

**Code of Ordinances, Town of Farmville, Virginia
Abstracted March 2016**

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Chapter 6 BUILDINGS

ARTICLE I. GENERAL

Sec. 6-3. Moving of buildings.

...

(e) The town manager, as a condition precedent to the issuance of such permit, shall require a bond to be executed by the person desiring such permit, with corporate surety to his satisfaction. Such bond shall be made payable to the town and for such amount as he prescribes, but in no event to be less than two thousand dollars (\$2,000.00). It shall indemnify the town against any and all damage caused by the moving of such building to streets, curbs, sidewalks, shade trees, highways and any other property which may be affected by the moving of a building. Such surety bond shall also be conditioned upon and liable for strict compliance with the terms of such permit, as to route to be taken and limit of time in which to effect such removal and to repair or compensate for the repair and to pay the town as liquidated damages an amount not exceeding fifty dollars (\$50.00) to be prescribed by the town manager for each and every day's delay in completing such removal or in repairing any damage to property or public improvement or in clearing all public streets, alleys or highways of any debris occasioned thereby.

...

(Ord. No. 79, 12-10-2003)

Cross reference— Moving vehicles and traffic, Ch. 15.

Chapter 7 CABLE TELEVISION

Sec. 7-17. Conditions on street occupancy.

...

(f) *Tree trimming.* The grantee shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the town so as to prevent the branches of such trees from coming in contact with the wires and cables of the grantee and at the expense of the grantee.

(Code 1973, § 32-17)

Cross reference— Streets and sidewalks, Ch. 23; trees and shrubs, Ch. 27.

Chapter 8 CEMETERIES

Sec. 8-2. Duties of town manager.

(a) The town manager shall exercise general supervision over the cemeteries and all work done therein. He shall see that the cemeteries are kept in a neat and clean condition, free from trash, debris, litter and other waste; free from dead or diseased trees and other vegetation; and free from vines, broken trees or tree branches. He shall see that the grasses are kept clipped and the shrubs and other plants are kept trimmed. He shall see that fallen, leaning or broken lot enclosures, monuments, tombstones or other grave markers are removed, repaired or reset so that they will not be hazardous, unsightly or detrimental to the general appearance of the cemeteries. He shall see that the cemeteries are laid off into necessary streets, walkways and burial lots. He shall report the condition and needs of the cemeteries to the council at its regular meetings at least once every two (2) months.

(b) The town manager shall have authority to cause trees, shrubs, bushes or other vegetation to be cut, trimmed or removed when necessary to prevent encroachment or infringement of adjoining lots, walkways or streets or when necessary to protect the general appearance of the cemeteries.

...
(Code 1973, § 8-2)

Sec. 8-17. Injury to property.

It shall be unlawful for any person to injure or deface any part of the enclosure of Westview Cemetery; any enclosure of any grave or lot; any monument, tombstone or slab; any inscription or device thereon or to destroy or injure any tree, shrub, vine or flower therein.
(Code 1973, § 8-14)

State Law reference— Injuries to cemeteries, burial grounds, etc., Code of Virginia, § 18.2-127; injuring, etc., any property, monument, etc., Code of Virginia, § 18.2-137.

Sec. 8-20. Permit for planting or removal of plants, shrubbery or trees; installing monuments or markers in any lot.

No person shall plant or remove any plants, shrubbery, or trees, or install any monument or marker in any lot in Westview Cemetery without first securing a permit from the town manager or his authorized representative to do so. Such permit shall be in writing and in such form as may be prescribed by the town manager. After such plants, shrubbery or trees have been planted or removed, the permit shall be surrendered to the town office and canceled.
(Code 1973, § 8-17)

Cross reference— Licenses and permits, Ch. 14; trees and shrubs, Ch. 27.

Chapter 10 EROSION AND SEDIMENT CONTROL

Sec. 10-3. Definitions.

As used in this chapter, unless the context requires a different meaning:

Clearing means any activity which removes the vegetative ground cover including, but not limited to, root mat removal or top soil removal.

Conservation plan, erosion and sediment control plan or plan means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory, and management information with needed interpretations and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.

