

**Code of Ordinance, Town of Leesburg, Virginia
Abstracted March 2016**

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PART II TOWN CODE

Chapter 2 - ADMINISTRATION

ARTICLE V. BOARDS AND COMMISSIONS

DIVISION 2. SPECIFIC BOARDS AND COMMISSIONS

Sec. 2-229. Leesburg Tree Commission.

(a) *Recreated and reestablished.* The Leesburg Tree Commission is hereby recreated and reestablished.

(b) *Duties.* The Leesburg Tree Commission vision is to provide leadership to enhance, expand and preserve the tree canopy for the benefit of the community. The commission is dedicated to promoting tree preservation and planting within the town, providing a healthy, diverse tree canopy, and ensuring an aesthetic quality of life for all citizens.

(c) Additional powers and duties.

(1) The Leesburg Tree Commission shall recommend tree preservation and enhancement ordinances.

(2) The Leesburg Tree Commission shall disseminate technical information for professional groups and developers, and shall strive to inform the general public of the community need for tree preservation.

(3) The Leesburg Tree Commission shall advise the town council in the development and maintenance of the policies, standards and guidelines of the town code and zoning ordinance which will provide guidance for persons involved in planting, preserving, protecting or replacing trees (tree management program).

(4) The Leesburg Tree Commission shall act as an advocate group to increase the tree canopy in the community by assisting in coordinating the efforts of the town council and private groups such as homeowner's associations.

(5) The Leesburg Tree Commission shall promote programs that educate citizens about trees and their benefits and assist in choosing appropriate trees and sites for planting.

(6) The Leesburg Tree Commission shall develop a capital tree management program for the public and private sector.

(Ord. No. 2008-0-17, § XXIV(art. VII(2.97)), 6-24-2008)

Chapter 8 BUILDINGS AND BUILDING REGULATION

ARTICLE I. IN GENERAL

Sec. 8-3. Abatement or removal of nuisances.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Nuisance means and includes, but is not limited to, anything dangerous, unwholesome, unsanitary, offensive or unhealthy, or any building, structure, or addition thereto, trees, or other vegetation, which by reason of dilapidation, defect of structure, or other causes may have become dangerous to life or property or which may be erected contrary to law, or any substance allowed to accumulate in or on any place or premises, or any portion of a lot adjacent to a street where the difference in level between the lot and the street constitutes

a danger to life and limb, or any grounds subject to be covered by stagnant water, or any unsafe, dangerous or unsanitary public or private building, wall or structure which constitutes a menace to the health and safety of the occupants thereof or the public.

(b) *Information and determination.* Upon information and determination that any person is creating, maintaining or permitting to exist on his premises any nuisance, the town manager shall cause written notice of the specific nature of the nuisance to be served on the owners or the occupants of such land and shall issue an order requiring such persons within a reasonable time, which time shall be no more than 30 days, to abate or obviate the condition or nuisance, such notice and order to be sent by certified mail to the last-known address of the owners or occupants. The time allowed the owner to abate and obviate the nuisance shall include a reasonable period necessary to permit correction and elimination of the violation taking weather conditions and the actual time required for completion of the work into account as well as the extent of hazard to the public caused by the nuisance.

(c) *Failure to comply.* If the owners of the properties or premises affected by the provisions of this section fail to comply with the notice and order in the time allowed, the town manager shall cause the minimum work required to abate or obviate the nuisance to be done at the expense of the town and the amount of money so expended shall be recovered from the owners or occupants as provided herein.

(d) *Cost of abatement assessed to owners or occupants.* In the event the town has abated or obviated the nuisance, the owners or occupants shall be notified that the town has done so and shall be given an itemized cost thereof by certified mail. If the sum due to the town has not been paid within 15 days from receipt of such notice, the town manager shall and is authorized to distrain therefor goods or chattels within the town to collect the sum due, or to treat the unpaid sum as a lien against the property superior to the interests of any owner, lessee or tenant, and next in succession to the town real estate taxes thereon and to add the charges to the amount due for the current town real estate taxes on said property.

(Code 1976, § 5-1; Ord. No. 76-0-6, § 1, 4-14-1976)

State Law reference— Authority to require removal, repair, etc., of buildings and other structures, Code of Virginia, § 15.2-906.

ARTICLE II. HOUSING CODE

DIVISION 1. GENERALLY

Sec. 8-23. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Rubbish means combustible and noncombustible waste materials, except garbage; including, but not limited to, the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and like matter.

(Code 1963, § 12-14; Code 1976, § 9-2; Ord. No. 2010-O-005, § I, 1-26-2010)

Chapter 9 CABLE TELEVISION

ARTICLE VI. FRANCHISE TERRITORY; CONSTRUCTION TIMETABLE; INTERCONNECTION; CONSTRUCTION; MAINTENANCE

Sec. 9-26. Construction.

...

