

**THE CODE OF THE TOWN  
OF  
GLASGOW, VIRGINIA**

The Charter  
and  
The General Ordinances

PUBLISHED BY ORDER OF THE TOWN COUNCIL

Michie City Publications Company Charlottesville, Virginia  
1972

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## **PREFACE**

This volume constitutes the first revision and codification of the general ordinances of Glasgow, Virginia since 1952. It contains the Charter and such of the ordinances of a general and permanent nature passed on or before June 6, 1972, as were found desirable for retention, except those expressly saved from repeal by the Adopting Ordinance.

The ordinances were codified, edited and indexed by the Editorial Staff of Michie City Publications Company tinder the supervision of Chas. W. Sublett, Stephen C. Willard and John K. Haley.

The publishers wish to express their appreciation for the cooperation of all the town officials and employees during the preparation of this publication. Particular acknowledgment is due Mr. Henry J. Foresman, Town Attorney, for his assistance during the progress of the work.

A feature to which the attention of the user is directed is the arrangement of the chapters in alphabetical order. Attention is also directed to the analysis preceding each chapter which, in many instances, will serve as an index within itself. The general index, carried at the end of the Code, has been carefully prepared, and should serve as an accurate medium for locating the individual sections of law with-in the Code. In the footnotes appearing throughout the Code will be found references to the Charter and applicable and related provisions of state law. Those notes also contain cross references to other and related provisions in the Town Code itself. By reference to the historical citations, appearing at the end of each section, the user will be able to ascertain the ordinance from which the present section has been derived.

It is a recognized fact that if any Code is to accomplish its intended purpose it must be kept up to date by means of an adequate supplemental service. Accordingly, the publishers point out the advisability and necessity of keeping this Code current.

The new Town Code is presented to the officials and citizens of Glasgow, Virginia in the belief that it will merit their approval.

Michie City Publications Company  
Charlottesville, Virginia

**PART I.**  
**THE CHARTER.**

Editor's note. --The Charter herein set out is contained in an Act of the General Assembly of Virginia, approved February 29, 1892, (Acts 1892, ch. 486), and all Acts amendatory thereof.

Acts amending the Charter are cited in parentheses following the section affected. Unless so indicated, the section derives unchanged from the original Act.

Catchlines to the sections have been added for editorial purposes and should not be construed to restrict, limit or affect the contents of the sections. A uniform system of capitalization has also been employed. A frontal analysis has been added for the convenience of the user.

- [§ 1.](#) Boundaries.
- [§ 2.](#) Government of town; election, qualifications and terms of mayor and council.
- [§ 3.](#) Manner and place of election; filling vacancies on council; quorum.
- [§ 4.](#) Appointment, compensation, duties and bonds of sergeant, clerk and treasurer.
- [§ 5.](#) Sergeant to have powers of sheriff as to collection of taxes, levies and fines and service and return of processes.
- [§ 6.](#) Sergeant to have powers and liabilities of constable as to collection of money and execution of warrants.
- [§ 7.](#) Power of sergeant to arrest persons in violation of town ordinances.
- [§ 8.](#) Civil and criminal jurisdiction of mayor, recorder and councilmen.
- [§ 9.](#) Judicial authority of mayor, recorder and councilmen.
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- [§ 11.](#) General powers of council; penalties for violations of ordinances; disposition and appropriation of fines.
- [§ 12.](#) Levy and collection of property taxes for streets, sidewalks, etc.
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- [§ 14.](#) Officers appointed to serve until July 1, 1893.
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### Sec. 1. Boundaries.

All of the territory in Rockbridge County contained within the following limits, namely: Beginning at the confluence of North and James Rivers; thence up the north bank of the James River at low-water mark to a point opposite the extension of the western line of Thirteenth Street; thence with the western line of said street to its intersection with the northern line of Rockbridge Road; thence with the northern line of Rockbridge Road to its intersection with the eastern line of the fifty acres reservation of Mistress F. G. Johns; thence with the said line of Mistress Johns' fifty acres tract to its intersection with the northern boundary line of the right of way of the Norfolk and Western Railway; thence with said line of said railway to its intersection with the western line of Blue Ridge Road; thence with said line of Blue Ridge Road to its intersection with the northern line of Shawnee Street; thence with the northern line of Shawnee Street extended to its intersection with North River at low-water mark; thence along the west bank of North River at low-water mark to the beginning (which boundaries and those parts of North and James Rivers and said streets, places and roads are laid off and described in the plat or map of the sub-division of the lands of the Rockbridge Company into lots, recorded in the clerk's office of the county court of Rockbridge County, in deed-hook number fifty-eight at pages one and two), shall constitute the Town of Glasgow, and the forty-fourth and forty-sixth chapters of the Code of Virginia, edition of eighteen hundred and eighty-seven, as far as consistent with this Act, shall be applicable to said town; and the council of said town may from time to time enlarge the boundaries of said town by adding thereto the lots of such persons as desire to be included in said corporation, and who shall make application in writing therefor to said council. (Acts 1898, ch. 376.)

### Sec. 2. Government of town; election, qualifications and terms of mayor and council

The government of the said town shall be vested in a mayor and a council of six members besides the mayor (who shall be ex-officio a member of the council and preside at all meetings thereof) who shall be residents of said town and shall be elected at such times and for such terms as provided for by ordinance by those qualified to vote for members of the general assembly and who shall have been residents within the boundaries of the corporation for three months next preceding the election and by no other person. There shall be five days notice of all elections by posting notices at three or more public places within the corporation. The mayor and council shall remain in office until their successors are elected and qualified in their stead, but no longer. (amended 2/27/2004)

### Sec. 3. Manner and place of election; filling vacancies on council; quorum.

The council shall fix and determine the place where said election shall be held, shall prescribe the manner of declaring and certifying elections, of deciding between two or more where the number of votes shall be equal and of filling vacancies in said board. A majority of said council shall constitute a quorum to do business.

### Sec. 4. Appointment, compensation, duties and bonds of Chief of Police, clerk and treasurer.

The council shall appoint annually a Chief of Police, clerk and treasurer, and shall fix their compensation and prescribe their duties, and require such bonds as may be deemed proper.

Sec. 5. Chief of Police to have powers of sheriff as to collection of taxes, levies and fines and service and return of processes.

The Chief of Police of said town, who shall from time to time be appointed under this Act, shall have the like rights of distress and a power for collecting the taxes and levies made by said council of said town as sheriffs in similar cases, and shall be entitled to the same or like fees and commissions for collecting said taxes and levies, as are sheriffs for collecting county levies, and in the service and return of all processes, and in the collection of all fines arising under the authority of this Act, or of any by-laws made in pursuance hereof, he shall have and possess the same rights and powers and be entitled to the same or like fees and commissions as allowed by law to sheriffs for similar services.

Sec. 6. Chief of Police to have powers and liabilities of constable as to collection of money and execution of warrants

The Chief of Police of said town, upon entering into bond in the county court of Rockbridge County, in the manner prescribed by law for constables, and with such conditions as constables are required by law to enter into, shall have all the power and authority of a constable in the collection of money by warrant or otherwise, and to execute any and all process to him directed, or which might have been so directed; and shall and may do and perform all acts, execute and return such warrants, and be liable in the same manner and to the same extent that constables are by laws now in force.

Sec 7. Power of Chief of Police to arrest persons in violation of town ordinances.

The Chief of Police of said town shall be conservator of the peace and shall have power to arrest in said town or anywhere within Rockbridge County, upon a warrant issued by the mayor, recorder or councilman, any person charged with a violation of the laws or ordinances of said town; and when a violation of the laws or ordinances of said town is committed in his presence, he shall have authority and power, without warrant, forthwith to arrest the offender and carry him before some conservator of the peace of said town to be dealt with according to law.

Sec 8. Civil and criminal jurisdiction of mayor, recorder and councilmen

The mayor, recorder and councilmen, and each of them, shall and may exercise all jurisdiction, civil and criminal, now by law conferred upon the justices of the peace; shall preserve peace and good order in said town, and to this end they, and each of them, shall be conservators of the peace, with all the power conferred upon the conservators of the peace by chapter one hundred and ninety-one of the Code of Virginia.

Sec. 9. Judicial authority of mayor, recorder and councilmen

The mayor, recorder and councilmen of said town, and each of them, upon taking oaths required by law to be taken by justices of the peace, shall each have authority and jurisdiction to hear and determine all matters which a justice of the peace would have jurisdiction, and to hear and determine all controversies arising under the laws and ordinances of said town, and to issue any and all proper process, whether mesne or final, which may be necessary to enforce their judgment and authority

Sec. 10 Maintenance of public schools

The said council shall have power and authority to lay and collect and apply to the maintenance of public free schools in said town annually a sum equal to what the inhabitants and property of said town would have to pay annually to the County of Rockbridge for public free school purposes if this Act had not been passed.

Sec 11. General powers of council; penalties for violations of ordinances; disposition and appropriation of fines.

The council shall have the power to make accurate bounds of existing streets and to compel the removal of obstructions therefrom, and to lay off and have new streets, alleys, sidewalks and to provide and protect shade trees thereon. The council of said town shall have the same jurisdiction for condemning land for streets, alleys and sidewalks of said town as the county court has for condemning lands for roads in the county. The council shall further have power to provide against and prevent accidents by fire; to establish and regulate markets; to prevent the running at large of hogs, dogs, horses and other animals; to prevent the cumbering of streets, sidewalks and alleys in any manner whatever; to make sanitary regulations in reference to contagious and other diseases; to regulate the building of all houses, stables, privies, hog-pens and slaughter-houses; to abate nuisances at the expense of those who cause them; to restrain and punish drunkards, vagrants, mendicants and street beggars; to appoint police and prescribe their duties and compensation; to make, pass and ordain such rules, regulations and by-laws as they may deem necessary and proper for the internal and general good, safety and health and convenience of the said town and inhabitants thereof, and for enforcing the provisions of this Charter. They shall punish all violators of law by fine or imprisonment, or both, in the discretion of the officer or officers trying the offender; provided the accused shall have the right of appeal to the county court in all cases whatsoever whenever the fine shall exceed twenty-five dollars or the imprisonment exceed thirty days. The authorities of said town, with the consent of the county court entered of record, shall have the right to use the county jail whenever it may be needed by them. When-ever judgment shall be rendered against any person for fines, and there be no visible effects which the sergeant may distrain and sell therefor, the person so in default may be compelled to work out such fines on the public streets or other improvements, and to suffer, in addition, such term of imprisonment as may be prescribed by the ordinances of said town. All fines for violation of the ordinances of said town shall be paid into the treasury of said town, and shall be appropriated as the council may determine.

Sec. 12 Levy and collection of property taxes for streets, sidewalks, etc.

The council shall have such powers as are conferred by general law upon the governing bodies of cities and towns in the levy and collection of taxes for roads, streets, sidewalks and other purposes which on no property shall exceed one dollar on the hundred dollars' valuation. (Acts 1946, ch. 87.)

Sec. 13. Deputization of citizens in case of riot or misdemeanor.

The mayor and council, and each member of the council, shall have power and authority to deputize any number of citizens of the town, and such as may be in town from said county, to assist the sergeant in the full discharge of his duties in all cases of riot or misdemeanors.

Sec. 14. Officers appointed to serve until July 1, 1893.

The following-named persons are hereby appointed to fill the following offices until the first day of July, eighteen hundred and ninety-three, and until their successors are duly elected and qualified, namely: John G. Meem, mayor; and councilmen as follows: W. P. Irvin, R. G. Paxton, David Funsten, J. P. Cleveland, A.D. Exall and L. C. Haden. Said persons are to take their oaths of office and enter upon the discharge of their duties to their respective offices as soon as practicable after the passage of this Act; and they are hereby clothed with all the powers and subject to all the provisions appertaining to their respective offices herein prescribed.

Sec 15. Effective date

This Act shall be in force from its passage.

Sec. 16. School Bond Issues.

The council of the Town of Glasgow may, upon recorded two-thirds vote of all of the members of the said council, cause to be issued bonds or other evidence of indebtedness in the name of the said town, in a total sum not to exceed the limits prescribed by the Constitution and the general laws of the Commonwealth of Virginia, solely for the purpose of constructing or aiding in the construction of public school buildings for use or partial use by the children of the citizens of the said town without limitation upon the physical location of such buildings. Provided, however, no public school building or buildings shall be so constructed by the said town if the same be situate outside of the corporate limits thereof, unless the construction of such public school building or buildings shall have been approved by the board of supervisors or other governing body of Rockbridge County prior to the commencement of such construction. Provided, however, that the said council shall so authorize the issuance of such bonds or other evidence of indebtedness only after the said council shall have, by a two-thirds vote of all of the members of the said council, adopted a resolution to the effect that an emergency does exist in regard to the school facilities available for use or partial use by the children of the citizens of the said town; that in no event shall the council adopt any ordinance or resolution having the effect of an ordinance authorizing the issuance of such bonds or other evidence of indebtedness until twenty days shall have elapsed after the adoption of such resolution declaring that such an emergency does exist; that such ordinance or resolution having the effect of an ordinance authorizing the issuance of such bonds or other evidence of indebtedness shall be adopted by the said council at a special meeting of the mayor and council called for such purpose and a copy of the proposed ordinance or resolution having the effect of an ordinance shall be furnished to the mayor and each member of the council ten days prior to such special meeting; and that the council shall not adopt any such ordinance or any such resolution having the effect of an ordinance on or after the thirty-first day of August, nineteen hundred fifty-five, and the powers herein contained shall cease to exist and terminate as of such date. (Acts 1952, ch. 167; Acts 1954, ch. 306.)

**PART II.**  
**THE CODE.**  
**CHAPTER 1.**

**GENERAL PROVISIONS**

- §1-1. How Code designated and cited,
- §1-2. Definitions and rules of construction.
- §1-3. Provisions considered as continuations of existing ordinances.
- §1-4. Effect of repeal of ordinances.
- §1-5. Severability of parts of Code.
- §1-6. Catchlines of sections.

Sec. 1-1. How Code designated and cited.

The ordinances embraced in this and the following chapters and sections shall constitute and be designated "The Code of the Town of Glasgow, Virginia" and may be so cited. Such ordinances may also be cited as "Glasgow Town Code."

Sec. 1 - 2. Definitions and rules of construction.

In the interpretation and construction of this Code and of all ordinances and resolutions of the town, the following rules of construction and definitions shall be observed, unless otherwise specifically provided or unless they are inconsistent with the manifest intent of the council or the context clearly requires otherwise:

Bond. When a bond is required, an undertaking in writing with such surety, if any, as the council may direct shall be sufficient.

Computation of time.<sup>1</sup> The time within which an act is to be done shall be computed by excluding the first and including the last day, and if the last day be Saturday, Sunday or a legal holiday, that day shall be excluded.

Council. The words "council" or "the council"<sup>1</sup> shall mean the council of the Town of Glasgow, Virginia.

County. The words "county" or "the county" shall mean the County of Rockbridge in the State of Virginia.

Following.<sup>2</sup> The word "following," when used by way of reference to any section, shall be construed to mean next following that in which such reference is made,

Gender.<sup>3</sup> A word importing the masculine gender only may extend and be applied to females and to corporations as well as males.

1. For state law as to computation of time, see code of Va., § 1-13.3.
2. For similar state law, see code of Va., § 1-13.6.
3. For similar state law, see Code of Va., § 1-13.7.

In the town. The words in the town" shall mean any territory, jurisdiction of which for the exercise of its regulatory power has been conferred on the town by public or private law.

May. The word "may" shall be permissive.

Month. The word "month" shall mean a calendar month.

Number.<sup>4</sup> A word importing the singular number only may extend and be applied to several persons or things, as well as to one person or thing, and a word importing the plural number only may extend and be applied to one person or thing, as well as to several persons or things.

Oath.<sup>5</sup> The word "oath" shall be construed to include an affirmation in all cases in which by law an affirmation may be substituted for an oath.

Occupant or tenant. The word "occupant" or "tenant," applied to a building or land, shall mean any person who holds a written or oral lease of or actually occupies the whole or a part of such building or land, either alone or with others.

Official time standard. Whenever particular hours are specified in this Code relating to the time within which any act shall or shall not be performed by any person, the time applicable shall be official standard time or daylight saving time, whichever may be in current use in the town.

Owner. The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or a part of such building or land.

Person.<sup>6</sup> The word "person" shall include a firm, partnership, association of persons, corporation, organization or any other group acting as a unit.

Preceding.<sup>7</sup> The word "preceding", when used by way of reference to any section, shall be construed to mean next preceding that in which such reference is made.

Property. The word "property" shall mean real, personal or mixed property.

Public place. The words "public place" shall mean the parks and all public lands owned or leased by the town and those parts of public places which do not form traveled parts of streets as defined in this section.

Shall. The word "shall" shall be mandatory.

Sidewalk. The word "sidewalk" shall mean any portion of a street between the curb line or the lateral lines of a roadway where there is no curb and the adjacent property line intended for the use of pedestrians.

Signature, subscription. The words "signature" and "subscription" shall include a mark when the person cannot write, his name being written near it and being witnessed by a person who writes his own name as a witness.

State. The words "state" or "the state" shall mean the State of Virginia.

4. For similar state law, see Code of Va., § 1-13.15.
5. For similar state law, see Code of Va., § 1-13.16.
6. For state law definition of person, see Code of Va., § 1-13.19.
7. For similar state law, see Code of Va., § 1-13.23.

Street. The word "street" shall include avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the town and shall mean the entire width thereof between abutting property lines. It shall be construed to include a sidewalk or footpath, unless the contrary is expressed or unless such construction would be inconsistent with the manifest intent of the council.

Swear, sworn.<sup>8</sup> The word "swear" or "sworn" shall be equivalent to the word "affirm" or "affirmed" in all cases in which by law an affirmation may be substituted for an oath.

Town. The words "town" or "the town"<sup>1</sup> shall mean the Town of Glasgow in the County of Rockbridge in the State of Virginia.

Written, in writing. The words "written" and "in writing" shall include typewriting, printing on paper and any other mode of representing words and letters.

Sec. 1-3. Provisions considered as continuations of existing ordinances.

The provisions appearing in this Code, so far as they are in substance the same as those of the 1952 Code of the Town of Glasgow, Virginia, and all ordinances adopted subsequent thereto and included herein shall be considered as continuations thereof and not as new enactments

Sec. 1-4. Effect of repeal of ordinances.

The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect nor any suit, prosecution or proceeding pending at the time of the repeal for any offense committed under the ordinance repealed.

Sec. 1-5. Severability of parts of Code.

It is hereby declared to be the intention of the town council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

Sec. 1-6. Catchlines of sections.<sup>9</sup>

The catchlines of the several sections of this Code are intended as mere catch words to indicate the contents of the section and shall not be deemed or taken to be titles of such sections nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

8. For similar state law, see Code of Va., § 1-13.28.
9. For similar state law applicable to statutes, see Code of Va., § 1-13.9.

## **CHAPTER 2.**

### **ADMINISTRATION<sup>1</sup>**

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##### **Article I. In General.**

Sec. 2-1. Ordinance to be in force from passage.

Every ordinance, unless otherwise specified in such ordinance, shall commence and be in force from its passage, unless otherwise provided by the Charter or the laws of the state. (1952 Code, § 1-400.16.)

##### **Article II. Town officers and Employees.**

###### Division 1. Generally.

Sec. 2-2. Appointment.<sup>2</sup>

The mayor and council shall, in addition to the appointive officers enumerated in the Charter, have the power to appoint, by ordinance or resolution duly adopted by the council, such additional officers and employees which the mayor and council may deem necessary for the best interests and proper dispatch of the business of the town. (1952 Code, § 1-500.1.)

Sec. 2-3. Compensation--To be determined by mayor and council.

The mayor and council shall annually determine and fix the compensation of all officers and employees of the town, either elective or appointive, by ordinance or resolution duly adopted by the council at its regular meeting held during the month of September. The mayor and council shall determine and fix the compensation of any officer or employee of the town appointed subsequent to such meeting by ordinance or resolution duly adopted by the council at the meeting appointing such officer or employee and shall determine and fix the times such compensation shall be paid; provided, that the compensation of the councilmen, if any, shall be determined in the manner prescribed by the laws of the state; provided further, that the mayor shall have no vote for or against any ordinance or resolution which shall determine the salary of the mayor. Any officer or employee of the town may be paid additional compensation for special services performed not within the scope of such office or employment. (1952 Code, § 1-500.2.)

Sec. 2-4. Same--Not to be decreased during term.

The salary or other compensation of any officer or other employee, either elective or appointive, shall not be decreased during his term of office or period of employment. (1952 Code, § 1-500.3.)

Sec. 2-5. Official terms; periods of employment.

Each appointive officer of the town shall be appointed for a term of one year, commencing on the first day of August and terminating on the last day of July of the next succeeding year, or until his successor shall have been appointed and shall have been qualified.

Employees of the town may be employed on a weekly, monthly or yearly basis when the ordinance or resolution appointing such employee shall so state; provided, that nothing herein contained shall prohibit the mayor and council from employing any person on a contractual basis in the furtherance of the business of the town. (1952 Code, § 1-500.4.)

2. For state law as to appointment of officers by town council, see Code of Va., § 15.1-794.

Sec. 2 - 6 Filling of vacancies and newly created offices.<sup>3</sup>

If any office shall become vacant or if any office shall be created by the mayor and council, the mayor and council may appoint any person to fill such vacancy or newly created office until the expiration of the term thereof or until the last day of September next succeeding appointment, whichever be sooner. (1952 Code, § 1-500.5.)

Sec. 2-7. Qualifications.

Any officer of the town appointed by the mayor and council shall be a resident of the county or some city lying wholly therein, except as otherwise provided by this Code.

Any employee of the town appointed by the mayor and council shall be a resident of the town. (1952 Code, §§ 1-500.6, 1-500.7.)

Sec. 2-8. Removal.<sup>4</sup>

The mayor and council shall have the power to suspend or remove all officers of the town other than the mayor, whether they be elected or appointed, upon an ordinance or resolution duly adopted by the council for misconduct in office or neglect of duty; provided, that such misconduct or neglect of duty shall be specified in the order of suspension or removal. No such removal shall be made without reasonable notice to the officer complained of and an opportunity afforded him to be heard in his defense.

The mayor and council may at the pleasure of the council, terminate the employment of any employee of the town upon an ordinance or resolution duly adopted by the council. (1952 Code, § § 1-500.8, 1-500.9.)

Sec. 2-9. Oath of office.<sup>5</sup>

All officers except the mayor, either appointive or elective, shall qualify by taking and subscribing the oath of office hereinafter set forth before some officer authorized by law to administer oaths and shall so qualify on or before the day on which his term of office shall commence. Such oath, when so taken and subscribed, shall be forthwith returned to the clerk of the council who shall enter such oath on record in the minute book of the council. The oath shall be as follows:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Virginia, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as \_\_\_\_\_ according to the best of my ability.

'So help me God.' Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

The foregoing oath was sworn to and subscribed by \_\_\_\_\_  
before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

(1952 Code, § 1-200.2.)

3. For state law as to vacancies, see Code of Va., § 15.1-799.
4. For state law as to removal of officers, see Code of Va., § 24.1-79,1-24.1-79.10 See also Code of Va. § 15.1-798.
5. For state law as to when and how officers qualify, see Code of Va., § 15.1-38. As to record of qualification, see Code of Va., § 15.1-39. As to form of general oath, see Code of Va., § 49-1.

Sec. 2-10. Bond.<sup>6</sup>

The mayor and council, by ordinance or resolution, may require any appointive officer to give bond with surety approved by the mayor and council conditioned that such officer will faithfully and impartially discharge and perform all duties of such office. (1952 Code, § 1-500.11.)

Sec. 2 - 11. Consolidation of offices; appointment of councilmen to other offices.

Any elective or appointive officer of the town may be appointed by the mayor and council to hold at the same time more than one office; provided, however, that no councilman shall be appointed to any office to which compensation is attached during his term of office or within the expiration of one year following such term if such appointive office has been created during the term of office of such councilman. (1952 Code, § 1-500.12.)

Division 2. Elections.<sup>7</sup> (amended 6/7/2004)

Sec. 2-12. Time; purpose.<sup>8</sup>

Mayor: On the first Tuesday following the first Monday in May, 2006, there shall be elected one elector of the town who shall be denominated the mayor for a term commencing July 1, 2006 until December 31, 2007. Said mayor shall thenceforth be elected on the first Tuesday following the first Monday in November, 2007 to a two year term to commence on January 1 after said November election, and to successive like two year terms thereafter.

Council: On the first Tuesday following the first Monday in May, 2006, there shall be elected six electors denominated as councilmen. Three of the electors shall serve a term from July 1, 2006 until December 31, 2007 and three of the electors shall serve a term from July 1, 2006 until December 31, 2008. Commencing November 2007, three electors shall be elected each November on the first Tuesday following the first Monday for a term of two years. The process to determine which electors serve the extended term from the May 2006 election will be by the total votes received by each elector. The electors receiving the three highest number of votes shall serve the extended term. In the event of a tie the extended term will be determined by random lot no later than the day following the election.

Sec. 2-13. Place.

The voting place for the town shall be the Glasgow Public Library, located on Blue Ridge Road. (amended 3/13/2007)

Sec. 2-14. Council to judge.<sup>9</sup>

The council shall be the judge of the election, qualification and return of its members.

Sec. 2-15. Special election in case of disqualification or expulsion of council member.

In the event that the council shall adjudge any person returned to be disqualified or in the event that any member of the council shall be expelled, a new election to fill the vacancy shall be held at the voting place designated in section 2-13 on such day as the council may prescribe; provided, that when there shall be vacancies in the majority of the council by reason of the disqualification or expulsion of a majority of the council, the circuit court of the county or the judge thereof in vacation shall fill such vacancies.

Sec. 2-16. Notice

Notice of all municipal elections shall be given in the manner provided in the Charter and the laws of the state.

6. For state law as to bonds of officers, see Code of Va., § 15.1-41.
7. For charter provision as to manner and place of election, see Char., § 3. As to election of mayor and council, see Char., § 2.
2. For state law as to elections, see Code of Va., § 24.1-1 et seq.
8. For state law as to time of election, see Code of Va., § 24.1-90.
9. For state law designating council as judge of election, etc., of members, see Code of Va., § 15.1-880.

**Article III Town Manager.<sup>1</sup>**

Sec. 2-17. Appointment; duties.

The council shall, from time to time, employ a person who may or may not be a resident or qualified voter of the town or state to be known as the town manager. Such town manager shall, under the control of the town council, have general charge and management of the administrative affairs and work of the town, shall serve as town treasurer and zoning administrator and shall perform such other duties as may be required by the council pursuant to and in conformity with the terms and provisions of section 15.1-795, Code of Virginia. (8-1-66, § 1.)

Sec 2-18. Salary; term of employment.

The town manager shall receive such salary as the council shall, from time to time, determine and fix, and may be dismissed at any time by the council. (8-1-66, § 1.)

**Article IV. Mayor and Council.**

Division 1. Generally.

Sec. 2-19. Composition of council.

The mayor, who shall be an ex-officio member of the council, and the councilmen shall constitute the town council. (1952 Code, § 1-400.1.)

Sec. 2-20. Qualifications.<sup>2</sup>

The mayor and councilmen shall be residents of the town at the time of their election and shall remain residents during their terms of office. (1952 Code, §§ 1-550.1, 1-600.1.)

Sec. 2 - 21. Discontinuance of residency to constitute voluntary resignation,

If the mayor or any councilman shall, during his term of office, cease to be a resident of the town, such removal shall have the force and effect of a voluntary resignation from office on the part of such mayor or councilman, effective on the date of such removal. (1952 Code, §§ 1-550.3, 1-600~3.)

Sec. 2-22. Terms of office; entering upon duties.<sup>3</sup>

The terms of office of the mayor and councilmen shall be two years, commencing on the first day of July next succeeding their election, and until their successors are elected and qualified. (1952 Code, §§ 1-550.2, 1-600.2.)

1. For state law as to town manager, see Code of Va., § 15.1-795.

2. For charter provision as to qualifications of mayor and council, see Char., § 2.
3. For charter provision as to terms of office of mayor and council, see Char., § 2. For state law as to terms of office of mayor and councilmen, see Code of Va., § 24.1-90. As to time for commencing duties, see Code of Va., § 24.1-73.

Sec. 2-23. Filling of vacancies.<sup>4</sup>

In the event that the offices of mayor or councilmen shall not be filled or shall become vacant for any reason, such offices or vacancies shall be filled from the electors of the town or in accordance with section 2-15. (1952 Code, §§ 1-300.3, 1-300.4, 1-550.4, 1-600.4.)

Sec. 2-24. Oath of office--Mayor.<sup>5</sup>

The mayor shall qualify by taking and subscribing the oath of office prescribed for state officers by the laws of the state before some officer authorized by law to administer oaths and shall qualify on or before the day on which his term of office shall commence. Such oath, when so taken and subscribed, shall be forthwith returned to the clerk of the council who shall enter the same on record in the minute book of the council. (1952 Code, § 1-200.1.)

Sec. 2-25. Same --Council.<sup>6</sup>

Each councilman shall qualify by taking and subscribing the oath of office hereinafter set forth before some officer authorized by law to administer oaths and shall so qualify on or before the day on which his term of office shall commence. Such oath, when so taken and subscribed, shall be forthwith returned to the clerk of the council, who shall enter the same on record in the minute book of the council. The oath shall be as follows:

I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Virginia, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as \_\_\_\_\_ according to the best of my ability. 'So help me God.'

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_

The foregoing oath was sworn to and subscribed by before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_

(1952 Code, § 1-200.2.)

4. For charter provision as to filling vacancies on council, see Char., § 8. For state law as to filling vacancies in office of mayor or council, see Code of Va., § 15.1-830.
5. For state law as to oath of office of mayor, see Code of Va., § 15.1-829. As to form of general oath required of state officers, see Code of Va., § 49-1.
6. For state law as to oath of office of councilmen, see Code of Va., § 15.1-829.

Sec. 2-26. Powers and duties—Mayor. <sup>7</sup>

The mayor of the town shall:

- (a) Be the executive head of the town and an ex-officio member and the presiding officer of the council.
- b) Appoint all standing committees and special committees of the council unless otherwise provided by ordinance or resolution of such council.
- (c) Have general supervision over all of the departments and employees of the town, but shall have no power to appoint any officer or employee of the town except in the case of an emergency.
- (d) Be a conservator of the peace and shall have all of the powers conferred upon such office by the laws of the state.
- (e) Have the power and authority to deputize any number of the citizens of the town and any number of citizens residing within the county who shall be within the town to assist the sergeant of the town in the full discharge of his duties in all cases of riots or misdemeanors by persons within the town.

In addition to the foregoing enumerated powers and duties, the mayor of the town shall have all of the powers and duties conferred upon such mayor by the Charter or by the laws of the state. (1952 Code, § 1-550.5.)

