid as and when due as provided by section 36-171 of this Code. If any installment of taxes due on such property shall not be paid as and when due pursuant to said section 36-171, said installment shall at once become due and collectible with ten percent penalty computed upon the amount of adjusted taxes so due and payable. Such exemption shall remain effective for all purposes other than the amount of penalty so imposed. Interest shall be collected, as provided by section 36-171 of this Code, on taxes not paid as and when due.

(e) Amount of exemption. The director of finance shall determine the tax exemption in accordance with a schedule to be approved by the city council. The amount of relief shall not exceed \$2,500 per applicant.

(f) Changes in respect to income, financial worth, ownership of property or other factors occurring during the taxable year for which the affidavit mentioned in paragraph (d) of this section is filed and having the effect of exceeding or violating the limitations and/or conditions provided shall nullify any relief of the tax liability for the current taxable year and the tax year immediately following.

(g) Any person or persons falsely claiming an exemption shall be guilty of a misdemeanor and upon conviction thereof may be punished as provided in section 36-1.

2. That this ordinance shall become effective upon its adoption.

Adopted:

Certified: _____
Clerk of Council



TAX RELIEF

Commissioner of the Revenue

April 2021





TAX RELIEF

TAX RELIEF SUMMARY BY YEAR

<u>TAX YEAR</u>	<u># APPLICANTS</u>	<u>RELIEF AMOUNT</u>
2020	500	\$491,740.13
2019	573	\$559,420.20
2018	646	\$615,258.29
2017	699	\$650,327.93
2016	746	\$688,718.35



TAX RELIEF

TAX RELIEF APPLICANTS DISQUALIFIED BASED ON INCOME

<u>TAX YEAR</u>	<u># DISQUALIFIED APPLICANTS</u>	<u>DISQUALIFIED \$32,500 - \$40,000</u>
2020	49	31
2019	46	33
2018	43	27
2017	48	30
2016	46	24



TAX RELIEF

SURROUNDING COUNTIES TAX RELIEF LIMITS

<u>LOCALITY</u>	<u>INCOME</u>	<u>NET WORTH</u>
Amherst	\$50,000	\$150,000
Appomattox	\$20,000	\$100,000
Bedford	\$37,500	\$100,000
Campbell	\$45,000	\$100,000



TAX RELIEF

FIRST CITIES TAX RELIEF LIMITS

<u>LOCALITY</u>	<u>INCOME</u>	<u>NET WORTH</u>
Charlottesville	\$55,000	\$125,000
Danville	\$20,000	\$50,000
Fredericksburg	\$50,000	\$300,000
Hampton	\$53,200	\$200,000
Harrisonburg	\$35,000	\$75,000
Hopewell	\$32,500	\$100,000
Lexington	\$30,000	\$70,000
Martinsville	\$27,500	\$65,000
Newport News	\$50,000	\$200,000
Norfolk	\$67,000	\$350,000
Petersburg	\$35,000	\$70,000
Portsmouth	\$50,000	\$175,000
Richmond	\$60,000	\$350,000
Staunton	\$30,000	\$62,520
Winchester	\$40,000	\$75,000

AN ORDINANCE TO AMEND AND REENACT SECTION 36-175 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTION RELATING TO THE EXEMPTION OF REAL ESTATE TAXES ON THE PROPERTY OF CERTAIN ELDERLY OR PERMANENTLY AND TOTALLY DISABLED PERSONS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That Section 36-175 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

Sec. 36-175. - Exemption of real estate taxes on property of certain elderly or permanently and totally disabled persons.

(a) Exemption of taxation of real estate and mobile homes as defined herein below is hereby provided for qualified property owners who are not less than 65 years of age or who are permanently and totally disabled and who are eligible therefor, pursuant to the provisions of Section 58.1-3210 of the Code of Virginia (1950), as amended.

(b) The exemption shall be administered by the city manager or his authorized delegates. Applications for real estate tax relief for the elderly or the permanently and totally disabled shall be filed with the commissioner of the revenue. Immediately upon approval of the application, it shall be forwarded to the department of finance for processing. The city manager is hereby authorized and empowered to prescribe, adopt and enforce rules and regulations, including the requirement of answers under oath, as would be reasonably necessary to determine qualifications for exemption.

(c) Exemptions shall be granted to persons subject to the following provisions:

(1) Effective July 1, 2021, the person claiming the exemption must on June 30 immediately preceding the taxable year, have held title to the property for which the exemption is claimed.

