

## **TITLE IX: GENERAL REGULATIONS**

### Chapter

**90. ANIMALS**

**91. FIRE PREVENTION**

**92. HEALTH AND SANITATION**

**93. STREETS, SIDEWALKS, AND OTHER  
PUBLIC PLACES**



## CHAPTER 90: ANIMALS

### Section

- 90.01 Pets and farm animals
- 90.02 Pet excrement
- 90.03 Leashes required

- 90.99 Penalty

#### **Charter reference:**

*Regulation of animals, see Charter § 17*

#### **Statutory references:**

*Comprehensive animal laws, see VA Code §§ 3.2-6500 et seq.*

*Cruelty to animals, see VA Code §§ 3.2-6570 et seq.*

*Diseased animals, dead animals, and the like, see VA Code §§ 18.2-323, 18.2-510*

*Dogs and cats deemed personal property, rights relating thereto, see VA Code § 3.2-6585*

*Estrays, see VA Code §§ 55-202 et seq.*

*Game, inland fisheries, and boating, see VA Code Title 29.1*

*Hunting near public schools and public parks, see VA Code § 29.1-527*

*Livestock and poultry, see VA Code §§ 3.2-6000 et seq.*

*Penalties for offenses involving animals, see VA Code §§ 3.2-6587, 18.2-403.1 et seq.*

### **§ 90.01 PETS AND FARM ANIMALS.**

No pet or farm animal shall be allowed to run at large.  
(1998 Code, § 6-1) Penalty, see § 90.99

### **§ 90.02 PET EXCREMENT.**

It shall be unlawful for the owner of any dog or any person restraining a dog by means of a leash, cord, or chain to fail to remove immediately the dog's excrement from a public right-of-way or any property other than the dog owner's property.  
(1998 Code, § 6-2) Penalty, see § 90.99

### **§ 90.03 LEASHES REQUIRED.**

A dog may be allowed on the streets or squares of the town only if accompanied by its owner or authorized custodian and securely controlled by a leash.  
(1998 Code, § 6-3) Penalty, see § 90.99

**§ 90.99 PENALTY.**

Any person who violates any provision of this chapter shall be guilty of a class 4 misdemeanor.  
(1998 Code, § 6-4)

## CHAPTER 91: FIRE PREVENTION

### Section

- 91.01 Adopted; enforcement; availability for reference
- 91.02 Amendment to the Statewide Fire Prevention Code; generally
- 91.03 Violations of the Statewide Fire Prevention Code
- 91.04 Notification of fire
- 91.05 Responsibility for filing incident report
- 91.06 Obstruction of fire apparatus roads
- 91.07 Interior finish, decorative materials, and furnishings
- 91.08 Fire protection systems; standards
- 91.09 Fire protection systems; systems out of service
- 91.10 Fire alarms; faulty and nuisance alarms
- 91.11 Fire Department connections; signs
- 91.12 Means of egress from buildings and/or occupancies; maintenance and inspection
- 91.13 Hazardous materials; unauthorized discharges
  
- 91.99 Penalty

### **§ 91.01 ADOPTED; ENFORCEMENT; AVAILABILITY FOR REFERENCE.**

(A) There is hereby adopted by the Town Council, for the purpose of prescribing regulations to safeguard life and property from the hazards of fire or explosion arising from the improper maintenance of life safety and fire prevention and protection materials, devices, systems, and structures, and the unsafe storage, handling, and use of substances, materials, and devices, wherever located, that certain code known as the Statewide Fire Prevention Code (“Fire Prevention Code”), as amended, save and except such portions as are deleted, modified, or amended by this chapter, and the same is hereby adopted and incorporated as fully as if set out at length herein.

(B) The Fire Marshal shall have responsibility for enforcement of the Fire Prevention Code. The term “Fire Official”, as used in the Fire Prevention Code, shall mean the Fire Marshal or his or her designee.

(C) At least one copy of the Fire Prevention Code adopted in division (A) above shall be on file in the office of the Fire Marshal, and it shall be available for inspection between the hours of 8:00 a.m.

and 4:30 p.m., Monday through Friday inclusive, except for legal holidays.  
(1998 Code, § 22-6)

**§ 91.02 AMENDMENT TO THE STATEWIDE FIRE PREVENTION CODE; GENERALLY.**

Pursuant to the authority found in VA Code Title 27, Chapter 9, the Statewide Fire Prevention Code (“Fire Prevention Code”), the town hereby adopts the following changes to the Fire Prevention Code.

