

**ORDINANCE # O-2025-09**

**AN ORDINANCE TO AMEND TITLE IX OF THE TOWN CODE**

**BE IT ORDAINED** by the Council for the Town of Occoquan, Virginia meeting in regular session this 6<sup>th</sup> day of August, 2025:

1. That the Town Council hereby amends Chapters 92 and Section 93.99 of the Town Code as presented in the attached; and

2. That this ordinance is effective upon passage.

**BY ORDER OF THE TOWN COUNCIL**

**Meeting Date: August 6, 2025**  
**Town Council Meeting**  
**Ord No. O-2025-09**

**RE: AN ORDINANCE TO AMEND TITLE IX OF THE TOWN CODE**

**MOTION: Councilmember Perkins**  
**SECOND: Councilmember Love**  
**ACTION: Approved**

**Votes:**

**Ayes:** Vice Mayor Loges, Councilmember Perkins, Councilmember Love, Councilmember Fithian, and Councilmember Daubresse

**Nays:** None

**Absent from Vote:** None

**Absent from Meeting:** None

**CERTIFIED COPY** \_\_\_\_\_

  
**Town Clerk**

## ARTICLE 92.00 - GENERAL PROVISIONS

### § 92.01 DANGEROUS CONDITIONS.

(A) *Purpose.* Various methods for removing, repairing and securing buildings, walls and other structures which might endanger the public health or safety or the health or safety of residents of the town are prescribed in other provisions of this Code and in the building and fire prevention codes and in state and county laws, ordinances and regulations. It is the intent of the Town Council in enacting this article to make it supplemental to those other chapters, codes, laws, ordinances and regulations. The provisions of this article are alternative methods for removing, repairing and securing buildings, walls and other structures in those instances where such other methods are provided.

(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 conditions as provided in this division (B).

(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 (BA).

(2) Every charge authorized by this division (BA) 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.

~~(CB)~~ 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 (CB).

(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 (~~CB~~) has been sent and the time to act provided in that notice has elapsed.

(a) For purposes of this division (~~CB~~), 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 (~~CB~~), 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 (~~CB~~) or as otherwise permitted under the Virginia Uniform Statewide Building Code in the event of an emergency, 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 (~~CB~~) 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 real estate 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.

~~(DE)~~ 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 (~~DE~~).

(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 (~~DE~~), 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 (~~DE~~) 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.

(~~ED~~) 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. 0-2014-01, passed 6-17-2014; Ord. 0-2025-01, passed 2-4-2025) Penalty, see § 92.99

## ARTICLE 92.10 - NOISE

### § 92.10 DECLARATION OF FINDINGS AND POLICY.

The Town Council hereby finds and declares that excessive noise is a serious hazard to the public health, welfare, commerce, peace and safety and the quality of life; that a substantial body of science and technology exists by which excessive noise may be substantially abated; that the people have a right to and should be ensured an environment

free from excessive noise that may jeopardize the public health, welfare, commerce, peace and safety or degrade the quality of life; and that preventing such excessive noise serves a substantial governmental interest. It is the intent of this article to create reasonable, narrowly tailored, and content-neutral time, place, and manner restrictions that leave open ample alternative avenues for communication.

(Ord. 0-2023-14, passed 9-5-2023; Ord. 0-2025-01, passed 2-4-2025)

## § 92.11 DEFINITIONS.

For purposes of this article the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ANSI.** The American National Standards Institute, Inc., New York, New York.

**A-WEIGHTED DECIBEL.** The sound level, in decibels, measured with a sound level meter using the A-weighting network or scale as specified in the ANSI S1.4-1983 (specification for sound level meters). The level so read shall be postscripted dB(A) or dBA.

**CHIEF.** The Chief of Police of the town Police Department, or their designee.

**DAYTIME.** The local time of day between the hours of 6:00 a.m. and 10:00 p.m. weekdays, and from 9:00 a.m. to 10:00 p.m. on Saturdays, Sundays and legal holidays observed by the town government unless otherwise specified.

**DECIBEL.** A unit that describes the sound pressure level or intensity of sound. The sound pressure level in decibels is 20 times the logarithm to the base ten of the ratio of the pressure of the sound in microbars to a reference pressure of 0.0002 microbar; abbreviated dB.