Sec. 2-27. Same--Council. <sup>8</sup>

The council shall be the governing body of the town and shall be charged with the duty of administering the affairs of the town. Each councilman shall be a conservator of the peace, shall have all of the powers conferred upon such office by the laws of the state and shall have the power and authority to deputize any number of the citizens of the town and any number of citizens residing within the county who shall be within the town to assist the sergeant in the full discharge of his duties in all cases of riots or misdemeanors by persons within the town.

In addition to the foregoing enumerated powers and duties, the council shall have all of the powers and duties conferred upon it by the Charter or by the laws of the state. (1952 Code, § 1-600.5.)

7. For charter provision as to civil and criminal jurisdiction of mayor, see Char., § 8. As to judicial authority of mayor, see Char., § 9. As to deputization of citizens in case of riot or misdemeanor, see Char., § 13.

8. For charter provision as to general powers of council, see Char., § 11. As to civil and criminal jurisdiction of councilmen, see Char., § 8. As to judicial authority of councilmen, see Char., § 9. As to deputization of citizens in case of riot or misdemeanor, see Char., § 13. For state law as to general powers of governing bodies of cities and towns, see Code of Va., § 15.1-13.

Sec. 2-28. Appointment, composition and duties of standing committees

(a) The mayor shall appoint, at the first meeting after the election of the mayor and council or as soon as practicable thereafter, the following standing committees of the council

- (1) Committee on finance.
- (2) Committee on streets and lights.
- (3) Committee on water, sewers and public works.
- (4) Committee on ordinances.

(b) Each standing committee shall be composed of two members of the council, one of whom shall be designated as chairman by the mayor.

(c) The standing committees shall examine such matters as come within their respective jurisdictions and any matters referred to such committees, and upon request they shall report thereon to the mayor and council.

(d) The council may, from time to time, by ordinance or resolution duly adopted, order and direct the appointment of any special committee. The mayor shall forthwith appoint such committee unless such ordinance or resolution shall otherwise order and direct. (1952 code, § 1-600.6.)

Sec. 2-29. Acting as surety prohibited.

The mayor and councilmen shall not, during their terms of office, become surety for any person who is required to give bond in any case involving violations of this Code or other ordinance. (1952 Code, §§ 1-550.7, 1-600.8.)

Sec. 2-30. Increase in salary prohibited.<sup>9</sup>

The salaries of the mayor and councilmen, if any, shall not be increased during their terms of office. (1952 Code, §§ 1-550.3, 1-600.9.)

Division 2. Meetings

Sec. 2-31. Date, time and place of regular meetings.

The mayor and council shall meet on the second Tuesday in every month at the Municipal Building or at such other time or at and in such other place within the town as the mayor may designate. They shall also meet at any other time to which the meeting may adjourn or to which a meeting may be called. (1952 code, § 1-400.3.) (Effective April 2006)

Sec. 2-32. Special meetings

The mayor shall have the power, at any time, to call in writing a meeting of the council, and in the case of his absence, sickness, inability or refusal to call such meeting, the council may be convened by the order in writing of any three members of the council; provided, however, that no business shall be transacted at such special meeting except that business for which such meeting be called. (1952 Code, § 1-400.7.)

9. For state law regulating salary of mayor, see Code of Va., § 15.1-827.

Sec. 2-33. Discipline of members.<sup>1</sup>

The council may fine a member for disorderly behavior or nonattendance upon the concurrence of two-thirds of the councilmen present at any meeting at which such offense shall occur, and upon the concurrence of two-thirds of the councilmen, any member may be expelled for disorderly behavior or nonattendance; provided, however, that any fine so levied pursuant to this provision shall not exceed the sum of ten dollars for each such offense, and such fine shall be paid into the treasury of the town. (1952 Code, § 1-400.2.)

Sec. 2-34. Quorum; adjournment upon absence of quorum.<sup>2</sup>

The mayor and three councilmen, or in the absence of the mayor, four council-men, shall constitute a quorum. If a quorum fails to attend within thirty minutes after the time appointed for the meeting, the clerk of the council shall enter on the journal the names of those in attendance and the adjournment of the meeting for want of a quorum. If a quorum fails to attend on the day of any regular meeting, the meeting shall stand adjourned to the next regular day of meeting or to such other time as those in attendance may designate. (1952 Code, § 1-400.4.)

Sec. 2-35. Order of business.

The order of business for council meetings shall be as follows:

- (a) Reading of minutes.
- (b) Report of committees.
- (c) Petitions and applications.
- (d) Bills and accounts.
- (e) Unfinished business.
- (f) New business,
- (g) Resolutions and ordinances.
- (h) Miscellaneous business,
- (i) General discussion. (1952 Code, § 1-400.5.)

Sec. 2-36. Special business.

The mayor or council may direct that any matter shall be the special business of a future meeting or the special business of a special meeting to be called for the express purpose of considering such special business, and the mayor shall at such future or called meeting, as soon as the minutes of the previous meeting shall have been read and signed, announce such special business, and it shall have priority overall other business of such meeting. (1952 Code, § 1-400.6.)

1. For state law as to authority of council to punish or expel members, see Code of Va., § 15.1-830.
2. For charter provision as to quorum, see Char., § 3.

Sec. 2-37. Presiding officer; mayor to vote only in case of tie; procedure upon absence of mayor.<sup>3</sup>

The mayor shall preside at all the meetings of the council, but shall have no vote unless there be a tie. In the absence of the mayor, the council shall elect one of its members to preside who shall vote in the same manner as the mayor, having one vote as councilman and also the right to vote as mayor in case of a tie. (1952 Code, § 1-400.8.)

Sec. 2-38. Entertainment and withdrawal of propositions; submission of ordinances and resolutions.

No proposition shall be entertained by the mayor until it has been seconded, and every ordinance or resolution having the effect of an ordinance shall be reduced to writing and submitted to the town attorney for approval as to its form before being submitted. No proposition, after it has been seconded, shall be withdrawn without the consent of the member proposing and the member seconding such proposition. (1952 Code, § 1-400.9.)

Sec. 2-39. Duties of mayor; appeal from ruling of mayor.

The mayor shall preserve order, decide all questions of order and appoint all committees not otherwise provided for by the Charter or ordinances of the town. Any member may appeal to the council from the decision of the mayor on any question on order, and a majority vote of those members present is necessary to sustain the ruling of the mayor. (1952 Code, § 1-400.10.)

Sec. 2-40. Previous question.

The previous question may be called at any time by two members of the council (1952 Code, § 1-400.11.)

Sec. 2-41. Recorded vote - -When required.

There shall be a recorded vote on every ordinance having for its object the levying of taxes or assessments, the appropriating of money, the contracting of corporate debts or the holding of elections, and every such ordinance shall be adopted upon the concurring vote of at least two-thirds of the councilmen. (1952 Code, § 1-400.24.)

Sec. 2-42. Same - -When requested.

At the request of any member present, the ayes and nays on any question shall be recorded. (1952 Code, § 1-400.12~)

Sec. 2-43 . Motion to adjourn.

A motion to adjourn shall be always in order and shall be decided without debate. (1952 Code, § 1-400.18.)

Sec. 2-44. Two-thirds concurrence required to suspend rule.

No rule of the mayor and council shall be suspended without the concurrence of two-thirds of the members present. (1952 Code, § 1-400.14.)

Sec. 2-45. Reconsideration of question.

A question being once decided by the mayor and council shall not be again drawn into debate unless on motion for reconsideration there shall be in favor of it a number of votes equal to a majority of the members present when the question was previously decided. (1952 Code, § 1-400.15.)

3. For state law designating mayor as presiding officer of council, see Code of Va., § 15.1-827.

Sec. 2-46. Reception of motion when question under debate.

When a question is under debate, no motion shall be received unless it be one to amend, to commit, to postpone, to call for the previous question, to lay on the table or to adjourn. (1952 Code, § 1-400.17.)

Sec. 2-47. Right to speak; disorderly conduct.

No person who is not the mayor or a councilman shall orally address a meeting of the council unless leave to do so has been applied for through the mayor or a councilman and such leave has been granted by a majority of the members in attendance at such meeting.

Any person who shall address such meeting in other than respectful language or who shall appear before such meeting using a threatening or a disrespectful manner shall be deemed guilty of disorderly conduct, shall be tried for such offense pursuant to section 7-1 and upon conviction of such offense, shall be punished in accordance with the punishment prescribed in such section. (1952 Code, § 1-400.-18.)

Sec. 2-48. Attendance of members.

If a quorum fails to attend within ten minutes after the time appointed for any the mayor, or in his absence any councilman present at such meeting, may cause to be issued a subpoena directed to the town sergeant requiring the attendance of any councilman so absent, and the town sergeant shall forthwith serve such subpoena and compel the attendance of the absent councilman. (1952 Code, § 1-400.25.)

Sec. 2-49. Excusing member after roll call.

After the name of a member has been recorded as present at any meeting of the council, he shall not absent himself from such meeting previous to adjournment without permission of the council. (1952 Code, § 1-400.19.)

Sec. 2-50. Members required to vote unless excused.

Every member present when a question is put on an ordinance or resolution shall, unless interested or excused from voting by the mayor and council, vote on one or the other side of such question. (1952 Code, § 1-400.20.)

Sec. 2-51. Form of petition, communication or address.

Every petition, communication or address to the mayor and council shall be in respectful language and, except in cases where it is otherwise allowed, shall be in writing. Any person who shall use other than respectful language in such petition, communication or address shall be deemed guilty of disorderly conduct, shall be tried for such offense pursuant to section 7-1, and, upon conviction of such offense, shall be punished in accordance with the punishment proscribed in such section. (1952 Code, § 1-400,22.)

Sec. 2-52. Application for remission of fine or tax.

Every application for the remission or reimbursement of a fine or tax shall be in writing, shall be verified by the oath of the applicant and, without special order, shall stand referred to the committee on finance. (1952 Code, § 1-400.21.)

Sec. 2-53. Reading and correction of minutes.

The proceedings at any meeting shall be read at the next meeting, and after the errors appearing therein, if any, are corrected, the same shall be signed by the person who was presiding when the previous meeting adjourned or, if he be not then present, by the person presiding when they are read. (1952 Code, § 1-400.23.)

**Article V. Civil Emergencies.**

Sec. 2-54. Definitions.

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

Civil emergency. A civil emergency is hereby defined to bet

- (1) A riot or unlawful assembly characterized by the use of actual force or violence or a threat to use force if accompanied by the immediate power to execute by three or more persons acting together without authority of law.
- (2) Any natural disaster or man-made calamity, including but not limited to flood, conflagration, cyclone, tornado, earthquake or explosion within the town, resulting in the death or injury of persons or the destruction of property, to such extent that extraordinary measures must be taken to protect the public health, safety and welfare.
- (3) The destruction of property or the death or injury of persons brought about by the deliberate acts of one or more persons, acting either alone or in concert with others, when such acts are a threat to the peace of the general public or any segment thereof.

Curfew. A prohibition against any person walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the town, except persons officially designated to duty with reference to such civil emergency or those lawfully on the streets as defined hereinafter,

Sec. 2-55. Authority of mayor to proclaim civil emergency; authority of town manager when mayor absent or incapacitated.

When, in the judgment of the mayor, a civil emergency is deemed to exist, he shall forthwith proclaim in writing the existence of the same, a copy of which proclamation shall be filed with the town clerk.

In the absence of the mayor or in the event that the mayor is unable to act, the town manager is authorized to proclaim the existence of a civil emergency, as provided above.

Sec. 2-56. Authority to proclaim general curfew.

After proclamation of a civil emergency by the mayor, or the town manager acting in his stead, he may order a general curfew applicable to such geographic areas of the town or to the town as a whole, as he deems advisable, and applicable during such hours of the day or night as he deems necessary in the interest of the public safety and welfare. Such proclamation and general curfew shall have the force and effect of law and shall continue in effect until rescinded in writing by the mayor or the town manager, but not to exceed fifteen days.

Sec. 2-57. Authority to prohibit sales of alcoholic beverages, flammable liquids, firearms, etc.

After proclamation of a civil emergency, the mayor, or the town manager acting in his stead, may, at his discretion, in the interest of public safety and welfare, make any or all of the following orders:

- (a) Order the closing of all establishments wherein beer or other alcoholic beverages are served.
- (b) Order the closing of all private clubs or portions thereof wherein the consumption of beer or other alcoholic beverages are permitted.
- (c) Order the discontinuance of the sale of beer and other alcoholic beverages
- (d) Order the discontinuance of selling, distribution or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.
- (e) Order the closing of gasoline stations and other establishments, the chief activity of which is the sale, distribution or dispensing of liquid flammable or combustible products.
- (f) Order the discontinuance of selling, distributing, dispensing or giving away any firearms or ammunition of any character whatsoever.
- (g) Order the closing of any or all establishments or portions thereof, the chief activity of which is the sale, distribution, dispensing or giving away of firearms or ammunition or both.
- (h) Issue such other orders as are necessary for the protection of life and property.

Sec. 2-58. Lawful assemblies, etc. , not affected.

It is the intent of the town council not to limit peaceful demonstrations, freedom of speech or the lawful use of the streets, alleys and public property in the town, except to the extent necessary to avert or control a civil emergency.

Sec. 2-59. Exemptions from curfew.

Any curfew imposed pursuant to this article shall not apply to persons lawfully on the streets and public places during a civil emergency who have obtained permission from the chief of police, which permission shall be granted on good cause shown. Such a curfew also shall not apply to medical personnel in the performance of their duties.

**Article VI. Fire Protection.**

Sec. 2-60. Fire Department and First Aid and Life Saving Crew members recognized as integral part.

For the purpose of fulfilling the provisions of §§ 15.1-136.1 through 15.1-136.7, Code of Virginia, 1950, as amended, entitled "Line of Duty Act," the town fire department and the first aid and life saving crew are hereby recognized as an integral part of the official safety program of the town. (12-4-72, § 1.)

## **CHAPTER 3.**

### **ADVERTISING.**

[§ 3-1.](#) Posting bills, handbills and advertisements.

[§ 3-2.](#) Distributing handbills, etc

[§ 3-3.](#) Injuring, defacing, etc., advertisements, notices, etc.

#### Sec. 3-1. Posting bills, handbills and advertisements.

It shall be unlawful for any person to paste, nail, tack or otherwise attach or post any sign bill or advertisement upon any electric power pole, telephone or telegraph pole, tree, fence post or vacant or unused building within the town without first having obtained a permit in writing from the town manager authorizing the attachment and posting of such bill or advertisement. (1952 Code, § 8-100.2.)

#### Sec. 3-2. Distributing handbills, etc.

It shall be unlawful for any person to distribute or cause to be distributed any handbills or other such matter upon the streets, alleyways or highways within the town or in or upon any real or personal property situated within the town, including in or upon any vehicles on such streets, alleyways or highways. (1952 Code, § 8-100.4.)

#### Sec. 3-3. Injuring, defacing, etc., advertisements, notices, etc.

It shall be unlawful for any person to pull or tear down, write upon, cut or other-wise injure, deface or mar any handbill, advertisement or other public notice of any kind or character posted in its proper place. Any person violating the provisions of this section shall be punished as provided by section 7-1.

## CHAPTER 4.

### ANIMALS AND FOWL. (amended effective 8/1/2006)

- § 4-1. Keeping certain animals--Prohibited.
- § 4-2. Running at large -- Prohibited.
- § 4-3. Keeping of Dogs.
- § 4-4. Cruelty to animals.
- § 4-5. Town declared bird sanctuary.
- § 4-6. Molesting or destroying birds prohibited; exception

#### Sec. 4-1. Keeping certain animals -- Prohibited

It shall be unlawful for any person to keep, pasture, board, quarter or raise all caprine, goats, fowl, chickens, roosters, ducks, turkeys, swine, hogs, horse, pony, mule, jackass or other equine, bovine or cows within town limits. Any such action shall be deemed a nuisance pursuant to the provisions of Section 11-1. Such nuisance shall be abated pursuant to Section 11 - 1 and such costs shall be collected from such offender in the manner for the collection of fines for the violation of this code or other ordinances in the town. (6-4-56, §§ 1, 2. Amended 5-20-2000)

#### Sec. 4-2. Running at large -- Prohibited.

Any owner or person in control of any permitted animal, other than a dog, who shall allow such animal to stray or to run at large within the town shall, once identified, be liable to the Town for a civil penalty of \$25.00 for the first offense and \$50.00 for the second and third offense if such animal is spayed/neutered, and liable for an additional civil penalty of \$25.00 per offense if the animal is not spayed/neutered. If such animal is identified as being allowed to run at large within the Town on more than three separate identifiable incidents, it shall be deemed a nuisance and the owner of such animal shall be subject to prosecution under Section 11 of this Code. The payment of such civil penalty shall not limit the owner's liability for any damage done to other property or person(s), or the ability owners of such property, or such persons, to seek recovery at law. For regulations regarding dogs running at large, refer to Section 4-3 of this Code.

#### Sec. 4-3. Keeping of Dogs

Section 5, Article II, of the Rockbridge County Code shall be governing law regarding the keeping of dogs and for rules regarding impoundment, licensing and other applicable regulations. Rockbridge County provides animal control law enforcement to the Town through the Sheriff's Office.

#### Sec. 4-4. Cruelty to Animals

Allegations of violations of provisions of the Code of Virginia § 3.1-796.122 shall be reported to Rockbridge County Animal Control officers for investigation.

#### Sec. 4-5. Town Declared Bird Sanctuary.

All of the area embraced within the corporate limits of the town is hereby designated as a bird sanctuary.  
(6-5-67, § 1.)

Sec. 4-6. Molesting or destroying birds prohibited, exception

It shall be unlawful to trap, shoot or attempt to shoot or molest, in any manner, any bird or wild fowl, or to rob bird nests or wild fowl nests; provided, that if starlings, pigeons or birds of prey are found to be congregated in such numbers in a particular locality that they constitute a nuisance or a menace to health or property, then a land owner may destroy such birds congregating on his property, in such numbers, and in such manner as he deems advisable; provided further, that before any such birds are destroyed by the firing of firearms, the person wishing to destroy such birds by this method shall obtain written permission from the town manager.

## **CHAPTER 5.**

### **BUILDING**

Chapter 5 was repealed in its entirety on 7-10-1995 and the Town Council voted to adopt the BOCA Code in its stead.

## **CHAPTER 6.**

### **FINANCE AND TAXATION. <sup>1</sup>**

#### Article I. In General.

- § 6-1. Fiscal year.
- § 6-2. Budget--Preparation.
- § 6-3. Same--Adoption.
- § 6-4. Payment of taxes--Due date.
- § 6-5. Same--Penalty for nonpayment.
- § 6-6. Same--Interest on delinquent taxes.
- § 6-7. Bank stock tax.

#### Article II. Water Service Charges and Rates.

- § 6-8. "User" defined.
- § 6-9. Rates.
- § 6-10. Monthly statements.
- § 6-11. Penalty for late payment.
- § 6-12. Termination of service for failure to pay.
- § 6-13. Personal Property Tax Relief
- § 6-14. Tax on certain Foods and Beverages

#### **Article I. In General.**

##### Sec. 6-1. Fiscal year.

The fiscal year of the town shall be from July 1 to June 30. (Amended 8-3-98)

##### Sec. 6-2. Budget -- Preparation.

The committee on finance shall annually prepare and submit a proposed budget to the council at its regular meeting held during the month of October. (1952 Code, § 2-100.3.)

Sec. 6-3. Same--Adoption.

The mayor and council shall annually adopt at its regular meeting held during the month of December, by resolution upon concurrence of two-thirds of its members, a financial budget for the town for the next succeeding year; provided, that the committee on finance or the council may direct that a public hearing be held prior to such adoption. (1952 Code, § 2-100.)

1. As to compensation of town officers and employees, see §§ 2-3, 2-4 of this Code. As to bond of town officers and employees, see § 2-10. As to licenses generally, see ch. 9.

Sec. 6-4. Payment of taxes--Due date.<sup>2</sup>

All real and personal property taxes levied or assessed by the town, in accordance with the Resolution relating thereto adopted yearly by the Council for the succeeding year at its regular December meeting, shall become due and payable on the fifth day of December next succeeding the levying or assessment thereof. (12-4-57, § 1. 2-7-83.)

Sec. 6-5. Same--Penalty for nonpayment.

A penalty in the amount of five percent of the unpaid part or portion of real or personal property tax levied or assessed against any taxpayer by town for any year shall be added to such part or portion thereof remain-unpaid at the close of business on the fifth day of December of such year, such penalty shall become a part of such unpaid tax levy or assessment shall be collected from the taxpayer concerned in the same manner as such levy or assessment is collected. (12-4-57, § 2.)

Sec. 6-6. Same--Interest on delinquent taxes.

Interest at the rate of ten percent per annum upon the unpaid part or portion of any real or personal property tax levied or assessed against any tax-payer by the town for any year shall be added to such part or portion thereof remaining unpaid at the close of business on the fifth day of June of the year next succeeding such levy or assessment, and such interest shall become a part of such unpaid tax levy or assessment and shall be collected from the taxpayer concerned in the same manner as such tax levy or assessment is collected. (12-4-57, § 3; 2-7-83.)

Sec. 6-7. Bank stock tax.<sup>3</sup>

For the purposes of this article, "bank" shall be as defined in § 58-485.01, Code of Virginia, 1950, as amended, and "net capital" shall mean a bank's net capital computed pursuant to § 58-485.07 of said Code.

The town shall impose and levy or assess a tax on the net capital of each bank located within the boundaries of the town equaling eighty percent of the state rate of franchise tax set forth in § 58-485.06 of the Code of Virginia. On and after the 1st day of January of each year, but not later than the 1st day of March of any such year, all banks whose principal offices are located within the town shall prepare and file with the Town Manager a return as provided by § 58-458.013 of the Code of Virginia, in duplicate, which shall set forth the tax on net capital computed pursuant to Chapter 10.01 of Title 58 of the Code of Virginia. The Town Manager shall certify a copy of such filing of the bank's return and schedule and shall forthwith transmit such certified copy to the State Department of Taxation.

In the event the principal office of a bank is located outside the corporate boundaries of the town and the bank has branch offices located with-in the town, in addition to the filing requirements set forth above, any bank conducting such branch business shall file with the Commissioner of Revenue or appropriate assessing officer of Rockbridge County, a copy of the real estate deduction schedule, apportionment and other items which are required by §§ 58-485.012, 58-485.013 and 58-485.014 of the Code of Virginia.

2. For charter provision as to powers of sergeant as to collection of taxes and levies, see Char., § 5. As to levy and collection of property taxes for streets, sidewalks, etc., see Char., § 12.

3. For state law as to authority of town to tax stock of bank located within town, see Code of Va., § 58-476.2. As to authority of town to tax stock of branch bank located within town, see Code of Va., § 58-476.3.

Each bank, on or before the first day of June of each year, shall pay into the Town Manager's office all taxes imposed hereunder.

Any bank which shall fail or neglect to comply with any provision hereof shall be fined not less than one hundred nor more than five hundred dollars, which fine shall be recovered upon motion, after five days' notice in the Circuit Court of Rockbridge County. The motion shall be in the name of the Commonwealth and shall be presented by the Commonwealth's Attorney for Rockbridge County. (12-3-79, § 1.)

## **Article II. Water and Sewer Service Charges and Rates.**

### Sec. 6-8. "User" defined.

For the purposes of this article, the word "user" shall be defined as that person vested with legal or equitable title to the real estate so served from the public water supply and sewer system of the town, excepting, however, such persons so served from such public water supply and sewer system under special agreement or contract with such municipality, and it is the intention of the town that each property owner shall be solely responsible unto such municipality for the payment of all water and sewer charges, water and sewer service connection fees, penalties and service charges accruing by reason of water and sewer service being furnished by the town unto real estate owned by such property owner. (7-16-56, § 1; 12-3-56, § 1; 1-7-57, § 1; 12-16-63, § 1, 4-6-64, § 1; 7-13-66, § 1.)

### Sec. 6-9. Rates.

(a) The town shall assess each domestic user of water a rate of twelve dollars per month when water service shall be furnished by means of a connection to the town water system within the corporate limits and shall assess each domestic user of water a rate of nine dollars per month when water service shall be so furnished by the town outside of the corporate limits. The town shall assess each domestic user of sewer a rate of twenty-eight dollars per month.

(b) The town shall assess each business, commercial or industrial user of water and sewer upon a monthly basis when water and sewer service shall be so furnished by the town within the corporate limits thereof as follows:

Twelve dollars per initial six thousand six hundred forty-five gallons of water consumed during the month.

Twenty-eight dollars per initial six thousand six hundred forty-five gallons of sewer discharged during the month.

Fifty-five cents per thousand gallons for next eighteen thousand three hundred fifty-five gallons of water consumed during the month.

Fifty-five cents per thousand gallons for next eighteen thousand three hundred fifty-five gallons of sewer discharged during the month.

Twenty-eight cents per thousand gallons for all water consumed during the month in excess of eighteen thousand three hundred fifty-five gallons.

Twenty-eight cents per thousand gallons for all sewer discharged during the month in excess of eighteen thousand three hundred fifty-five gallons.

Twelve dollars minimum monthly charge for water consumed.

Twenty-eight dollars minimum monthly charge for sewer discharged.

The town shall assess each business, commercial or industrial user of water at double the foregoing rates when water and sewer service shall be so furnished by the town outside the corporate limits.

(c) The town shall furnish water to bulk users thereof, the delivery of such water to be effected at any fire plug situate within such municipality, when, in the judgment of the town manager, such sale will not adversely affect the interests of the town or its citizens, at a cost of twenty-eight cents per thousand gallons purchased; provided, however, that such rate shall not apply to bulk sales of water for resale by the purchaser thereof, provided further, that no charge shall be made for the bulk delivery of water unto the town volunteer fire department.

(d) In addition to the foregoing charge, the town shall assess and collect a water service connection fee in the amount of five hundred dollars from each user of water prior to effecting a connection between the public water supply system of such municipality and the private water distribution system of such user. For sewer connection fees see Sec. 14-11 of the Glasgow Town Code.

The expense of extending a water line shall be solely borne by the town; provided, that the distance between the connection and the terminus thereof shall not exceed six feet.

In the event that the distance between such connection and terminus thereof shall exceed six feet, the owner of such tract or parcel of land upon which such water line will terminate shall pay all of the costs and expenses incurred by reason of the extension of such water line in excess of six feet and shall, prior to the commencement of the installation of such extension, deposit a sum sufficient to defray such costs and expenses with the town treasurer.

A twenty-five (25) fee shall be paid by any new user of water and sewer service. This fee shall be paid at the time the account is established. (rev. 1/1/2003)

(e) The foregoing charges shall be assessed against each user of water and sewer for each and every unit in all multiple unit buildings or structures so served by the public water supply system of the town. For the purpose of this Article all multiple family dwelling units or trailer park lots shall be treated as a separate housekeeping unit and as separate services and shall be billed to the account or the person vested with legal or equitable title to the real estate on which the units or lots exist.

(f) The Town may require a deposit in the amount of one month's water and sewer payments in advance from any applicant desiring to use town water and sewer facilities. Such deposit when so required shall be paid to the Town of Glasgow and held until the termination of service.

Sec. 6-10. Billing statements.

The town treasurer shall prepare and mail statements at a frequency approved by the Town Council reflecting all water and sewer charges theretofore assessed against each such user, including all past due charges, penalties and service charges. (rev. 1/1/2003)

Sec. 6-11. Penalty for late payment.

All water and sewer charges assessed against any user remaining unpaid at the close of business on the fifteenth (15<sup>th</sup>) day of any month shall be subject to a penalty in the sum of five dollars, which sum shall be added to such water and sewer charges and shall become part thereof. If charges remain unpaid at the close of business on the last day of any month a penalty in the sum of three dollars, which sum shall be added to such water and sewer charges and shall become a part thereof.

Sec. 6-12. Termination of service for failure to pay.

The town manager, or designee, shall terminate the water and sewer service of any user or occupant or tenant when there remains an unpaid balance for water and sewer service on the fifteenth (15<sup>th</sup>) of the month following the month the payment was due. However; no such water and sewer service shall be so terminated until the expiration of the tenth day following the mailing of written notice thereof by ordinary mail unto such user; provided further, that the Town Council is hereby expressly authorized and empowered to continue the water and sewer service of any such user, notwithstanding the provisions of this section, when the circumstances are such that it is the judgement of the Town Council that the best interests of the town will be served by the continuation of such service.

Service may be reestablished after termination upon the payment of the account balance plus a twenty-five (25) dollar reconnection fee. (rev. 1/1/2003)

Sec. 6-13. An ordinance to provide for the implementation of the 2004-2005 changes to the Personal Property Tax Relief Act of 1998

**WHEREAS** the Personal Property Tax Relief Act of 1998, Va. Code §§ 58.1-3523 *et seq.* (“PPTRA”), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act, hereinafter cited as the “2005 Appropriations Act”); and

**WHEREAS** these legislative enactments require the Town of Glasgow to take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and

**WHEREAS** these legislative enactments provide for the appropriation to Town of Glasgow, commencing in 2006, of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax (“PPT”) on such vehicles, and provide the opportunity for the Town of Glasgow to fashion a program of tax relief that serves the best interests of its citizenry;

**NOW THEREFORE BE IT ORDAINED** by the Town of Glasgow, Town Council as follows:

**§ 1. Purpose; Definitions; Relation to other Ordinances.**

(a) The purpose of this Ordinance is to provide for the implementation of the changes to PPTRA effected by legislation adopted during the 2004 Special Session I and the 2005 Regular Session of the General Assembly of Virginia.

(b) Terms used in this Ordinance that have defined meanings set forth in PPTRA shall have the same meanings as set forth in Va. Code § 58.1-3523, as amended.

(c) To the extent that the provisions of this Ordinance conflict with any prior Ordinance or provision of the Town of Glasgow Code, this Ordinance shall control.

**§ 2. Method of Computing and Reflecting Tax Relief.**

(a) For tax years commencing in 2006, the Town of Glasgow adopts the provisions of Item 503.E of the 2005 Appropriations Act, providing for the computation of tax relief as a specific dollar amount to be offset against the total taxes that would otherwise be due but for PPTRA and the reporting of such specific dollar relief on the tax bill.

(b) The Council shall, as part of the annual budget adopted pursuant to Chapter 25 of Title 15.2 of the Code of Virginia and Chapter 6 of the Glasgow Town Code, set the rate of tax relief at such a level that it is anticipated fully to exhaust PPTRA relief funds provided to the Town of Glasgow by the Commonwealth.

(c) Personal property tax bills shall set forth on their face the specific dollar amount of relief credited with respect to each qualifying vehicle, together with an explanation of the general manner in which relief is allocated.

**§ 3. Allocation of Relief among Taxpayers.**

(a) Allocation of PPTRA relief shall be provided in accordance with the general provisions of this section, as implemented by the specific provisions of the Town of Glasgow's annual budget relating to PPTRA relief.