(1998 Code, § 22-7)

**§ 91.03 VIOLATIONS OF THE STATEWIDE FIRE PREVENTION CODE.**

If any notice of violation issued pursuant to § 111 of the Fire Prevention Code is not complied with within the time specified in the notice citing the alleged violation, the Fire Marshal shall request the County Attorney to institute the appropriate legal proceedings to restrain, correct, or abate such alleged violation. Where two or more follow-up inspections are required because a responsible party, person, firm, or corporation has failed to comply with a previously issued order or notice of violation, a fee shall be charged as permitted in § 107.15 of the Fire Prevention Code. Fees shall be in accordance with the fee schedule set out in § 107.15 of the Fire Prevention Code.

(1998 Code, § 22-8)

**§ 91.04 NOTIFICATION OF FIRE.**

In any building subject to inspection under any provision of the Fire Prevention Code, when a fire or evidence of there having been a fire is discovered, even though it has apparently been extinguished, it shall be immediately reported to the County Public Communications Center. This shall be the duty of the owner, manager, or person in control of such building at the time of discovery. This requirement shall not be construed to forbid the owner, manager, or person in control of said building from using all diligence necessary to extinguish such fire prior to the arrival of the Fire Department.

(1998 Code, § 22-9)

**§ 91.05 RESPONSIBILITY FOR FILING INCIDENT REPORT.**

It shall be the responsibility of the Fire Department officer-in-charge, or his or her designee, to file with the Chief Fire Marshal, in such form as he or she shall prescribe, a report of every fire, explosion, or incident to which apparatus or equipment responds. Such reports shall be filed at such time and location prescribed by the Chief Fire Marshal.

(1998 Code, § 22-10)

**§ 91.06 OBSTRUCTION OF FIRE APPARATUS ROADS.**

Fire apparatus access roads and approved designated fire lanes shall not be obstructed in any manner including the parking of vehicles, staging, or storage of devices, equipment, or materials or any unauthorized use in accordance with §§ 503.4.1 through 503.4.2 of the International Fire Code (2009). The minimum widths and clearances established in § 503.2.1 shall be maintained at all times. (1998 Code, § 22-11)

#### **§ 91.07 INTERIOR FINISH, DECORATIVE MATERIALS, AND FURNISHINGS.**

This section shall be applicable to all assembly, educational, and institutional occupancies. Combustible materials such as paper, cotton batting, straw, cut or dry vines, leaves, trees, artificial flowers or shrubbery, or similar combustible materials, and foam plastic materials, shall not be used for decorative purposes in non-sprinklered show windows, building lobbies, exits or exit accesses, interior stairways, or other parts of buildings, or any area of public use in such a quantity as to constitute a fire hazard. (1998 Code, § 22-12)

#### **§ 91.08 FIRE PROTECTION SYSTEMS; STANDARDS.**

All fire protection systems that were installed in compliance with any law, ordinance, or order shall be maintained in an operative condition at all times. An owner or occupant shall not reduce the effectiveness of the protection so required to include to silence, reset, remove, tamper with, damage, destroy, or use without just cause any fire detection or alarm system, fire protection system, except for the purpose of extinguishing fire, training, recharging, repairing, or when approved by the Fire Official. Fire protection systems shall be inspected, tested, and maintained in accordance with the referenced standards listing in Table 901.6.1 of the International Fire Code (2009 Edition). (1998 Code, § 22-13)

#### **§ 91.09 FIRE PROTECTION SYSTEMS; SYSTEMS OUT OF SERVICE.**

Where a required fire protection system is out of service, the Public Safety Communications Center and the Fire Marshal shall be notified immediately and, where required by the Fire Marshal, the building shall be evacuated and/or an approved and documented fire watch shall be provided for all occupants and premises left unprotected by the inoperative system until the fire protection system has been returned to service and the fire watch has been terminated by the Fire Marshal. Where utilized, fire watches shall be provided with at least one approved means for notification of the Fire Department and their only duty shall be to perform constant patrols of the premises and keep watch for fire. (1998 Code, § 22-14)

#### **§ 91.10 FIRE ALARMS; FAULTY AND NUISANCE ALARMS.**

(A) Notwithstanding the provisions found in §§ 2.5-1 et seq., of Chapter 2.5 of the County Code, whenever faulty or nuisance alarms in an occupancy exceed three in any one-month period, the Fire Official may require the owner or occupant to conduct a witnessed test of the fire protection system causing the faulty or nuisance alarm.