Transporting means any moving of earth materials from one place to another place other than such movement incidental to grading, when such movement results in destroying the vegetation ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

(Ord. No. 37, 6-12-96; Ord. No. 110, 12-13-2006)

Chapter 17 NUISANCES

Sec. 17-1. Definitions.

The following words whenever used in this chapter shall have the meaning respectively set forth unless a different meaning is clearly required by the context:

Weed or weeds. Any plant, grass or other vegetation over ten (10) inches in height growing upon private property within the town. The term excludes cultivated crops or disturbed woodland not otherwise in violation. Groundcover purposefully planted for bank stabilization is not included. The term excludes cultivated crops, hay grown, mown, and stored for animal feed, or undisturbed woodland.

(Ord. No. 78, 12-10-2003)

ARTICLE V. WEED CONTROL

Sec. 17-22. Definition.

The word "weeds" as used in this chapter shall be held to include grass, weeds, bushes and any other vegetation other than trees, ornamental shrubbery, flowers and garden vegetables properly tended.

(Ord. No. 161, 3-13-2013)

Sec. 17-23. Weeds on any property—public nuisance.

Weeds on any property located within the town that are in excess of ten (10) inches in height are found to be a danger to the public health and are hereby declared to constitute a public nuisance.

(Ord. No. 161, 3-13-2013)

Sec. 17-24. Same—Duty of owner to cut.

The owners of property located within the town shall cut the weeds that are in excess of ten (10) inches in height on such property. The owners of property shall also cut weeds in excess of ten (10) inches along public sidewalks, curb lines, streets, alleys, and within tree wells. At no time shall weeds or grass exceed ten (10) inches.

(Ord. No. 161, 3-13-2013)

Sec. 17-25. Same—Notice to owner to cut.

The town manager or his duly authorized agent may give notice in writing, via first class mail, to the owner of land in the town upon which there are weeds in excess of ten (10) inches in height that such weeds must be cut within ten (10) days from the receipt of the notice or the town will cut the weeds, bill the owner for the costs and collect the costs like taxes in the event of nonpayment by the owner. Mailing to the last known post office address shall constitute sufficient service upon owners who cannot be found after a reasonably diligent search or who are nonresidents.

(Ord. No. 161, 3-13-2013)

Sec. 17-26. Same—Cutting by town; billing and collection of charges; unpaid bill a lien.

Whenever the owner of real property refuses, neglects, or fails to cut weeds after being notified in the manner prescribed by section 17-25 above, the weeds may be cut by the town. The expense thereof shall be forthwith computed, and a bill for such expense shall be prepared by the town treasurer and mailed to the owner at his last known post office address within a reasonable time after the cutting. In the event the town does not receive payment of the bill within thirty (30) days after mailing, the treasurer shall proceed to collect the expense and may do so in the same manner as town taxes are collected. In addition, an administrative fee of fifty dollars (\$50.00) is hereby ordained to be assessed against the owner. Every expense with which the owner of any real property shall have been assessed and which remains unpaid shall constitute a lien against the owner's property, ranking on a parity with liens for unpaid local taxes, and are enforceable in the same manner.

(Ord. No. 161, 3-13-2013)

Sec. 17-27. Same—Failure to cut weeds after receipt of notice.

An owner of real property who has received written notice in the manner prescribed by section 17-25 of this article that weeds on the owner's property, or along public sidewalks, curb lines, streets, alleys, and within tree wells, are in excess of ten (10) inches shall cut all such weeds within the time period set out in the notice, and the failure to do so shall constitute a violation of this section. Said violation shall be a civil violation which shall be enforced through the levying of a civil penalty. The penalty for the first violation occurring in any six-month period shall be one hundred dollars (\$100.00), for a second violation occurring in any six-month period the penalty shall be two hundred fifty dollars (\$250.00), and for each additional violation occurring in any six-month period the penalty shall be five hundred dollars (\$500.00).

(Ord. No. 161, 3-13-2013)

Sec. 17-28. Exemptions.