(b) Relief with respect to qualifying vehicles shall be provided at a rate, annually fixed in the Town of Glasgow budget and applied to the first \$20,000 in value of each such qualifying vehicle, that is estimated fully to use all available state PPTRA relief. The rate shall be established annually as a part of the adopted budget for the Town of Glasgow.

**§ 4. Transitional Provisions.**

(a) Pursuant to authority conferred in Item 503.D of the 2005 Appropriations Act, the Town of Glasgow Treasurer is authorized to issue a supplemental personal property tax bill, in the amount of 100 percent of tax due without regard to any former entitlement to state PPTRA relief, plus applicable penalties and interest, to any taxpayer whose taxes with respect to a qualifying vehicle for tax year 2005 or any prior tax year remain unpaid on September 1, 2006, or such date as state funds for reimbursement of the state share of such bill have become unavailable, whichever earlier occurs.

(b) Penalty and interest with respect to bills issued pursuant to subsection (a) of this section shall be computed on the entire amount of tax owed. Interest shall be computed, at the rate provided Section 6-6 of the Glasgow Town Code, from the original due date of the tax.

Sec. 6-14. Tax on Certain Foods and Beverages.

Definitions

The following words and phrases, when used in this article, shall have, for the purposes of this article, the following respective meanings except where the context clearly indicates a different meaning.

*Caterer* means a person who furnishes food on the premises of another, for compensation.

*Food* means any and all edible refreshments or nourishment, liquid or otherwise, including alcoholic beverages, purchased in or from a restaurant or from a caterer.

*Person* means any individual, corporation, company, association, firm, partnership or any group of individuals acting as a unit.

*Restaurant* means any place in or from which food is sold in the Town, including, but not limited to, any restaurant, dining room, grill, coffee shop, cafeteria, café, snack bar, lunch counter, delicatessen, confectionery, bakery, eating house, eatery, drugstore, lunch wagon or truck, pushcart or other mobile facility from which food is sold, public or private club, resort, bar, or lounge. The word "restaurant" shall not mean a grocery store or supermarket except for any space or section therein designated as a delicatessen or for the sale of prepared sandwiches, delicatessen food or food prepared in a delicatessen.

*Seller* means any person who sells food in or from a restaurant or as a caterer.

*Treasurer* means the treasurer of the county and any of his duly authorized deputies, assistants, employees or agents.

**Levy of tax; amount.**

In addition to all other taxes and fees of any kind now or hereafter imposed by law, a tax is hereby levied and imposed on the purchaser of all food served, sold or delivered in the Town in or from a restaurant or not and consumed on the premises (premises being defined as the place of delivery of the food to the consumer by the seller).

The rate of this tax shall be four (4) percent of the amount paid for such food. In the computation of this tax, any fraction of one-half (1/2) cent or more shall be treated as one cent.

**Payment and collection of tax.**

Every seller of food with respect to which a tax is levied under this article shall collect the amount of tax imposed under this article from the purchaser on whom the same is levied at the time of payment for such food becomes due and payable, whether payment is to be made in cash or on credit by means of a credit card or otherwise. The amount of tax owed by the purchaser shall be added to the cost of the food by the seller who shall pay the taxes collected to the county as provided in this article. Taxes collected by the seller shall be held in trust by the seller until remitted to the county for the Town.

**Reports and remittances generally.**

Every seller of food with respect to which a tax is levied under this article shall make out a report, upon such forms and setting forth such information as the commissioner of revenue may prescribe and require, showing the amount of food charges collected and the tax required to be collected, and shall sign and deliver such report to the county treasurer with a remittance of such tax. Such reports and remittance shall be made on or before the twentieth day of each month, covering the amount of tax collected during the preceding month.

**Preservation of records.**

It shall be the duty of any seller of food liable for collection and remittance of the taxes imposed by this article to keep and preserve for a period of three (3) years records showing gross sales of all food and beverages, the amount charged the purchaser of each such purchase, the date thereof, the taxes collected thereon and the amount of tax required to be collected by this article. The commissioner of revenue shall have the power to examine such records at reasonable times and without unreasonable interference with the business of the seller, for the purpose of administering and enforcing the provisions of this article and to make copies of all or any parts thereof.

**Advertising payment or absorption of tax prohibited.**

No seller shall advertise or hold out to the public in any manner, directly or indirectly, that all or any part of the tax imposed under this article will be paid or absorbed by the seller or by anyone else, or that the seller or anyone else will relieve the purchaser of the payment of all or any part of the tax.

**Tips and service charges.**

Where a purchaser provides a tip for an employee of a seller, and the amount of the tip is wholly in the discretion of the purchaser, the tip is not subject to the tax imposed by this article, whether paid in cash to the employee or added to the bill and charged to the purchaser's account, provided, in the latter case, the full amount of the tip is turned over to the employee by the seller.

An amount or percent, whether designated as a tip or a service charge, that is added to the price of the meal by the seller, and required to be paid by the purchaser, is a part of the selling price of the meal and is subject to the tax imposed by this article.

**Duty of seller when going out of business.**

Whenever any seller required to collect and pay to the Town a tax under this article shall cease to operate or otherwise dispose of his business, any tax payable under this article shall become immediately due and payable and such person shall immediately make a report and pay the tax due.

**Discount.**

For the purpose of compensating sellers for the collection of the tax imposed by this article, every seller shall be allowed three (3) percent of the amount of the tax due and accounted for in the form of a deduction on his monthly return, provided the amount due is not delinquent at the time of payment.

**Enforcement; duty of commissioner of revenue.**

The commissioner of revenue or Town may promulgate rules and regulations for the interpretation, administration and enforcement of this article. It shall also be the duty of the commissioner of revenue to ascertain the name of every seller liable for the collection of the tax imposed by this article, who fails, refuses or neglects to collect such tax or to make the reports and remittances required by this article. The commissioner of revenue may have issued a summons for such person and may serve a copy of such summons upon such person in the manner provided by law. One return of the original summons shall be made to the general district court for the county. Police powers are hereby conferred upon the commissioner of revenue and his duly authorized deputies, assistants, employees and agents while engaged in their duties pursuant to this article, and they shall exercise all the powers and authorities of police officers in performing such duties.

**Procedure upon failure to collect, reports, etc.**

If any seller, whose duty it is to do so, shall fail or refuse to collect the tax imposed under this article and to make, within the time provided in this article, the reports and remittances mentioned in this article, the commissioner of revenue shall proceed in such manner as he may deem best to obtain facts and information as he is able to obtain upon which to base the assessment of any tax payable by any seller who has failed or refused to collect such tax and to make such report and remittance, he shall proceed to determine and assess against such seller the tax and penalties provided for by this article and shall notify such seller, by registered mail sent to his last known place of address, of the total amount of such tax and penalties and the total amount thereof shall be payable within ten (10) days from the date such notice is sent.

**Duty of county treasurer.**

The treasurer shall have the power of collecting taxes imposed and levied hereunder and shall cause the same to be paid unto the County for the Town.

**Penalty for late remittance or false return.**

(a) If any seller whose duty it is to do so shall fail or refuse to file any report required by this article or to remit to the county treasurer the tax required to be collected and paid under this article within the time and in the amount specified in this article, there shall be added to such tax by the county treasurer a penalty in the amount of ten (10) percent if the failure is not more than thirty (30) days, with an additional ten (10) percent of the total amount of tax owed along with all penalties for late payment previously levied for each additional thirty (30) days or fraction thereof during which the failure continues, not to exceed twenty-five (25) percent in the aggregate, with a minimum penalty of two dollars (\$2.00).

(b) In the case of a false or fraudulent return with intent to defraud the county or Town of any tax due under this article, a penalty of fifty (50) percent of the tax shall be assessed against the person required to collect such tax.

**Violations of article.**

Any person violating, failing, refusing or neglecting to comply with any provision of this article shall be guilty of a Class 3 misdemeanor. Conviction of such violation shall not relieve any person from the payment, collection or remittance of the taxes provided for in this article. An agreement by any person to pay the taxes provided for in this article by a series of installment payments shall not relieve any person of criminal liability for violation of this article until the full amount of taxes agreed to be paid by such person is received by the treasurer. Each failure, refusal, neglect or violation, and each day's continuance thereof, shall constitute a separate offense.

**Exemptions.**

The following purchases of food shall not be subject to the tax under this article.

- (1) Food for use or consumption by the commonwealth, any political subdivision of the Commonwealth or the United States.
- (2) Food sold by a bona fide church or religious organization, so long as all profit derived from such sale is to be used solely for religious, charitable or benevolent purposes.
- (3) Any other sale of food which is exempt from taxation under the Virginia Retail Sales and Use Tax Act, or administrative rules and regulations issued pursuant thereto.

**CHAPTER 7.**

**FINES AND IMPRISONMENT**

[§ 7-1.](#) General penalty; continuing violation.

[§ 7-2.](#) Attempted violations.

[§ 7-3.](#) Aiding and abetting.

[§ 7-4.](#) Confinement in jail upon refusal to pay fine and costs.

Sec. 7-1. General penalty; continuing violation.<sup>1</sup>

whenever in this Code, or in any ordinance or resolution of the town or rule or regulation or order promulgated by any officer or agency of the town under authority duly vested in him or it, any act is prohibited or is declared to be unlawful or a misdemeanor or the doing of any act is required or the failure to do any act is declared to be unlawful or a misdemeanor and no specific penalty is provided for the violation thereof, the violation of any such provision of this Code or of such ordinance, resolution rule, regulation or order shall be punished by a fine of not exceeding one thousand dollars or by imprisonment in jail for a period of not exceeding twelve months or by both such fine and imprisonment. Each day any such violation shall continue shall constitute, except where otherwise provided, a separate offense.

Sec. 7-2. Attempted violations.

If any person shall attempt to violate any provision of any ordinance of the town, such attempt shall constitute a violation of such ordinance, and upon conviction of such offense, such person shall be punished in the manner prescribed for the violation of such ordinance. (1952 Code, § 15-100.1.)

Sec. 7-3. Aiding and abetting.

Any person who shall in any manner actively aid or abet any other person in the violation of any ordinance of the town shall, upon conviction of such offense, be punished in the manner prescribed for the violation of such ordinance. (1952 Code, § 15-100.2.)

Sec. 7-4. Confinement in jail upon refusal to pay fine and costs.<sup>2</sup>

If any person convicted of a violation of any provision of this Code or other ordinance of the town and sentenced to imprisonment in jail and to pay a fine or to pay a fine only shall refuse to pay the fine and such refusal is not based upon the inability to pay, he shall be confined in jail until his fine and costs are paid. Such confinement shall not exceed five days when the fine and costs are less than five dollars; when less than ten dollars, it shall not exceed ten days; when less than twenty-five dollars, it shall not exceed fifteen days; and when less than fifty dollars, it shall not exceed thirty days. In no case shall such confinement exceed two months.

1. For charter provision as to power of council to enact penalties for violations of town ordinances, see Char., § 11. For state law as to power of council to prescribe fines and other punishment for violations of ordinances, see Code of Va., § 15.1-18. As to penalty for misdemeanor in absence of specific penalty, see Code of Va., § 18.2-12.

2. For charter provision compelling persons unable to pay fines to work them out on streets or other improvements, see Char. § 11. For similar state law, see Code of Va., § 19.2-358.

## **CHAPTER 8.**

### **GARBAGE AND REFUSE<sup>1</sup>**

[§ 8-1.](#) Definitions.

[§ 8-2.](#) Power and authority of town manager.

- § 8-3. Containers--Required; specifications.
- § 8-4. Same--Placement for collection; removal after collection.
- § 8-5. Collection schedules; disposal of garbage and rubbish for collection.
- § 8-6. Industrial refuse not to be collected by town.
- § 8-7. Sanitary land fill--Operation and maintenance.
- § 8-8. Same--Restrictions on use.
- § 8-9. Scavengers prohibited.
- § 8-10. Placement and Maintenance of Bulk Containers

Sec. 8-1. Definitions.

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

Garbage. Household or domestic waste of every kind, nature and description including, but not limited to, waste from the preparation and cooking of food, vegetables and fruit, moat and fish scraps, ashes, cans, bottles, paper, floor sweepings, boxes, crates, cardboard and other such materials, excepting, however, rubbish and industrial refuse as defined in this section; provided, that the remains or carcass of any dead animal, rodent, reptile, bird, fowl or fish shall be deemed to be included and embraced within this definition.

Industrial refuse. Waste material of every kind, nature and description resulting from any industrial process or accumulated by any manufacturing, industrial or processing plant, factory or facility including, but not limited to, canneries, slaughter-houses, packing plants and poultry processing plants; provided, that large quantities of condemned food and waste material of every kind, nature and description including, but not limited to, concrete, bricks, plaster, stone, earth, lumber shavings and sawdust resulting from the construction, remodeling or repair of any building or structure shall be deemed to be included and embraced within this definition.

Local health commissioner. Director of the county health department or his authorized representative.

Local health department. County health department which has jurisdiction within the town for the protection of the public health therein.

Refuse. Garbage, rubbish and industrial refuse of every kind, nature and description.

Rubbish. Tree limbs and branches, twigs, grass, shrub clippings, weeds, leaves and street sweepings of every kind, nature and description.

Scavenger. Any person who salvages or collects for resale or otherwise any refuse, as defined in this section, which is being or is to be disposed of by any person. (6-5-67, § 1.)

1. As to prohibition against litter, see § 12-15 of this Code, For state law as to removal by town of trash, garbage, etc., see Code of Va., § 15.1-1

Sec. 8-2. Power and authority of town manager.

The town manager shall be vested with the power and authority to:

- (a) Establish and promulgate rules and regulations governing the collection and disposal of refuse within the town; and the same shall, when so established and promulgated by the town manager, become a part of this chapter as fully as if set out herein.

- (b) Establish refuse collection schedules pursuant to and in conformity with the terms and provisions of this chapter.
- (c) Supervise the collection and disposal of refuse.
- (d) *Deleted 11/1/2004*
- (e) Upon request, furnish any person owning or occupying any building, structure or unimproved tract or parcel of land situated within the town with full and complete information pertaining to the schedules for the collection of refuse and the disposal thereof.
- (f) Otherwise effectuate and enforce the terms and provisions of this chapter. (6-5-67, § 1.)

Sec. 8-3. Containers - -Required; Specifications.

The occupant of any building or structure situated within the town shall provide sufficient garbage containers to handle the accumulation of garbage during the interval between collections:

- (a) Such garbage containers shall be constructed of a durable, water-tight, vermin and rodent-proof material with a close fitting lid and solid bottom and shall be provided with a handle or grips to facilitate the safe and convenient handling of such container.
- (b) Such container shall have a capacity of not less than ten gallons nor more than thirty gallons.
- (c) No such container shall be filled with garbage or other material weighing in excess of ninety pounds unless specifically authorized by the town manager.
- (d) Garbage for collection shall not be placed in any box, tub, crate, drum or other container except as herein specified.
- (e) Boxes or bins may be provided at the rear of any building or structure for the storage of dry garbage; provided, however, that the location, construction and operation of such bins shall be approved and authorized by the town manager prior to the construction thereof. (6-5-61. § 1.)

Sec. 8-4 Same - -Placement for collection; removal after collection.

All receptacles containing refuse as defined in this chapter shall be placed for collection at the curb line in front or at the side of each building or structure by the occupant thereof as approved and authorized by the town manager. Such receptacles shall be so placed for collection at such times and on such days as the town manager shall prescribe.

Within twelve hours following the collection of refuse from such receptacles, the same shall be removed by the occupant of such building or structure from such curb line to the inside or rear of such building or structure. (6-5-67, § 1.)

Sec. 8-5. Collection schedules; disposal of garbage and rubbish for collection.

The town manager shall be authorized and empowered to establish collection schedules for the collection of refuse within the town.

Rubbish, if collected separately from garbage, shall be collected at such time and in such manner as may be prescribed by the town manager, and the same shall not be placed for collection in such a manner as to obstruct gutters, drains, walkways alleys or streets; provided, that tree limbs and branches shall not exceed five feet in length, and the unit to be handled shall not weigh in excess of ninety pounds.

The Town will collect the following items of rubbish: large appliances, large furniture, bagged leaves and grass, shrub and tree trimmings. Shrub and tree trimmings and other such items will only be collected if they are generated by the occupant. Any contractor-generated items are the responsibility of the resident. The Town will not collect tree branches as the result of the removal of an entire tree or trees. Tree and shrub trimmings are to be separated from other items to be collected.

Garbage and rubbish to be collected shall be placed in garbage containers as prescribed by the terms and provisions of this chapter; provided, that in the event that the same cannot be placed in such containers, it shall be collected if properly flattened, stacked or bundled and if the same does not exceed four feet in length, three feet in width nor seventy-five pounds in weight; provided further, that not more than two hundred fifty pounds of such flattened, stacked or bundled refuse shall be placed for collection at any one time without the express permission and authority of the town manager. (10/01/2003)

Sec. 8-6. Industrial refuse not to be collected by town.

Industrial refuse as defined in this chapter shall not be collected by the town, but shall be disposed of by the person occupying the building, structure or area where such refuse accumulates at the sanitary land fill or other authorized disposal area then being maintained by the town in a manner satisfactory to the town manager or in any other manner permitted and approved by the town manager. (6-5-67, § 1~)

Sec. 8-7. Sanitary land fill--Operation and maintenance.

The town may operate and maintain a sanitary landfill or other authorized disposal area as approved by the state health department or local health department for the disposal of all refuse.

Such sanitary landfill or other authorized disposal area, in the event the town shall operate the same, shall be operated and maintained in accordance with the rules and regulations pertaining to the sanitary disposal of refuse established and promulgated by the state health department or local health department. (9-13-82, § 1.)

Sec. 8-8. Same--Restrictions on use.

No person who is not a resident of the town, or the occupant of any building, structure or area therein, or the owner of any real estate, either improved or unimproved, situated therein shall use the sanitary land fill or other authorized disposal area hereafter operated and maintained by the town for the disposal of refuse unless express permission and authority therefor shall be first obtained from the town manager.

Such sanitary land fill or other authorized disposal area shall be used by all persons solely for the disposal of refuse therein pursuant to and in conformity with the terms and provisions of this chapter. Any person who shall enter or go upon such sanitary land fill or other authorized disposal area for any other purpose shall be guilty of trespassing thereupon. C6-5-67, § 1.)

Sec. 8-9. Scavengers prohibited.

No person shall operate as a scavenger within the town.

Sec. 8-10 Placement and Maintenance of Bulk Containers

a. No person shall place any bulk container on public property or in the public right-of-way without written permission of the Town Manager, nor shall any person place a bulk container on private property in such way that collection of solid waste will obstruct or impede pedestrian or vehicular traffic or otherwise create a safety hazard.

b. All bulk containers, and the immediate area around them, shall be kept clean and sanitary at all times. Solid waste shall be completely contained within such container by means of an attached lid which shall be kept closed. All drain plugs shall remain tightly secured.

c. All bulk containers shall be placed as close to the rear of the premises as practical for use and dumping.  
*(adopted 11/1/2004)*

## CHAPTER 9.

### LICENSES

Effective 1/1/2007

- [§ 9-1.](#) License Requirement.
- [§ 9-2.](#) Dates and Penalties.
- [§ 9-3.](#) Term of License.
- [§ 9-4.](#) Tax Rates.
- [§ 9-5.](#) Issuance; form of license.
- [§ 9-6.](#) Situs of gross receipts.
- [§ 9-7.](#) Limitations and Extensions.
- [§ 9-8.](#) Administrative appeals to assessing official
- [§ 9-9.](#) Administrative appeal to the Tax Commissioner
- [§ 9-10.](#) Judicial review of determination of Tax Commissioner.
- [§ 9-11.](#) Rulings.
- [§ 9-12.](#) Proration of license taxes.
- [§ 9-13.](#) License not transferable.

#### Sec. 9-1. License Requirement.

Every person shall apply for a license for each business or profession when engaging in a business in this jurisdiction if (i) the person has a definite place of business in this jurisdiction; (ii) there is no definite place of business anywhere and the person resides in this jurisdiction; or (iii) there is no definite place of business in this jurisdiction but the person operates amusement machines or is classified as an itinerant merchant, peddler, carnival, circus, contractor subject to § [58.1-3715](#), or public service corporation. A separate license shall be required for each definite place of business and for each business. A person engaged in two or more businesses or professions carried on at the same place of business may elect to obtain one license for all such businesses and professions if all of the following criteria are satisfied: (a) each business or profession is subject to licensure at the location and has satisfied any requirements imposed by state law or other provisions of the ordinances of this jurisdiction; (b) all of the businesses or professions are subject to the same tax rate, or, if subject to different tax rates, the licensee agrees to be taxed on all businesses and professions at the highest rate; and (c) the taxpayer agrees to supply such information as the assessor may require concerning the nature of the several businesses and their gross receipts.

#### Sec. 9-2. Due dates and penalties.

- a. Each person subject to a license tax shall apply for a license prior to beginning business if he was not subject to licensure in this jurisdiction on or before January 1 of the license year, or no later than March 1 of the license year if he had been issued a license for the preceding year. The application shall be on forms prescribed by the assessing official.
- b. The tax shall be paid with the application in the case of any license not based on gross receipts. If the tax is measured by the gross receipts of the business, the tax shall be paid on or before May 1 of the license year.

c. The assessing official may grant an extension of time in which to file an application for a license, for reasonable cause. The extension may be conditioned upon the timely payment of a reasonable estimate of the appropriate tax; the tax is then subject to adjustment to the correct tax at the end of the extension, together with interest from the due date until the date paid and, if the estimate submitted with the extension is found to be unreasonable under the circumstances, with a penalty of 10 percent of the portion paid after the due date.

d. A penalty of 10 percent of the tax may be imposed upon the failure to file an application or the failure to pay the tax by the appropriate due date. Only the late filing penalty shall be imposed by the assessing official if both the application and payment are late; however, both penalties may be assessed if the assessing official determines that the taxpayer has a history of noncompliance. In the case of an assessment of additional tax made by the assessing official, if the application and, if applicable, the return were made in good faith and the understatement of the tax was not due to any fraud, reckless or intentional disregard of the law by the taxpayer, there shall be no late payment penalty assessed with the additional tax. If any assessment of tax by the assessing official is not paid within 30 days, the treasurer or other collecting official may impose a 10 percent late payment penalty. If the failure to file or pay was not the fault of the taxpayer, the penalties shall not be imposed, or if imposed, shall be abated by the official who assessed them. In order to demonstrate lack of fault, the taxpayer must show that he acted responsibly and that the failure was due to events beyond his control.

"Acted responsibly" means that: (i) the taxpayer exercised the level of reasonable care that a prudent person would exercise under the circumstances in determining the filing obligations for the business and (ii) the taxpayer undertook significant steps to avoid or mitigate the failure, such as requesting appropriate extensions (where applicable), attempting to prevent a foreseeable impediment, acting to remove an impediment once it occurred, and promptly rectifying a failure once the impediment was removed or the failure discovered.

"Events beyond the taxpayer's control" include, but are not limited to, the unavailability of records due to fire or other casualty; the unavoidable absence (e.g., due to death or serious illness) of the person with the sole responsibility for tax compliance; or the taxpayer's reasonable reliance in good faith upon erroneous written information from the assessing official who was aware of the relevant facts relating to the taxpayer's business when he provided the erroneous information.

e. Interest shall be charged at a rate of 10% per year on the late payment of the tax from the due date until the date paid without regard to fault or other reason for the late payment. Whenever an assessment of additional or omitted tax by the assessing official is found to be erroneous, all interest and any penalties charged and collected on the amount of the assessment found to be erroneous shall be refunded together with interest on the refund from the date of payment or the due date, whichever is later. Interest shall be paid on the refund of any BPOL tax from the date of payment or due date, whichever is later, whether attributable to an amended return or other reason. Interest on any refund shall be paid at the same rate charged under § [58.1-3916](#).

No interest shall accrue on an adjustment of estimated tax liability to actual liability at the conclusion of a base year. No interest shall be paid on a refund or charged on a late payment, provided the refund or the late payment is made not more than 30 days from the date of the payment that created the refund or the due date of the tax, whichever is later.

### Sec. 9-3. Term of License

All business and professional licenses shall expire on the thirty-first day of December of the year in which such license shall be Issued.

### Sec. 9-4. Tax Rates

All persons required to obtain a license as described in section 9-1, shall pay a license tax as follows:

Unless specifically excepted by statute, no license tax collected by the town shall be greater than thirty dollars (flat fee) or the rate set forth below for the class of enterprise listed, whichever is higher:

1. For contracting and persons constructing for their own account for sale - ten cents per one hundred dollars of gross receipts;

2. For retail sales - thirteen cents per one hundred dollars of gross receipts;
3. For financial, real estate, and professional services –thirty-eight cents per one hundred dollars of gross receipts;
4. For repair, personal and business services, and all other businesses and occupations not specifically listed or excepted above – twenty-three cents per one hundred dollars of gross receipts.

The rate limitations prescribed in this section shall not be applicable to license taxes on wholesalers, public service companies, carnivals or fortune tellers, since these enterprises are licensed in accordance with other statutes.

Sec. 9-5. Issuance; form of license.

The town treasurer shall issue all business and professional licenses upon application and the payment in full of the required license tax, and such license shall be in the form of a receipt issued in the name of the person making application for such license.

Sec. 9-6. Situs of gross receipts.

a. General rule. Whenever the tax imposed by this ordinance is measured by gross receipts, the gross receipts included in the taxable measure shall be only those gross receipts attributed to the exercise of a privilege subject to licensure at a definite place of business within this jurisdiction. In the case of activities conducted outside of a definite place of business, such as during a visit to a customer location, the gross receipts shall be attributed to the definite place of business from which such activities are initiated, directed, or controlled. The situs of gross receipts for different classifications of business shall be attributed to one or more definite places of business or offices as follows:

- (1) The gross receipts of a contractor shall be attributed to the definite place of business at which his services are performed, or if his services are not performed at any definite place of business, then the definite place of business from which his services are directed or controlled, unless the contractor is subject to the provisions of § [58.1-3715](#);
- (2) The gross receipts of a retailer or wholesaler shall be attributed to the definite place of business at which sales solicitation activities occur, or if sales solicitation activities do not occur at any definite place of business, then the definite place of business from which sales solicitation activities are directed or controlled; however, a wholesaler or distribution house subject to a license tax measured by purchases shall determine the situs of its purchases by the definite place of business at which or from which deliveries of the purchased goods, wares and merchandise are made to customers. Any wholesaler who is subject to license tax in two or more localities and who is subject to multiple taxation because the localities use different measures, may apply to the Department of Taxation for a determination as to the proper measure of purchases and gross receipts subject to license tax in each locality;
- (3) The gross receipts of a business renting tangible personal property shall be attributed to the definite place of business from which the tangible personal property is rented or, if the property is not rented from any definite place of business, then to the definite place of business at which the rental of such property is managed; and
- (4) The gross receipts from the performance of services shall be attributed to the definite place of business at which the services are performed or, if not performed at any definite place of business, then to the definite place of business from which the services are directed or controlled.

b. Apportionment. If the licensee has more than one definite place of business and it is impractical or impossible to determine to which definite place of business gross receipts should be attributed under the general rule, the gross receipts of the business shall be apportioned between the definite places of businesses on the basis of payroll. Gross receipts shall not be apportioned to a definite place of business unless some activities under the applicable general rule occurred at, or were controlled from, such definite place of business. Gross receipts attributable to a definite place of business in another jurisdiction shall not

be attributed to this jurisdiction solely because the other jurisdiction does not impose a tax on the gross receipts attributable to the definite place of business in such other jurisdiction.

c. Agreements. The assessor may enter into agreements with any other political subdivision of Virginia concerning the manner in which gross receipts shall be apportioned among definite places of business. However, the sum of the gross receipts apportioned by the agreement shall not exceed the total gross receipts attributable to all of the definite places of business affected by the agreement. Upon being notified by a taxpayer that its method of attributing gross receipts is fundamentally inconsistent with the method of one or more political subdivisions in which the taxpayer is licensed to engage in business and that the difference has, or is likely to, result in taxes on more than 100 percent of its gross receipts from all locations in the affected jurisdictions, the assessor shall make a good faith effort to reach an apportionment agreement with the other political subdivisions involved. If an agreement cannot be reached, either the assessor or taxpayer may seek an advisory opinion from the Department of Taxation pursuant to § [58.1-3701](#); notice of the request shall be given to the other party. Notwithstanding the provisions of § [58.1-3993](#), when a taxpayer has demonstrated to a court that two or more political subdivisions of Virginia have assessed taxes on gross receipts that may create a double assessment within the meaning of § [58.1-3986](#), the court shall enter such orders pending resolution of the litigation as may be necessary to ensure that the taxpayer is not required to pay multiple assessments even though it is not then known which assessment is correct and which is erroneous.

#### Sec. 9-7 Limitations and extensions.

a. Where, before the expiration of the time prescribed for the assessment of any license tax imposed pursuant to this ordinance, both the assessing official and the taxpayer have consented in writing to its assessment after such time, the tax may be assessed at any time prior to the expiration of the period agreed upon. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

b. Notwithstanding § [58.1-3903](#), the assessing official shall assess the local license tax omitted because of fraud or failure to apply for a license for the current license year and the six preceding license years.

c. The period for collecting any local license tax shall not expire prior to the period specified in § [58.1-3940](#), two years after the date of assessment if the period for assessment has been extended pursuant to this subdivision of the ordinance, two years after the final determination of an appeal for which collection has been stayed pursuant to subdivision 5 b or 5 d of this ordinance, or two years after the final decision in a court application pursuant to § [58.1-3984](#) or a similar law for which collection has been stayed, whichever is later.

#### Sec. 9-8 Administrative appeals to assessing official.

a. Definitions. For purposes of this section:

"Amount in dispute," when used with respect to taxes due or assessed, means the amount specifically identified in the administrative appeal or application for judicial review as disputed by the party filing such appeal or application.

"Appealable event" means an increase in the assessment of a local license tax payable by a taxpayer, the denial of a refund, or the assessment of a local license tax where none previously was assessed, arising out of the local assessing official's (i) examination of records, financial statements, books of account, or other information for the purpose of determining the correctness of an assessment; (ii) determination regarding the rate or classification applicable to the licensable business; (iii) assessment of a local license tax when no return has been filed by the taxpayer; or (iv) denial of an application for correction of erroneous assessment attendant to the filing of an amended application for license.

"Frivolous" means a finding, based on specific facts, that the party asserting the appeal is unlikely to prevail upon the merits because the appeal is (i) not well grounded in fact; (ii) not warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; (iii) interposed for an improper purpose, such as to harass, to cause unnecessary delay in the payment of tax or a refund, or to create needless cost from the litigation; or (iv) otherwise frivolous.