(B) For the purpose of this section, a faulty or nuisance alarm is deemed to occur whenever the Fire Officer in charge responding to a fire alarm call shall determine, after investigation, that faulty equipment initiated the alarm. An alarm caused by mechanical failure, malfunction, improper installation, or lack of proper maintenance, or an alarm activated by a cause that cannot be determined may be deemed a faulty alarm.

(C) As soon as practical following the faulty or nuisance alarm, the responding officer-in-charge shall cause the Fire Marshal's office to be notified in writing of the facts and circumstances supporting his or her determination that faulty equipment initiated the alarm.

(D) Whenever an owner or occupant is required by this section to conduct a test of a fire alarm or suppression system, the Fire Official shall notify the owner or occupant in writing and prescribe a certified test consistent with standard procedures to be witnessed by the Fire Official or his or her designee.

(E) (1) Any faulty equipment or systems identified during the test which will reduce the effectiveness of the protection shall be recorded and a notice of violation prepared and served in accordance with the provisions of § 111.0 of Statewide Fire Prevention Code (2009). The notice of violation will require the repair, abatement, or correction of any noted defects, the restoration of the system to normal operative condition, and compliance with any law, ordinance, or order affecting such alarm system.

(2) The notice of violation shall be enforced pursuant to the provisions of § 110 of the International Fire Code (2009).  
(1998 Code, § 22-15)

## **§ 91.11 FIRE DEPARTMENT CONNECTIONS; SIGNS.**

(A) A metal sign with raised letters at least one-inch in size shall be mounted on all Fire Department connections serving automatic sprinklers, standpipes, or fire pump connections. Such signs shall read: "AUTOMATIC SPRINKLERS" or "STANDPIPES" or "TEST CONNECTION" or a combination thereof as applicable.

(B) Where multiple Fire Department connections are provided, a metal sign with raised letters at least one-inch in size shall be provided at all Fire Department connections to indicate the numerical street address, range of numerical street addresses, or fire protection zones served by a fire protection system connected to Fire Department connection. This sign is to be placed in a location as to be readily visible, free of obstruction, and approved by the Fire Marshal.  
(1998 Code, § 22-16)

**§ 91.12 MEANS OF EGRESS FROM BUILDINGS AND/OR OCCUPANCIES;  
MAINTENANCE AND INSPECTION.**

The owner, operator, manager, or other person responsible for the operation of an assembly, educational, or mercantile occupancy, or other occupancy or building open to the general public, shall inspect and check egress facilities before such occupancy or building is occupied to determine compliance with this section. If such inspection reveals that any element of the means of egress cannot be accessed, is obstructed, locked, fastened, or otherwise unsuited for immediate utilization, admittance to the occupancy or building shall not be permitted until necessary corrective action has been completed and the means of egress restored to a safe and compliant condition.

(1998 Code, § 22-17)

**§ 91.13 HAZARDOUS MATERIALS; UNAUTHORIZED DISCHARGES.**

(A) The storage, use, and handling of all hazardous materials shall be in accordance with Chapter 9.2, Article V of the Prince William County Code of Ordinances.

(B) When hazardous materials or hazardous waste are released in any quantity, the Code Official shall be notified and the procedures required in accordance with Chapter 9.2, Article V of the Prince William County Code of Ordinances shall be followed.

(1998 Code, § 22-18)

**§ 91.99 PENALTY.**

(A) Unless otherwise specified in this chapter, any person, firm, or corporation who shall violate any of the sections of this chapter, or any provisions of the Fire Prevention Code adopted in accordance with this chapter, shall separately, for each and every such violation and noncompliance respectively, be guilty of a violation of this chapter, and shall, upon conviction, be punishable as a class 1 misdemeanor.

(B) A violation of this chapter shall be construed to be an infringement, breach, or failure to comply with any provision of this chapter or any order made thereunder, or any act of building in violation of any detailed statement, specifications, or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or any failure to comply with such an order within the time fixed therein.

(C) Each day that a violation continues after a service of notice as provided for in this code shall be deemed a separate offense.

