

TITLE 4

Public Works

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CHAPTER 1

Streets and Sidewalks

State Law Reference: Powers of local government, Streets and alleys, Va. Code, 15.2, Chapter 20 (15.2-2000 et seq.)

- § 4-1-1 Street Repair.
- § 4-1-2 Excavations leaving unprotected.
- § 4-1-3 Sidewalk construction.
- § 4-1-4 Streets and sidewalks not to be damaged.
- § 4-1-5 Sidewalks not to be obstructed or damaged.
- § 4-1-6 Removal of snow from sidewalks.
- § 4-1-7 Bicycles prohibited on sidewalks.
- § 4-1-8 Violation.

Sec. 4-1-1 Street repair.

When any part of any street, sidewalk, alley or other public place of the town shall be torn or dug up for any purpose, the person, firm or corporation making such excavation or opening shall have the duty of refilling the excavation or opening so as to restore it to essentially the same condition that existed prior to the excavation or opening.

Sec. 4-1-2 Excavations; leaving unprotected.

It shall be unlawful for any person, firm or corporation to make any excavations or openings in any street, sidewalk or public way which may create or cause a dangerous condition in or near any street, alley, sidewalk or public place of the town without placing and maintaining proper guardrails and signal lights or other warnings at, in or around the same, sufficient to warn the public of such excavation or work, and to protect all persons using reasonable care from injuries on account of same.

Sec. 4-1-3 Sidewalk construction.

No sidewalk of any description shall be built by any individual, firm or corporation, of any brick, wood or other material without a written permit from the town.

Sec. 4-1-4 Streets and sidewalks not to be damaged.

It shall be unlawful for any person, firm or corporation to drag, or run, or cause to be dragged or run any harrow or other implement, engine, machine or tool upon any asphalt, bithulitic, warrenite or other type of permanently paved street or sidewalk of the town which shall be liable in any way to injure or cut the surface thereof. It shall also be unlawful to injure any dirt street in the same manner.

Sec. 4-1-5 Sidewalks not to be obstructed or damaged.

It shall be unlawful for any person, firm or corporation to obstruct or damage in any manner any sidewalk in the town by allowing trees, shrubbery, hedges, branches, roots or other debris to interfere therewith. Trees shall be pruned to a minimum height of 10 feet above the sidewalk.

Sec. 4-1-6 Removal of snow from sidewalks.

The tenant, occupant and, in case there shall be no tenant, the owner or any person having the charge of any building or lot or land bordering on any street, lane, square or public place within the town, where there is any paved footway or sidewalk, shall, after the ceasing to fall of any snow, if in the daytime within six hours, and if in the nighttime, before 12 noon of the following day, cause such snow to be removed.

Sec. 4-1-7 Bicycles prohibited on sidewalks.

No person shall ride a bicycle on the sidewalks of the town.

Sec. 4-1-8 Violation.

All persons found guilty of a violation of this chapter shall be guilty of a class 2 misdemeanor as provided in section 1-1-8 of this code.

CHAPTER 2
Garbage and Refuse Collection and Disposal

State Law Reference: Local recycling and waste disposal; powers; penalties, Va. Code, Sec. 15.2-928.

§ 4-2-1 Collection generally.

§ 4-2-2 Containers.

§ 4-2-3 Yard debris.

Sec. 4-2-1 Collection generally.

(a) This section and section 4-2-2 apply only to refuse and garbage containing animal and vegetable matter subject to decay or fermentation, bottles, cans and like materials.

(b) All garbage containing animal or vegetable matter subject to decay or fermentation shall be placed in a metal, plastic or rubber container of not more than 32-gallon capacity, equipped with a tight-fitting cover. Such container and cover shall be in such condition as to protect the contents from flies and dogs. Larger containers may be used if all garbage therein is contained in garbage bags each of which do not exceed 32-gallon capacity.

(c) All cans, bottles and similar matter may be placed in any type of receptacle or container which container shall weigh no more than 50 pounds. Such container shall be provided with a cover or other means to prevent scattering of the contents. Receptacles shall be strong enough to withstand handling by persons collecting such garbage, etc. Larger containers may be used if all matter therein is contained in garbage bags each of which do not exceed 50 pounds.

(d) Covers on all receptacles shall be kept in place except when filling or emptying.

(e) No free liquids shall be placed in any receptacles.

(f) By 7:30 a.m. on the day of collection, all receptacles containing garbage or refuse to be picked up shall be placed or located at a convenient place as near the street or alley as practicable.