"Jeopardized by delay" means a finding, based upon specific facts, that a taxpayer designs to (i) depart quickly from the locality; (ii) remove his property therefrom; (iii) conceal himself or his property therein;

or (iv) do any other act tending to prejudice, or to render wholly or partially ineffectual, proceedings to collect the tax for the period in question.

b. Filing and contents of administrative appeal. Any person assessed with a local license tax as a result of an appealable event as defined in this section may file an administrative appeal of the assessment within one year from the last day of the tax year for which such assessment is made, or within one year from the date of the appealable event, whichever is later, with the local assessing official. The appeal must be filed in good faith and sufficiently identify the taxpayer, the tax periods covered by the challenged assessments, the amount in dispute, the remedy sought, each alleged error in the assessment, the grounds upon which the taxpayer relies, and any other facts relevant to the taxpayer's contention. The assessor may hold a conference with the taxpayer if requested by the taxpayer, or require submission of additional information and documents, an audit or further audit, or other evidence deemed necessary for a proper and equitable determination of the appeal. The assessment placed at issue in the appeal shall be deemed prima facie correct. The assessor shall undertake a full review of the taxpayer's claims and issue a written determination to the taxpayer setting forth the facts and arguments in support of his decision.

c. Notice of right of appeal and procedures. Every assessment made by an assessing official pursuant to an appealable event shall include or be accompanied by a written explanation of the taxpayer's right to file an administrative appeal and the specific procedures to be followed in the jurisdiction, the name and address to which the appeal should be directed, an explanation of the required content of the appeal, and the deadline for filing the appeal.

d. Suspension of collection activity during appeal. Provided a timely and complete administrative appeal is filed, collection activity with respect to the amount in dispute shall be suspended until a final determination is issued by the assessing official, unless the treasurer or other official responsible for the collection of such tax (i) determines that collection would be jeopardized by delay as defined in this section; (ii) is advised by the assessing official that the taxpayer has not responded to a request for relevant information after a reasonable time; or (iii) is advised by the assessing official that the appeal is frivolous as defined in this section. Interest shall accrue in accordance with the provisions of subdivision 2 e of this subsection, but no further penalty shall be imposed while collection action is suspended.

e. Procedure in event of nondecision. Any taxpayer whose administrative appeal to the assessing official pursuant to the provisions of subdivision 5 of this subsection has been pending for more than one year without the issuance of a final determination may, upon not less than 30 days' written notice to the assessing official, elect to treat the appeal as denied and appeal the assessment to the Tax Commissioner in accordance with the provisions of subdivision 6 of this subsection. The Tax Commissioner shall not consider an appeal filed pursuant to the provisions of this subsection if he finds that the absence of a final determination on the part of the assessing official was caused by the willful failure or refusal of the taxpayer to provide information requested and reasonably needed by the assessing official to make his determination.

#### Sec. 9-9 Administrative appeal to the Tax Commissioner.

a. Any person assessed with a local license tax as a result of a determination, upon an administrative appeal to the assessing official pursuant to subdivision 5 of this subsection, that is adverse to the position asserted by the taxpayer in such appeal may appeal such assessment to the Tax Commissioner within 90 days of the date of the determination by the commissioner of the revenue or other assessing official. The appeal shall be in such form as the Tax Commissioner may prescribe and the taxpayer shall serve a copy of the appeal upon the commissioner of the revenue or other assessing official. The Tax Commissioner shall permit the assessing official to participate in the proceedings, and shall issue a determination to the taxpayer within 90 days of receipt of the taxpayer's application, unless the taxpayer and the assessing official are notified that a longer period will be required. The appeal shall proceed in the same manner as an application pursuant to § [58.1-1821](#), and the Tax Commissioner may issue an order correcting such assessment pursuant to § [58.1-1822](#).

b. Suspension of collection activity during appeal. On receipt of a notice of intent to file an appeal to the Tax Commissioner under subdivision 6 a of this subsection, collection activity with respect to the amount in dispute shall be suspended until a final determination is issued by the Tax Commissioner, unless the treasurer or other official responsible for the collection of such tax (i) determines that collection would be jeopardized by delay as defined in this section; (ii) is advised by the commissioner of the revenue or other assessing official, or the Tax Commissioner, that the taxpayer has not responded to a request for relevant

information after a reasonable time; or (iii) is advised by the commissioner of the revenue or other assessing official that the appeal is frivolous as defined in this section. Interest shall accrue in accordance with the provisions of subdivision 2 e of this subsection, but no further penalty shall be imposed while collection action is suspended. The requirement that collection activity be suspended shall cease unless an appeal pursuant to subdivision 6 a of this subsection is filed and served on the necessary parties within 30 days of the service of notice of intent to file such appeal.

c. Implementation of determination of Tax Commissioner. Promptly upon receipt of the final determination of the Tax Commissioner with respect to an appeal pursuant to subdivision 6 a of this subsection, the commissioner of the revenue or other assessing official shall take those steps necessary to calculate the amount of tax owed by or refund due to the taxpayer consistent with the Tax Commissioner's determination and shall provide that information to the taxpayer and to the treasurer or other official responsible for collection in accordance with the provisions of this subdivision.

(1) If the determination of the Tax Commissioner sets forth a specific amount of tax due, the commissioner of the revenue or other assessing official shall certify the amount to the treasurer or other official responsible for collection, and the treasurer or other official responsible for collection shall issue a bill to the taxpayer for such amount due, together with interest accrued and penalty, if any is authorized by this section, within 30 days of the date of the determination of the Tax Commissioner.

(2) If the determination of the Tax Commissioner sets forth a specific amount of refund due, the commissioner of the revenue or other assessing official shall certify the amount to the treasurer or other official responsible for collection, and the treasurer or other official responsible for collection shall issue a payment to the taxpayer for such amount due, together with interest accrued pursuant to this section, within 30 days of the date of the determination of the Tax Commissioner.

(3) If the determination of the Tax Commissioner does not set forth a specific amount of tax due, or otherwise requires the commissioner of the revenue or other assessing official to undertake a new or revised assessment that will result in an obligation to pay a tax that has not previously been paid in full, the commissioner of the revenue or other assessing official shall promptly commence the steps necessary to undertake such new or revised assessment, and provide the same to the taxpayer within 60 days of the date of the determination of the Tax Commissioner, or within 60 days after receipt from the taxpayer of any additional information requested or reasonably required under the determination of the Tax Commissioner, whichever is later. The commissioner of the revenue or other assessing official shall certify the new assessment to the treasurer or other official responsible for collection, and the treasurer or other official responsible for collection shall issue a bill to the taxpayer for the amount due, together with interest accrued and penalty, if any is authorized by this section, within 30 days of the date of the new assessment.

(4) If the determination of the Tax Commissioner does not set forth a specific amount of refund due, or otherwise requires the commissioner of the revenue or other assessing official to undertake a new or revised assessment that will result in an obligation on the part of the locality to make a refund of taxes previously paid, the commissioner of the revenue or other assessing official shall promptly commence the steps necessary to undertake such new or revised assessment, and provide the same to the taxpayer within 60 days of the date of the determination of the Tax Commissioner, or within 60 days after receipt from the taxpayer of any additional information requested or reasonably required under the determination of the Tax Commissioner, whichever is later. The commissioner of the revenue or other assessing official shall certify the new assessment to the treasurer or other official responsible for collection, and the treasurer or other official responsible for collection shall issue a refund to the taxpayer for the amount of tax due, together with interest accrued, within 30 days of the date of the new assessment.

#### Sec. 9-10 Judicial review of determination of Tax Commissioner.

a. Judicial review. Following the issuance of a final determination of the Tax Commissioner pursuant to subdivision 6 a of this subsection, the taxpayer or commissioner of the revenue or other assessing official may apply to the appropriate circuit court for judicial review of the determination, or any part thereof, pursuant to § [58.1-3984](#). In any such proceeding for judicial review of a determination of the Tax Commissioner, the burden shall be on the party challenging the determination of the Tax Commissioner, or any part thereof, to show that the ruling of the Tax Commissioner is erroneous with respect to the part challenged. Neither the Tax Commissioner nor the Department of Taxation shall be made a party to an application to correct an assessment merely because the Tax Commissioner has ruled on it.

b. Suspension of payment of disputed amount of tax due upon taxpayer's notice of intent to initiate judicial review.

(1) On receipt of a notice of intent to file an application for judicial review, pursuant to § [58.1-3984](#), of a determination of the Tax Commissioner pursuant to subdivision 6 a of this subsection, and upon payment of the amount of the tax that is not in dispute together with any penalty and interest then due with respect to such undisputed portion of the tax, the treasurer or other collection official shall further suspend collection activity while the court retains jurisdiction unless the court, upon appropriate motion after notice and an opportunity to be heard, determines that (i) the taxpayer's application for judicial review is frivolous, as defined in this section; (ii) collection would be jeopardized by delay, as defined in this section; or (iii) suspension of collection would cause substantial economic hardship to the locality. For purposes of determining whether substantial economic hardship to the locality would arise from a suspension of collection activity, the court shall consider the cumulative effect of then-pending appeals filed within the locality by different taxpayers that allege common claims or theories of relief.

(2) Upon a determination that the appeal is frivolous, that collection may be jeopardized by delay, or that suspension of collection would result in substantial economic hardship to the locality, the court may require the taxpayer to pay the amount in dispute or a portion thereof, or to provide surety for payment of the amount in dispute in a form acceptable to the court.

(3) No suspension of collection activity shall be required if the application for judicial review fails to identify with particularity the amount in dispute.

(4) The requirement that collection activity be suspended shall cease unless an application for judicial review pursuant to § [58.1-3984](#) is filed and served on the necessary parties within 30 days of the service of the notice of intent to file such application.

(5) The suspension of collection activity authorized by this subdivision shall not be applicable to any appeal of a local license tax that is initiated by the direct filing of an action pursuant to § [58.1-3984](#) without prior exhaustion of the appeals provided by subdivisions 5 and 6 of this subsection.

c. Suspension of payment of disputed amount of refund due upon locality's notice of intent to initiate judicial review.

(1) Payment of any refund determined to be due pursuant to the determination of the Tax Commissioner of an appeal pursuant to subdivision 6 a of this subsection shall be suspended if the locality assessing the tax serves upon the taxpayer, within 60 days of the date of the determination of the Tax Commissioner, a notice of intent to file an application for judicial review of the Tax Commissioner's determination pursuant to § [58.1-3984](#) and pays the amount of the refund not in dispute, including tax and accrued interest. Payment of such refund shall remain suspended while the court retains jurisdiction unless the court, upon appropriate motion after notice and an opportunity to be heard, determines that the locality's application for judicial review is frivolous, as defined in this section.

(2) No suspension of refund activity shall be permitted if the locality's application for judicial review fails to identify with particularity the amount in dispute.

(3) The suspension of the obligation to make a refund shall cease unless an application for judicial review pursuant to § [58.1-3984](#) is filed and served on the necessary parties within 30 days of the service of the notice of intent to file such application.

d. Accrual of interest on unpaid amount of tax. Interest shall accrue in accordance with the provisions of subdivision 2 e of this subsection, but no further penalty shall be imposed while collection action is suspended.

#### Sec. 9-11 Rulings.

Any taxpayer or authorized representative of a taxpayer may request a written ruling regarding the application of a local license tax to a specific situation from the commissioner of the revenue or other assessing official. Any person requesting such a ruling must provide all facts relevant to the situation placed at issue and may present a rationale for the basis of an interpretation of the law most favorable to the taxpayer. Any misrepresentation or change in the applicable law or the factual situation as presented in the ruling request shall invalidate any such ruling issued. A written ruling may be revoked or amended prospectively if (i) there is a change in the law, a court decision, or the guidelines issued by the Department of Taxation upon which the ruling was based or (ii) the assessor notifies the taxpayer of a change in the policy or interpretation upon which the ruling was based. However, any person who acts on a written ruling

which later becomes invalid shall be deemed to have acted in good faith during the period in which such ruling was in effect.

9. Record-keeping and audits. Every person who is assessable with a local license tax shall keep sufficient records to enable the assessor to verify the correctness of the tax paid for the license years assessable and to enable the assessor to ascertain what is the correct amount of tax that was assessable for each of those years. All such records, books of accounts and other information shall be open to inspection and examination by the assessor in order to allow the assessor to establish whether a particular receipt is directly attributable to the taxable privilege exercised within this jurisdiction. The assessor shall provide the taxpayer with the option to conduct the audit in the taxpayer's local business office, if the records are maintained there. In the event the records are maintained outside this jurisdiction, copies of the appropriate books and records shall be sent to the assessor's office upon demand.

Sec. 9-12 Proration of license taxes.

The business and professional license taxes enumerated in this article shall not be prorated in the event that such license shall be issued subsequent to the thirty-first day of January of any year. In the event that a business permanently ceases to operate within the town the taxpayer shall be entitled, upon application, to a refund for that portion of the license tax already paid, prorated on a monthly basis so as to ensure that the licensed privilege is taxed only for that fraction of the year during which it is exercised within the town. No refund of any portion of the flat fee will be made.

Sec. 9-13 License not transferable.

No business and professional license issued by the town shall be transferable to a different person, even though such person shall be the successor to or the assignee of the licensee.

## **CHAPTER 10.**

### **MOTOR VEHICLES AND TRAFFIC.<sup>1</sup>**

#### Article I. In General.

[§ 10-1.](#) Definitions.

[§ 10-2.](#) Chapter applicable to drivers of all vehicles regardless of ownership.

- [§ 10-3.](#) Adoption of state law.
- [§ 10-4](#) [Repealed.]
- [§ 10-5.](#) [Repealed.]
- [§ 10-6.](#) Authority of fire department officials to direct traffic.
- [§ 10-7.](#) Right to inspect vehicles in garages, etc.
- [§ 10-8.](#) Injuring, tampering with, interfering with, etc., vehicles.
- [§ 10-9.](#) Washing, greasing, etc., vehicle on street or sidewalk.
- [§ 10-10.](#) Parades and processions--Permit required; exceptions; regulations generally.
- [§ 10-11.](#) Same--Driving through funeral or other processions; manner of driving in funeral processions.
- [§ 10-12.](#) Same--Identification of vehicles in funeral processions; right of way.
- [§ 10-13.](#) Boarding or alighting from moving vehicles.
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- [§ 10-19.](#) Blocking intersections.
- [§ 10-20.](#) [Repealed.]
- [§ 10-21.](#) [Repealed.]
- [§ 10-22.](#) [Repealed.]
- [§ 10-23.](#) [Repealed.]
- [§ 10-24.](#) Removal and disposition of certain unattended vehicles; sale of vehicles; disposition of proceeds.
- [§ 10-25.](#) Contracts with private persons for removal, etc., of vehicles under preceding section.
- [§ 10-26.](#) Powers of town manager.
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- [§ 10-28.](#) When arresting officer shall take person before judicial officer in lieu of issuing summons.
- [§ 10-29.](#) Conditions precedent to issuance of warrant for violation of parking regulations.
- [§ 10-30.](#) Compliance with chapter; penalty for violation of chapter.
- [§ 10-31.](#) [Repealed.]

1. As to zoning regulations relative to minimum off-street parking, see § 18-10 of this Code.

## Article II. Operators' Licenses and Vehicle Registration.

- [§ 10-32](#)  
through [Repealed.]
- [§ 10-39.](#)

## Article III. Stopping, Standing and Parking.

- [§ 10-40](#) Parking prohibited in specified places.
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- [§ 10-72.](#) Sale, rental or electric power-assisted and mopeds – Information Required
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- [§ 10-87.](#)Compliance with traffic signals
- [§ 10-88.](#)Hand on handlebars
- [§ 10-89.](#)Riding on sidewalks
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### **Article I. In General.**

#### **Sec. 10-1. Definitions.**

Words and phrases used and contained in this chapter shall have the meanings ascribed to them by section 46.1-1 of the Code of Virginia, except when the context clearly requires a different meaning.

#### **Sec. 10-2. Chapter applicable to drivers of all vehicles regardless of ownership.**<sup>2</sup>

The provisions of this chapter applicable to the drivers of vehicles shall apply to the drivers of all vehicles, regardless of ownership, subject to such specific exceptions as are set forth in this chapter. (4-6-60, § 1.)

#### **Sec. 10-3. Adoption of state law.**<sup>3</sup>

Pursuant to the provisions of section 46.2-1313 of the Code of Virginia, all of the provisions and requirements of the laws of the commonwealth relative to the operation of vehicles contained in Chapters 8, 10, 12 and 13 of title 46.2 and article 2 (section 18.2-266, et seq.) of chapter 7 of title 18.2 and article 9 (section 16.1-278, et seq.) of chapter 11 of title 16.1 are hereby adopted and made a part of this Code as though set out herein and are hereby made applicable within the Town. References therein to “highways of the state” shall be deemed to refer to streets, highways and alleys within the Town. It shall be unlawful for any person within the Town to violate or fail, neglect or refuse to comply with any section of the Code of Virginia which is adopted by this section. It is the specific intent of this section to adopt by reference any future amendments to the statutes set forth above pursuant to section 1.13-39:2 of the Code of Virginia. (6-27-1997)

Sec. 10-4. Repealed by Resolution, 2/83.

Sec. 10-5. Repealed by Resolution, 2/83.

Sec. 10-6. Authority of fire department officials to direct traffic.

Officers of a fire department may direct or assist the police in directing traffic at or in the immediate vicinity of a fire, and while so acting, shall have all the authority of peace officers. (4-6-60, § 1.)

Sec. 10-7. Right to inspect vehicles in garages, etc.

6

Any police officer who shall be in uniform or shall exhibit a badge or other sign of authority shall have the right to inspect any motor vehicle, trailer or semi-trailer in any public garage or repair shop, for the purpose of locating stolen motor vehicles, trailers and semi-trailers and for investigating the title and registration of motor vehicles, trailers and semi-trailers. For such purpose the owner of any such garage or repair shop shall permit any such police officer without let or hindrance to make investigation as herein authorized. (4-6-60, § 1.)

2. For similar state law, see Code of Va., § 46.1-168.

3. For state law authorizing town to adopt by reference provisions of title 46.1 of Code of Virginia, see Code of Va., § 46.1-188.

4. Deleted.

5. Deleted.

6. For similar state law, see Code of Va., § 45.1-9.

Sec. 10-8. Injuring, tampering with, interfering with, etc., vehicles.<sup>7</sup>

No person shall individually or in association with one or more others willfully break, injure, tamper with or remove any part of any motor vehicle, trailer or semi-trailer for the purpose of injuring, defacing or destroying such motor vehicle, trailer or semi-trailer or temporarily or permanently preventing its useful operation, or for any purpose, against the will or without the consent of the owner of such motor vehicle,

trailer or semi-trailer, nor shall any person in any other manner willfully or maliciously interfere with or prevent the running or operation of such motor vehicle. trailer or semi-trailer.

No person shall, without the consent of the owner or person in charge of a motor vehicle, trailer or semi-trailer climb into or upon such motor vehicle, trailer or semi-trailer with intent to commit any crime, malicious mischief or injury thereto; or, while a motor vehicle, trailer or semi-trailer is at rest and unattended, shall attempt to manipulate any of the levers and starting crank or other device, brakes or mechanism thereof or to set such motor vehicle, trailer or semi-trailer in motion, except that the foregoing provision shall not apply when any such act is done in an emergency or in furtherance of public safety or by or under the direction of an officer in the regulation of traffic or the performance of any other official duty. (4-6-60, § 1.)

Sec. 10-9. Washing, greasing, etc., vehicle on street or sidewalk.

No person shall, for compensation, wash, polish or grease a vehicle upon a street or sidewalk, nor shall the owner of a vehicle permit it to be washed, polished or greased, for compensation, upon a street or sidewalk. (4-6-60, § 1.)

Sec. 10-10. Parades and processions--Permit required; exceptions; regulations generally.

Any parade or procession which proceeds along or occupies any street in the town must be issued a permit by the Town Manager, or in his absence, by the Town Sergeant, except any procession or parade by the Armed Forces of the United States or the State of Virginia and officials of the Police Force and/or Fire Departments of the town, state, or neighboring city. The director of any funeral procession will notify the Town Manager or Town Sergeant at least one hour in advance of such procession so that proper traffic control may be effected. (2-7-83)

Sec. 10-11. Same--Driving through funeral or other processions, manner of driving in funeral processions.

No operator of a vehicle shall drive between the vehicles, persons or animals comprising a funeral or other authorized procession, except when otherwise directed by a police officer. This provision shall not apply to authorized emergency vehicles as defined in this chapter.

Each driver in a funeral procession shall drive as near to the right-hand edge of the roadway as is practicable and shall follow the vehicle ahead as close as is practicable and safe. (4-6-60, § 1.)

Sec. 10-12. Same--Identification of vehicles in funeral processions; right of way.

All motor vehicles participating in a funeral procession, when proceeding to any place of burial, shall display illuminated head lamps thereon and such other identification as the mayor may prescribe.

All motor vehicles so designated shall have the right of way over all other vehicles, except fire apparatus, ambulances and police vehicles at any street or highway intersection within the town and may proceed.

7. For state law in connection with this section, see Code of Va., § 18.2-146 et seq. through a stop street or signalized intersection with proper caution and safety. (4-6-60, § 1.)

Sec. 10-13. Boarding or alighting from moving vehicles.

No person shall board or alight from any vehicle while such vehicle is in motion. (4-6-60, § 1.)

Sec. 10-14. Unlawful riding.

No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise. (4-6-60, § 1.)

Sec. 10-15. Unnecessary noise in the operation of motor vehicles.<sup>8</sup>

(a) No vehicle shall be loaded with materials likely to create loud noises by striking together, without using every reasonable effort to deaden the noise.

(b) The use in, upon or attached to any motor vehicle operating on any street of the town, of any radio, phonograph, musical instrument, bell, whistle, loudspeaker, amplifier or device of any kind whatsoever whereby sound therefrom is cast upon any street to promote or advertise the sale of goods, wares or merchandise, or for the purpose of advertising auction sales, sporting events or other business or things advertised thereby, is prohibited. The provisions of this subsection shall not apply to motor vehicles driven in a duly authorized parade; and, provided further, that the use of a loudspeaker on a motor vehicle for making auction sales in streets directly in front of the property then being sold, and entirely outside of the business districts of the town, shall not be construed as a violation of this paragraph when such use is limited strictly to the selling at auction of such property.

(c) It shall be unlawful for any person in operating a motor vehicle or motorcycle within the town to create in the operation thereof any unreasonably loud, disturbing or unnecessary noise.

8. For state law as to prohibition against muffler cutouts, see Code of Va., § 46. 1~302.

(d) In operating a motor vehicle or motorcycle the following acts among others, are declared to create loud, disturbing and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive, namely:

(1) The use of a motor vehicle or motorcycle so out of repair as to cause thereby loud and unnecessary grating, grinding, rattling or any of such noises, or any other unnecessary noise.

(2) The practice of unnecessarily racing the motor of a motor vehicle or motorcycle while standing or moving thereby causing unnecessary noise from such motor.

(3) The practice of unnecessarily retarding the spark to the motor and thereby causing unnecessary, loud and explosive noise from the motor.

(4) In starting a motor vehicle or motorcycle off from a standing position, the practice of gaining speed unnecessarily quickly and thereby causing unnecessary and loud noise from the motor.

(5) The practice of coming to an unreasonably quick stop with a motor vehicle or motorcycle and thereby causing unnecessary grinding of brakes and screeching of tires or either of such noises. (4-6-60, § 1.)

Sec. 10-15.1. Unlawful use of Engine Brakes and Compression Brakes.

1. Definitions

a. Engine compression brakes mean a device primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of the wheel brakes (commonly referred to as a "Jake" brake, "Jacobs" brake, engine brake, dynamic braking device or engine retarder brake).

2. It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within the corporate limits of the Town of Glasgow, any engine brake, compression brake or mechanical exhaust device designed to aid in the braking or

- deceleration of any vehicle that results in excessive, loud, unusual, or explosive noise from such vehicle.
3. The scheduled fine for a violation of this section shall be fifty (50) dollars.
  4. The following uses and activities shall be exempt from this ordinance
    - a. Emergency vehicles (Fire, EMS or Law-enforcement vehicles).
  5. Town Council shall erect signage at the entrance of Town that states, Engine Brakes Prohibited, Violations Punishable By Fine.

Sec. 10-16. Throwing or depositing glass, etc. , upon street, etc. <sup>9</sup>

(a) No person shall throw or deposit upon any street or highway any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such street or highway.

(b) Any person who drops, or permits to be dropped or thrown, upon any street or highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

(c) Any person removing a wrecked or damaged vehicle from a street or highway shall remove any glass or other injurious substance dropped upon the street or highway from such vehicle.

(d) Any person violating this section shall be punished as provided for in section 7-1. (4-6-60, § 1.)

Sec. 10-17. Riding bicycles without using handlebars.

No person shall ride a bicycle upon any street without having his hands upon the handlebars. (4-6-60, § 1.)

Sec. 10-18. Railroad cars obstructing street or road; standing vehicle on railroad track.<sup>1</sup>

It shall be unlawful for any railroad company, or any receiver or trustee operating a railroad, to obstruct for a longer period than five minutes the free passage on any street or road by standing cars or trains across the same, except a passenger train while receiving or discharging passengers, but a passway shall be kept open to allow normal flow of traffic; nor shall it be lawful to stand any wagon or other vehicle on the track of any railroad which will hinder or endanger a moving train; provided, that when a train has been uncoupled, so as to make a passway, the time necessarily required, not exceeding three minutes, to pump up the air after the train has been recoupled shall not be included in considering the time such cars or trains were standing across such street or road. Any such railroad company, receiver or trustee, or driver of any such wagon or vehicle, violating any of the provisions of this section shall be fined not less than five nor more than twenty dollars.

Sec. 10-19. Blocking intersections.

No operator of a vehicle shall enter an intersection or a marked crosswalk unless there is sufficient space beyond such intersection or crosswalk in the direction in which such vehicle is proceeding to accommodate the vehicle without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed, (4-6-60, § 10)

Sec. 10-20. Repealed by Resolution, 2/83.

Sec. 10-21: Repealed by Resolution, 2/83.

Sec. 10-22: Repealed by Resolution, 2/83.

Sec. 10-23: Repealed by Resolution, 2/83.

9. For similar state law, see Code of Va., § 18.2-324.
1. For similar state law, see Code of Va., § 56-412.1.
2. Deleted.

Sec. 10 – 24 Removal and disposition of Certain unattended vehicles; sale of vehicles disposition of proceeds.<sup>6</sup>

Whenever any motor vehicle, trailer or semi-trailer is found on the public streets or public grounds unattended by the owner or operator and constitutes a hazard to traffic or is parked in such manner as to be in violation of law or whenever any motor vehicle, trailer or semi-trailer is left unattended for more than ten days upon any privately owned property other than the property of the owner of such motor vehicle, trailer or semi-trailer within the town, or is abandoned upon such privately owned property without the permission of the owner, lessee or occupant thereof, any such motor vehicle, trailer or semi-trailer may be removed for safekeeping by or under the direction of a police officer to a storage garage or area; provided, that no such vehicle shall be so removed from privately owned premises without the written request of the owner, lessee or occupant thereof. The person at whose request such motor vehicle, trailer or semi-trailer is removed from privately owned property shall indemnify the town against any loss or expense incurred by reason of removal, storage or sale thereof. Each removal shall be reported immediately to the chief of police, and notice thereof given to the owner of the motor vehicle, trailer or semi-trailer as promptly as possible. The owner of such vehicle or trailer or semi-trailer, before obtaining possession thereof, shall pay to the town all reasonable costs incidental to the removal, storage and locating the owner of the motor vehicle, trailer or semi-trailer. Should such owner fail or refuse to pay the cost or should the identity or whereabouts of such owner be unknown and unascertainable after a diligent search has been made, and after notice to him at his last known address and to the holder of any lien of record in the office of the division of motor vehicles against the motor vehicle, trailer or semi-trailer, the chief of police may, after holding the motor vehicle, trailer or semi-trailer sixty days and after due notice of sale dispose of the same at public sale and the proceeds from the sale shall be forwarded by the chief of police to the town treasurer; provided, that if the value of such motor vehicle, trailer or semi-trailer is determined by three disinterested dealers or garage men to be less than fifty dollars which would be incurred by such advertising and public sale, it may be disposed of by private sale or junked. The town treasurer shall pay from the proceeds of sale the cost of removal, storage, investigation as to ownership and liens and notice of sale, and the balance of such funds shall be held by him for the owner and paid to the owner upon satisfactory proof of ownership.

If no claim has been made by the owner for the proceeds of such sale, after the payment of the above-mentioned cost of fifty dollars, the funds may be deposited to the general fund or any special fund of the town. Any such owner shall be entitled to apply to the town within three years from the date of such sale, and if timely application is made therefor, the town shall pay the same to the owner without interest or other charges. No claim shall be made nor shall any suit, action or proceeding be instituted for the recovery of such funds after three years from the date of such sale. (8-4-64)

Sec. 10-25 Contracts with private persons for removal, etc., of vehicles under preceding section.

The town manager shall have the power to enter into contracts with the owner or operator of garages or places for the removal or storage of vehicles referred to in the preceding section. The contracts shall provide for the payment by the town of reasonable charges for the removal and storage of such vehicles, shall require such owners or operators to deliver such vehicles to the owners thereof or their agents upon demand therefor upon furnishing satisfactory evidence of identity and ownership or agency, and that the owners or operators of such garages or places of storage will indemnify the owners of such vehicles for injury or damage thereto resulting from the negligent removal or storage thereof and such owners or operators shall be required to provide themselves with adequate liability insurance to cover such indemnity.

- 3. Deleted.
- 4. Deleted.
- 5. Deleted.
- 6 For state law authorizing town to adopt this section, see Code of Va., § 46.1-3.

Sec. 10-26 Powers of town manager.<sup>7</sup>

The town manager may designate intersections at which vehicles shall come to a full stop or yield the right of way and may cause to be erected appropriate signs or markers at such intersections so that an ordinarily observant person will be aware of the existence of such designation.

The town manager may classify vehicles with reference to parking and may designate the time, place and manner such vehicles may be allowed to park on town streets and parking lots, and may make and enforce such additional rules and regulations as parking conditions may require. When any parking regulation is established, pursuant to this paragraph, the town manager may cause to be erected appropriate signs or markers so that an ordinarily observant person, who may be affected by such regulation, will be aware of such regulation.

The town manager may cause appropriate signs and markings to be erected, placed and maintained, designating residence and business districts, railway crossings and such other signs and markings upon the sidewalks and streets as may be deemed necessary to carry out the provisions of this chapter. He shall have the power to regulate traffic by means of traffic officers, semaphores or other signaling devices on any portion of the streets where traffic is heavy or continuous or where, in his judgment, conditions may require, and may prohibit other than one-way traffic upon certain streets. He may regulate the use of the streets by processions or assemblages. He may adopt any such regulations not in conflict with the provisions of this chapter as he shall deem advisable and necessary, and repeal, amend or modify any such regulations.