(1998 Code, § 22-27)

## CHAPTER 92: HEALTH AND SANITATION

Section

### *General Provisions*

92.01 Dangerous conditions

92.02 Noise

### *Refuse; Vegetation*

92.15 Definitions

92.16 Refuse storage; collection and disposal

92.17 Refuse storage; standards and regulations

92.18 Property to be free of refuse

92.19 Removal

92.20 Grass, weeds, and other foreign growth

92.99 Penalty

#### **Charter reference:**

*Cleaning of premises, see § 17*

#### **Statutory references:**

*Certain local regulations pertaining to food and beverage containers prohibited, see*

*VA Code § 10.1-1425*

*Health, see VA Code Title 32.1*

*Inspection warrant for inspecting or testing for toxic substances, see VA Code §§ 19.2-393 et seq.*

*Regulation of well covers, see VA Code § 18.2-318*

*Sanitation in transportation terminals, festivals, fairs, service stations, and the like, see*

*VA Code § 32.1-202*

## **GENERAL PROVISIONS**

### **§ 92.01 DANGEROUS CONDITIONS.**

(A) In addition to any other remedies provided by this code or the VA Code, the town may protect public health, safety, and welfare by addressing dangers to health and safety as provided in this division (A).

(1) The owners of property in the town shall, at such time or times as the Council may prescribe, remove therefrom any and all trash, garbage, refuse, litter, and other substances which might endanger the health or safety of other residents of the town. The town may, whenever the Council deems it necessary, after reasonable notice, have such trash, garbage, refuse, litter, and other like substances which might endanger the health of other residents of the town, removed by its own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the town as taxes are collected. Any tree, bush, or other plant which endangers persons or poses a risk of fire or other property damage because of its location and/or condition shall constitute a substance which might endanger the health or safety of residents of the town for purposes of this division (A).

(2) Every charge authorized by this division (A) or VA Code § 15.2-900 with which the owner of any such property has been assessed and that remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in VA Code Title 58.1, Chapter 39, Articles 3 (§§ 58.1-3940 et seq.) and 4 (§§ 58.1-3965 et seq.). The Town Council may by resolution waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

(B) In addition to any other remedies provided by this code or the VA Code, the town may protect public health, safety, and welfare by addressing dangerous structures as provided in this division (B).

(1) The owners of property in the town shall remove, repair, or secure any building, wall or any other structure that might endanger the public health or safety of other residents of the town at such time or times as the Town Council may prescribe by resolution or ordinance.

(2) The town through its agents or employees may remove, repair, or secure any building, wall, or any other structure that might endanger the public health or safety of other residents of the town, if the owner and lien holder of such property have failed to remove, repair, or secure the building, wall, or other structure, after the notice provided in this division (B) has been sent and the time to act provided in that notice has elapsed.

(a) For purposes of this division (B), repair may include maintenance work to the exterior of a building to prevent deterioration of the building or adjacent buildings.

(b) For purposes of this division (B), reasonable notice includes a written notice: mailed by certified or registered mail, return receipt requested, sent to the last known address of the property owner; and published once a week for two successive weeks in a newspaper having general circulation in the locality.

(c) No action shall be taken to remove, repair, or secure any building, wall, or other structure for at least 30 days following the later of the return of the receipt or newspaper publication, except that the town may take action to prevent unauthorized access to the building within seven days of such notice if the structure is deemed to pose a significant threat to public safety and such fact is stated in the notice.

(3) If the town, through its own agents or employees, removes, repairs, or secures any building, wall, or any other structure after complying with the notice provisions of this division (B), the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the town as taxes are collected.

(4) Every charge authorized by this division (B) or VA Code § 15.2-900 with which the owner of any such property has been assessed and that remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in VA Code Title 58.1, Chapter 39, Articles 3 (§§ 58.1-3940 et seq.) and 4 (§§ 58.1-3965 et seq.). The Town Council may, by resolution, waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

(C) In addition to any other remedies provided by this code or the VA Code, the town may protect public health, safety, and welfare by addressing dangerous wharves, piers, pilings, bulkheads, vessels, or abandoned, obstructing, or hazardous property as provided in this division (C).

(1) The owners of property in the town shall, at such time or times as the Town Council may prescribe, remove, repair, or secure any vessel which has been abandoned or any wharf, pier, piling, bulkhead, or any other structure or vessel which might endanger the public health or safety of other persons, or which might constitute an obstruction or hazard to the lawful use of the waters within or adjoining such locality. If such property is deemed to be abandoned, the Town Council may designate and empower an official to ascertain the lawful owner of such property and to have the owner repair, remove, or secure such property.

(2) The town, through its own agents or employees, may remove, repair, or secure any vessel which has been abandoned or any wharf, pier, piling, bulkhead, or other structure or vessel which might endanger the public health or safety of other persons or which might constitute a hazard or obstruction to the lawful use of the waters within the town, if the owner of such property, after reasonable notice and reasonable time to do so, has failed to remove, repair, or secure such wharf, pier, piling, bulkhead, or other structure or vessel.