The requirement of section 17-24 to cut all weeds shall not apply to any property which meets the following conditions:

- (1) The parcel is vacant, greater than five (5) acres in size, and is located in a residential zoning district.
- (2) The parcel is open space (or equivalent) designated as such as a zoning proffer on a subdivision plat, or as a conservation easement; the parcel is not used for active recreation; and the designation contemplates that the area is set aside to remain in a natural state.
- (3) The parcel is public area set aside by the town to remain in a natural state on a temporary or permanent basis.
- (4) The parcel is free from the accumulation of trash.
- (5) The owner or occupant mows a buffer swath at the perimeter of the property, ten (10) feet in width where the property adjoins public or private property in residential, civic, commercial, office, or industrial use; and five (5) feet in width where the property line adjoins a public right-of-way. The vegetation in this buffer area shall not exceed ten (10) inches in height.

(Ord. No. 161, 3-13-2013)

Chapter 18 OFFENSES—MISCELLANEOUS

Sec. 18-17. Destroying, injuring, etc., property—Public.

It shall be unlawful for any person to break, tear down, deface or destroy, or to assist in breaking, tearing down, defacing, injuring or destroying, any tree, sign, building, bridge, pavement or any other property belonging to or controlled by the town.

(Code 1973, § 18-15)

State Law reference— Similar provisions, Code of Virginia, §§ 18.2-138, 18.2-139.

Sec. 18-39. Removing sand, rock, etc., from streets and public grounds.

It shall be unlawful for any person to remove or cause to be removed any dirt, sand, stone, rock, tree, shrub, plank, sidewalk or fence from any street, alley, lot or ground belonging to the town without permission from the mayor or the council.

(Code 1973, § 18-41)

Cross reference— Streets and sidewalks, Ch. 23.

State Law reference— Injuries to trees, etc., in public squares or grounds, Code of Virginia, § 18.2-139.

Chapter 22 SOLID WASTE AND WEEDS

ARTICLE I. IN GENERAL

Sec. 22-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Combustible rubbish means paper, cartons, boxes, barrels, wood and excelsior, yard trimmings, wood furniture, bedding and other materials of a similar nature.

(Code 1973, § 13-1)

ARTICLE III. CONDITION OF PREMISES

Sec. 22-46. Weeds, brush, etc., on property.

It shall be unlawful for any person to have, keep, maintain, cause or permit upon any land or premises any grass, weeds, brush or other vegetable matter detrimental to the health, comfort or general welfare of the inhabitants of the town.
(Code 1973, § 13-15)

Sec. 22-47. Weeds, etc., encroaching on sidewalks.

It shall be unlawful for any person to permit any weeds, thistles, brushes or plants to overhang or encroach upon any sidewalk adjoining his property.

(Code 1973, § 13-16)

Cross reference— Streets and sidewalks, Ch. 23.

Sec. 22-48. Cutting grass, weeds.

The owners of vacant developed or undeveloped property therein shall cut the grass, weeds and other foreign growth on such property or any part thereof at such time or times as the council shall prescribe; or may, whenever the council deems it necessary, after reasonable notice, have such grass, weeds or other foreign growth cut by its agents or employees, in which event, the cost and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the town as taxes and levies are collected.

Chapter 27 TREES AND SHRUBS

Sec. 27-1. Definitions.

For the purpose of this chapter, the following words are hereby defined for use in the administration and enforcement of this chapter:

Canopy means the crown branch area of a single tree or several combined trees.

Drip line means a vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

Land-disturbing activity means defoliation or alteration of a site, or the commencement of any construction activities.

Landmark trees means trees that are designated depending on species rarity, old age, association with an historical event or person, abnormality, scenic enhancement, etc.

Public area means a privately owned area where the general public has access.

Public places/property means all streets, public rights-of-way, parks, and other real property owned by the Town of Farmville or its Industrial Development Authority (IDA).

Shrub means a woody plant that usually remains low in height and produces roots or stems from the base and is usually not tree-like or single stemmed.

Street tree means a tree planted within the developed street right-of-way between the curb line of the street and the property line of the site.

Topping means the severe cutting back of limbs within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

Tree means any self-supporting woody plant growing upon the earth that usually provides one (1) main trunk and produces more or less a distinct and elevated head with many branches. The following are specific descriptions of three (3) sizes of trees:

- (1) Small tree: Attaining a height of less than thirty (30) feet.
- (2) Medium tree: Attaining a height of thirty (30) to forty-five (45) feet.