**DWELLING UNIT.** One or more rooms arranged, designed or intended to be occupied as separate living quarters by one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**HORN.** Any audible signaling device on any automobile, motorcycle or other vehicle.

**MOTOR CARRIER VEHICLE ENGAGED IN INTERSTATE COMMERCE.** Any vehicle for which regulations apply pursuant to section 18 of the Federal Noise Control Act of 1972 (P.L. 92-574), as amended, pertaining to motor carriers engaged in interstate commerce.

**MOTORCYCLE.** Any two-wheeled or three-wheeled motor vehicle, excepting farm tractors.

**MOTOR VEHICLE.** Any self-propelled device or device designed for self-propulsion, upon or by which any person or property is or may be drawn or transported upon a street or highway, except devices moved by human power or used exclusively upon stationary wheels or tracks.

**NIGHTTIME.** Those times excluded from the definition of daytime.

**NOISE.** Any steady-state or impulsive sound occurring on either a continuous or intermittent basis.

**PLAINLY AUDIBLE.** Capable of being perceived by the human ear of a person with normal hearing ability, including persons dependent upon normally functioning hearing aid devices. When music is involved, the detection of rhythmic bass tones or vibrations shall be sufficient to be considered plainly audible sound.

**PROPERTY BOUNDARY.** An imaginary line along the ground surface, and its vertical extension, which separates the real property owned, leased, or otherwise legally controlled by one person from that owned, leased, or otherwise legally controlled by another, including intra-building real property divisions.

**PUBLIC AREA.** Any real property owned by the government, including, but not limited to, public rights-of-way, sidewalks, parks, and buildings.

**RESIDENTIAL AREA.** Any building or other structure in which one or more persons resides on a permanent or temporary basis, including, but not limited to, houses, apartments, condominiums, hotels, and motels.

**SOUND AMPLIFYING EQUIPMENT.** Any machine or device used for the amplification of the human voice, music or any other sound. This term shall not include warning devices on authorized emergency vehicles, or horns or other warning devices on other vehicles used only for traffic safety purposes.

**SOUND LEVEL METER.** An instrument to measure sound pressure levels that meets or exceeds performance standards for a Type 2 meter as specified by the ANSI.

**SOUND PRESSURE LEVEL.** The intensity in decibels (dB) of a sound.

**THIS ARTICLE.** This subchapter of Ch. 92 of this code.

**TOWN MANAGER.** The Town Manager or their designee.

**ZONING DISTRICT CLASSIFICATION.** The scheme of land use classification contained in the town zoning ordinance.

(Ord. 0-2023-14, passed 9-5-2023; Ord. 0-2025-01, passed 2-4-2025)

## § 92.12 ADMINISTRATION AND ENFORCEMENT.

(A) The police department may issue a summons for violations of this article and may be assisted by other town departments as required.

(B) Nothing in this section shall preclude a private citizen from obtaining a magistrate's summons based upon a probable cause determination by the magistrate's office.

(Ord. 0-2023-14, passed 9-5-2023; Ord. 0-2025-01, passed 2-4-2025)

§ 92.13 VIOLATIONS.

(A) Criminal violation. Any person who owns or is in possession of property where a noise emanates from or is in charge of the source of a noise, is guilty of a Class 2 misdemeanor if that noise violates this article.

(B) In addition to and not in lieu of the penalties prescribed in this section, the town may apply to the circuit court for an injunction against the continuing violation of any of the provisions of this article and may seek any other remedy or relief authorized by law.

(Ord. 0-2023-14, passed 9-5-2023; Ord. 0-2025-01, passed 2-4-2025)

§ 92.14 MAXIMUM PERMISSIBLE SOUND LEVELS GENERALLY.

(A) Except as otherwise provided in this article, any noise which emanates from any operation, activity or source and which exceeds the maximum permissible sound levels established in this section below is hereby prohibited. Such levels shall be measured at the property boundary of the sound source or at any point within any other property affected by the noise. When a noise source can be identified and its noise measured in more than one zoning district classification, the limits of the most restrictive classification shall apply.