(3) If the town, through its own agents or employees, removes, repairs, or secures any wharf, pier, piling, bulkhead, or other structure or vessel after complying with the notice provisions of this division (C), the cost or expenses thereof shall be chargeable to and paid by the owners of such property and to the extent applicable may be collected by the locality as taxes are collected.

(4) If the identity or whereabouts of the lawful owner is unknown or not able to be ascertained after a reasonable search and after lawful notice has been made to the last known address of any known owner, the town, through its own agents or employees, may repair such wharf, pier, piling, bulkhead, or other structure or vessel or remove such property after giving notice by publication once each week for two weeks in a newspaper of general circulation in the area where such property is located.

(5) Every charge authorized by this division (C) with which the owner of any such property has been assessed and which remains unpaid, to the extent applicable, shall constitute a lien against the owner's real property, and such lien shall be recorded in the judgment lien docket book in the County Circuit Court. Such lien may also be reduced to a personal judgment against the owner.

(D) Nothing in this section shall affect the town's ability to abate or remove dangerous conditions pursuant to a declared national, state, or local emergency.

(1998 Code, § 30-1) (Ord. O-2014-01, passed 6-17-2014) Penalty, see § 92.99

## **§ 92.02 NOISE.**

(A) It is declared as a matter of legislative determination and public policy that the making, creation, or maintenance of excessive, unreasonable, or unusually loud noises, unusual and unnatural in their time and place and which disturb the usual peace, quietude, tranquility, and normal enjoyable use of any area are detrimental to the public health, safety, convenience, welfare, and prosperity of the residents of the town and constitute a public nuisance.

(B) The following acts are specifically violations of this section:

(1) Sounding a horn or other signaling device on any motor vehicle except as an emergency or danger warning signal;

(2) Operating a motor vehicle, other than an authorized emergency vehicle or a vehicle moving under special permit, which creates a noise disturbance;

(3) Operating, loading, or unloading any vehicle including, but not limited to, trucks, or the opening and destruction of bales, boxes, crates, and containers in the outdoors within 100 yards of a lawfully occupied dwelling between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and between the hours of 10:00 p.m. and 9:00 a.m. on Saturdays, Sundays, and legal holidays;

(4) Operating and causing to be operated between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and between the hours of 10:00 p.m. and 9:00 a.m. on Saturdays, Sundays, and legal holidays any equipment used in construction, repair, alteration, or demolition work on buildings, structures, or appurtenances thereto in the outdoors within 100 yards of a lawfully occupied dwelling. This provision shall not apply to work performed by private or public utility companies for the repair of facilities or restoration of services. In cases where operation of such equipment between 10:00 p.m. and 7:00 a.m. on weekdays or between 10:00 p.m. and 9:00 a.m. on Saturdays, Sundays, or legal

holidays would reduce the disruption to services provided to town residents, the Council may issue a permit for such operation and impose reasonable conditions on the permit;

(5) Using, operating, or causing to be operated mechanical loudspeakers or other sound amplification devices on trucks or other moving vehicles or in commercial establishments for the purpose of commercial advertising or attracting the attention of the public;

(6) Operating or permitting to be operated any powered model aircraft in the outdoors during the nighttime; and/or

(7) The playing of radios, phonographs, televisions, tape or disc players, musical instruments or drums, sound amplifiers or similar devices that produce, reproduce, or amplify sound in such a manner as to create a noise disturbance.

(C) In applying, enforcing, and interpreting this section, a reasonable person standard shall apply, such that a noise, to be considered an offense under this section, must be of such volume (dB), duration, and/or character on public or private property as to disturb a reasonable person. (1998 Code, § 18-1) (Ord. O-2006-01, passed 7-20-2005) Penalty, see § 92.99

## ***REFUSE; VEGETATION***

### **§ 92.15 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***GARBAGE.*** Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

***PRIVATE COLLECTORS.*** Persons engaged in the collection and transportation of refuse from residential, commercial, industrial, institutional, or other establishments for compensation.

***REFUSE.*** All putrescible and non-putrescible solid wastes of the town, including trash, garbage, ashes, rubbish, street cleanings, and solid wastes generated from manufacturing, industrial, commercial, and agricultural activities and any other business or profession.

***STORAGE AREA.*** An enclosed area on private property of commercial, industrial, institutional, or other establishment used for the storage of refuse.