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(3) Large tree: Attaining a height of forty-five (45) feet or more.
(Ord. No. 102, 6-15-2006)

Sec. 27-2. Purpose of the chapter.

It is the purpose of this chapter to:

- (1) Conserve and protect public land, water, air, vegetation and other natural resources of the town;
- (2) Promote and protect the public and private aesthetic benefits gained from trees in the town;
- (3) Promote and protect the public health, safety and general welfare by providing for the regulation of planting, maintenance and removal of trees shrubs and other plants on public property within the town;
- (4) Preserve and protect trees and other vegetation during all phases of any land-disturbing activity within the town;
- (5) Encourage private landowners to enhance their property along street frontage and in public use areas.

(Ord. No. 102, 6-15-2006)

Sec. 27-3. Authority and duties.

(a) There is hereby created and established a tree board for the town, which shall consist of five (5) members and shall be appointed by the town council. Members shall serve without compensation. The town manager and horticulturist will serve on the tree board as ex-officio members.

(b) The tree board shall choose its own officers, develop its own operating guidelines, and keep minutes of its meetings. Tree board meetings will not be pre-set but rather meetings will be scheduled on an as needed basis at the request of a board member or by the town manager or town horticulturist. A majority of its members shall constitute a quorum for the transaction of business. The tree board shall have no executive authority, its powers being strictly advisory.

(c) The tree board, in collaboration with the town manager and the town horticulturist, shall study, investigate and develop recommendations for the care, preservation, pruning, planting, replanting and removal of trees and shrubs in parks, along streets and in other publicly owned places. The tree board, through various public outreach and educational programs, will encourage private landowners to enhance their property along street frontage and in public use area such as parking lots.

(Ord. No. 102, 6-15-2006)

Sec. 27-4. Term of office of tree board.

Tree board members shall serve a three-year term with the following exception. The first appointed board shall serve terms as follows: two (2) shall serve two (2) years, two (2) shall serve three (3) years, and one (1) shall serve four (4) years.

(Ord. No. 102, 6-15-2006)

Sec. 27-5. Applicability.

This chapter shall apply to trees, shrubs, and other plants within street rights-of-way, parks and other public places within the town. This chapter shall also apply to trees, shrubs and plants located on private property that constitute a public hazard or health threat as determined by the town manager through input from the director of public works and the town horticulturist.

(Ord. No. 102, 6-15-2006)

Sec. 27-6. Licensing and permits.

It shall be unlawful for any person to engage in the business of planting, cutting, trimming, pruning, spraying, or to otherwise treat trees, shrubs or vines on public property, within the town without first producing evidence of a business license.

(Ord. No. 102, 6-15-2006)

Sec. 27-7. Insurance.

All contractors in the business of planting, cutting, trimming, pruning, removing, spraying, and otherwise treating tree, shrubs or vines on public property within the town shall show proof of liability insurance. This certificate of insurance shall be in the amount as required by the town. This coverage shall be for bodily injury or death and property damage, indemnifying the town or any person injured or damages resulting from the pursuit of such endeavors, as herein described.

(Ord. No. 102, 6-15-2006)

Sec. 27-8. New landscaping.

In the development of commercial property and subdivisions, the town manager, horticulturist, and building inspector shall review landscaping plans and may require changes as recommended for street trees to be planted in any of the streets, parking lots and other public places.

(Ord. No. 102, 6-15-2006)

Sec. 27-9. Tree planting, maintenance, and removal.

(a) The town shall have the right to plant, prune, maintain and remove trees shrubs and other plants within the lines of streets, alleys, avenues, lanes and public property as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty or public property. It shall be unlawful for any person to tie any animal or bicycle to any tree or shrub or to any structure erected for the protection of the same on public property. The town may remove or cause or order to be removed any tree, shrub, or part thereof which constitutes a threat to public health or safety or which is injurious to public property, public buildings, sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with an injurious fungus, insect, or other pest. This section does not prohibit the planting of street trees by adjacent property owners provided that the selection and location of said trees is in accordance with this chapter.