(2) The head of the household occupying the dwelling and owning title, or partial title thereto, is 65 years or older or permanently and totally disabled on June 30 of the year immediately preceding the taxable year. Such dwelling must be occupied as the sole dwelling of the person or persons claiming exemptions.

(3) The gross combined income of the owner during the year immediately preceding the taxable year, from all sources, shall be determined by the commissioner of the revenue to be an amount not to exceed \$40,000.00. The gross combined income will be adjusted each year thereafter based on the previous year's Social Security percentage increase, rounded to the next hundred not to exceed \$50,000.00. Gross combined income shall include all income from all sources of the owner, spouse, owner's relatives, and any other individual living in the dwelling for which exemption is claimed except that the first \$4,000.00 of income of each relative, other than the spouse, of the owner, or owners, who is living in the dwelling, shall not be included in such total.

(4) The net combined financial worth of the owner as of June 30 of the year immediately preceding the taxable year shall be determined by the commissioner of the revenue to be an amount not to exceed \$100,000.00. Net combined financial worth shall include the value of all assets, including equitable interest, of the owner and spouse of any owner, excluding the fair market value of the dwelling and the land, not exceeding one acre upon which it is situated

and for which exemption is claimed, and excluding household furnishings, including furniture, household appliances and other items typically used in a home. The fair market value shall be determined by the city assessor.

(5) For the purposes of this section, the term "permanently and totally disabled" shall mean unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person's life.

(6) Applicants who are both 65 years or older and permanently and totally disabled shall be entitled to only one exemption.

(7) For the purposes of this section, a mobile home means an industrialized building unit constructed on a chassis for towing to the point of use and designed to be used without a permanent foundation for continuous year-round occupancy as a dwelling; or two or more such units separately towable, but designed to be joined together at the point of use to form a single dwelling, and which is designed for removal to and installation or erection on other sites.

(d) Annually, and not later than August 1 of the taxable year, the person or persons claiming such an exemption must file a real estate affidavit with the commissioner of the revenue; provided, however, that in the case of filing hardship, as defined by the director of finance, or first-time applicants, such applications may be filed by November 15 of such year. Such applicants will qualify for benefits insofar as funds are then available for the tax relief program within the budget appropriation for this purpose. Such affidavit shall set forth, in a manner prescribed by the city manager, the location, assessed value of the property, and the names of the related persons occupying the dwelling for which exemption is claimed, their gross combined incomes and net financial worth. If such person is under 65 years of age such form shall have attached thereto a certification by the Social Security Administration, the Veterans Administration, or the Railroad Retirement Board, or if such person is not eligible for certification by any of these agencies, a sworn affidavit by two medical doctors licensed to practice medicine in the commonwealth to the effect that such person is permanently and totally disabled, as defined in subsection (c)(5). The affidavit of at least one of such doctors shall be based on a physical examination of such person by such doctor. The affidavit of one of such doctors may be based upon medical information contained in the records of the Civil Service Commission which is relevant to the standards for determining permanent and total disability as defined in subsection (c)(5).

If, after an audit and investigation, the commissioner of the revenue determines that the person or persons are qualified for exemption, he shall so certify the same, and immediately forward the application form to the department of finance. The director of finance shall determine the percentage of exemption allowable, which exemption shall be deducted from the applicant's real estate tax liability. Such exemption shall be applicable only to the tax year following application therefor. Any real estate tax liability reduced by virtue of an exemption pursuant to this section shall be paid as and when due as provided by [section 36-171](#) of this Code. If any installment of taxes due on such property shall not be paid as and when due pursuant to said [section 36-171](#), said installment shall at once become due and collectible with ten percent penalty computed upon the amount of adjusted taxes so due and payable. Such exemption shall remain effective for all purposes other than the amount of penalty so imposed. Interest shall be collected, as provided by [section 36-171](#) of this Code, on taxes not paid as and when due.

(e) Amount of exemption. The director of finance shall determine the tax exemption in accordance with a schedule to be approved by the city council. The amount of relief shall not exceed \$2,500.00.

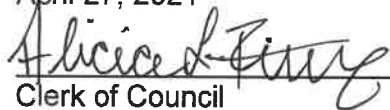
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(g) Any person or persons falsely claiming an exemption shall be guilty of a misdemeanor and upon conviction thereof may be punished as provided in [section 36-1](#).

2. That this ordinance shall become effective upon its adoption.

Adopted: April 27, 2021

Certified:


Clerk of Council