***TOWN COLLECTORS.*** Persons contracted by the town engaged in the collection and transporting of refuse.  
(1998 Code, § 30-31)

## **§ 92.16 REFUSE STORAGE; COLLECTION AND DISPOSAL.**

(A) *Purpose.* The purpose of this subchapter is to provide regulations for the sanitary and effective storage, collection, and disposal of refuse in the town.

(B) *Authority to administer.* The Zoning Administrator is delegated authority to administer this subchapter and to issue supplementary rules and regulations that are in support of and not in conflict with the provisions of this subchapter. Such supplemental rules and regulations shall have the same force and effect as if fully set forth in this subchapter.  
(1998 Code, § 30-32)

## **§ 92.17 REFUSE STORAGE; STANDARDS AND REGULATIONS.**

(A) *Residential refuse.*

(1) *Storage.* Except as otherwise permitted by the Town Manager, residential refuse shall be stored in watertight metal or non-breakable plastic containers equipped with handles and tightfitting covers. The size and characteristics of containers shall be subject to reasonable regulation by the Town Manager, consistent with the town's current contract for trash pick-up. Containers and storage areas for residential refuse shall be emptied regularly and cleaned sufficiently often to keep them free of obnoxious odors and vermin.

(2) *Exceptions.* The following are exceptions to the provisions of this section:

(a) Tree trimmings with a maximum diameter of one and one-half inches, bushes and brush must be tied securely in bundles not more than four feet in length.

(b) Refuse collected during the spring cleanup that is too large or bulky for containers may be placed next to the containers.

(c) Ashes shall only be disposed of when cold, and shall only be placed in metal containers.

(3) *Placement.* All residential refuse shall be placed at the curb line not earlier than 4:00 p.m. of the day preceding pickup and not later than 6:00 a.m. on the day of pickup. Containers must be tightly covered. Plastic bags must be securely tied. Refuse shall not be placed on the sidewalk or on any portion of a street right-of-way where it will interfere with pedestrian traffic. Containers shall be removed from the curb line as soon as possible after trash pickup and shall be stored in the rear of the building or in a screened or enclosed trash receptacle storage area.

(B) *Non-residential refuse.*

(1) Each non-residential establishment shall be equipped with adequate refuse containers or storage areas. All containers, except those for storage of bulky refuse, shall be vermin-proof and waterproof, of noncorrosive material and equipped with tight lids, which shall be kept closed at all times except when filling or emptying the container.

(2) Containers and storage areas for non-residential refuse shall be emptied regularly and cleaned sufficiently often to keep them free of obnoxious odors and vermin.

(3) All storage areas for non-residential refuse shall be enclosed by adequate walls or opaque fencing and shall be well drained and fully accessible to collection equipment and to public health inspection. These areas shall protect refuse from dispersal by wind or otherwise, and must be kept free of litter and refuse overflow.

(C) *Prohibited activities.*

(1) It shall be unlawful to place refuse in any street, alley, or public or private place except in accordance with this section.

(2) It shall be unlawful to accumulate refuse on either residential or non-residential properties, except in approved containers or storage areas.

(3) It shall be unlawful to place any refuse in a manner where it may be scattered by the elements.

(4) It shall be unlawful to permit private containers to remain on public streets at times other than those described in division (A)(3) of this section.

(1998 Code, § 30-33) (Ord. O-2018-03, passed 8-7-2018) Penalty, see § 92.99

## **§ 92.18 PROPERTY TO BE FREE OF REFUSE.**

(A) The Town Council finds that the proliferation of refuse and litter including, but not limited to, food- and beverage-related trash and litter, unused or abandoned machinery or appliances, within the town, constitutes a threat to the health, welfare, and safety of the community, degrades the appearance of the community, and reduces the value of surrounding properties.

(B) Owners of property within the town shall keep such property free of refuse, litter, unused or abandoned machinery or appliances, and other substances that might endanger the health, safety, and welfare of residents of the town.

(1998 Code, § 30-34) Penalty, see § 92.99

***Statutory reference:***

*Removal of trash, see VA Code § 15.2-901*

## **§ 92.19 REMOVAL.**

(A) When substances of the nature set forth in § 92.18 are found upon property within the town, the Zoning Administrator shall immediately notify the owner of such property to remove such substance. Such notification shall be by registered or certified letter sent to the owner at his or her last known address. If after diligent inquiry no address can be found for such owner, the letter shall be posted in a conspicuous place on the property.