(i) Maintenance and workmanship.

(1) Grantee's cable television system shall be constructed and maintained in such manner as not to interfere with sewers, water pipes, trees, or any other property of the town, or with any other pipes, wires, conduits, structures or other facilities that may have been laid in the public rights-of-way by or under the town's authority.

...
 (u) *Underground installation.* All installations shall be underground in those areas of the town where public utilities providing telephone and electric service are underground at the time of installation. In areas where either telephone or electric utility facilities are above-ground at the time of installation, grantee may install its service above-ground, provided that at such time as those facilities are required to be placed underground by the town or are placed underground, the grantee shall likewise place its services underground without cost to the town. All cable passing under the roadway shall be installed in conduit. Where not otherwise required to be placed underground by this chapter or the franchise, the grantee's cable television system shall be located underground at the request of the adjacent property owner, provided that the excess cost over the aerial location shall be borne by the property owner making the request. Open trenching in the root zone of a public tree is prohibited except in cases where the trenching falls outside the dripline of the tree involved. Exceptions will be allowed if, in the opinion of the town arborist, the impact of trenching upon the tree will be negligible. All public trees in excess of five inches DBH, where there is insufficient space to bypass the dripline by trenching, must be tunneled. The beginning/ending distance of the tunnel from the face of the tree in any direction is determined by the diameter of the tree as specified by the accompanying table:

When the tree diameter at 4½ feet is:	Trenching will be replaced by tunneling at this minimum distance from the face of the tree in any direction:
6 – 9 inches	5 feet
10 – 14 inches	10 feet
15 – 19 inches	12 feet
Over 19 inches	15 feet

...
 (hh) Tree trimming. No trimming on any part of trees in the public rights-of-way or on town property shall be done without securing a permit from the town arborist.

...
 (Code 1976, § 5.1-26; Ord. No. 2000-0-33, § II, 10-31-2000)

Chapter 14 ENVIRONMENT

ARTICLE II. STORMWATER MANAGEMENT

Sec. 14-19. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Best management practice or BMP means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices, including both structural and nonstructural practices, to prevent or reduce the pollution of surface waters and groundwater systems from the impacts of land-disturbing activities.

Development means land-disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation or utility facilities or structures or the clearing of land for non-agricultural or non-silvicultural purposes.

Environmental site design or *ESD* means a design strategy with the goal of maintaining or replicating the predevelopment hydrologic regime through the use of design techniques to create a functionally equivalent hydrologic site design. Hydrologic functions that may be considered include storage volume, infiltration and ground water recharge through the use of integrated and distributed micro-scale stormwater retention and detention areas where the volume and frequency of discharges can be maintained through the reduction of impervious surfaces and/or the lengthening of runoff flow paths and flow time. Other strategies include the preservation of environmentally sensitive site features such as riparian buffers, wetlands, steep slopes, valuable (mature) trees, flood plains, woodlands, and highly permeable soils.

Impervious surface area means a surface composed of material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surface area includes , but is not limited to, most conventionally surfaced streets, roofs, sidewalks, parking areas, and other similar structures. Compacted gravel surfaces shall be considered impervious unless demonstrated to the contrary.

Land disturbance or *land-disturbing activity* means a man-made change to the land surface that potentially changes its runoff characteristics including clearing, grading, or excavation except that the term shall not include those exemptions specified in section 14-23(e)(6) of this article.

Minor modification means an amendment to an existing general permit before its expiration not requiring extensive review and evaluation including, but not limited to, changes in EPA promulgated test protocols, increasing monitoring frequency requirements, changes in sampling locations, and changes to compliance dates within the overall compliance schedules. A minor general permit modification or amendment does not substantially alter general permit conditions, substantially increase or decrease the amount of surface water impacts, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.

Stormwater means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

Stormwater maintenance agreement means an agreement between a private property owner and the town that establishes the responsibilities for maintenance of stormwater management infrastructure.

Stormwater management plan means a document(s) containing material describing methods for complying with the requirements of section 14-23(g) of this article.

Virginia Stormwater Management Program or *VSMP* means a program approved by the State Water Control Board after September 13, 2011, that has been established by a locality to manage the quality and quantity of runoff resulting from land-disturbing activities and includes such items as ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement, and evaluation consistent with the requirements of the Virginia Stormwater Management Act and associated regulations.

(Ord. No. 2007-0-21, § 1(21-4), 11-27-2007; Ord. No. 2014-O-014, § I, 5-13-2014; eff. 7-1-2014)

Chapter 22 NUISANCES

Sec. 22-1. Dangerous, offensive, etc., conditions on property generally.

(a) It shall be unlawful for any owners of property to maintain on said property any and all trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents.

(b) Upon notice from the town, a property owner shall within five days remove all trash, garbage, refuse, litter and other substances. In the event the property owner fails to comply with said notice, the town through its agents or employees may elect to remove the trash, garbage, refuse, litter and/or other substances, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected as taxes are collected.