(g) Employees of the town shall not be permitted to enter buildings or inside premises for removal of garbage or refuse.

(h) The town will pick up paper, leaves, grass cuttings, and weeds provided that they are placed in a container or bags and located near the street in the manner and time that garbage is required to be located.

(i) The town shall not haul away anything unless placed in suitable containers as located and defined above; and any matter set out for collection which does not comply with these regulations shall not be removed by the town, but shall be removed and disposed of by the owner or tenant.

(j) Any person failing to comply with the above provisions of this section shall be guilty of a class 4 misdemeanor, as provided in section 1-1-8 of this code.

Sec. 4-2-2 Containers.

(a) All owners, tenants or other persons with in the town shall provide on their premises a suitable container for the collection and storage of garbage and refuse as herein defined.

(b) The containers shall be of metal, plastic or rubber construction equipped with a tight-fitting cover so as to protect contents from flies, dogs or other animals and shall be located in such a manner as to be stationary so that the container will not be overturned or the top removed by dogs or other animals.

(c) All such refuse and garbage shall be disposed of at least once each week and more frequently if necessary to prevent odor or decay which would be injurious to the health of the community.

(d) In order to protect the health and welfare of the public, the town shall have the right to send employees on the premises for the purpose of making inspection of such garbage.

(e) Any person violating the provisions of this section shall be guilty of a class 4 misdemeanor as provided in section 1-1-8 of this code.

Sec. 4-2-3 Yard debris.

The town will periodically haul away small tree limbs or cuttings not over three inches in diameter nor in excess of five feet in length provided that they are located near the street or alley in the manner that garbage is required to be located.

Leaves, grass cuttings and other such matter should be bagged and put out for regular garbage collection.

CHAPTER 3

Weeds

State Law Reference: Locality may provide for removal or disposal of trash, cutting of grass, weeds, and running bamboo; penalty in certain counties; penalty, Va. Code, Sec. 15.2-901.

§ 4-3-1 Inspection of property.

§ 4-3-2 Notice from mayor to cut and remove.

§ 4-3-3 Appeal to council from mayor's notice; notice from council to cut and remove.

§ 4-3-4 Cutting by town.

Sec. 4-3-1 Inspection of property.

The mayor shall periodically inspect any property in the town to determine if grass, weeds and other foreign growth on such property are detrimental to the health, safety or welfare of the inhabitants of the town.

Sec. 4-3-2 Notice from mayor to cut and remove.

Whenever it shall appear to the mayor that there exists, upon any property in the town, grass, weeds or other foreign growth which, in the opinion of the mayor, are detrimental to the health, safety or welfare of the inhabitants of the town, the mayor shall cause a notice to be mailed to the owner of such property to cause such grass, weeds or other foreign growth to be cut and removed from such property within 30 days after notice is mailed. If such owner is not a resident of the town, the notice shall be mailed to the owner's agent in charge of the property or, if the owner has no agent, to the owner's last known post office address.

Sec. 4-3-3 Appeal to council from mayor's notice; notice from council to cut and remove.

Any property owner to whom a notice is sent, as provided in section 4-3-2, may appear before the council at its regular meeting and protest the decision of the mayor, which decision the council may affirm or overrule. Any property owner availing himself of the right to appear before the council to protest the decision of the mayor shall not be required to remove grass, weeds or other foreign growth until he receives a notice in writing from or on behalf of the council directing him to remove such grass, weeds or other foreign growth within a specified number of days.

Sec. 4-3-4 Cutting by town.

(a) If grass, weeds or other foreign growth shall remain on any property after the expiration of the time specified in the notice, as provided in section 4-3-2, from or on behalf of the mayor or the council, as provided in section 4-3-3, as the case may be, the mayor shall cause the same to be cut and removed therefrom at the expense of the owner. The owner absolves the town of any liability for damages relating to such cutting and removal.

(b) All expenses incurred in the cutting of grass, weeds or other foreign growth shall be chargeable to and paid by the owners of the property and shall be collected by the town in the same manner and by the same process as is prescribed for the collection of town taxes. In the event that the costs of removal are not collected by November 1 of the year in which the same accrue, the amount of costs against owners of the property from which the grass, weeds or other foreign growth are removed shall be placed on the tax bill and shall be collected with the taxes. If such costs are not paid by the time that a penalty would be added to the bill for real estate taxes, such costs shall be collected in the manner and to the extent as exists for the enforcement of demands between individuals. There shall be a lien in favor of the town against the property in question for the amount of any unpaid costs for the removal of such grass, weeds or other foreign growth in accordance with the provisions of state law as to liens for unpaid taxes.