When any regulation is made pursuant to this section and when appropriate signs or markers have been erected as required by this section, it shall be unlawful for any person to violate any such regulation. (2-7-83.)

Sec. 10-27. Arrest for violations of chapter; release on summons and promise to appear; admitting to bail; violations.<sup>8</sup>

(a) Whenever any person is arrested for a violation of any provision of this chapter, the arresting officer shall, except as otherwise provided in section 14-16, take the name and address of such person and the license number of his motor vehicle and issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice, such time to be at least five days after such arrest, unless the person arrested shall demand an earlier hearing, and such person shall, if he so desires, have a right to an immediate hearing or a hearing within twenty-four hours at a convenient hour, and before a court having jurisdiction within the town. Such officer shall thereupon and upon the giving by such person of his written promise to appear at such time and place forthwith release him from custody.

(b) Any person refusing to give such written promise to appear shall be taken immediately by the arresting or other police officer before the nearest or most accessible judicial officer or other person qualified to admit to bail having jurisdiction under this chapter.

(c) Any person who willfully violates his written promise to appear, given in accordance with this section, shall be guilty of a misdemeanor, regardless of the disposition of, and in addition to, the charge upon which he was originally arrested.

(d) Any officer violating any of the provisions of this section shall be guilty of misconduct in office and subject to removal therefrom upon complaint filed by any person in a court of competent jurisdiction. This section shall not be construed to limit the removal of a police officer for other misconduct in office. (4-6-60 § 1)

7. For state law authorizing town to delegate right to designate stop and yield-right-of-way intersections, see Code of Va., § 46-1-180.1. As to authority to delegate right to promulgate parking regulations, see Code of Va., § 46.1-181 et seq.

8. For similar state law, see Code of Va., § 46.1-178.

Sec. 10-28. When arresting officer shall take person before judicial officer in lieu of issuing summons.<sup>9</sup>

If any person is: (1) Believed by the arresting officer to have committed a felony; (2) believed by the arresting officer to be likely to disregard a summons issued under section 14-15; the arresting officer shall take such person forthwith before the nearest or most accessible judicial officer or other person qualified to admit to bail in lieu of issuing the summons required by section 10-27, who shall determine whether or not probable cause exists that such person is likely to disregard a summons, and may issue either a summons or warrant as he shall determine proper. (4-6-60, § 1)

Sec. 10-29. Conditions precedent to issuance of warrant for violation of parking regulations.<sup>10</sup>

Before any warrant shall issue for the prosecution of a violation of any provision of this Code or other regulation regulating parking, the violator shall first be notified by mail at his last known address or at the address shown for such violator on the records of the division of motor vehicles, that he may pay the fine provided by law for such violation within five days of receipt of such notice, and the officer issuing such warrant shall be notified that the violator has failed to pay such fine within such time. The notice to the violator, required by the provisions of this section, shall be contained in an envelope bearing the words "Law Enforcement Notice" stamped or printed on the face thereof in type at least one-half inch in height.

Sec. 10-30. Compliance with chapter; penalty for violation of chapter.<sup>11</sup>

It shall be unlawful for any person to refuse, fail or neglect to comply with any of the provisions of this chapter or any rule or regulation promulgated pursuant thereto.

Every person convicted of a violation of any of the provisions of this chapter or any rule or regulation promulgated pursuant thereto, unless otherwise stated in the Code of Virginia, 1950, as amended, may be punished by a fine of not more than one hundred dollars.

Whenever a specific penalty is provided in the Code of Virginia for the violation of any section of the Code of Virginia adopted by reference by section 10-3, the penalty for a violation of such section, charged on a town warrant, shall be the same as provided by state statute. (4-6-60, § 1; 2-7-83.)

Sec. 10-31: Reimbursement of expenses incurred in responding to DUI incident and other traffic incidents.  
**(added 2/7/06)**

a) A person convicted of violating any of the following provisions shall be liable in a separate civil action for reasonable expenses incurred by the Town and/or by any volunteer rescue squad, and/or by any volunteer fire department, when providing an appropriate emergency response to any accident or incident related to such violation:

(1) The provisions of sections 18.2-51.4, 18.2-266 or 29.1-738 of the Code of Virginia (1950), as amended, or similar Town ordinances, when such operation of a motor vehicle, engine, train or watercraft while so impaired is the proximate cause of the accident or incident;

(2) The provisions of article 7 (section 46.2-852 et seq.) of chapter 8 of title 46.2 of the Code of Virginia (1950), as amended, relating to reckless driving, when such reckless driving is the proximate cause of the accident or incident;

(3) The provisions of article 1 (section 46.2-300 et seq.) of chapter 3 of title 46.2 of the Code of Virginia (1950), as amended, relating to driving without a license or driving with a suspended or revoked license; and  
(4) The provisions of section 46.2-894 of the Code of Virginia (1950), as amended, relating to improperly leaving the scene of an accident.

(b) Personal liability under this section for reasonable expenses of an appropriate emergency response shall not exceed one thousand dollars (\$1,000.00) in the aggregate for a particular accident or incident occurring in the Town. In determining the "reasonable expenses," the Town may bill a flat fee of one hundred dollars (\$100.00), two hundred fifty dollars, or to the maximum flat fee authorized by Code of Virginia section 15.2-1716, or a minute-by-minute accounting of the actual costs incurred. As used in this section, "appropriate emergency response" includes all costs of providing law-enforcement, fire-fighting, rescue, and emergency medical services. The provisions of this section shall not preempt or limit any remedy available to the Commonwealth, to the city, or to any volunteer rescue squad to recover the reasonable expenses of an emergency response to an accident or incident not involving impaired driving, operations of a vehicle or other conduct as set forth herein.

9. For similar state law, see Code of Va., § 461-179.

10. For similar state law, see Code of Va., § 46.1-179.01.

11. Per state law prohibiting town from imposing a greater penalty than that imposed by state statute for a similar offense, see Code of Va. § 46.1-180. As to penalty for violation of state traffic laws generally, see Code of Va., § 46.1-16.01. As to suspension of operator's or chauffeur's license upon certain convictions for reckless driving, see Code of Va., §§ 46.1-422, 46.1-423, 46.1-424.

## **Article II.**

### **Operators Licenses and Vehicle Registration.**<sup>3</sup>

Secs. 10-32 through 10-39: Repealed by Resolution, 2/83.

## **Article III.**

### **Stopping, Standing and Parking.**

Sec. 10-40. Parking prohibited in specified places.

(a) No person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

(1) On a sidewalk.

- (2) In front of a public or private driveway.
- (3) Within thirty feet of an intersection.
- (4) Within fifteen feet of a fire hydrant.
- (5) On a crosswalk.
- (6) Within twenty feet of a crosswalk at an intersection.
- (7) Within thirty feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway.
- (8) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by official signs or markings.
- (9) Within fifty feet of the nearest rail of a railroad grade crossing.
- (10) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of the entrance when properly sign posted.
- (11) Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic.
- (12) On the roadway side of any vehicle parked at the edge or curb of a street.
- (13) Upon any bridge or other elevated structure upon a street or highway or within a tunnel.
- (14) At any place where official signs prohibit parking.

3. Far state law as to registration and licensing of vehicles, see Code of Va., § 46.1-41 to 46.1-167.7. As to licenses for operators and chauffeurs, see Code of Va., §§ 46.1-348 to 46.1-387.12.

- (b) No person other than a police officer shall move a vehicle into any such prohibited area or away from a curb such distance as is unlawful, or start or cause to be started the motor of any motor vehicle, or shift, change or move the levers, brake, starting device, gears or other mechanism of a parked motor vehicle to a position other than that in which it was left by the owner or driver thereof, or attempt to do so. (4-6-60, § 1.)
- (c) For the purposes of: (1) abating environmental pollution by noise, fumes, etc., (2) conserving the streets of Glasgow; and (3) protecting both pedestrians and motor vehicles traveling on or across the streets of Glasgow, any motor vehicle, van, truck, tractor, tractor-trailer combination, or trailer, the gross weight of which is more than ten thousand pounds or which has an overall length of thirty feet or more, may not be parked on the streets of Glasgow, except while loading and unloading. For the purposes of this section, "parked on the streets of Glasgow," will be interpreted to mean that the vehicle, as specified above, will not be parked within two feet of the traveled portion of the street in question. The term "gross weight," as used in this section means the aggregate weight of a vehicle or combination of vehicles and its load, which is the same as that defined in § 48.1-161, Code of Virginia, 1950, as amended. The term, "streets of Glasgow," will be interpreted to mean those streets, or portions of streets, which are situated in those portions of the town which are zoned residential; however, no vehicle as described above may occupy more than one parking space in any designated parking area in the areas of the town zoned commercial or business, except while loading or unloading, if the parking in such spaces would, in any way,

interfere with the normal flow of traffic through the parking area or prevent customers, patrons, patients or employees of any commercial enterprise in the town from parking therein. The parking of campers, motor homes and/or house trailers which may or may not have a gross weight of ten thousand pounds or more is covered elsewhere in this Code.

Nothing in this section will prevent the parking of any vehicle on the owner's private property so long as the parking of the vehicle is in accordance with this or other provisions of the Town Code. (1-3-83. § 1; 2-7-83.)

Sec. 10-41. Parking vehicles without state license on streets.

It shall be unlawful to park any vehicle having no current state license on any street. (4-6-60, § 1~)

Sec. 10-42. Angle parking.

Notwithstanding any of the provisions of this chapter, the town manager may, when in his discretion the public interest so requires, provide for angle parking on any street or portion thereof; provided, that such streets are marked so as to apprise an ordinarily observant person of the regulation. (4-6-60, § 1.)

Sec. 10-43 Backing up to curbs.

No vehicle shall be backed up to a curb, except during the time actually engaged in loading or unloading merchandise therefrom. (4-6-60, § 1.)

Sec. 10-44. Parking on private property.

No person shall stand or park a vehicle on any private lot or lot area without the express or implied consent of the owner thereof. Whenever signs or markings have been erected on any lot or lot area, contiguous or adjacent to a street, thoroughfare or alley indicating that no vehicles are permitted to stand or park thereon, it shall be unlawful for any person to drive a vehicle across any curb or lot line or over any driveway from a street or alley into such lot or area for the purpose of standing or parking such vehicle, or for any person to stop, stand or park any vehicle in such lot or lot area. (4-6-60, § 1.)

Sec. 10-45. Parking for certain purposes prohibited.

It shall be unlawful for any person to park or place any automobile, truck, trailer or other vehicle upon or in any street, alley or parkway for the purpose of selling or offering the same for sale or rent. No sign or lettering shall be attached or placed upon any automobile, truck, trailer or other vehicle parked in or upon any public street, alley or parkway of the town indicating that such vehicle is offered for sale or for rent. It shall also be unlawful to park any vehicle upon any street in a business district from which any merchandise is being sold.

It shall be unlawful to stop a vehicle at any time upon the highway for the purpose of advertising any article of any kind, or to display thereupon advertisements of any article or advertisement for the sale of the vehicle itself. (4-6-60, § 1.)

Sec. 10-46. Liability for damage to vehicles parked in free parking lot.

No action shall lie or proceeding be brought against any person conducting any business and maintaining a parking lot, at which free parking accommodations are provided for customers or employees of such business, when a motor vehicle is parked in such parking lot, for the total or partial loss of such motor vehicle by reason of theft or damage by any person other than an employee or for the total or partial loss of property left in such motor vehicle by reason of theft or damage by any person other than an employee.

As used in this section, "free parking accommodations" means parking accommodations for which no specific charge is made and the patronage of the business by customers and the performance of the regular services for the business by employees shall not constitute the payment of any consideration for the use of the parking accommodations.

Nothing in this section shall relieve any person of liability resulting from his own wrongdoing. (4-6-60, § 1.)

Sec. 10-47. Parking or storing abandoned motor vehicles.

It shall be unlawful for any person, firm or corporation to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property within the Town, any motor vehicle, trailer, or semitrailer, or part thereof, as such are defined in section 46.2-100 of the Code of Virginia, which is inoperative.

As used in this section, the term "inoperable motor vehicle" shall mean any motor vehicle which is not in operating condition; or which, for a period of 60 days or longer, has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for operation of the vehicle; or for which there is no valid license plate or inspection sticker. Notwithstanding the foregoing, an antique motor vehicle (as defined by Section 46.2-100 of the Code of Virginia) is not required to have an inspection sticker if such vehicle is not used for general transportation and is only used (a) for participation in club activities, exhibits, tours, parades and similar events, and (b) on the public streets and highways of the Commonwealth and municipalities for the purpose of testing their operation, obtaining repairs or maintenance and transportation to and from the activities set forth in (a) above.

However, the provisions of this section shall not apply to a licensed business which is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.

As used in this section, shielded or screened from view means completely precluding visibility of the subject vehicle from all adjacent streets, alleys and properties, by placing the vehicle within an area completely enclosed either by a solid, rigid, opaque fence composed of standard fencing materials or by a landscaped arrangement of non-deciduous trees, sufficient in height, spacing, density and circumference to ensure precluding visibility of the subject vehicle from all adjacent streets, alleys and properties, or by use of an opaque car cover appropriate for the vehicle being covered.

The owners of property upon which such inoperative vehicle rests, shall with 15 business days notice to do so given in writing by the Town Manager or his designee and served in person or mailed to the post office address shown for such owner in the Town tax records, remove therefrom any such inoperable motor vehicles, trailers or semitrailers that are not kept within a fully enclosed building or structure or otherwise shielded from view as defined in this section. In the event such inoperable motor vehicles, trailers or semitrailers are not so removed after the 15 business day notice set forth above, the Town may, through its own agents and/or employees, remove such vehicles, trailers or semitrailers. Any such vehicles, trailers or semitrailers removed by the Town after such notice may be disposed of by the Town after giving written notice to the registered owner of such vehicles, trailers or semitrailers. Such additional notice shall be mailed to the address of the owner of such vehicle shown on the records of the Department of Motor Vehicles. Such additional notice shall advise the owner that, unless the vehicle is claimed by the owner, and all costs of removal and/or storage is paid or reimbursed to the Town within 15 days, the same will be disposed of. All costs of any such removal, storage and/or disposal shall be chargeable to the owner of such vehicle or the owner of the premises upon which it was stored prior to removal. The Town by use of a debt warrant or other similar method may collect such costs. Every cost authorized hereunder with which the owner of the premises has been assessed shall constitute a lien against the property from which the vehicle was removed and such lien shall continue until actual payment of such costs has been paid to the Town.

A first violation of this ordinance will cause a letter to be sent from the Town Manager or Town Attorney to forthwith comply with the sections of this ordinance. Failure to so comply or a second offense will

result in the assessment of a one hundred dollar (\$100) fine. A third of more offense will result in a two hundred and fifty dollar (\$250) fine.

#### **Article IV Accidents.**

##### **Sec. 10-48. Duty of driver to stop, etc., in event of accident; duty of occupant; reports additional to other accident reports.**

(a) The driver of any vehicle involved in an accident in which an attended vehicle or other attended property is damaged shall immediately stop as close to the scene of the accident as possible without obstructing traffic and report to a police officer or to the driver or some other occupant of the vehicle collided with or to the custodian of other damaged property, his name, address, operator's or chauffeur's license number and the registration number of his vehicle.

(b) If the driver fails to stop and make the report required by paragraph (a) of this section, any person in the vehicle with the driver at the time of the accident who has knowledge of the accident shall report within twenty-four hours from the time of the accident to the chief of police of the town, his name, address and such other information within his knowledge as the driver must report pursuant to paragraph (a) of this section.

(c) The driver of any vehicle involved in an accident in which no person is killed or injured but in which an unattended vehicle or other unattended property is damaged shall make a reasonable effort to find the owner or custodian of such property and shall report to the owner or custodian the information which the driver must report pursuant to paragraph (a) of this section if such owner or custodian is found. If the owner or custodian of such damaged vehicle or property cannot be found, the driver shall leave a note in a conspicuous place at the scene of the accident and shall report the accident in writing within twenty-four hours to the chief of police. Such note and written report shall contain the information which the driver must report pursuant to paragraph (a) of this section and such written report shall state in addition the date, time and place of the accident and the driver's estimate of the property damage.

(d) If the driver fails to stop and make a reasonable search for the owner or custodian of an unattended vehicle or property or to leave a note for such owner or custodian as required by paragraph (c) of this section, any person in the vehicle with the driver at the time of the accident who has knowledge of the accident shall report within twenty-four hours from the time of the accident to the chief of police, his name, address and such other facts within his knowledge as are required by paragraph (c) of this section to be reported by the driver.

(e) The reports required by this section are in addition to other accident reports required by this chapter or state law and shall be made irrespective of the amount of property damage involved,

(f) The provisions of this section shall apply irrespective of whether such accident occurs on the public streets or highways or on private property. (4-6-60, § 1.)

##### **Sec. 10-49 Leaving scene of accident when directed to do so by officer.**

A person shall leave the scene of a traffic accident when directed to do so by a police officer. (4-6-60, § 1.)

##### **Sec 10-50. Driver to give immediate notice of certain accidents .<sup>4</sup>**

The driver of any vehicle involved in any accident resulting in injury to or death of any person or some person acting for him shall immediately by the quickest means of communication give notice of the accident to the police department when the accident occurs within the town. A wilfull failure to make a report required in this section shall constitute a violation of this chapter. (4-6-60, § 1.)

4. For similar state law, see Code of Va., § 46.1-899.

Sec. 10-51. Report of driver of vehicle involved in accident; supplemental reports.<sup>5</sup>

The driver of a vehicle involved in an accident resulting in injury to or death of any person or total property damage to an apparent extent of live hundred dollars or more shall, within five days after the accident, make a written report or it to the police department and the division of motor vehicles.

The chief of police may require any driver of a vehicle involved in any accident of which a report must be made to file a supplemental report whenever any report is insufficient in his opinion. He may also require witnesses of accidents to render reports to the police department.

A wilful failure to file the report required by this section shall constitute a violation of this chapter. (4-6-60, § 1; 2-7-83.)

Sec. 10-52. Report by officer investigating accident.<sup>6</sup>

Every law enforcement officer who in the course of duty investigates a motor vehicle accident of which a report must be made, either at the time of and at the scene of the accident or thereafter and elsewhere, by interviewing participants or witnesses, shall, within twenty-four hours after completing the investigation, forward a written report of the accident to the division of motor vehicles. (4-6-60, § 1.)

Sec. 10-53. Occupants to report when driver incapable.

Whenever the driver of a vehicle is physically incapable of making an immediate or a written report of an accident of which a report is required, each other occupant of the vehicle at the time of the accident, if any, who is capable of so doing, shall make the report required by this article to be made primarily by the driver. A wilful failure to file the report required by this section, shall constitute a violation of this chapter. (4-6-60, § 1.)

Sec. 10-54. Failure to report accident or to give correct information.<sup>7</sup>

Conviction of a failure to report an accident as required or conviction of a failure to give correctly the information required of him in connection with any requisite report shall be a violation of this chapter and shall constitute a ground for suspension of the operator's or chauffeur's license and all certificates of registration of all motor vehicles, or of both, of the persons failing to make the report as required. Such suspension shall continue until such time as the person has filed the accident report as required or has given correctly the information requested.

Sec. 10-55. Report required of person in charge of garage or repair shop.<sup>8</sup>

The person in charge of any garage or repair shop to which is brought any motor vehicle that shows evidence of having been involved in a serious motor vehicle accident or with evidence of blood stains shall report to the police department within twenty-four hours after the motor vehicle is received, giving the engine number, registration number and the name and address of the owner or operator of the vehicle if known. Reports required by this section shall be made upon forms furnished by the superintendent of state police, (4-6-60, § 1.)

5. For similar state law, see Code of Va., § 46.1-400. As to authority of town to require accident reports, see Code of Va., § 46.1-411.

6. For similar state law, see Code of Va., § 46.1-401.

7. For similar state law, see Code of Va., § 46.1-405.

8. For similar state law, see Code of Va., § 46.1-406.

Sec. 10-56. Forms for reports.

The town shall supply to the police department or other officials, garages and other suitable agencies forms for accident reports and other reports required here-under to be made to the police department, appropriate with respect to the persons required to make such reports and the purpose to be served. (4-6-60, § 1.)

Sec. 10-57. Reports made by persons involved in accidents or by garages without prejudice and confidential; exceptions.<sup>9</sup>

All accident reports made by persons involved in accidents or by garages shall be without prejudice to the individual so reporting and shall be for the confidential use of the town, the division of motor vehicles or other state agencies having use for the records for accident prevention purposes; except that the police department or the division of motor vehicles may disclose the identity of a person involved in an accident when his identity is not otherwise known or when he denies his presence at the accident. (4-6-60, § 1.)

Sec. 10-58. Extent to which reports may be used as evidence.<sup>1</sup>

No report required by this article shall be used as evidence in any trial, civil or criminal, arising out of an accident; except, that the police department shall furnish, upon demand of any person who has or claims to have made such a report or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the police department or the division of motor vehicles, solely to prove compliance or noncompliance with the requirement that the report be made. (4-6-60, § 1.)

Sec. 10-59. Use of accident reports made by investigating officers.<sup>2</sup>

Subject to the provisions of section 10-57, all accident reports made by investigating officers shall be for the confidential use of the police department, the division of motor vehicles and of other state agencies for accident prevention purposes and shall not be used as evidence in any trial, civil or criminal, arising out of any accident. The division of motor vehicles shall disclose from the reports, upon request of any person, the date, time and location of the accident and the names and addresses of the drivers, the owners of the vehicles involved, the injured persons, the witnesses and one investigating officer. (4-6-60, § 1.)

Sec. 10-60. Accident reports to be in addition to reports required by state law.

The reports of accidents as required by this article are in addition to and not in lieu of any reports as required by the Code of Virginia, sections 46.1-399 to 46.1-416. (4-6-60, § 1.)

Article V. Town Vehicle Licenses.<sup>3</sup>

Sec. 10-61. Levy of fee; liability for payment of fee.

The town shall levy and assess an annual license fee upon each and every motor vehicle, including trailers and semi-trailers, owned by a resident of the town, or owned by a nonresident thereof and used for hire therein, or habitually used in connection with the operation and conduct of any business, occupation or profession of such owner within the town.

The phrase "habitually used" shall be construed to mean the regular or periodic use of such motor vehicle, trailer or semi-trailer over and along the highways within the town, and not a casual or occasional use thereof. (4-6-60, § 1.)

9. For similar state law, see Code of Va., § 46-407.

1. For similar state law, see Code of Va., § 46.1-408.

2. For similar state law, see Code of Va., § 46.1-409.

3. For state law authorizing town to require vehicle licenses, see Code of Va., §§ 46.1-85, 46.1-66,

Sec. 10-62. Motor vehicle licensing periods.

The motor vehicle licensing period referred to in section 10-61 shall commence at 12:01A.M. on the 16th day of April of each and every year and shall expire at Midnight on the 15th day of April of the year next succeeding. (4-6-60, § 1.)

Sec. 10-63. Display of licenses.

Upon the payment of the license fee for the current licensing period, as provided in section 10-61, the town treasurer shall issue a license plate, tag, or decal evidencing the payment of such license fee to the owner of the motor vehicle, trailer or semi-trailer for which application therefor is made, and such license plate, tag or decal shall thereafter be displayed upon such motor vehicle, trailer or semi-trailer by securely affixing or fastening the same to the front of such motor vehicle, trailer or semi-trailer in such manner as to be plainly visible at all times, as provided by applicable sections of the Code of Virginia, 1950, as amended, and no such motor vehicle, trailer or semi-trailer shall be operated upon any highway within the town unless such license plate, tag or decal for the current licensing period shall be so displayed thereupon. (4-6-60, § 1, 2-7-83)

Sec. 10-64. Annual license fee.

The fee to be levied by the town upon each motor vehicle, trailer, or semi-trailer, except a motorcycle, shall be in the amount of twenty dollars per annum and the fee to be levied upon each motorcycle shall be in the amount of nine dollars and fifty cents per annum, and shall be payable unto the town treasurer on or before the fifteenth day of April of each and every year.

(a) The town treasurer shall prepare and maintain an accurate record, including the name of each applicant owner and a brief description of the motor vehicle, motorcycle, trailer or semi-trailer concerned, of all license fees so levied and assessed, the date of the payment thereof and the serial number of the license plate, tag or decal issued in connection therewith.

(b) The applicant owner in each such case shall produce satisfactory evidence unto the town treasurer that all tangible personal property taxes upon or against such motor vehicle, motorcycle, trailer or semi-trailer which have been properly levied or assessed, or are assessable, against the applicant owner by the town have been paid in full.

In the event such license plate, tag or decal issued hereunder shall thereafter be lost or stolen, the town treasurer shall, upon application of the applicant owner, issue a replacement license plate, tag or decal unto such applicant owner, upon proper proof that such license plate, tag or decal so issued has been lost or stolen and upon the payment of a fee in the amount of one dollar unto the town treasurer prior to the issuance of such replacement license plate, tag or decal. (4-6-60, § 1; 12-6-65, § 1; 3-6-67, §1; 1-1-82, § 1; 2-7-83, 6-2000)

Sec. 10-65. Distinctive license plate for emergency vehicles.

The town shall provide and issue a distinctive license plate, tag or decal for one automobile or truck owned by each active member of the Glasgow Volunteer Fire Department and Glasgow Life-Saving and First-Aid Crew, Inc., in lieu of the issuance of the regular license plate, tag or decal upon the payment of the appropriate license fee.

The secretary of the Glasgow Volunteer Fire Department and the secretary of the Glasgow Life-Saving and First-Aid Crew, Inc., shall, on or before the 15th day of March of each and every year transmit a list of the active members of each such organization unto the town treasurer and such official shall thereafter issue such distinctive license plates, tags or decals only to those applicant owners whose names appear thereon. (4-6-60, § 1; 2-7-83.)

Sec. 10-66. Transfer of motor vehicle licenses.

Any such license plate, tag or decal so provided or issued by the town may be transferred from the original licensee to the purchaser of the motor vehicle, trailer or semi-trailer for which the same was issued upon the written order such licensee and upon the payment of a transfer fee of one dollar unto the town treasurer; and such licensee may likewise transfer such license plate, tag or decal to any other motor vehicle, trailer or semi-trailer owned by such licensee upon the payment of such transfer fee unto the town treasurer. (4-6-60, 5 1; 2-7-83.)

Sec. 10-67. Certain motor vehicles exempt.

No such license fee shall be so levied and assessed or the display of such license plate, tag or decal required upon any motor vehicle, trailer or semi-trailer used as a common carrier of persons or property unless such motor vehicle, trailer or semi-trailer shall be used exclusively between points within the town; or upon any motor vehicle, trailer or semi-trailer enumerated or embraced within the terms and provisions of section 46.1-66, Code of Virginia. (4-6-60, § 1, 2-7-83.)

Sec. 10-68. Grace period.

The owner of any motor vehicle, trailer or semi-trailer shall pay the license fee for the current licensing period as herein before provided within sixty days after such owner shall become a resident of the town, Or within sixty days after such motor vehicle shall habitually use the highways within the town in connection with the operation and conduct of any business, occupation or profession of the owner thereof, unless otherwise exempt by the laws of the state. (4-6-60, § 1.)

Sec. 10-69. Disabled Veterans Exempt.

In accordance with the Code of Virginia Section 46.2-752, persons otherwise required to purchase a motor vehicle license in conformance with this chapter, who are disabled veterans, as defined in Section 46.2-100 of Virginia Code, shall pay no license fee to receive said Town license. The applicant for the Town license must meet all other relevant conditions of this chapter and furnish proof of disability at the time of the issuance of the license. (added 4/4/2005)

Article VI. Mopeds.  
*(added 11/1/2004)*

Sec. 10-70. Definition, age of operation.

The following terms, as used in this chapter, shall have the meanings as herein described below:

Bicycle means any device propelled solely by human power, having pedals, two (2) or more wheels, and a seat height of more than twenty-five (25) inches from the ground when adjusted to its maximum height (a recumbent device shall be deemed a bicycle regardless of seat height).

Electric power-assisted bicycle means a bicycle equipped with an electric motor that reduces the pedal effort required of the rider, but does not eliminate the rider's need to pedal. For purposes of this article, an electric power-assisted bicycle shall be a vehicle when operated on a street.

Moped is defined as a conveyance that is either (a) a bicycle-like device with pedals and a helper motor which is rated at no more than two (2) brake horsepower and produces speeds up to a maximum of thirty (30) miles per hour; or (b) a motorcycle with an engine displacement of fifty (50) cubic centimeters or less and a maximum speed of less than thirty (30) miles per hour. For purposes of this article, a moped shall be a vehicle when operated on a street. No person under the age of sixteen (16) years shall operate a moped on any street in the Town.

Sec. 10-71. Penalties.

Any person who shall remove, change, alter or mutilate any electric power-assisted bicycle or moped frame number in violation of section 10-80 of this article shall be deemed guilty of a class 3 misdemeanor; and except as otherwise provided herein, any person who shall violate any other provision of this article shall be deemed guilty of a traffic infraction which shall be punishable by a fine of not more than two hundred dollars (\$200.00).

Sec. 10-72. Sale, rental of electric power-assisted bicycles and mopeds--Information required.

Information regarding the sale or rental of electric power-assisted bicycles and mopeds shall be available to town sergeant upon the sergeant's request from vendors and lessors of electric power-assisted bicycles and mopeds.

Sec. 10-73. Summons.

Whenever any police or other officer charged with the duty of enforcing this article shall discover any person violating any of the provisions of this article, such officer shall take the name and address of such person and issue a summons to or otherwise notify such person in writing, if such person be under eighteen (18) years of age, to appear before the judge of the juvenile and domestic relations court of the county and if such person be eighteen (18) years of age or over, to appear before the general district court of the county, at a time to be specified in such summons or notice, to be there dealt with according to the provisions of this article and the laws of the state applicable thereto.

Sec. 10-74. Required for mopeds.

It shall be unlawful for any person who resides in the town to operate or use a moped upon any of the streets of the town, or for any parent or guardian to allow any person under the age of eighteen (18) years, who resides in the town, to operate or use a moped upon any of the streets of the town unless such moped has been properly registered as hereinafter provided.

Sec. 10-75. When due.

Any person acquiring a moped shall have the same registered, or if registered, have the registration thereof transferred to such person, within fifteen (15) days after the acquisition thereof. Those persons who own mopeds when this ordinance becomes effective shall have sixty (60) days from the effective date in which to register their mopeds.

Sec. 10-76. Application.

The registration of mopeds shall be upon written application therefor made to the town sergeant or his or her designee on forms prescribed by the town sergeant or his or her designee, and shall be made by the owner thereof, or, if owner is under eighteen (18) years of age, the same may be made for him by his or her parents or guardian.

Sec. 10-77. Fees.