(B) If the substances have not been removed from the property by the owner within ten days from the date the letter has been mailed, or the notice posted, the Zoning Administrator shall cause the removal by town forces or the town's agent of such substances from such property forthwith.

(C) Where substances have been removed from property by the Zoning Administrator pursuant to the provisions of this section, the cost of such removal shall be chargeable to and paid by the owner of the property and may be collected by the town as taxes and levies are collected. Every charge authorized by this section with which the owner and lienholder of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a priority with liens for unpaid local taxes and enforceable in the same manner as provided in VA Code §§ 58.1-3940 et seq. and 58.1-3965 et seq.  
(1998 Code, § 30-35)

#### **§ 92.20 GRASS, WEEDS, AND OTHER FOREIGN GROWTH.**

(A) Where grass, weeds, or other foreign growth in excess of 12 inches in height is found upon property, the Zoning Administrator shall immediately notify the owner of such property to cut such grass, weeds, or other foreign substances down to a height not to exceed three inches. Notification shall be made by the same procedure as set forth in § 92.19.

(B) If the grass, weeds, or other foreign growth have not been cut down within ten days from the date of the letter or posting, the Zoning Administrator shall cause the cutting down by the town, or the town's agent, of such grass, weeds, or other foreign growth forthwith.

(C) Where grass, weeds, or other foreign growth have been cut down on property by the Zoning Administrator pursuant to the provisions of this section, the cost of such cutting shall be chargeable to and paid by the owner of the property and may be collected by the town as taxes and levies are collected.  
(1998 Code, § 30-36)

#### **§ 92.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) (1) Violations of § 92.01(A) shall be subject to a civil penalty of \$50 for the first violation, or

violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall be \$200. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000 in a 12-month period.

(2) The imposition of civil penalties under § 92.01(A) shall be in lieu of criminal penalties and shall preclude prosecution of such violation as a misdemeanor. However, such violations shall be a class 3 misdemeanor in the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period. Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.

(3) The town may impose and collect civil penalties, not to exceed a total of \$1,000, for violations of § 92.01(B).  
(1998 Code, § 30-1)

(C) Pursuant to § 92.02, any person who permits, allows, or suffers any excessive, unreasonable, loud, or unusual noises to emanate from his or her property or place of business or from public property so as to disturb the usual peace, quietude, tranquility, and normal enjoyable use of any residence or residences in the town shall be guilty of maintaining a public nuisance and guilty of a class 2 misdemeanor.  
(1998 Code, § 18-1)

(D) Any person who violates any provision of §§ 92.15 through 92.20 by doing a prohibited act, or failing to perform a required act, or failing to perform permitted acts in the prescribed manner, shall be deemed guilty of a class 3 misdemeanor.  
(1998 Code, § 30-37)

## CHAPTER 93: STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES

### Section

- 93.01 Obstruction of street, sidewalk, or alley
- 93.02 Approval of permits
- 93.03 Placing dirt, ashes, similar materials upon streets prohibited; exceptions
- 93.04 Riding of horses or ponies on sidewalks and sidewalk areas
- 93.05 Removal of snow and ice from sidewalks
- 93.06 Removal of sidewalks
- 93.07 Trees, shrubs, vines, hedges
- 93.08 Public tree care
  
- 93.99 Penalty

### **§ 93.01 OBSTRUCTION OF STREET, SIDEWALK, OR ALLEY.**

(A) No person shall place any obstruction on any street or sidewalk; provided that any person desiring to use any part of a street or sidewalk for building material may obtain a permit from the Town Hall, after approval by the Mayor, which permit shall state the mode and character of the obstruction and length of time it shall continue; and further provided that no such permit shall be granted when such obstruction can be reasonably avoided.

(B) Any person building near the street line shall be required to erect such overhead scaffolding as may be necessary to protect the public from anything that may fall from the wall or scaffolding of such building.

(C) It shall be the duty of the Mayor, when approving such permit, to require the party obtaining the permit give such assurance as may be necessary to protect the town from liability from any damage that may result from such obstruction.  
(1998 Code, § 50-1)

### **§ 93.02 APPROVAL OF PERMITS.**

The Mayor shall approve or disapprove and establish the conditions for a permit under this chapter pursuant to uniform town standards.