<i>Maximum permissible sound pressure levels</i>		
<i>Zoning district classification</i>	<i>Maximum dBA: daytime</i>	<i>Maximum dBA: nighttime</i>
Residential (R-1 through R-4)	60	55
Business (B-1)	65	60
Parks and Public Utility District (PPU)	60	55
Old and Historic Occoquan District	65	60

(B) Heating and cooling systems, including but not limited to air conditioners and heat pumps, shall not be subject to the night levels enumerated above.

(C) Any person, with lawfully obtained permits, who during daytime operates or causes to be operated any equipment used in construction, repair, alteration or demolition work on buildings, structures, alleys or appurtenances thereto in the outdoors shall not be subject to the levels enumerated above.

(D) Persons performing construction of public projects, repair or maintenance work for such projects or persons performing work for private or public utilities for the repair of facilities or restoration of services shall not be subject to the levels enumerated above.

(Ord. 0-2023-14, passed 9-5-2023; Ord. 0-2025-01, passed 2-4-2025)

§ 92.15 SPECIFIC PROHIBITIONS.

Except as expressly provided otherwise in this article, the following acts are violations of this article:

(A) Sounding any horn on any right-of-way or in any public space except when the sounding of the horn is intended as an emergency or danger warning signal. However, sounding a horn continuously or intermittently in a manner that is plainly audible for more than five consecutive seconds shall be a violation of this section.

(B) Operating or causing to be operated a public or private motor vehicle or motorcycle on a public right-of-way at any time in such a manner that the sound level emitted by the motor vehicle or motorcycle, when measured at a distance of 50 feet or more, exceeds the level set forth in the following table. This section shall not apply to motor carrier vehicles engaged in interstate commerce.

	<i>Sound level in dBA</i>	
<i>Vehicle class</i>	<i>Speed limit 25 mph or less</i>	<i>Speed limit over 25 mph</i>
All motor vehicles of GVWR or GCWR of 6,000 lbs or more	86	90
Any motorcycle	82	86
Any other motor vehicle or any combination of vehicles towed by any motor vehicle	76	82

(C) 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 during nighttime.

(D) Operating or causing to be operated during nighttime any equipment used in construction, repair, alteration or demolition work on buildings, structures, alleys, real property, or appurtenances thereto in the outdoors in any zoning district. This includes, but is not limited to, lawn care, tree maintenance or removal, and other landscaping activities. This section shall not apply to construction of public projects, the repair or

maintenance work performed on such projects, or work performed by private or public utility companies for the repair of utility facilities or restoration of services.

(E) The playing of radio, phonographs, television, tape or disc players, musical instruments or drums, sound amplifiers or other devices which produce, reproduce or amplify sound in such a manner as to emit sound that is plainly audible at a distance of 50 feet from the source or that is plainly audible inside another dwelling unit; provided, however that the provisions of this division shall not apply to any outdoor performance, parade, gathering, dance, concert, show, sporting event, or other event sponsored by the town.

(F) Talking, yelling, shouting, screaming, singing, or any other form of human sounds produced by any person or group of people, or any human-produced excessive noise at nighttime in such a manner as to be plainly audible across property boundaries or plainly audible inside a dwelling unit other than the dwelling unit from which the sound originates.

(G) Sounding or permitting the sounding of any amplified signal continuously or intermittently from any bell, chime, siren, whistle or similar device from any one location that is plainly audible for more than ten consecutive seconds in any hourly period. This provision shall not apply to public bodies or agencies for testing, traffic control or other public purposes.

(Ord. 0-2023-14, passed 9-5-2023; Ord. 0-2025-01, passed 2-4-2025)

#### § 92.16 EXEMPTIONS.

The following activities or sources of noise shall be exempt from the prohibitions set forth in this article:

- (A) Town sanctioned activities in town parks or facilities.
- (B) Public transportation.
- (C) Public safety activities by government entities.

(Ord. 0-2023-14, passed 9-5-2023; Ord. 0-2025-01, passed 2-4-2025)

#### § 92.17 WASTE, RECYCLING, AND REFUSE REMOVAL.

Waste, recycling and refuse shall be removed only during daytime and must be removed in a manner which does not create a nuisance or excessive noise, or adversely affect the public health.