When a moped is registered, there shall be paid as a fee the sum of five dollars (\$5.00). When the registration is changed from one (1) person to another or from one moped to another, there shall be paid the sum of five dollars (\$5.00). When a number plate or tag is issued to replace one that has been mutilated, lost, stolen or misplaced, there shall be paid the sum of one dollar (\$1.00). Such sums shall be paid to the town manager, and shall be used for the purpose of defraying the costs and expenses incident to the registration of such mopeds and carrying out the provisions of this article.

Sec. 10-78. Issuance of card, tag.

Upon proper application for registration of a moped, and the payment of the registration fee required by this article, the town manager or his or her designee shall issue to the applicant a registration card and a number plate or tag, in such form as shall be prescribed by the town manager or his or her designee. The number plate or tag shall be provided by the city at no cost to the applicant.

Sec. 10-79. Display of tag.

The number plate or tag issued under the provisions of this article shall be kept securely fixed in a conspicuous place on the rear of the frame of the moped for which the same was issued.

Sec. 10-80. Change in frame number.

It shall be unlawful for any person to remove, change, alter or mutilate any electric power-assisted bicycle or moped frame number; provided, however, that when any moped is registered hereunder and it appears that the frame number has become obliterated or is illegible, or that the same has no frame number, the town sergeant or his or her designee may place or cause to be placed a frame number thereon for registration purposes.

Sec. 10-81. Records.

The town manager or his or her designee shall keep a complete record of all mopeds registered pursuant to this article, showing the name and address of the owner thereof, the make, class and frame number of such moped, the number of the registration plate or tag issued therefor, and such other information as the town manager or his or her designee may prescribe.

Sec. 10-82. Lost or mutilated number plates or tags.

When any number plate or tag is badly mutilated, lost, stolen or misplaced and cannot be found, upon satisfactory evidence of such fact being presented to the chief of police or his or her designee, the town manager shall issue another number plate or tag, and shall change the registration of such moped accordingly.

Sec. 10-83. Transfer generally.

It shall be unlawful for any person to attach any number plate or tag issued under the provisions of this article to any moped other than the one for which the same was issued.

Sec. 10-84. Transfer of ownership.

When any moped registered under the provisions of this article shall be transferred to another, the same shall be reported to the town manager or his or her designee, together with the name and address of the person to whom the moped was transferred and the registration thereof shall be changed accordingly.

Sec. 10-85. Impoundment of abandoned or unregistered electric power-assisted bicycles and mopeds.

(a) Any moped found without a number plate or tag issued pursuant to section 10-78 of this article and unattended shall be deemed abandoned. If a reasonable attempt to locate the owner or user in the immediate vicinity of the moped fails to produce such owner or user, any moped so abandoned shall be taken into custody and impounded by the town sergeant or any officer of the police department.

(b) Any unattended electric power-assisted bicycle found under such times and circumstances that indicate it has been lost or stolen shall be deemed abandoned. If a reasonable attempt to locate the owner or user in the immediate vicinity of the electric power-assisted bicycle fails to produce the owner or user, any electric power-assisted bicycle so abandoned shall be taken into custody and impounded by town sergeant or any officer of the police department.

(c) No abandoned electric power-assisted bicycle or moped shall be released or removed from impoundment except upon satisfactory showing of ownership and, in the case of mopeds, display of a town registration certificate and proper display of a tag or number plate by the owner or an agent of the owner.

(d) If an abandoned electric power-assisted bicycle or moped is not reclaimed within thirty (30) days from the date of impounding, the town sergeant or the sergeant's agent shall provide for the public sale or donation to a charitable organization of such bicycle or moped.

(e) Any bicycle, electric power-assisted bicycle or moped found and delivered to the police department by a private person which thereafter remains unclaimed for thirty (30) days after the final date of publication as required herein may be given to the finder; however, the location and description of the bicycle or moped shall be published at least once a week for two (2) successive weeks in a newspaper of general circulation in the town. In addition, if there is a license tag affixed to the bicycle, electric power-assisted bicycle or moped, the record owner shall be notified directly.

Sec. 10-86. Impoundment of unregistered mopeds.

(a) When any police officer or other officer charged with the duty of enforcing this article shall discover any unregistered moped in any public place in the possession or control of any person, the officer may take custody of such moped and impound the same. Any moped so impounded shall be released only upon a satisfactory showing of ownership, payment of five dollars (\$5.00) for storage charges, and proper registration and display of a tag or number plate by the owner or an agent of the owner.

(b) Any juvenile whose moped is impounded pursuant to this section shall be escorted forthwith to his or her place of residence or other appropriate place.

(c) An officer impounding a moped under this section shall inform the person from whom possession or control of the moped was removed of the provisions of this section. Upon the taking of the moped into the officer's possession, the officer shall mail or hand-deliver a notice containing the provisions of this section. In the case of a juvenile, such notice shall be mailed or hand-delivered to the juvenile's parent or guardian.

(d) If any moped impounded under this section is not reclaimed within thirty (30) days from the date of impounding, the town sergeant or an agent of the town sergeant shall cause the moped to be sold or donated in accordance with section 10-85(d) of this article.

Sec. 10-87. Compliance with traffic signals.

Every person riding a bicycle, electric power-assisted bicycle or moped over any public street shall comply with all traffic signs, signals and lights and with all directions by voice, hand or otherwise, given by any officer of the police department and shall have all of the rights and duties applicable to the driver of a motor vehicle, unless the context of the town code clearly indicates otherwise.

Sec. 10-88. Hand on handlebars.

No person shall ride a bicycle, electric power-assisted bicycle or moped on any street without having at least one (1) of his or her hands upon the handlebars and no person operating a bicycle or moped on a street shall carry any package, bundle, or article which prevents the driver from keeping at least one (1) hand on the handlebars.

Sec. 10-89. Riding on sidewalks.

No person shall ride a bicycle, electric power-assisted bicycle or moped upon any sidewalk or cross a roadway on a crosswalk, whether paved or unpaved, in the town.

Sec. 10-90. Reckless riding.

No person shall ride a bicycle, electric power-assisted bicycle or moped recklessly or at a speed or in a manner so as to endanger the life, limb or property of the rider or of any other person.

Sec. 10-91. Carrying other persons.

No person riding a one-seated bicycle or electric power-assisted bicycle shall carry any additional person on the same.

Sec. 10-92. Holding on to moving vehicle.

No person riding a bicycle, electric power-assisted bicycle or moped shall take or catch hold of or attach the same or himself to any moving automobile, bus or other vehicle of any kind upon any street, for the purpose of being drawn or propelled by the same.

Sec. 10-93. Hand signals.

Before turning or altering the course of operation of any bicycle or electric power-assisted bicycle, the operator thereof shall give signals by extension of the hand to indicate the direction in which it is intended to proceed.

Operators of mopeds shall use the electronic signaling devices that the moped is equipped with before turning or altering course of operation. If operating a moped with malfunctioning signal devices, or no signaling devices, the operator shall use hand signals.

Sec. 10-94. Method of riding.

Every person riding a bicycle, electric power-assisted bicycle or moped on any street shall keep as close as practicable to the right-hand side of the roadway, except under any of the following circumstances:

- (1) When overtaking and passing another vehicle proceeding in the same direction;
- (2) When preparing for a left turn at an intersection or into a private road or driveway; and
- (3) When reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right curb or edge.

For purposes of this section, a "substandard width lane" is a lane too narrow for a bicycle, electric power-assisted bicycle or moped and another vehicle to pass safely side by side within the lane.

Persons riding bicycles or electric power-assisted bicycles on a street shall not ride two (2) or more abreast except on paths or parts of streets set aside for the exclusive use of bicycles. Mopeds shall not ride on paths or parts of streets set aside for the exclusive use of bicycles. Persons riding mopeds on a street shall not ride two (2) or more abreast.

Sec. 10-95. Brakes.

Every bicycle, electric power-assisted bicycle or moped operated on any street shall be equipped with adequate brakes.

Sec. 10-96. Lamps.

Every bicycle, electric power-assisted bicycle or moped when in use between sunset and sunrise shall be equipped with a lamp on the front which shall emit a white light visible in clear weather from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type approved by the chief of police or his designee which shall be visible from all distances in clear weather from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible in clear weather from a distance of five hundred (500) feet to the rear may be used in lieu of or in addition to the red reflector. Such lights and reflector shall be of types approved by the town sergeant or his or her designee.

Sec. 10-97. Riding out of lanes, alleys and driveways.

Every person riding a bicycle, electric power-assisted bicycle or moped out of a lane, alley or private driveway across a sidewalk or sidewalk area shall first bring such bicycle, electric power-assisted bicycle or moped to a stop before crossing such sidewalk or sidewalk area.

Sec. 10-98. Law enforcement officers.

(a) Any law enforcement officer of the town, operating a bicycle, electric power-assisted bicycle or moped during the course of his or her duties, shall be exempt from the provisions of this division.

(b) Any bicycle, electric power-assisted bicycle or moped being operated by a law enforcement officer of the town, during the course of his or her duties, shall be deemed to be a law-enforcement vehicle and shall have the same rights and privileges as any other law-enforcement vehicle when the bicycle or moped is being operated in response to an emergency call, while engaged in rescue operations or in the immediate pursuit of an actual or suspected violator of the law.

Sec. 10-99. Requirement of safety equipment for mopeds.

(a) Any person who operates a moped on a public street shall wear a face shield, safety glasses, or goggles of a type approved by the superintendent of the Virginia State Police, or have the moped equipped with safety glass or a windshield at all times while operating such moped, and operators and passengers thereon, if any, shall wear a protective helmet of a type approved by the superintendent of the Virginia State Police.

(b) Any person who knowingly violates this section shall be guilty of a traffic infraction and be subject to a fine of not more than fifty dollars (\$50.00).

(c) A violation of this section shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a moped, nor shall anything in this section change any existing law, rule, or procedure pertaining to any civil action.

Sec. 10-100. Persons riding upon mopeds.

No person other than the operator thereof shall ride upon a moped unless such moped is designed to carry more than one (1) person, in which event a passenger may ride upon a separate and permanent seat attached thereto; provided, however, that such moped is also equipped with a footrest for such passenger. A violation of this section shall constitute a traffic infraction punishable by a fine of not more than two hundred dollars (\$200.00).

## CHAPTER 11.

### NUISANCES.<sup>1</sup>

Revised 3/8/2011

[§ 11-1.](#) Nuisances Defined

[§ 11-2.](#) Abatement or removal of nuisances.

[§ 11-3.](#) Removal or disposal of trash; cutting of grass and weeds; penalty.

[§ 11-4.](#) Service of Notice.

[§ 11-5.](#) Request for Public Hearing.

[§ 11-6.](#) Notification of determination of council, abatement required within specific time period after notification; penalty.

[§ 11-7.](#) Unsafe structures.

[§ 11-8.](#) Emergency action by Town Manager.

[§ 11-9.](#) Appeal

#### Sec. 11-1. Nuisances Defined.

The doing of any act or the omission to perform any duty, or the permitting of any condition or thing to exist that endangers life or health, of any person within the community. Whenever the term nuisance is used, it shall be deemed to mean a public nuisance.

#### Sec. 11 – 2 Nuisances enumerated.

(a). The Town may compel the abatement or removal of all nuisances, including but not limited to the removal of weeds from private and public property and snow from sidewalks; the covering or removal of offensive, unwholesome, unsanitary or unhealthy substances allowed to accumulate in or on any place or premises; the filling in to the street level, fencing or protection by other means, of the portion of any lot adjacent to a street where the difference in level between the lot and the street constitutes a danger to life and limb; the raising or draining of grounds subject to be covered by stagnant water; and the razing or repair of all unsafe, dangerous or unsanitary public or private buildings, walls or structures which constitute a menace to the health and safety of the occupants thereof or the public. If, after notice pursuant to Sec. 11-4 and/or Sec. 11-6 of this Chapter, the owner or owners, occupant or occupants of the property or premises affected by the provisions of this section shall fail to abate or obviate the condition or nuisance, the Town may do so and charge and collect the cost thereof from the owner or owners, occupant or occupants of the property affected in any manner provided by law for the collection of state or local taxes.

(b). Every charge authorized by this section in excess of \$200 which has been assessed against the owner of any such property and which remains unpaid shall constitute a lien against such property. Such liens shall have the same priority as other unpaid local taxes and shall be enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1. 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.

Sec. 11-3. Removal or disposal of trash; cutting of grass and weeds; penalty.

(a). The Town may compel the owner or owners, occupant or occupants of property to remove any and all trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of the Town. If, after notice pursuant to Sec. 11-4 and/or Sec. 11-6 of this Chapter, the owner or owners, occupant or occupants of the property or premises affected by the provisions of this section shall fail to remove such aforementioned items, the Town may do so and charge and collect the cost thereof from the owner or owners, occupant or occupants of the property affected in any manner provided by law for the collection of state or local taxes.

(b). The owner or owners, occupant or occupants of developed or undeveloped property, including such property upon which buildings or other improvements are located, shall not permit grass, weeds or other foreign growth on such property to stand in excess of ten (10) inches. Specifically excluded from the requirements of this Section are vegetable and flower gardens and acreage permitted by the Town for haying. If, after notice pursuant to Sec. 11-4 and/or Sec. 11-6 of this Chapter, the owner or owners, occupant or occupants of the property or premises affected by the provisions of this section shall fail to remove such grass, weeds, or other foreign growth, the Town may do so and charge and collect the cost thereof from the owner or owners, occupant or occupants of the property affected in any manner provided by law for the collection of state or local taxes.

(c). Duty of property owner or occupant to maintain the front, side, and rear portion of said property to the paved edge of any street, including any unpaved adjacent public right-of-way.

1. It shall be the duty of the owner or occupant of any land or premises abutting upon any public street right-of-way, including the sidewalk and between the sidewalk and curb and utility strip, whether paved or not, and the duty of the owner of any unoccupied land or premises abutting upon any public street right-of-way, including the sidewalk and between the sidewalk and curb, whether paved or not, to have any grass, weeds, shrubs, brush and other vegetable matter cut and removed, and at all times to prevent such area from becoming unsightly, or to violate any other Town ordinance [Section 11-2 of Glasgow Town Code].
2. Whenever the Town Manager, or the official designated by the Town Council, has determined by reports, inspections or otherwise, that any condition in violation of this section exists, he/she shall notify the owner and/or the occupant to comply with the requirements of this section within such reasonable time as specified in the notice. Such notice shall be in writing and either mailed or delivered by hand to the last know address of the owner and/or occupant. If, after such notice, the owner and/or occupant fails to abate the condition(s) in violation of this section, the town may do so and charge and collect the cost thereof from the owner and/or occupant as provided by law for the collection of local taxes [Section 15.2-901 of the Code of Virginia].
3. The town manager is authorized to promulgate regulations to govern the circumstances under which the owner or occupant of any land or premises may be relieved of the duty imposed by paragraph (a), above, for reasonable cause shown. The town manager may also decide where town employees will mow, which may not be Town property if it is seen to benefit the Town.

(d). 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 Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1. 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.

(e). Violations of this Section shall be subject to a civil penalty, not to exceed \$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 not exceed \$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.

(f). In the event three civil penalties pursuant to subsection (d) above are imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a twenty-four (24) month period, the defendant shall be subject to prosecution for violation of this section (a Class 3 misdemeanor). The classification of such violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.

#### Sec. 11-4. Service of notice.

Whenever a condition described in Sec. 11-2 or Sec. 11-3 of this Chapter comes to the attention of the Town Manager (or designee), either by written or verbal complaint or by the Town Manager's observation, the Town Manager (or designee) shall give notice to the owner of the premises to abate or remove such condition or file a request for public hearing as described in Sec. 11-5 of this Chapter within ten (10) business days, or such additional reasonable time as the Town Manager (or designee) specifies. Such notice shall be in writing and shall include the following:

- (1). An order to abate the nuisance or to request a public hearing within the stated time.
- (2). The location of the nuisance, if the same stationary.
- (3). A detailed description of what constitutes the nuisance.
- (4). A statement of acts necessary to abate the nuisance and a date by which the nuisance shall be abated.
- (5). A statement that if the nuisance is not abated as directed and no request for hearing is made within the prescribed time, the Town may abate such nuisance and assess the costs thereof against such person.
- (6). Where applicable, a statement that the failure to abate a nuisance constitutes a criminal offense.

Service of such notice shall be by any of the following methods:

- (1). By delivery to the owner personally or by leaving the notice at the usual place of abode of the owner with a person who is over the age of sixteen (16) years and a member of the family of the owner.
- (2). By depositing the notice in the United States Post Office addressed to the owner at his last known address with postage prepaid thereon.
- (3). If the owner of the property on which a nuisance is located is unknown or has no place of abode, office or place of business in the Town, or after reasonable efforts the Town cannot locate a last known address, notice shall be given by order of publication, by publishing a copy of the notice in a newspaper of general circulation in the Town at least thirty (30) days prior to the abatement of the nuisance and a copy of the notice to abate shall also be posted in a conspicuous place on the premises.

#### Sec. 11-5. Request for public hearing.

(a). If a public hearing is requested to determine if a nuisance exists, the Town Manager (or designee) shall place the matter for hearing upon the agenda for the next regular meeting of the Town Council or any meeting called for such purpose, and the Council shall thereupon hear and receive evidence for the purpose of determining whether any such condition or nuisance so exists and, if so, whether the same ought to be abated, removed, or obviated.

(b). Such owners or occupants may appear in person or by counsel at such hearing and show cause, if any, why such condition does not constitute a nuisance and why such condition should not be abated, removed, or obviated. Technical or expert testimony may be presented on behalf of such owners or occupants of the Town at such hearing.

(c). Such hearing shall be in the nature of a judicial determination that such condition does exist within the Town, that the same constitutes a menace to the health and safety of the occupants of the property or premises so affected or to the public and that the same ought to be abated, removed, or obviated.

(d). At least four members of the Council must concur before the abatement, removal or obviation of any such condition or nuisance may be required under the provisions of this section.

Sec 11-6. Notification of determination of council, abatement required within specific time period after notification; penalty.

(a). Upon conclusion of the hearing before the Council and a determination of the issues heard by such governing body, the Town Manager shall forthwith notify the owner of the property or premises so affected and counsel, if any, appearing at such hearing in a writing served in the manner described in Sec. 11-4 of this Chapter of such determination by the Council. In the event that the Council has determined that such condition or nuisance ought to be abated, removed, or obviated, the same shall be so abated, removed or obviated within the time period specified by the Council.

Sec. 11-7. Unsafe structures.

(a). Duty of owners to maintain.

It shall be the duty of all property owners in the Town to remove, repair, or secure any building, wall, or other structure which might endanger the public health or safety of other residents of the Town. For the purpose of this section, repair may include maintenance work to the exterior of a building to prevent deterioration of the building or adjacent buildings.

(b). Complaints.

1. Whenever it comes to the attention of the Building Official, either by written or verbal complaint or by the Building Official's observation, the Building Official (or designee) shall inspect the site and make a report to the Town Manager.
2. In determining whether a building or other structure might endanger the public health or safety of residents of the Town, the Building Official (or designee) shall consider whether the building or other structure is in a state of dilapidation, deterioration, or decay to the extent that it is in danger of collapse or structural failure and whether the building or other structure is located in proximity to occupied dwellings, businesses, or community facilities.

(c). Notice to comply; action by Town; recovery of costs.

1. If the Building Official (or designee) determines that the site or structure complained of is in violation of this section and declares in writing that the building, wall, or other structure is unsafe, he shall issue a written Notice to Comply to the property owner to remove, repair, or secure the building, wall, or other structure within 30 days or such additional reasonable time as the Building Official (or designee) specifies. A copy of this section shall be provided with said notice. The written Notice to Comply shall be (i) given to the property owner by registered or certified mail, return receipt requested, sent to the last known address of the property owner; and (ii) published once a week for two successive weeks in a newspaper having general circulation in the Town.
2. Such Notice to Comply shall state with reasonable particularity the defects or other condition of the building, wall, or structure which renders it unsafe and shall specify the period of time within which repairs or corrections shall be made or the building wall or structure, or a portion thereof, demolished and removed.
3. If the property owner, or a lien holder, does not comply with the written Notice to Comply, the Building Official or designee, through his agents or employees, shall be authorized to remove, repair, or secure the unsafe building, wall, or structure, or portion thereof. No action shall be taken for at least thirty (30) days following the later of the return of the receipt or the newspaper publication, except that the Building Official (or designee) may take action to prevent unauthorized access to the building within seven (7) days of such notice if the structure is deemed to pose a significant threat to public safety and such facts have been stated in the aforementioned Notice.
4. In any case where notice is required to be given to the property owner and either the identity of the owner or the owner's address is unknown, then such notice shall also be posted at a conspicuous place at the site complained of for a period of not less than 30 days prior to any action being taken pursuant to paragraph three (3) above.

5. In the event that the Building Official (or designee), through his own agents or employees, removes, repairs, or secures any building, wall, or any other structure, or portion thereof, after complying with the notice provisions hereof, all costs and expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the Town in the same manner as real estate taxes and levies are collected.

(d). Charges to be lien.

In the event that the subject property is found to be in violation hereof, all mailing and publication costs associated with actions taken to enforce this section shall be charged to the owner. Every charge authorized by this section with which the owner of any such property has 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 Articles 3 and 4 of Chapter 39 of Title 58.1, Code of Virginia. The Town may, at its option, 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.

(e). Effect on other provisions.

The provisions hereof shall be supplemental to and shall not preempt the right and authority of the Building Official or designee with respect to unsafe structures as provided by the Uniform Statewide Building Code.

(f). Civil penalty.

The Town may impose a civil penalty not to exceed \$1,000 for violation of this ordinance.

Sec. 11-8. Emergency action by town manager.

(a). In the event the Town Manager (or designee) shall, after inspection of any building, wall or structure situated within the Town or any other condition herein described, determine and conclude that the same is imminently or immediately dangerous or unsafe to any person or to the property of another or that it constitutes an undue fire hazard and an immediate emergency, the Town Manager shall forthwith post notice upon such building, wall or structure of the existence of such condition or hazard for the purpose of warning all persons thereof.

Sec. 11-9. Appeal.

(a). Nothing in this Chapter shall be construed to deprive any owner or lien holder aggrieved by a decision herein of such rights of appeal or review by a court of competent jurisdiction as provided by general law, provided notice of such appeal is provided to the Town Manager no more than ten (10) days from the aggrieved decision.

## CHAPTER 12.

### OFFENSES--MISCELLANEOUS.

- [§ 12-1.](#) Assault and battery.
- [§ 12-2.](#) Breach of peace.
- [§ 12-2.1.](#) Business hours.
- [§ 12-3.](#) Curfew for minors--Generally.
- [§ 12-4.](#) Same--Duties of police.
- [§ 12-5.](#) Disorderly conduct--Generally.
- [§ 12-6.](#) Same--At meetings of council, etc.
- [§ 12-7.](#) Same--Public--meetings generally.
- [§ 12-8.](#) False alarms.
- [§ 12-9.](#) Fireworks--Use.
- [§ 12-10.](#) Same--Sale.
- [§ 12-11.](#) Gambling.
- [§ 12-12.](#) Hunting.
- [§ 12-13.](#) Indecent and lewd conduct.
- [§ 12-14.](#) Indecent books, pictures, etc.
- [§ 12-15.](#) Litter.
- [§ 12-16.](#) Noise.
- [§ 12-17.](#) Obstructing free passage of others.
- [§ 12-18.](#) Petit larceny.
- [§ 12-19.](#) Profane swearing and drunkenness.
- [§ 12-20.](#) Public property--Injuring, defacing, etc.
- [§ 12-21.](#) Refrigerators, iceboxes, etc.--Abandonment, etc.
- [§ 12-22.](#) Riots--Generally.
- [§ 12-23.](#) Same--Failure to disperse.
- [§ 12-24.](#) Same--Failure to assist officer.
- [§ 12-25.](#) Shoplifting.
- [§ 12-26.](#) Street lights, power poles, etc.--Damaging or destroying.
- [§ 12-27.](#) Trespass--Upon private property.
- [§ 12-28.](#) Same--Upon public property.
- [§ 12-29.](#) Water--To be curtailed during emergency.
- [§ 12-30.](#) Weapons--Concealment.
- [§ 12-31.](#) Same--Sale to minors.
- [§ 12-32.](#) Same--discharging firearms.
- [§ 12-33.](#) Same--Dangerous missiles.
- [§ 12-34.](#) Wine and beer--Sale prohibited between 12:00 Midnight Saturday and 12:00 Noon Sunday.

[§ 12-35.](#) Same--Sale prohibited on weekdays between 12:00 Midnight and 6:00 A.M.

[§ 12-36.](#) Pets Prohibited in Playground Area

[§ 12-37.](#) Dog Waste In Parks

Sec. 12-1. Assault and battery.

It shall be unlawful for any person, or a group of persons composing a mob, to commit a simple assault or assault and battery within the town.

Sec. 12-2. Breach of peace.<sup>1</sup>

It shall be unlawful for any person to commit a breach of the public peace in any manner within the town. (1952 Code, § 8-200.1.)

Sec. 12-2.1. Business Hours--Opening between hours of 12:00 Midnight and 5:00 AM. prohibited.

It shall be unlawful for any person, firm, corporation or association, or any officer, employee or agent thereof, to open, or permit to be opened, any place of commercial business situate within the town between the hours of 12:00 Midnight and 5:00 A.M., for the purpose of conducting and transacting commercial business of any kind, nature or description. Business may remain open until 1:00 A.M. on Saturday and Sunday mornings. Provided, however, the terms and provisions hereof shall not be applicable to any place of commercial business which may be opened during such hours because of the existence of a public or private emergency; further provided, the terms and provisions hereof shall not be applicable to any industrial plant or factory or to any place of commercial business situate in such industrial plant or factory, and further provided, the terms and provisions hereof shall not be applicable to any person, firm, corporation or association, or any officer, employee or agent thereof, during the taking of inventory, arranging stock, keeping of books and records, or any other activity deemed to be transacting and conducting commercial business so long as the general public shall not be permitted to enter or be upon such place of business.

An owner of a commercial business as defined herewith may apply to the Town Council for an extension of said business hours. Extensions will be considered only for special occasions and events and may be granted only by a majority vote of Council.

Sec. 12-3. Curfew for minors--Generally.

It shall be unlawful for any person under the age of eighteen years to loiter, idle, wander, stroll or play in and upon the public streets, highways, roadways, alleys, walkways, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised plates within the town between 11:00 P.M. and 7:00 A.M. of the following day or for any parent, guardian or other adult person having the care and custody of any such minor to permit such minor to so loiter, idle, wander, stroll or play in or upon such public streets, highways, roadways, alleys, walkways, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places between such hours; provided, that the provisions of this section shall not apply to any such minor accompanied by his parent, guardian or other adult person having the care and custody of such minor or when such minor is upon an emergency errand or legitimate business directed by such parent, guardian or other adult person. (9-3-57; S 1.)

Sec. 12-4. Same--Duties of police.

It shall be the duty of the police officers of the town to ascertain the name of any such minor violating the provisions of the preceding section and the name of the parent, guardian or other adult person having the

care and custody of such minor, and such police officer shall thereupon cause such minor to be returned to the borne of such parent, guardian or other adult person.

Such police officer shall thereafter cause a warrant to be duly issued charging such parent, guardian or otter adult person with the violation of the provisions of the preceding section and shall forthwith cause such parent, guardian or other adult person therein charged to be arrested pursuant to the laws of the state and the ordinances of the town. (9-3-57, § 1.)

1. For state law as to offenses tending to breach of peace, see Code of Va., § § 18.2-416, 18.2-417 and 18.2-60.

Sec. 12-5. Disorderly conduct--Generally.<sup>2</sup>

(a) Any person who shall do or engage in any of the following shall be guilty of disorderly conduct:

- (1) Any person who shall act in a violent or tumultuous manner toward an-other, whereby any person is placed in fear of safety of his life, limb or health.
- (2) Any person who shall act in a violent or tumultuous manner toward another, whereby public property or property of any other person is placed in danger of being destroyed or damaged.
- (3) Any person who shall endanger lawful pursuits of another by acts of violence, angry threats and abusive conduct.
- (4) Any person who shall cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another or public property.
- (5) Any person who shall assemble or congregate with another or others for the purpose of causing, provoking or engaging in any fight or brawl.
- (6) Any person who shall be found jostling or roughly crowding or pushing any person in any public place.
- (7) Any person who shall collect in bodies or in crowds for unlawful purposes.
- (8) Any person who shall assemble or congregate with another or others for the purpose of or with the intent to engage in gaming.
- (9) Any person. who shall frequent any public place with intent to obtain money from another by an illegal and fraudulent scheme, trick, artifice or device.
- (10) Any person who assembles with another or others for the purpose of engaging in any fraudulent scheme, device or trick to obtain any valuable thing in any place or from any person in the town or who shall aid or abet therein,
- (11) Any person who utters, while in a state of anger, in the presence of an-other, any lewd or obscene words or epithets.
- (12) Any person who frequents any place where gaming or the illegal sale or possession of alcoholic beverages or narcotics or dangerous drugs is practiced. allowed or tolerated.
- (13) Any person who shall act in a dangerous manner toward others.

(14) Any person who shall use "fighting words" directed towards any person who becomes outraged and thus creates turmoil.

(15) Any person who shall assemble or congregate with another or others for the purpose of doing bodily harm to another.

(16) Any person who shall by acts of violence interfere with another's pursuit of a lawful occupation.

2. For state law as to disorderly conduct in public places, see Code of Va., § 18-2-415.

(17) Any person who shall congregate with another or others in or on any public way so as to halt the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered to do so by a peace officer or other person having authority.

(18) Any person who makes any unreasonably loud and unnecessary noise.

(19) Any person who damages, defouls or disturbs public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition.

(b) Any person convicted of disorderly conduct, as defined in this section, shall be punished as provided in section 7-1.

Sec. 12-6. Same--At meetings of council, etc.<sup>3</sup>

If any person behaves in a riotous or disorderly manner in any public meeting of the town council or any division, agency or authority thereof, or causes any unnecessary disturbance therein by force, shouting or any other action calculated to disrupt such meeting, or shall refuse to obey any ruling of the presiding officer of such meeting relative to the orderly process thereof, he shall be guilty of a misdemeanor.

Sec. 12-7. Same--Public meetings generally.<sup>4</sup>

It shall be unlawful for any person to wilfully disturb any lawful meeting, gathering or assembly of two or more persons within the town. (1952 Code, § 8-200. 4.)

Sec. 12-8. False alarms.<sup>5</sup>

It shall be unlawful for any person, wilfully, wantonly or without knowledge of the existence of a fire or other emergency, to turn in or give any false fire alarm or report requesting the aid of the rescue squad within the town. (1952 Code, § 8-200.18.)

Sec. 12-9. Fireworks--Use.<sup>6</sup>

It shall be unlawful for any person to explode firecrackers, bombs, torpedoes or any kind of fireworks, dynamite, any combination of gunpowder or any other explosible or combustible materials within the town; provided, that the force and effect of the provisions of this section may be suspended during any period by the adoption of a resolution by the council specifically suspending the force and effect of such provisions and setting forth the specific time and place that such explosions may be permitted. (1952 Code, ~ 8-200.10.)