(1998 Code, § 50-2)

**§ 93.03 PLACING DIRT, ASHES, SIMILAR MATERIALS UPON STREETS PROHIBITED; EXCEPTIONS.**

It shall be unlawful for any person to throw or place dirt, ashes, stone, wood, or any other material upon any street within the town; provided, that the penalty for violation of this section shall not be imposed upon persons placing building materials upon a street, in connection with construction work, after having obtained a permit to place such materials upon the street for a limited period of time and having placed such materials in the space designated and manner directed and having not permitted the materials to remain there longer than the limited period stipulated in the permit.

(1998 Code, § 50-3) Penalty, see § 93.99

**§ 93.04 RIDING OF HORSES OR PONIES ON SIDEWALKS AND SIDEWALK AREAS.**

It shall be unlawful for any person to ride or lead any horse or pony on any sidewalk or in any area between any sidewalk and any curb or curb line in the town.

(1998 Code, § 50-4) Penalty, see § 93.99

**§ 93.05 REMOVAL OF SNOW AND ICE FROM SIDEWALKS.**

It shall be the duty of the occupant of any property which has a sidewalk of brick, wood, or concrete abutting on such property to have all snow removed from such sidewalk within 12 hours after it has ceased falling; provided that, if snow falls during the night, it shall be removed by 5:00 p.m. on the following day. The same requirements shall exist with respect to ice or sleet on sidewalks, except that ice and sleet, if it cannot be removed without injury to the sidewalk, shall be covered within the time required in this section, with sawdust, ashes, or other material which will render the sidewalk safe for travel. When there is no occupant of such property, it shall be the duty of the owner thereof to have such snow, ice, and sleet removed or covered as provided in this section. If after such reasonable notice as the town may prescribe the owner or occupant of the property affected by the provisions of this section shall fail to abate or obviate the condition, the town may do so and charge and collect the cost thereof from the owner or occupant of the property affected in any manner provided by law for the collection of state or local taxes

(1998 Code, § 50-5) (Ord. O-2003-02, passed 2-18-2003)

**§ 93.06 REMOVAL OF SIDEWALKS.**

No person shall remove any portion of the walkways or sidewalks in the town or in any way interfere with walkways or sidewalks without a permit authorized by the Mayor.

(1998 Code, § 50-6)

### **§ 93.07 TREES, SHRUBS, VINES, HEDGES.**

(A) It shall be unlawful for the owners of property within the town to allow tree branches, shrubs, vines, or hedges to overhang sidewalks or other public rights-of-way in such a manner as to obstruct the free movement of or endanger pedestrians using such sidewalks.

(B) Where tree branches, shrubs, vines, or hedges on such property are found to so obstruct sidewalks or rights-of-way, a town official shall immediately notify the owner of such property to cut such tree branches, shrubs, vines, or hedges so as to render any affected sidewalks or rights-of-way free of obstruction.

(C) Such notice shall be in writing and sent by certified mail to the occupant of such property or the owner of the property at the last known address as reflected on the real property tax records of the town. If, after diligent inquiry, no address can be found for such owner, the notice shall be posted in a conspicuous place on the property.

(D) If such tree branches, shrubs, vines, or hedges have not been cut within ten days from the date of mailing or posting of the notice, a town official shall cause the cutting down by the town's agent of such tree branches, shrubs, vines, or hedges.

(E) Where tree branches, shrubs, vines, or hedges have been cut down on property by a town official, the cost of such cutting shall be billed to the owner of the property. If such bill is not paid, prior to issuance of the next real estate tax bill, it shall be added to the town real estate tax bill on such property and shall be a lien on such property to the same extent and effect as the real estate tax. (1998 Code, § 50-7) (Ord. O-2004-01, passed 8-12-2003) Penalty, see § 93.99

### **§ 93.08 PUBLIC TREE CARE.**

(A) The Town Manager or designee shall be responsible for the care, preservation, pruning, planting, removal, or disposition of trees in parks, along streets, and in other public areas. The Town Manager or designee, in coordination with a certified arborist, shall consider, investigate, issue findings, report, and make recommendations on any matter or question related to the care, preservation, pruning, planting, removal, or disposition of public trees.

(B) The town shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs located on town-owned property as may be necessary to ensure public safety or preserve or enhance the beauty and function of such public spaces.

(C) The Town Manager may remove or cause or order to be removed any tree located on town property or part thereof which is in an unsafe condition or which, by reason of its nature, is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected by any injurious fungus, insect, or other pest.

(Ord. O-2017-05, passed 12-5-2017)

**§ 93.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person who violates any provision of §§ 93.01 through 93.07 shall be guilty of a class 1 misdemeanor.

(1998 Code, § 50-8)