CHAPTER 4

Cemeteries

State Law Reference: Powers of local government, Cemeteries, Va. Code, Sec. 15.2-1121.

§ 4-4-1 "Cemetery" defined.

§ 4-4-2 Cemetery committee generally.

§ 4-4-3 Power to sell lots.

§ 4-4-4 To advise on the management and control of the cemetery.

§ 4-4-5 Floral arrangements.

§ 4-4-6 "Perpetual care" and "temporary care" defined.

§ 4-4-7 Perpetual care and maintenance.

§ 4-4-8 Trespass at night upon cemetery.

Sec. 4-4-1 "Cemetery" defined.

For the purposes of this chapter, the term "cemetery" shall mean any town owned cemetery, except as otherwise provided.

Sec. 4-4-2 Cemetery committee generally.

There is hereby created and set up a standing committee to be composed of three members of the council to be known as the cemetery committee to be appointed, as provided in section 2-1-5 of this code.

Sec. 4-4-3 Power to sell lots.

The clerk-treasurer is hereby authorized to sell such unsold lots designated on the cemetery map to persons making application therefor. All amounts paid for grave sites shall be placed in the Cemetery's general fund account. A fee will be collected with each sale to provide for permanent corner markers for the lots purchased.

Sec. 4-4-4 To advise on the management and control of the cemetery.

The cemetery committee is further authorized and empowered to advise the council on the management and control of the cemetery and to adopt and present to the Council a set of rules and regulations for the orderly administration of the cemetery.

Sec. 4-4-5 Floral arrangements.

The cemetery committee is hereby empowered to issue rules for the maintenance and upkeep of floral arrangements in town cemeteries.

Sec. 4-4-6 "Perpetual care" and "temporary care" defined.

Perpetual care, as used herein, shall be defined to be for and in the duration of the council or any body having the same powers, and shall include the trimming of trees, shrubs, and planting of the same, cutting and planting grass and the general maintenance and upkeep of the cemetery lot, but shall not include the erection of markers or monuments on such lot or lots.

Temporary care shall mean the maintenance and care of any lot or lots for a designated period, not to exceed one year, unless otherwise designated by written agreement, duly signed and executed as deeds are executed and shall include during that period the maintenance and care of such lot or lots according to the regulation in force and designated by the cemetery committee.

Sec. 4-4-7 Perpetual care and maintenance.

(a) All lots on the survey map of the cemetery designated as not sold, occupied or under the control of some person or persons shall be sold to persons making application therefor with conditions of perpetual maintenance or care and there shall be added to the purchase price such an amount as may be set out hereafter.

(b) Any person who may own, or hereafter own, or have control of any lot or square in the cemetery by reason of any agreement with the town, or by deed from the town may provide for perpetual care and maintenance, as hereafter defined, of such lot or square by paying to the town an amount per burial space as fixed from time to time by the council.

(c) The foregoing sum required to be paid for perpetual care shall be paid in cash or in installments as the cemetery committee may determine and agree upon; provided, however, that there shall be no guarantee of perpetual care and maintenance by the town until such amount is paid in full.

(d) All amounts paid for perpetual care and maintenance of the lots in the cemetery shall be placed in a separate fund and shall be invested by the cemetery committee in safe securities designated by state law for investment of trust funds or on first mortgages, all of which shall be approved by the council and the interest and income therefrom shall be used for perpetual care and maintenance of the lots for which the amounts were paid for perpetual care and if the income be excess of that required to maintain the lots for which the amounts were paid for perpetual care, then the income may be expended for the general maintenance and ornamentation of the cemetery as a whole, included but not limited to the erection of fences, construction of roads and general landscaping as is required. Should additional land be required for cemetery purposes, an amount not to exceed 25 percent of the corpus of the perpetual care trust fund may be expended for said purchase, not more frequently than once every five years.

(e) There shall be kept by the town clerk-treasurer a separate account of all funds and investments thereof paid in for perpetual care and maintenance and such funds shall not be used in any other manner.

Sec. 4-4-8 Trespass at night upon cemetery.

If any person, without the consent of the owner, proprietor or custodian go or enter in the nighttime, upon the premises, property, driveways or walks of any cemetery, either public or private, for any purpose other than to visit a burial lot or grave, he shall be guilty of a class 4 misdemeanor as provided in section 1-1-8 of this code.