(c) It shall be unlawful for the owners of property to permit grass, weeds and other foreign growth to exceed 12 inches. It shall be unlawful for the owners of any property to permit unsafe trees to remain on the property that would pose a threat to public property and persons on public property.

(d) Upon notice from the town, a property owner shall within five days cut or trim grass, weeds, unsafe trees, and other foreign growth on such property or any part thereof to a height no greater than 12 inches. In the event the property owner fails to comply with said notice, the town through its agents or employees may elect to cut or trim the grass, weeds, remove or trim unsafe trees to render it safe, and foreign growth, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected as taxes are collected.

(e) Every charge authorized by this section with which the owner of any such property shall have been assessed and which 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 Code of Virginia, title 58.1, ch. 39, arts. 3 and 4 (Code of Virginia, §§ 58.1-3940 et seq., 58.1-3965 et seq.). The town may 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. If the sum due to the town has not been paid within 15 days from receipt of such notice, the town manager shall and is authorized to distrain therefore goods or chattels within the town to collect the sum due, or to treat the unpaid sum as a lien against the property superior to the interests of any owner, lessee or tenant, and next in succession to the town real estate taxes thereon and to add the charges to the amount due for the current town real estate taxes on said property.

(f) Any violations of the section shall be subject to a civil penalty of \$50.00 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 not exceed \$200.00. 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 \$3,000.00 in a 12-month period. The civil penalties are in addition to any costs the property owner incurs as a result of the failure to comply with this section.

(g) In the event three civil penalties have been previously imposed on the same property owner for the same or similar violation, not arising from the same set of operative facts, within a 24-month period, the fourth violation shall be a class 3 misdemeanor.

(Code 1963, § 12-10; Code 1976, § 11-38; Ord. No. 76-0-6, § 2, 4-14-1976; Ord. No. 2006-0-01, § I, 1-10-2006)

State Law reference— Authority to so provide, Code of Virginia, § 15.2-901.

Chapter 24 OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE III. OFFENSES AGAINST PROPERTY

DIVISION 3. MALICIOUS MISCHIEF[4]

Sec. 24-90. Injuring, damaging, etc., property generally.

(a) *General prohibition.* The destruction, injuring, damaging, mutilation or removal of the property of another is hereby prohibited. It shall be unlawful for any person to destroy, damage, mutilate or remove the property of another.

(b) *Cemeteries.* No person shall damage or deface in any way whatsoever any well, pump, building, tombstone, seat, bench, chair, railing, enclosure, tree, shrub, vine, bulb, flower or other thing placed, put or growing in any cemetery.

(c) *Grassplots, flowers, etc.* No person shall drive any animal or vehicle along, on or across any grassplot in any street or public place or on a sidewalk.

(Code 1963, § 15-28; Code 1976, § 11-28)

State Law reference— Injuring property generally, Code of Virginia, § 18.2-137.

Sec. 24-93. Placing or posting advertising matter on or in vehicles, trees or utility poles.

It shall be unlawful for any person to place or cause to be placed any circulars, bills, posters or any advertising matter on or in any vehicle while parked in the municipal parking lot or on any street in the town, or to post or attach any such matter on any tree or electric or telephone pole within the public right-of-way.

(Code 1963, § 15-56; Code 1976, § 11-31)

Chapter 26 PARKS AND RECREATION

ARTICLE II. PARK RULES

Sec. 26-21. Parks property.

(a) Prohibited acts—Generally. The following shall be the general prohibitive acts within park property:

(1) Disfiguration and removal. No person in a park shall willfully mark, deface, disfigure, injure, tamper with or displace or remove any building, bridges, tables, benches, fireplace, railings, signs, tree guards, paving or paving material, public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts or other boundary marks, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

...

(3) Removal of natural resources. No person in a park shall dig or remove any sand, soil, rock, stones, water, trees, shrubs, flowers or plants, downed timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.

...

(b) Same—Trees, shrubbery, lawns. The following shall be the prohibited acts for trees, shrubbery, lawns, etc. on park property:

(1) Injury and removal. No person in a park shall damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds of any tree or plant; nor attach any rope, wire, or other contrivance to any tree or plant; or dig in otherwise distributed grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.

(2) Climbing trees, etc. No person in a park shall climb any tree or walk, stand, sit or attach any rope or cable or other contrivance upon monuments, vases, fountains,

railings, fences, buildings or upon any other property not designated or customarily used for such purposes.

...

(Code 1976, § 11-81(b); Ord. No. 91-0-11, § 1, 2-26-1991; Ord. No. 95-0-29, §§ I, II, 10-24-1995; Ord. No. 99-0-12, § I, 5-11-1999; Ord. No. 2003-0-16, § I, 10-15-2003)