(b) The tree board may develop a list of desirable tree species for planting along streets in three (3) sizes: small, medium and large. A list of undesirable tree species may be developed as well. Such lists are not all inclusive and other species or cultivars may be taken into consideration by the town horticulturist as seems reasonable. This list would be available for the general public in assisting with landscaping of private property.

(c) No street trees other than those listed as small trees may be planted under or within ten (10) lateral feet of an overhead utility wire, or over or within five (5) lateral feet of an underground utility line (water, sewer, gas, transmission, etc.)

(d) It shall be discouraged as a normal practice for any person, firm or town department to top a tree on public property. Exceptions to this would be for instance; trees severely damaged by storms or other causes, certain trees under utility wires, or other obstructions where normal pruning practices are impractical and shall be exempted from this chapter.

(Ord. No. 102, 6-15-2006)

Sec. 27-10. Construction of sidewalks to allow for growth.

Insofar as possible, when any granolithic, concrete, brick or other permanent sidewalk is laid in any street along which trees or shrubs have been planted, care shall be taken that an opening around the same shall be left in such sidewalk large enough for the expected growth of the trees or shrubs.

(Ord. No. 102, 6-15-2006)

Sec. 27-11. Adjacent landowner responsibility.

No person shall plant, remove, or disturb any tree on or within any town street rights-of-way, park or other public place without first obtaining permission from the town.

(Ord. No. 102, 6-15-2006)

Sec. 27-12. Tree protection.

Trees that are to be saved or kept in construction projects shall be protected as follows:

- (1) No grading shall be done within the tree's drip line.

- (2) A temporary fence shall be constructed around the tree's drip line.
- (3) No equipment or machinery shall work within the fenced area.
- (4) No tools, equipment or supplies shall be stored inside the fenced area.
- (5) Landmark trees shall be protected.

(Ord. No. 102, 6-15-2006)

Sec. 27-13. Private trees.

The town manager in collaboration with the town horticulturist and the director of public works, is allowed to enter private land whereon there is located a tree, shrub, plant, or any part thereof is suspected to be a public health threat or nuisance to public property and to order its removal if necessary.

(Ord. No. 102, 6-15-2006)

Sec. 27-14. Enforcement.

The town manager and his designee shall have the power to enforce rules, regulations, and specifications concerning the trimming, spraying, removal, planting, pruning and protection of trees, shrubs, and other plants as set forth in this chapter.

(Ord. No. 102, 6-15-2006)

Sec. 27-15. Penalties, claims and appeals.

(a) Any person who knowingly and willfully violates any provision of this chapter or who fails to comply with any notice issued pursuant to provisions of this chapter shall be subject to a fine not to exceed two hundred fifty dollars (\$250.00) for each separate offense.

(b) Any financial and/or material cost of damage to trees, shrubs, or other landscaping that results from violation of any provision of this chapter shall be the responsibility of the party in violation. The value of trees and shrubs shall be determined in accordance with the latest revision of "A Guide to the Professional Evaluation of Landscape Trees, Specimen, and Evergreens," published by the International Society of Arboriculture. Any decision made by the town may be appealed to the town council in the same manner as set forth in the Town of Farmville Code.

(Ord. No. 102, 6-15-2006)

Sec. 27-16. Review.

The town council shall review recommendations made by the town's tree board and endorse them as is or amend them as they deem necessary.

(Ord. No. 102, 6-15-2006)

Chapter 29 ZONING

ARTICLE I. IN GENERAL

Sec. 29-1. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Yard means an open space on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

Yard, front, means an open space on the same lot as a building between the front line of the building (excluding steps) and the front lot or street line and extending across the full width of the lot.

Yard, rear, means an open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps) and the rear line of the lot and extending the full width of the lot.

Yard, side, means an open, unoccupied space on the same lot as a building between the side line of the building (excluding steps) and the side line of the lot and extending from the front yard line to the rear yard line.

(Ord. of 5-10-90(4)); Ord. No. 35, 12-13-95; Ord. No. 49, 1-13-99; Ord. No. 117, 10-10-2007; Ord. No. 119, 6-11-2008; Ord. No. 120, 1-14-2009)