(Ord. 0-2023-14, passed 9-5-2023)

#### § 92.18 NOISE FROM ANIMALS.

It shall be unlawful to own, keep, possess, harbor, or allow any animal which howls, barks, meows, squawks or makes other noise such that it is plainly audible at least once a minute for ten consecutive minutes at 50 feet from the property boundary of the dwelling unit, house or apartment of another; or plainly audible within a dwelling unit other than the one from which the sound emanates.

(Ord. O-2023-14, passed 9-5-2023)

#### § 92.19 MEASUREMENT PROCEDURES.

When this article requires measurement of the sound level, the measurement shall be as follows.

(A) The measurement of sound or noise shall be made with sound level meters Type 1 or Type 2 which meet the standards prescribed by the ANSI. The instruments shall be maintained in calibration and good working order. A calibration shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used. A minimum of three sound level readings will be taken. The geometric mean of these readings will be used as the average sound level. If the background noise is equal to the levels set forth in § 92.06, three dB shall be subtracted out of the average sound level.

(B) The slow meter response of the sound level meter shall be used to determine that the average amplitude has not exceeded the dBA readings or the limiting noise spectra set forth in § 92.1406.

(C) Unless otherwise specified in this article, the measurement shall be made at:

- (1) The property boundary on which such noise is generated;
- (2) Any point within the receiving property affected by the noise; or
- (3) Any public area including, but not limited to, any public streets, docks or sidewalks.

(Ord. O-2023-14, passed 9-5-2023; Ord. O-2025-01, passed 2-4-2025)

#### § 92.20 SOUND LEVELS; RESTAURANTS.

The sound levels provided elsewhere in this article shall not apply to sound emanating from a restaurant. It shall be a violation of this article for a source of sound emanating from a restaurant to create a sound level during daytime in excess of 80 dBA, or during nighttime in excess of 60 dBA when measured from the boundary line of the restaurant property or any public area including, but not limited to, any public streets, docks or sidewalks.

(Ord. O-2023-14, passed 9-5-2023; Ord. O-2025-01, passed 2-4-2025)

## ARTICLE 92.30 - REFUSE; VEGETATION

### § 92.30 DEFINITIONS.

For the purpose of this article, 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.

**RECYCLING.** The terms “recycling” or “recyclable materials” shall, unless otherwise specified by the Town Manager or their designee, include newspapers, magazines, phonebooks, paperback books, catalogs, mail, mixed paper (office, copy and computer paper), cardboard, paperboard, cardstock, brown paper bags, non-metallic wrapping paper, shredded paper; acceptable Polyethylene Terephthalate (PETE) and High-Density Polyethylene (HDPE) plastic containers #1-7 including bottles, jars, jugs, wide-mouth tubs and trays, aluminum, steel, tin, bi-metal cans, foil, glass bottles, and jars.

**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) (Ord. 0-2025-01, passed 2-4-2025)

### § 92.31 REFUSE STORAGE; COLLECTION AND DISPOSAL.

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

(B) Establishment of days and hours of collection. The Town Manager or their designee shall establish and specify the days and hours each week when the town employees or contractors shall collect refuse and recycling in the town and the routes to be served at the time so specified. In the event inclement weather prohibits the collection on the established collection day, collection will occur the following business day if all roadways and streets

are safe and passable. If a collection day falls on a scheduled holiday, collection will occur the following business day.

(C) Authority to administer. The Town Manager or their designee is delegated authority to administer this article and to issue supplementary rules and regulations that are in support of and not in conflict with the provisions of this article. Such supplemental rules and regulations shall have the same force and effect as if fully set forth in this article.

(1998 Code, § 30-32) (Ord. 0-2025-01, passed 2-4-2025)

## § 92.32 REFUSE STORAGE; STANDARDS AND REGULATIONS.

(A) Town collected refuse.