Sec. 12-10. Same--Sale.

It shall be unlawful for any person to sell, offer for sale, furnish or give to another any fireworks of any description whatsoever within the town; provided, that the force and effect of the provisions of this section

maybe suspended during any period by the adoption of a resolution by the council specifically suspending the force and effect of such provisions and setting forth the specific time for the sale of fireworks; provided further, that nothing contained in this section shall be construed as prohibiting the keeping or sale of gunpowder or dynamite within the town as may be authorized and regulated by other ordinances of the town, nor shall the provisions of this section apply to wholesale dealers. (1952 Code, ~ 8-200.11.)

3. For similar state law, see Code of Va., § 18.2-415.

4. Ibid

5. For state law as to calling or summoning ambulance or fire-fighting apparatus without just cause, see Code of Va., § 18.2-212.

6. For state law as to fireworks, see Code of Va., §§ 59.1-142 to 59.1-148.

#### Sec. 12-11. Gambling.<sup>7</sup>

With the exception of the playing of bingo for the benefit of the Fire Department of the town, or other public or eleemosynary institutions, the proceeds of which will be used to support the public or eleemosynary institution, it shall be unlawful for any person to bet, wager or play any game for money or other thing of value or to otherwise gamble or conduct or maintain any gambling device or game. (1952 Code, § 8-200.8; 2-7-83.)

#### Sec. 12-12. Hunting.<sup>8</sup>

It shall be unlawful for any person not in discharge of a public duty to hunt game of any nature whatsoever within the corporate limits of the town using firearms, dogs bows and arrows or any other means whatsoever, even though such act shall be lawful under the laws of the state; provided, that nothing contained in this section shall prohibit any person from using firearms in the discharge of a public duty; provided further, that upon conviction of such offense and upon order of the trial officer, the firearms, dogs, bows and arrows or other instruments used in such hunting shall be forfeited to the town.

#### Sec. 12-13. Indecent and lewd conduct.<sup>9</sup>

It shall be unlawful for any person to indecently expose himself, commit any obscene act, utter and use obscene language, write obscene language or make obscene marks or drawings on any wall, fence or other object or thing or commit any lewd or indecent act in a public place or in the hearing or view of the public within the town. (1952 Code, § 8-200.2.)

#### Sec. 12-14. Indecent books, pictures, etc.<sup>1</sup>

It shall be unlawful for any person to print, engrave, make, exhibit, post, sell, offer for sale, show, offer to show or otherwise dispose of any indecent, vulgar or immodest book, pamphlet, paper, card, picture, statuary, motion picture or engraving or any other indecent, vulgar or immodest thing or object within the town. (1952 Code, § 8-200.19.)

#### Sec. 12-15. Litter.<sup>2</sup>

It shall be unlawful for any person to wilfully or knowingly do any act tending to cause any litter on the streets, sidewalks, alleyways or highways or cause any litter on any real or personal property within the town. (1952 Code, § 8-200.16.)

#### Sec. 12-16. Noise. (effective 12/1/2006)

##### Sec. 12-16.1. Prohibited noise, generally.

- (a) Prohibited noise. No person shall create or cause the creation of any noise so as to disturb or disrupt the peace and quiet of reasonable persons in the Town of Glasgow.

- (b) No person shall operate or permit to be operated any noise source which generates a sound pressure level exceeding the following limits when measured at or outside the property boundary of the noise source or at any point within any other property affected by the noise.

	7:00 am – 10:00 pm	10:00 pm – 7:00 am
Residential	57	52
Commercial	67	62
Industrial	77	77

When a noise source can be identified and its noise measured in more than one (1) district classification, the limits of the most restrictive classification shall apply.

1. Measurements shall be taken by a type II sound level meter as specified in the American National Standards Institute specifications (S1.4-1983 or later revision thereof) and used to measure sound pressure levels. The sound pressure level in decibels as measured on type II meters is specified in the American National Standards Institute for sound level meters (S1.4-1983 or a later revision thereof) using the A-weighting network. The sound level so read is designated dB(A) (A unit for measuring the volume of sound, equal to 20 times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter)).
2. In a structure used as a multi-family dwelling the police department may take measurements to determine such sound levels from common areas within or outside the structure or from other dwelling units within the structure, when requested to do so by the owner or tenant in possession and control thereof. Such measurement shall be taken at a point at least four (4) feet from the wall, ceiling or floor nearest the noise source, with doors to the receiving area closed and windows in the normal position for the season.
3. In order to implement and enforce this ordinance effectively, the Town Manager shall within a reasonable time after the effective date of this ordinance, develop and promulgate standards and procedures for testing and validating sound level meters used in enforcement of this ordinance.

(c) Enumerated acts. No person shall engage in any of the following acts, among others, which are declared to be loud disturbing and unnecessary noise in violation of this section, but such enumeration shall not be deemed to be exclusive:

- (1) Radios, phonographs, etc. No person shall operate or permit the playing of any radio, phonograph, television set, music sound system, tape player, radio receiving set, musical instrument or similar device which produces, reproduces, or amplifies sound or any musical instrument on any public sidewalk or right-of-way or on any other publicly owned property or on any privately owned property in such a manner or with such volume to disturb or annoy the quiet, comfort or repose of reasonable persons.
- (2) Operating or permitting the use or operation of any radio receiving set or any tape player or any other device which produces, reproduces or amplifies sound in a motor vehicle in such a manner that the sound can be heard more than twenty-five (25) feet from the motor vehicle.
- (3) Sound or permit the sounding of any horn, whistle or other device on or in any vehicle, except as a warning of danger.
- (4) Yelling, shouting, etc. No person on or in any public sidewalk, street or right-of-way or on any other publicly owned property or on any privately owned property shall engage in yelling, shouting, hooting, whistling or singing in such a manner or with such volume as to disturb or annoy the quiet, comfort or repose of reasonable persons.
- (5) Loudspeakers, amplifiers, etc. for advertising. No person shall use or permit the use of any musical instrument, radio, phonograph, sound amplifier or device of any kind whereby sound is cast on any highway, street or across property boundaries for the purpose of advertising or attracting the attention of the public to any performance, show, sale or display or merchandise or to any building or structure between the hours of 9:00 p.m. and 7:00 a.m. The use of such devices shall be permitted at other times provided they are not operated in such a manner or with such volume as to disturb or annoy the quiet, peace or repose of reasonable persons.

- (6) Shouting and crying of peddlers, etc. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood is prohibited.
- (7) Animals. No person shall keep or permit the keeping of any animal which, by causing frequent or long-continued noise, shall disturb the quiet, comfort or repose of the neighborhood to such an extent as to constitute a nuisance.

#### Sec. 12-16.2. Exemptions.

The following specific activities are exempt from the provisions of Sections 12-16.1 herein:

- (a) Sound created by the operation of domestic power tools such as power lawn mowers, chain saws, weed eaters, etc. provided the operation of said equipment is limited between the hours of 7:00 o'clock a.m. and 9:00 o'clock p.m. and such equipment is operated with a standard muffler or sound dissipating devices.
- (b) Sound generated by the construction, repair, maintenance, remodeling, demolition, alteration, grading or other improvement of real property, streets, sewers or utility lines, provided such sound is limited between the hours of 7:00 o'clock a.m. and 9:00 o'clock p.m..
- (c) Sound generated by the operation of any governmental function.
- (d) Radios, sirens, horns and bells on police, fire or other emergency response vehicles.
- (e) Parades, fireworks or other special events or activities for which a permit has been issued by the Town, within such hours as may be imposed as a condition for the issuance of the permit.
- (f) Religious services, religious events or religious activities, including, but not limited to music, bells, chimes and organs which are a part of such religious activity.
- (h) Non-commercial public speaking and public assembly activities conducted on any public right-of-way or public property for which a permit has been issued by the Town, within such conditions as may be imposed as a condition for the issuance of the permit.
- (j) Fire alarms and burglar alarms, prior to the giving of notice and a reasonable opportunity for the owner or tenant in possession of the premises served by any such alarm to turn off the alarm.
- (k) Sound generated for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.
- (l) Activities for which the regulation of noise has been preempted by federal law.
- (m) Religious or political gatherings and other activities protected by the First Amendment to the United States Constitution.
- (n) The movement of aircraft or trains which is conducted in accordance with or pursuant to applicable federal laws and regulations.

#### Sec. 12-16.3. Permits for Exemption.

Permits for exemptions for special events, under the provisions of this chapter, may be issued by approval of the Town Council. An application must be made with the Town Manager at least one week prior to the regular meeting of the Town Council on a form approved by the Town Manager.

#### Sec. 12-16.4. Penalties and violations.

- (a) Any person who violates any provision of this article shall be guilty of a class 3 misdemeanor. Any person who commits a second or subsequent violation of this article within a twelve (12) month period shall be guilty of a class 2 misdemeanor.
- (b) Each violation of any provision of this article shall constitute a separate offense, whether committed on the same or subsequent days.
- (c) The person operating or controlling a noise source shall be guilty of any violation caused by that source. If that cannot be determined, any owner, tenant or resident physically present on the property where the violation is occurring is rebuttably presumed to be guilty of the violation.

7. For state law as to gambling, letting, etc., see Code of Va., §§ 18.2-326 to 18.2-340.2.

8. As to animals and fowl generally, see ch. 4 of this code.

9. For state law as to Indecent exposure, see Code of Va., § 18.2-387.

1. For state law as to obscene items, exhibitions and performances, see Code of Va., §§ 18.2-372 to 18.2-386.

2. As to garbage and refuse generally, see ch. 8 of this Code.

Sec. 12-17. Obstructing free passage of others.<sup>3</sup>

Any person who in any public place or on any private property open to the public unreasonably or unnecessarily obstructs the free passage of other persons to and from or within such public place or private property and who shall fail or refuse to cease such obstruction or move on when requested to do so by the owner or lessee or agent or employee of such owner or lessee or by a duly authorized law-enforcement officer shall be guilty of a misdemeanor and punished as provided in section 7-1; provided, that nothing in this section shall be construed to prohibit lawful picketing.

Sec. 12-18. Petit larceny.<sup>4</sup>

Any person who commits any of the following acts shall be deemed guilty of petit larceny:

- (a) Commits larceny from the person of another of money or other thing of value of less than five dollars.
- (b) Commits simple larceny not from the person of another of goods and chattels of value of less than one hundred dollars.

Any violation of this section shall be punished as provided by section 7-1.

Sec. 12-19. Profane swearing and drunkenness<sup>5</sup>

It shall be unlawful for any person who shall have arrived at the age of discretion to profanely curse or swear or get or be drunk in public within the town. (1952 Code, § 8-200.21.)

Sec. 12-20. Public property- -Injuring, defacing, etc.<sup>6</sup>

If any person shall wilfully and maliciously break a window or door of any court-house, house of public worship, schoolhouse, town hall or other public building or library; or wilfully and maliciously injure or deface any courthouse, house of public worship, town hall or any other public building; or wilfully and maliciously destroy or carry away any furniture belonging to or in any of such buildings; or wilfully and unlawfully injure or deface any book, newspaper, magazine, pamphlet, map, picture, manuscript or other property belonging to any library, reading room, museum or other educational institution, or unlawfully remove the same therefrom, he shall be guilty of a misdemeanor and punished as provided by section 7-1.

Sec. 12-21. Refrigerators, iceboxes, etc. --Abandonment, etc.<sup>7</sup>

It shall be unlawful for any person to discard, abandon, leave or allow to remain in any place any icebox, refrigerator or other container, device or equipment of any kind with an interior storage area of more than two cubic feet of clear space which is airtight without first removing the door or hinges from such equipment or box; provided, that this section shall not apply to any icebox, refrigerator or other container which is being used for the purpose for which it was originally designated, or is being used for display purposes by a retail or wholesale merchant, or is crated, strapped or locked to such an extent that it is impossible for a child to obtain access to any airtight compartment thereof. A violation of this section shall be a misdemeanor.

3. For similar state law, see Code of Va., ~ 18.2-404.
4. For state law as to petit larceny, see Code of Va., § 18.2-96.
5. For similar state law, see Code of Va., § 18.2-388.
6. For state law as to Injuring, etc., any property, monument, etc., see Code of Va., S 18.2-137. As to in-juries to public buildings, etc.. see Code of Va.. § 18.2-138.
7. For state law as to discarding or abandoning iceboxes, etc., see Code of Va., § 18.2-319.

Sec. 12-22. Riots--Generally. <sup>8</sup>

It shall be unlawful for any person to engage in a riot or fight within the town. (1952 Code, § 8-200.5.)

Sec. 12-23. Same --Failure to disperse. <sup>9</sup>

It shall be unlawful for any person engaged, either actively or passively, in a riotous assembly of two or more persons to fail to disperse without delay after being commanded so to do by the mayor, town sergeant or any other police officer of the town. (1952 Code, § 8-200.6.)

Sec. 12-24. Same--Failure to assist officer. <sup>1</sup>

It shall be unlawful for any person to fail to assist the mayor, town sergeant or any police officer in the arrest, securing and dispersing of any persons engaged in a riotous assembly within the town, either actively or passively, upon the request of the mayor, town sergeant or any other police officer. (1952 Code, § 8-200.7.)

Sec. 12-25. Shoplifting. <sup>2</sup>

Whoever, without authority, wilfully conceals the goods or merchandise of any store while still upon the premises of such store shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as provided by section 7-1.

Sec. 12-26. Street lights, power poles, etc. --Damaging or destroying.

It shall be unlawful for any person to wilfully or negligently damage or destroy any electric power pole, light or any fixture thereof. (1952 Code, § 8-100.1.)

Sec. 12-27. Trespass--Upon private property. <sup>3</sup>

It shall be unlawful for any person to go upon or remain upon the lands or premises of another without authority of law, after having been forbidden to do so by the owner, lessee, custodian, agent or other person lawfully in charge or possession of such land. (1952 Code, § 8-100.5.)

Sec. 12 - 28. Same - -Upon public property.

No person, without having first obtained the permission of the town manager, shall go upon or remain or in any other manner trespass on the lands or premises owned by or belonging to the town. (1952 Code, § 8-400.1.)

Sec. 12 - 29. Water--To be curtailed during emergency.

In the event that the council shall, by the due adoption of an appropriate resolution, determine and conclude that a shortage of water exists within the town, the water service furnished by the town to any user of water shall be terminated or cur-tailed for the duration of such emergency in accordance with the terms and provisions of such resolution. (7-1-63, § 1.)

8. For state law as to riots, routs and unlawful assemblies, see Code of Va., §§ 18.2-404 to 18.2-414.1.
9. For state law as to failure to obey order of conservator of the peace, see Code of Va., § 18.2-464.
1. For state law as to refusal to aid officer in execution of his office, see Code of Va., § 18.2-463.
2. For state law as to concealment of merchandise in store, see Code of Va., §§ 18.2-103 to 18.2-106.
3. For state law as to trespass after having been forbidden to do so, see Code of Va., § 18.2-119.

Sec. 12-30. Weapons --concealment. <sup>4</sup>

It shall be unlawful for any person to carry about his person, hidden from common observation, any pistol, dirk, bowie knife, razor, black jack, sling shot or any similar weapon.

Any person found violating this section shall, upon conviction of such offense, be punished as provided by section 7-1. Any such weapon shall be forfeited to the town; provided, that nothing contained in this section shall be construed to apply to any person in the discharge of a public duty. (1952 Code, § 8-200.13.)

Sec. 12-31. Same--Sale to minors. <sup>5</sup>

It shall be unlawful for any person to sell, offer for sale, barter, give or furnish any weapon to any person under the age of sixteen years.

Any person found violating this section shall, upon conviction of such offense, be punished as provided by section 7-1. Any such weapon shall be forfeited to the town. (1952 Code, § 8-200.14.)

Sec. 12-32. Same--Discharging firearms. <sup>6</sup>

It shall be unlawful for any person not in discharge of a public duty to discharge any kind of firearms within the limits of the town; provided, that nothing herein contained shall prohibit any person from using firearms in the discharge of a public duty, (1952 Code, § 8-200.12.)

Sec. 12-33. Same--Dangerous missiles.

It shall be unlawful for any person to throw stones, sticks or other dangerous missiles or discharge arrows, nails, bullets, gravel or shot from any how, cross bow, sling shot, gravel shooter, air gun or similar implement within the town.

Any person found violating this section shall, upon conviction of such offense, be punished as provided by section 7-1 and such bow, cross bow, sling shot, gravel shooter, air gun or similar implement shall be forfeited to the town. (1952 Code, § 8-200.17.)

Sec. 12-34. Wine and beer--Sale prohibited between 12:00 Midnight Saturday and 12:00 Noon Sunday. <sup>7</sup>

It shall be unlawful for any person to sell or offer for sale any wine or beer, whether the same be classified as alcoholic beverages or as 3,2 beverages. between 12:00 Midnight on each and every Saturday and 12:00 Noon of the Sunday next succeeding or to permit the consumption of either wine or beer, whether the same be classified as alcoholic beverages or as 3.2 beverages, during such hours upon any premises licensed for the sale thereof under the laws of the state; provided, however, that the terms "sell" or "offer for sale" shall be construed and interpreted to include and embrace every element thereof including, but not limited to, the delivery or offer of delivery of wine and beer, whether the same be classified as alcoholic beverages or as 3.2 beverages, between such hours, and any such sale or offer of sale shall be complete when any element thereof shall be so present. (5-2-60, § 1; 10-4-65, § 1; 3-4-68, § 1.)

4. For state law as to carrying concealed weapons, see Code of Va., § 18.2-308
5. For state law as to furnishing certain weapons in any form to minors, see Code of Va., § 18.2-309.
6. For state law as to discharging firearms within occupied buildings, see Code of Va., § 18.2-279. As to wilfully discharging firearms in public places, see Code of Va., § 18.2-280.
7. For state law as to alcoholic beverages generally, see Code of Va., § 4-1 et seq. As to local regulation of time of sale of wine and beer, see Code of Va., § 4-97.

Sec. 12-35. Same--Sale prohibited on weekdays between 12:00 Midnight and 6:00A.M.

It shall be unlawful for any person to sell or offer for sale any wine or beer, whether the same be classified as alcoholic beverages or as 3.2 beverages, between the hours of 12:00 Midnight of each and every day, except Saturday, and 6:00A.M. of the day next succeeding or to permit the consumption of either wine or beer, whether the same be classified as alcoholic beverages or as 3.2 beverages, during such hours upon any premises licensed for the sale thereof under the laws of the state; provided, however, that the terms "sell" or "offer for sale" shall be construed and interpreted to include and embrace every element thereof including, but not limited to, the delivery or offer of delivery of wine and beer, whether the same be classified as alcoholic beverages or as 3.2 beverages, between such hours, and any such sale or offer of sale shall be complete when any element thereof shall be so present.

This section shall not be construed as permitting or authorizing the sale of wine and beer, whether the same be classified as alcoholic beverages or as 3.2 beverages, in violation of any regulation prescribed by the state alcoholic beverage control board pursuant to and in conformity with section 4-36, Code of Virginia, 1950. In the event that such regulations so prescribed determine and fix a different period during which wine and beer, whether the same be classified as alcoholic beverages or as 3.2 beverages, shall not be sold, offered for sale or consumed, such regulations shall be controlling. (5-2-60, § 1; 10-4-65, § 1; 3-4-68, § 1.)

Sec. 12-36. Pets Prohibited in Playground Area.

It shall be unlawful for any person to allow any pet under their control and/or ownership to be in the playground area, known as Kids Corner, of the recreation facility on Fitzlee Street. This area is defined by mulch or other fall protection material and/or fencing.  
(effective 9/13/05)

Sec. 12-37. Dog Waste In Parks.

No person owning or responsible for a dog shall permit the dog to defecate on any public property or right of way or on any private property other than property owned or leased by the person owning or responsible for the dog.

It is a specified defense to a charge of violating this section that the person charged immediately removed the excrement and properly disposed of it in a sanitary manner.

It is a specified defense to a charge of violating this section that the dog involved is a certified working dog trained to assist disabled individuals and that the person charged has a disability which prevents the individual from removing the excrement and properly disposing of it in a sanitary manner.  
(effective 9/13/05)

## **CHAPTER 13.**

### **PEDDLERS AND SOLICITORS.<sup>1</sup>**

#### **Article I. In General.**

[§ 13-1.](#) Street drumming.

#### **Article II. Solicitors.**

[§ 13-2.](#) "Solicitor" defined.

[§ 13-3.](#) Registration required.

[§ 13-4.](#) Issuance of permit.

[§ 13-5.](#) Fingerprinting and photographing of registrants.

[§ 13-6.](#) Fees.

[§ 13-7.](#) Revocation of permits.

[§ 13-8.](#) Prohibited acts.

[§ 13-9.](#) Exceptions.

#### **Article I. In General.**

**Sec. 13-1. Street drumming.**

No person shall obstruct or unduly interfere in any way with the passage of persons along the streets or sidewalks in the town for the purpose of inducing them to purchase any article or thing, or importune

passersby to make any such purchase, or enter any such establishment, or, in any disorderly or undue manner, solicit trade, customers or patronage along the streets or sidewalks in the town.

## **Article II. Solicitors.**

### **Sec. 13-2. "Solicitor" defined.**

The term "solicitor" means a person who goes from door to door visiting multi-family or single-family dwellings for the following purposes:

- (a) To sell any goods, wares or merchandise or accept subscriptions or orders therefor.
- (b) To accept or request donations for any charitable purpose.

1. As to distributing handbills, etc., see § 3-2 of this Code.

### **Sec. 13-3. Registration required.**

All persons, before entering into or upon a residential premises within the town for the purpose of soliciting, shall register with the town manager and furnish him with the following information:

- (a) The name, local and permanent addresses, age, race, weight, height, color of hair and eyes and any other distinguishing physical characteristics of the applicant.
- (b) The nature or purpose for which solicitations will be made and the nature of the goods, wares and merchandise offered for sale.
- (c) The name and address of the employer or organization represented.
- (d) A statement as to whether the applicant has been convicted of any felony or misdemeanor, and if so, the nature of the offense, when and where convicted and the penalty or punishment assessed therefor. (2-7-83.)

### **Sec. 13-4. Issuance of Permit.**

Upon furnishing the information required under section 13-3, the applicant shall be issued a permit, unless the information furnished in compliance with this article shows that the applicant has been convicted of a crime involving moral turpitude. A permit issued under this article shall be good for one year from the date of issuance, unless earlier revoked as provided in this article. Every solicitor shall carry his permit with him at all times while engaged in soliciting, and shall display the same to any person who shall demand to see the same while he is so engaged.

### **Sec. 13-5. Fingerprinting and photographing of registrants.**

Before issuing a permit pursuant to this article, the town manager shall take a photograph and a complete set of fingerprints of every individual registering pursuant to this article. (2-7-83.)

Sec. 13-6. Fees.

A fee of five dollars to cover the costs of investigation of the applicant and processing of the application shall be paid to the town manager when the application is filed, and shall not be returnable under any circumstances. (2-7-83.)

Sec. 13-7 Revocation of permits

The town manager or his designated agent shall revoke any permit issued under this article if he finds that the permittee has given false information or has knowingly withheld information in obtaining the same or upon violation of any provision of this article. (2-7-83.)

Sec. 13-8. Prohibited acts.

No person shall:

- (a) Enter into or upon a residential premises in the town under false pretenses to solicit for any purpose or for the purpose of soliciting orders for the sale of goods, wares or merchandise,
- (b) Remain in or on any residential premises after the owner or occupant has requested any such person to leave.
- (c) Enter upon any residential premises for soliciting, when the owner or occupant has displayed a "No Soliciting" sign on such premises.
- (d) Engage in the practice of soliciting in the town without a permit as provided for in this article.

Sec. 13-9. Exceptions

The provisions of this article shall not apply to:

- (a) Any person who visits any residence or apartment at the request or invitation of the owner or occupant thereof.
- (b) To unpaid members of any civic or charitable organization registered as such with the chief of police if the names of the solicitors have been listed as such members and the organization has provided each person listed with an approved means of identification with the organization represented.
- (c) Newsboys soliciting subscriptions to any newspaper for home delivery with-in the town.

(d) Route deliverymen who make deliveries at least once a week to regular customers and whose solicitation is only Incidental to their regular deliveries.

## **CHAPTER 14.**

### **SEWERS AND SEWAGE DISPOSAL.<sup>1</sup>**

#### Article I. In General.

- [§ 14-1.](#) Definitions.
- [§ 14-2.](#) Approved disposal system required.
- [§ 14-3.](#) Approval of disposal system required--Prior to construction.
- [§ 14-4.](#) Same--For subdivisions.
- [§ 14-5.](#) Inspections.
- [§ 14-6.](#) Misuse or neglect of disposal system prohibited.
- [§ 14-7.](#) Pit privies prohibited.

#### Article II. Sewer Connections.

- [§ 14-8.](#) Permit--Required.
- [§ 14-9.](#) Same--Application.
- [§ 14-10.](#) Same--Issuance.
- [§ 14-11.](#) Same--Fee.
- [§ 14-12.](#) Supervision of work.
- [§ 14-13.](#) To be extended to property line.
- [§ 14-14.](#) Termination.

- [§ 14-15.](#) Cost to be borne by town generally; owner to pay cost when over six feet.
- [§ 14-16.](#) Type and size of pipe--From connection to boundary line.
- [§ 14-17.](#) Same--From boundary line to interior installation.
- [§ 14-18.](#) Pipe joints to be gas and water tight.
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### Article III. Septic Tank Systems.

- [§ 14-23.](#) Permit required; application and issuance of permit.
- [§ 14-24.](#) Connection to sewer required when within three hundred feet; etc.
- [§ 14-25.](#) Specifications.

1. For state law as to sewage disposal generally, see Code of Va., §§ 15.1-317 to 15.1-319. As to water service charges and rates, see §§ 6-8 to 6-12 of this code.

### Article I. In General.

#### Sec. 14-1. Definitions.

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

Approved method of disposal of human excrement.

- (a) A properly installed flush toilet connected to a public or approved private sewer.
- (b) A flush toilet connected to an approved, properly installed septic tank system.
- (c) A flush toilet connected to an approved sewage disposal plant, publicly or privately owned.

Health department. The county health officer or his duly authorized representative, the sanitation officer. (8-4-52.)

#### Sec. 14-2. Approved disposal system required.<sup>2</sup>

It shall be unlawful for the owner of any house used as a human habitation or any other place where human beings congregate or are employed in the town to use or occupy or rent or lease the same for the use or occupancy by any person unless and until such house or building shall have been supplied or equipped with an approved method of disposal of human excrement of such construction as will comply with the requirements of this chapter. (8-4-52.)

#### Sec 14-3. Approval of disposal system required- -Prior to construction.

Before construction is begun on any sewage disposal system not specifically covered by this chapter, a plan of such system shall be presented to the state health department for approval and submission to the state water control board, if that agency's approval is required. (8-4-52.)

Sec. 14-4. Same--For subdivisions.

It shall be unlawful for any person to start any new subdivision or housing development before furnishing in triplicate plans and specifications of the sewer system or sewage disposal system to be used together with plans for the anticipated water system to be used, and such plans and specifications must be approved by the county health officer or his agent before construction is started. (8-4-52.)

Sec. 14-5. Inspections.

If, upon any inspection, the health officer or his authorized agent shall find any violation of this chapter or of the provisions of the permit issued under it, he shall direct the person to whom such permit was issued, by written notice, to make the necessary corrections within such reasonable time as shall be specified by such notice. (8-4-52.)

Sec. 14-6. Misuse or neglect of disposal system prohibited.

It shall be unlawful for any owner or any tenant or lessee of any premises properly supplied with a sanitary privy or flush toilet or other approved device for the disposal of human excrement to misuse or neglect the same so as to allow it or cause it to cease to be sanitary. (8-4-52.)

2. For state law as to approval of sewerage systems by counties, see Code of Va., §§15.1-326 to 15.1-332

Sec. 14-7. Pit privies prohibited.<sup>3</sup>

It shall be unlawful for any person to install or maintain, or cause to be installed or maintained, any pit privy within the corporate limits of the town.

**Article II. Sewer Connections.**

Sec. 14-8. Permit--Required.

No person shall effect a connection to the public sanitary sewer system of the town or do and perform any work or labor in connection with any plumbing installation within the town or cause the same to be done and performed, unless and until a valid plumbing permit therefor has been issued. (6-2-58, § 1.)

Sec. 14-9. Same --Application.

Any person or the authorized agent thereof desiring to effect a connection to the public sanitary sewer system or desiring to do and perform such work or labor or to have the same done or performed shall make application under oath to the town manager for the issuance of such permit. Such application shall set forth with reasonable certainty the location of the connection desired, the type of connection desired, the type and size of the sewer pipe to be installed, the terminus of such sewer pipe, the type of waste to be discharged into such public sanitary sewer system following installation of such sewer pipe -and the name of the person who shall install such sewer pipe or do and perform such work or labor. In addition thereto, such application shall contain a brief description of the real estate involved, a brief description of such work or labor to be so done and performed and a statement that such person will comply with the terms and provisions of all of the ordinances of the town in connection with the installation thereof and that such installation will not violate the terms and provisions of any ordinance of the town in force and of effect on the date of such application.

Upon request, such person or his authorized agent shall furnish such additional information, including detailed working plans, concerning the installation thereof as the town manager or council may deem necessary and proper prior to the issuance of any such permit, provided, however, that detailed working plans shall not be required if the total cost of such installation shall not exceed the sum of one thousand dollars. (6-2-58, § 1.)

Sec. 14-10. Same--Issuance.

All of the terms and provisions of sections 5-25 to 5-28 of this Code, relating to the issuance of building permits, shall be equally applicable to the issuance of permits under this article, and any such permit issued pursuant to the terms and provisions of this article shall be issued in the manner prescribed in sections 5-25 to 5-28. (6-2-58, § 1.)

Sec. 14-11. Same--Fee.

At the time of the filing of such application for the issuance of a permit hereunder, the applicant or his authorized agent shall pay a fee in the amount of five hundred dollars to the town treasurer for each and every dwelling house, building, structure or trailer to be connected to such public sanitary sewer system, pursuant to and in conformity with the terms and provisions of this article. (rev. 1/1/2003)

3. For charter provision as to power of council to regulate building of privies, see Char., § 11.

Sec. 14-12. Supervision of work.

The town manager or such other town officer as the council shall hereafter designate shall personally supervise the excavation for the purpose of effecting any connection to the public sanitary sewer system. Such connection shall be effected under the supervision of such officer, and no work or labor pertaining thereto shall be performed by any person unless such person shall be authorized and empowered in writing by the mayor to do and perform such work or labor or unless such person shall be an employee of the town and shall be directed by such officer to do and perform such work or labor (6-2-58, § 1.)

Sec. 14-13. To be extended to property line.