(1) Storage. Except as otherwise permitted in writing by the Town Manager or their designee, refuse shall be stored in a refuse container provided by the town or in a sufficient number of watertight metal or non-breakable containers, made of plastic or another durable material, equipped with handles and tightfitting covers. The size and characteristics of containers shall be subject to reasonable regulation by the Town Manager or their designee, consistent with the town's current contract for trash collection. Containers and storage areas for 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 refuse for collection by town collectors 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 or vehicular traffic. Containers shall be removed from the curb line as soon as possible after trash pickup and no later than 9:00 a.m. on the day proceeding the day of pickup. When not placed at the curblines for pickup, containers shall be stored in the rear of the building or in a screened or enclosed trash receptacle storage area, subject to reasonable regulation set by the Town Manager or their designee.

(4) Special and/or bulk collection. In the event a customer has a special collection item that is too large, bulky or heavy to be handled in the normal refuse curb-side collection, the customer must contact the town collector to request a special collection at least 24 hours

prior to their regular collection day. Said special collection items shall be placed out for collection in accordance with the requirements of this division (A)(34).

(B) Non-town collected refuse.

(1) When determined by the Town Manager, or designee, that a health issue may exist due to the volume or material being placed out for collection or due to code violations of the customer, the town may decline to provide refuse collection services. In such event, the customer will be required to secure separate refuse collection services and if the determination is for volume install a dumpster.

(2) Each establishment required to use a dumpster as their storage container(s) must ensure that they are vermin-proof and waterproof, constructed of noncorrosive material and equipped with tight fitting lids which must be kept closed at all times, except when filling or emptying the container. The dumpster must be contained in the rear of the building or in a storage area, placed in a location as approved by the Town Manager, or designee, to protect the public health. Said dumpster must be emptied at least once per week unless determined by the Town Manager, or designee, that more frequent collection is advisable to protect the public health or to abate a public nuisance. The property owner or business must contract for the dumpster and its associated collections through a licensed solid waste hauler.

(3) Storage areas must remain 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) Recycling collection.

(1) All recyclable materials shall be separated from garbage, trash, and refuse and shall be placed in a suitable container, stored, and placed at curbside as set out in division (A) of this section. All recyclable materials shall be clean, and all bottles and cans shall be rinsed before being placed in the bin for pickup.

(2) Nothing in this Code shall prohibit any person from selling or donating recyclable materials rather than putting them out for collection by the town or non-town contractor.

(D) 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)(4) of this section.

(5) The placement into trash or recycling containers of hazardous materials, including but not limited to motor oil, paint, radioactive materials, explosives, poisons, or highly combustible materials, is prohibited. No such material will be picked up by the town or its agents.

(1998 Code, § 30-33) (Ord. O-2018-03, passed 8-7-2018; Ord. O-2025-01, passed 2-4-2025) Penalty, see § 92.99

#### § 92.33 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 must keep such property free of any and all trash, garbage, refuse, litter, clutter, dismantled, inoperable, or dilapidated machinery or appliances, and other substances that might endanger the health, safety, and welfare of residents of the town.

(1998 Code, § 30-34) (Ord. O-2025-01, passed 2-4-2025) Penalty, see § 92.99

Statutory reference:

Removal of trash, see VA Code § 15.2-901

#### § 92.34 REMOVAL.

(A) When substances of the nature set forth in § 92.33(B) are found upon property within the town, the Town Manager or their designee 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 Town Manager or their designee 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 Town Manager or their designee 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) (Ord. 0-2025-01, passed 2-4-2025)

#### § 92.35 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 Town Manager or their designee will 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 § 92.3419.

(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 Town Manager or their designee may 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 Town Manager or their designee 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) (Ord. 0-2025-01, passed 2-4-2025)

#### § 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(BA) 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 or, in the case of property that is zoned or utilized for industrial or commercial purposes, \$6,000 in a 12-month period.

(2) The imposition of civil penalties under § 92.01(BA) 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(~~CB~~).

(1998 Code, § 30-1)

(C) Any person who violates any provision of §§ 92.~~3015~~ through 92.~~3520~~ 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)

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#### § 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.~~2615~~ shall be punished by a civil penalty not to exceed \$100 for a violation that has not been corrected within 15 days of notice of such violation.

(1998 Code, § 50-8) (Ord. O-2025-01, passed 2-4-2025)