It shall be the duty and responsibility of the town to effect all connections to the public sanitary sewer system and to cause the necessary sewer pipe to be installed from such connection to the terminus thereof which shall be at the nearest point on the boundary line of the tract or parcel of land upon which such sewer line will terminate according to the application. (6-2-58, § 1.)

Sec. 14-14. Termination.

Any such sewer line so extended shall be terminated by the installation of a plug or stopper therein, and the same shall be sealed with a permanent gas and water tight joint, unless connected to an interior plumbing installation. (6-2-58, § 1.)

Sec. 14-15. Cost to be borne by town generally; owner to pay cost when over six feet.

The expense of extending such sewer line shall be solely borne by the town; provided, that the distance between the connection and the terminus thereof shall not exceed six feet.

In the event that the distance between such connection and terminus thereof shall exceed six feet, the owner of such tract or parcel of land upon which such sewer line will terminate shall pay all of the costs and expenses incurred by reason of the extension of such sewer line in excess of six feet and shall, prior to the commencement of the installation of such extension, deposit a sum sufficient to defray such costs and expenses with the town treasurer. (6-2-58, § 1.)

Sec. 14-16. Type and size of pipe --From connection to boundary line.

The town shall have the right, power and authority to determine the type and size of sewer pipe to be installed from any connection to the nearest point on the boundary line of such tract or parcel of land. (6-2-58, § 1.)

Sec. 14-17. Same - - From boundary line to interior installation.

No person shall cause any sewer line installed by the town and terminating at the boundary line of any tract or parcel of land to be extended by the installation of any sewer pipe other than cast iron or PVC sewer pipe of standard construction, and the size thereof shall not be less than four inches in diameter. (6-2-58, § 1; 2-7-83.)

Sec. 14-18. Pipe joints to be gas and water tight.

All joints and connections of any extension shall be permanently gas and water tight. (6-2-58, § 1.)

Sec. 14-19. Only licensed plumber or owner of tract to do work.

No person shall do and perform any work or labor in connection with the installation of an extension to any sewer line installed by the town unless such person shall be a plumber duly licensed by the town or shall be the owner of the tract or parcel of land involved therein. (6-2-58, § 1.)

Sec. 14-20. Inspection required prior to use.

The town manager or such other officer as the-council shall hereafter designate shall inspect all plumbing installations within the town, including all extensions to any such sewer line installed by the town, prior to the use thereof for the purpose of determining that all of the terms and provisions of this article have been fully complied with in all respects. Such officer shall have the right, power and authority to enter into and upon private property at reasonable hours for the purpose of inspecting the same. (6-2-58, § 1.)

Sec. 14-21. Connection to be disconnected and sealed upon refusal of owner to permit inspection.

In the event that the town manager or such other officer shall be prevented from inspecting any such installation by reason of any action or non-action on the part of the owner or agent, servant or employee or any other person acting on behalf of such owner of such private property, such officer shall forthwith cause the sewer line extending from the connection to such public sanitary sewer system to such boundary line to be disconnected and sealed in the manner prescribed by section 14-14. (6-2-58, § 1.)

Sec. 14-22. Rules and regulations.

The town manager shall be vested with the right, power and authority to make and promulgate such reasonable rules and regulations relative to the administration of the terms and provisions of this article as such officers may determine to be necessary and proper to the end that all plumbing installations within the town shall be installed in accordance with the minimum standards specified by this article under the supervision of the town manager or such other officer as the council shall hereafter designate and shall be subject to inspection by such officer prior to the use thereof, thereby protecting the health and safety of the citizens of the town. (6-2-58, § 1.)

**Article III. Septic Tank Systems.**

Sec. 14-23. Permit required; application and issuance of permit.

It shall be unlawful for any person to install or repair or to have, allow or contract to install or repair a septic tank system for another person without first making application to the county health officer for a septic tank permit.

Applications for such permits shall be made on forms furnished by the county health officer and shall contain clearly the description, location and dimensions of the land or lot on which the septic tank, distribution box and sewer piping are to be installed, the dimensions of the purification field, the type of land (such as loam, sandy loam, clay, gravel, etc.) and the direction in which the land drains in relation to reservoirs, springs and wells, Such application shall be accompanied by a plot of the land, when required, showing the location of the dwelling house and all other buildings and the plans and specifications of the whole septic tank system intended to be installed or repaired.

Upon approval of such application, the health officer shall issue a permit to the applicant for the installation of such septic tank system in accordance with the plans and specifications furnished, and if such plans are not approved but the size and location of the lot and type of soil are suitable for a properly planned septic tank system, the health officer shall clearly outline proper plans for the same and shall grant the permit only according to the plans so outlined by him; provided, however, that it shall be unlawful for any septic tank system to be installed or repaired in the town except upon such a permit. (8-4-52.)

Sec. 14-24. Connection to sewer required when within three hundred feet; etc.

If a public or private sewer is within three hundred feet of the building for which the septic tank is to be installed or repaired, the owner of such building shall be required to connect to the public or private sewer, if such connection is authorized, (8-4-52.)

Sec. 14-25. Specifications

All septic tank systems installed or repaired in the town shall consist of a sewer line from building to tank, septic tank, distribution box and drain tile purification field. The sewer line and system shall constructed, installed and maintained in accordance with specifications and regulations of the county health department. (8-4-52.)

## CHAPTER 15.

### SUBDIVISIONS <sup>1</sup>

(Note: This Chapter is not indexed and is a stand-alone ordinance included in the Town of Glasgow Code. For this reason heading and section numbering are different than the rest of the Code document.)

[§15-a](#) Authority

#### Article I. Purpose and Title.

[§15-1-1](#) Purpose

[§15-1-2](#) Title

#### Article II. Administration.

[§15-2-1](#) Administrator

[§15-2-2](#) Duties

[§15-2-3](#) To consult

[§15-2-4](#) Additional authority

#### Article III. Procedure for making and recording plats.

[§15-3-1](#) Platting required

[§15-3-2](#) Draw and certify

[§15-3-3](#) Owner's statement

[§15-3-4](#) No one exempt

- [§15-3-5](#) Private contracts
- [§15-3-6](#) Necessary changes
- [§15-3-7](#) Fees

#### Article IV. General Regulations.

- [§15-4-1](#) Mutual responsibility
- [§15-4-2](#) Land must be suitable
- [§15-4-3](#) Flooding
- [§15-4-4](#) Improvements
- [§15-4-5](#) Lots
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#### Article V. Approval of Plats.

- [§15-5-1](#) Approval required before sale
- [§15-5-2](#) Preliminary sketch
- [§15-5-3](#) Preliminary Plat
- [§15-5-4](#) Procedure
- [§15-5-5](#) No guarantee
- [§15-5-6](#) Six month limit
- [§15-5-7](#) Final plat
- [§15-5-8](#) Conditions

1. As to building regulations generally, see ch. 5 of this Code. As to zoning regulations generally, see ch. 18.

#### Article VI. Effectual Clauses.

- [§15-6-1](#) Exception
- [§15-6-2](#) Penalties
- [§15-6-3](#) Validity
- [§15-6-4](#) Repeal
- [§15-6-5](#) Amendments
- [§15-6-6](#) Effective date

#### Article VII. Definitions.

- [§15-7](#) Definitions

#### Sec. 15-a. Authority.

An ordinance to regulate the subdivision of property into lots, streets, alleys and other public areas, to provide for the making and recording of plats of such subdivision and the certification of same and provide for the approval of plats.

Whereas, Article 7 of the Virginia Planning Act found in the Code of Virginia 1950, as amended, Section 15.1-465, et seq., the Town Council of Glasgow, Virginia is authorized to adopt regulations to provide:

- (a) For size, scale and other plat details;
- (b) For the orderly development of the general area;

- (c) For the coordination of streets within the subdivision with other existing or planned streets within the general area as to location, widths, grades, and drainage;
- (d) For adequate provisions for drainage and flood control and other public purposes, and for light and air;
- (e) For the extent to which and the manner in which streets shall be graded, graveled or otherwise improved and water and sanitary sewers and other utilities or other facilities installed.
- (f) For the acceptance of dedication for public use of any right of way located within any subdivision which has constructed therein, or proposed to be constructed therein, any street, curb, gutter, sidewalk, drainage or sewerage system or other improvement, financed or to be financed in whole or in part by private funds Only 1£ the owner or developer (1) certifies to the governing body that the construction costs: have been paid to the persons constructing such facilities, or (2) furnishes to the governing body a certified check in the amount of the estimated costs of construction or a bond, with surety satisfactory to the governing body, in an amount sufficient for and conditioned upon the construction of such facilities, or a contract for the construction of such facilities and the contractor's bond, with like surety, in like amount and so conditioned:
- (g) For monuments of specific types to be installed establishing street and property lines;
- (h) That unless a plat be filed for recordation within a reasonable time after final approval thereof, such approval shall be withdrawn and the plat marked void arid returned to the approving official; and
- (i) For the administration and enforcement of such ordinance, not inconsistent with provisions contained in this act.

Therefore, be it ordained by the Town Council of Glasgow, Virginia, that the following regulations are hereby adopted for the subdivision of land within the corporate limits of the Town from and after the effective date of this ordinance. Every owner or proprietor of any tract of land to which these regulations apply who subdivides such tract as provided in these regulations shall cause a plat of such subdivision developed and prepared in accordance with these regulations, with reference to known or permanent monuments, to be made and recorded in the office of the clerk of the Circuit Court of Rockbridge County wherein deeds conveying such land are required by law to be recorded.

### **Article I. Purpose and Title**

#### **§15-1-1. Purpose.**

The purpose of this ordinance is to establish certain subdivision standards and procedures for Glasgow, Virginia, and such of its environs as come under the jurisdiction of the governing body as provided for by the 1950 Code of Virginia, as amended.

These are part of a long-range plan to guide and facilitate the orderly beneficial growth of the community, and to promote the public health, safety convenience, comfort, prosperity and general welfare. More specifically, the purposes of these standards and procedures are to provide a guide for the change that occurs when lands and acreage become urban in character as a result of development for residential, business, or industrial purposes, to provide assurance that the purchasers of lots are buying a commodity that is suitable for development and use; and to make possible the provision of public services in a safe, adequate and efficient manner. Subdivided land sooner or later becomes a public responsibility in that

roads and streets must be maintained and numerous public services customary to urban areas must be provided. This ordinance assists the community in meeting these responsibilities.

§15-1-2. Title.

This ordinance is known and may be cited as the "Subdivision Ordinance of Glasgow, Virginia."

**Article II. Administration**

§15-2-1. Administrator.

The agent appointed by the governing body is to administer this ordinance, subject to final approval of the governing body.

The agent shall also consult with the commission on matters contained herein.

§15-2-2. Duties.

The agent shall perform his duties as regards subdivisions and subdividing in accordance with this ordinance and the Virginia Land Subdivision Act.

§15-2-3. To Consult.

In the performance of his duties the agent may call for opinions or decisions, either verbal or written, from other departments in considering details of any submitted plat. This authority by the agent shall have particular reference to the resident highway engineer and the health officer.

§15-2-4. Additional Authority

In addition to the regulations herein contained for the platting of sub-divisions, the agent may, from time to time, establish any reasonable additional administrative procedures deemed necessary for the proper administration of this ordinance.

**Article III. Procedure for making and recording plats**

§15-3-1. Platting Required.

Any owner or developer of any tract of land situated within the town limits who subdivides the same shall cause a plat of such subdivision, with reference to known or permanent monuments, to be made and recorded in the office of the clerk of the appropriate court. No such plat of subdivision shall be recorded unless and until it shall have submitted, approved and certified by the agent and the governing body in accordance with the regulations set forth in this ordinance. No lot shall be transferred by deed in any such subdivision before the plat shall have been recorded.

§15-3-2. Draw and certify.

Every such plat shall be prepared by a surveyor or engineer duly licensed by the State of Virginia, who shall endorse upon each plat a certificate signed by him setting forth the source of the title of the land subdivided, and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon such plat, within an insert block, or by means of a dotted boundary line upon the plat.

§15-3-3. Owner's statement.

Every such plat, or the deed of dedication to which plat is attached, shall contain in addition to the surveyor's or engineers certificate a statement to the effect that "the above and foregoing subdivision of (here insert correct description of the land subdivided) as appears in the plat is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any, "which shall be signed by the owners, proprietors, and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgments of deeds, and when thus executed and approved as herein specified shall be filed and recorded in the office of the clerk of the appropriate court, and indexed under the names of the land owners signing such statement and under the name of the subdivision.

§15-3-4. No one exempt.

No person shall subdivide any tract of land that is located within the Town as defined in Article V of the Virginia Planning Act except in conformity with the provisions of this ordinance.

§15-3-5. Private contracts.

This ordinance bears no relation to any private easement, covenant, agreement or restriction, nor is the responsibility of enforcing such private easement, covenant, agreement or restriction implied herein to any public official. When this ordinance calls for more restrictive standards than are required by private contracts the provisions of this ordinance shall control.

§15-3-6. Necessary changes.

No change, erasure or revision shall be made on any preliminary or final plat, nor on accompanying data sheets after approval of the agent has been endorsed in writing by the agent and the governing body.

§15-3-7. Fees.

There shall be a charge for the examination and approval or disapproval of every plat. At the time of filing the preliminary plat, the subdivider shall deposit with the agent checks payable to the Town Treasurer in the amount of twenty-five dollars (\$25.00) per plat and one dollar (\$1.00) for each lot if the subdivision contains five (5) or more lots; if the subdivision contains less than five (5) lots, the charge shall be ten dollars (\$10.00) per plat and one dollar (\$1.00) for each lot.

**Article IV. General Regulations**

§15-4-1. Mutual responsibility

There is a mutual responsibility between the subdivider and the Town of Glasgow to divide the land so as to improve the general use pattern of the land being subdivided.

§15-4-2. Land must be suitable.

The agent shall not approve the subdivision of land if from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind proposed.

§15-4-3. Flooding.

Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other uses as may increase danger of health, life or property, or aggravate erosion or flood hazard. Such land within the subdivision shall be set aside on the plat for such

uses as shall not be endangered by periodic or occasional inundation or shall not produce conditions contrary to public welfare.

§15-4-4. Improvements.

All required improvements shall be installed by the subdivider at his cost. In cases where specifications have been established either by the Virginia Department of Highways for streets, curbs, etc. , or by local ordinances and codes, such specifications shall be followed. The subdivider's bond shall not be released until construction has been inspected and approved by the appropriate engineer. All improvements shall be in accordance with the following requirements:

1. Streets. All streets in the proposed subdivision shall be designed and constructed in accordance with the following minimum requirements by the subdivider at no cost to the Town of Glasgow.

(1) Alignment and Layout - The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas. The street arrangement must be such as to cause no unnecessary hardships to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the agent, it is desirable to provide for street access to adjoining property. Proposed streets shall be extended by dedication to the boundary line of such property. Half streets along the boundary of land proposed for subdivision may not be permitted. Wherever possible, streets should intersect at right angles. In all hillside areas streets running with contours shall be required to intersect at angles of not less than sixty (60) degrees, unless approved by the agent upon recommendation of the city engineer. On streets sixty (60) feet or more in width the center line radius of curvature shall not be less than two hundred (200) feet, on other streets not less than one hundred (100) feet.

(2) Service Drives - Whenever a proposed subdivision contains or is adjacent to a limited access highway or expressway, provision shall be made for a service drive or marginal street approximately parallel to such right of way at a distance suitable for an appropriate use of tile land between such highway and the proposed subdivision. Such distances shall be determined with due consideration of the minimum distance required for ingress and egress to the main thoroughfare. The right of way of any major highway or street projected across any railroad, limited access highway or expressway shall be of adequate width to provide for the cuts or fills required for any future separation of grades.

(3) Approach Angle - Major streets shall approach major or minor streets at an angle of not less than eighty (80) degrees, unless the agent, upon recommendation of the city engineer, shall approve a lesser angle of approach for reasons of contour, terrain or matching of existing patterns.

(4) Minimum Widths - The minimum width of proposed streets, measured from lot line to lot line, shall be as shown on the major street plan, or if not shown on such plan shall be,

- (a) Major Streets - not less than seventy (70) feet;
- (b) Minor Streets - not less than sixty (60) feet;
- (c) Local service drives or other minor streets which cannot be extended in the future - not less than sixty (60) feet; and
- (d) Alleys, if permitted - not less than twenty (20) feet nor more than twenty-eight (28) feet.

(5) Construction Requirements - In cases where Virginia Department of Highways specifications are lacking or are less restrictive than the requirements of this ordinance, this ordinance shall prevail.

The roadway shall be graded to thirty (30) feet exclusive of side ditches.

Base for pavement shall be at least twenty-four (24) feet in width and six (6) inches in depth and be of stone, gravel or other satisfactory material approved by the Virginia Department of Highways.

Pavement width shall be a minimum of thirty (30) feet constructed of material passing Virginia Department of Highways specifications. The pavement will consist of a bituminous oil primer treatment and double sealed treatment with rates of application to be in accordance with the Virginia Department of Highways Specifications.

The grades of streets submitted on subdivision plats shall be approved by the agent upon recommendation of the city engineer, prior to final action by the agent. Wherever feasible, street grades shall not exceed twelve (12) per cent.

(6) Cul-de-sacs - Generally, minor terminal streets (cul-de-sacs), designed to have one end permanently closed, shall be no longer than four hundred (400) feet to the beginning of the turn-around. Each cul-de-sac must be terminated by a turn-around of not less than one hundred (100) feet in diameter.

(7) Alleys - Alleys should be avoided wherever possible. Dead-end alleys, if unavoidable, shall be provided with adequate turnaround facilities as determined by the agent.

(8) Private Streets and Reserve Strips - There shall be no private streets platted in any subdivision. Every subdivided property shall be served from a publicly dedicated street. There shall be no reserve strip controlling access to streets.

(9) Names - Proposed streets which are obviously in alignment with other already existing and named streets, shall bear the names of the existing streets. In no case shall the names of proposed streets duplicate existing street names irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, lane, or court. Street names shall be indicated on the preliminary and final plats, and shall be approved by the agent. Names of existing street shall not be changed except by approval of the governing body.

(10) Identification Signs - Street identification signs of a design approved by the agent shall be installed at all intersections.

2. Monuments. As required by this ordinance all monuments must be installed by the subdivider and shall meet the minimum specifications. Upon completion of subdivision streets, sewers, and other improvements, the subdivider shall make certain that all monuments required by the agent are clearly visible for inspection and use. Such monuments shall be inspected and approved by the agent before any improvements are accepted by the governing body

(1) Location - Concrete - Concrete monuments four (4) inches in diameter or square, three (3) feet long, with a flat top, shall be set at all street corners, at all points where the street line intersects the exterior boundaries of the subdivision, and at right angle points, and points of curve in each street. The top of the monument shall have an appropriate mark to identify properly the location and shall be set flush with the finished grade.

(2) Location - Iron Pipe - All other lot corners shall be marked with iron pipe not less than three-fourths (3/4) inch in diameter and *twenty-four* (24) inches long and driven so as to be flush with the finished grade. When rock is encountered, a hole shall be drilled four (4) inches deep in the rock, into which shall be cemented a steel rod one-half (1/2) inch in diameter, the top of which shall be flush with the finished grade line.

3. Water Facilities. Where public water is available the service shall be extended to all lots within a subdivision, including fire hydrants by the subdivider in accordance with the design standards and specifications for water, construction, and improvements in Glasgow, Virginia and meeting the approval of the agent. Every subdivision containing twenty-five (25) or more lots to which public water cannot or will not be provided shall be supplied by the subdivider with a complete central water supply and distribution system to serve each and every lot containing less than twenty thousand square feet per lot.

4. Sewerage Facilities. Where public sewerage facilities are available the service shall be extended to all lots within a subdivision and septic tanks will not be permitted. Every subdivision shall be provided by the subdivider with a satisfactory and sanitary means of sewage collection and disposal in accordance with the design standards and specifications for sewerage construction and improvements in Glasgow, Virginia, and meeting the approval of the agent, provided the average prevailing lot size is less than twenty thousand (10,000) square feet. In case of a subdivision in which the size of lots are twenty thousand (20,000) square feet or more in area, an individual sewage disposal system for each lot may be provided by subdivider, subject to the approval by the health official.

5. Private Water and/or Sewer. Nothing in this regulation shall prevent the installation of privately owned water and/or sewerage facilities in areas where public water and/or sewerage facilities are not available. provided, however, that such installations must meet all the requirements of the State Water Control Board the State Health Department, and any other State or local regulation having authority over such installation.

6. Lot Size. The minimum lot size in any area shall be in accordance with the zoning ordinance for those subdivisions within the corporate limits.

7. Exceptions. Greater lot areas may be required where individual septic tanks or individual wells are used if the health official determines that there are factors of drainage, soil condition or other conditions to cause potential health problems. The agent shall require that data from percolation tests be submitted as a basis for passing upon subdivisions dependant upon septic tanks as a means of sewage disposal.

8. Storm Drainage Facilities. The subdivider shall provide all necessary information needed to determine what improvements are necessary to properly develop the subject property, including contour intervals, drainage plans and flood control devices. The subdivider shall also provide plans for all such improvements together with a properly qualified certified engineer's or surveyor's statement that such improvements, when properly installed will be adequate for proper development. The city engineer shall then approve or disapprove the plans. The subdivider shall also provide any other information required by the city engineer.

9. Fire Protection. The installation of adequate fire hydrants in a sub-division at locations approved by the agent may be required, provided necessary public water is available. The agent shall consult with the proper authority before approving such location.

10. Easements. The agent may require that easements for drainage through adjoining property be provided by the subdivider. Easements of not less than ten (10) feet in width shall be provided for water, sewer, power lines and other utilities in the subdivision where required by the agent.

11. Bond. Before any subdivision plat will be finally approved by the governing body the subdivider shall, in lieu of construction, furnish bond with surety in an amount calculated by the governing body to secure the required improvements in a workmanlike manner, and in accordance

with specifications and construction schedules established or approved by the city engineer which bond shall be payable to and held by the governing body.

12. Plans and Specifications. Two (2) blue or black line prints of the plans and specifications for all required physical improvements to be installed, shall be prepared by an engineer and shall be submitted to the agent for approval or disapproval within sixty (60) days. If approved one (1) copy bearing certification of such approval shall be returned to the subdivider. If disapproved, all papers shall be returned to the subdivider with the reason for disapproval in writing. In the event no action is taken in sixty (60) days such subdivision shall be deemed approved.

13. Curb and Gutter. The subdivider shall provide curb and gutter on both sides of the street in accordance with the following minimum dimensions:

From the face of gutter to the face of the curb - twenty-four (24) inches. Thickness of gutter - seven (7) inches, Height of curb - six (6) inches. Thickness of curb - six (6) inches.

14. Reservation of Land for Public Uses. Due consideration shall be given by ah subdividers and by the governing body to sites for schools, parks and other public uses.

#### §15-4-5. Lots.

In addition to the area and width requirements already specified, lots shall be arranged in order that the following considerations are satisfied.

1. Shape. The lot arrangement, design, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, and conform to requirements of this ordinance. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes.

2. Location. Each lot shall abut on a street dedicated by the subdivision plat, or on an existing publicly dedicated street, or on a street which has become public by right of use. If the existing streets are not sixty (60) feet in width, the subdivider shall make provisions in the deeds to the lots for all buildings to be so constructed as to permit the widening by dedication of such roads or streets to a width of sixty (60) feet.

3. Corner Lots. Corner lots shall have extra width sufficient for maintenance of any required building lines on both streets as determined by the agent.

4. Side lines. Side lines of lots shall to approximately at right angles, or radial to the street line.

5. Remnants. All remnants of lots below minimum size left over after subdividing of a tract must be added to adjacent lots, or otherwise disposed of rather than allowed to remain as unusable parcels.

6. Separate Ownership. Where the land covered by a subdivision includes two or more parcels in separate ownership, and lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership, simultaneously with the recording of the final plat. Said deed is to be deposited with the clerk of the court and held with the final plat until the subdivider is ready to record same, and they both shall then be recorded together.

7. Business or Industrial. Lots intended for *business* or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

§15-4-6. Blocks.

Where created by the subdividor, of land, all new blocks shall be of modern design and shall comply with the following general requirements:

1. Length. Generally, the maximum length of blocks shall be six hundred (600) feet, and the minimum length of blocks upon which lots have *frontage* shall be two hundred seventy (270) feet.
2. Width. Blocks shall be wide enough to allow two tiers of lots of minimum depth, except where fronting on major streets, unless prevented by topographical conditions or size of the property, in which case the agent may approve a single tier of lots of minimum depth.
3. Orientation. Where a proposed subdivision will adjoin a major road the agent may require that the greater dimension of the block shall front or back upon such major thoroughfare to avoid unnecessary ingress or egress.

**Article V. Approval of Plats**

§15-5-1. Approval required before sale.

Whenever any subdivision of land is proposed, and before any permit for the erection of a structure shall be granted, the subdividor or his agent shall apply in writing to *the* agent for the approval of the subdivision plat and submit three (3) copies of the preliminary plat including the lot, street and utilities layout. No lot shall be transferred by deed until a final plat for the subdivision shall have been approved and recorded in the following manner:

§15-5-2. Preliminary Sketch.

The subdividor may, if he so chooses, submit to the agent a preliminary sketch of the proposed subdivision prior to his preparing an engineered preliminary and/or final plat. The purpose of such preliminary sketch is to permit the agent to advise the subdividor whether his plans in general are in accordance with the requirements of this ordinance. The commission, upon submission of any preliminary sketch, shall study it and advise the subdividor wherein it appears that changes would be necessary. The agent may mark the preliminary sketch indicating necessary changes and any such marked sketch shall be returned to the commission with the preliminary plat. The preliminary sketch shall be as follows:

1. It shall be drawn on white paper, or on a print of a topographic map of the property. It shall be drawn to a scale of one hundred (100) feet to the inch. It shall show the name, location and dimensions of all streets entering the property, adjacent to the property, or terminating at the boundary of the property to be subdivided. It shall show the location of all proposed streets, lots, parks, playgrounds and other proposed uses of the land to be subdivided and shall include the approximate dimensions.
2. Part of Tract. Whenever part of a tract is proposed for platting and it is intended to subdivide additional parts in the future, a sketch plan for the entire tract shall be submitted with the preliminary plat. This sketch is merely for informational purposes and is not binding on the subdividor or the governing body.

§15-5-3. Preliminary Plat.

The subdivider shall present to the commission three (3) prints of a preliminary layout at a scale of one hundred (100) feet to the inch as a preliminary plat. The preliminary plat shall include the following information:

1. Name of subdivision, owner, subdivider, surveyor or engineer, date of drawing, number of sheets, north point and scale. If true north is used, method of determination must be shown.
2. Location of proposed subdivision by an insert map at a scale of not less than two (2) inches equal one (1) mile showing adjoining roads, their names and numbers, towns, subdivisions and other landmarks.
3. The boundary survey or existing survey of record provided such survey shows a closure with an accuracy of not less than one in twenty-five hundred; total acreage, acreage of subdivided area, number and approximate area and frontage of all building sites, existing buildings within the boundaries of the tract, names of owners and their property lines with the boundaries of the tract and adjoining such boundaries.
4. All existing, platted and proposed streets, their names, numbers, and widths; existing utility or other easements, public areas and parking spaces; culverts, drains and water course, their names and other pertinent data.
5. The complete drainage layout, including all pipe sizes, types, drainage easements and means of transporting the drainage to a well defined open stream which is considered natural drainage.
6. A cross section showing the proposed street construction, depth and type of base, type of surface, etc.
7. A profile or contour map showing the proposed grades for the streets and drainage facilities including elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the center line of streets together with proposed grade lines connecting therewith.
8. A location map tying the subdivision into our present road system, either by aerial photographs or topographic maps of the U.S. Department of Interior.
9. Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply.
10. All parcels of land to be dedicated for public use and the condition of such dedication.

§15-5-4. Procedure.

The agent or his appointed representative shall discuss the preliminary plat with the subdivider in order to determine whether or not his preliminary plat generally conforms to the requirements of the subdivision ordinance and of the zoning ordinance. The subdivider shall then be advised in writing within sixty (60) days' which may be by formal letter or by legible markings on his copy or the preliminary plat, concerning any additional data that may be required, the character and extent of public improvements that will have to be made, and estimate of the cost of construction or improvements and the amount of the performance bond which will be required as a prerequisite to approval of the final subdivision plat. In determining the cost of required improvements and the amount of the performance bond, the agent may consult with a duly licensed engineer who shall prepare this data for the agent, or preferably may require a bona fide estimate of the cost of improvements to be furnished by the subdivider.

§15-5-5. No guarantee.

Approval by the agent of the preliminary plat does not constitute a guarantee of approval of the final plat.

§15-5-6. Six month limit

The subdivider shall have not more than six (6) months after received official notification concerning the preliminary plat to file with the agent a final subdivision plat in accordance with this ordinance. Failure so to do shall make preliminary approval null and void. The agent may, on written request by the subdivider, grant an extension of this time limit.

§15-5-7. Final Plat.

The subdivision plats submitted for final approval by the governing body and subsequent recording shall be clearly and legibly drawn in ink upon tracing cloth at a scale of one hundred (100) feet to the inch on sheets having a size of fifteen (15) inches by twenty (20) inches. In addition to the requirements of the preliminary plat the final plat shall include the following:

1. A blank oblong space three inches by five inches shall be reserved for the use of the approving authority.
2. Certificates signed by surveyor or engineer setting forth the source of title of the owners of the land subdivided and the place of record of the last instrument in the chain of title.
3. A statement to the effect that the subdivision as it appears on this plat is with the free consent and in accordance with the desires of the owners, proprietors and trustees, if any, which shall be signed by the owners, proprietors and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgments of deeds.
4. When the subdivision consists of land acquired from more than one source of title the outlines of the various tracts shall be indicated by dash-lines. and identification of the respective tracts shall be placed on the plat.
5. The accurate location and dimensions by bearings and distances with all curve data on all lots and street lines and center lines of streets, boundaries of all proposed or existing easements, parks, school sites, all existing public and private streets, their names, numbers and widths, existing utilities, and those to be provided such as sanitary sewers, storm drains, water mains, manholes and underground conduits including their size and type, water courses and their names, names of owners and their property lines, both within the boundary of the subdivision and adjoining said boundaries.
6. Distances and bearings must balance and close with an accuracy of not less than one in ten thousand.
7. The data of all curves along the street frontage shall be shown in detail at the curve data table containing the following: Delta, radius, arc, tangent, chord and chord bearings.

§15-5-8. Conditions.

The plat shall not be approved until the subdivider has complied with the general requirements and minimum standards of design in accordance with this ordinance, and has made satisfactory arrangements for performance bond, cash or cash bond to cover the cost of necessary improvements, in lieu of construction, to the satisfaction of the agent. Approval of final plat shall be written on the face of the plat by the agent. The subdivider shall record plat within sixty (60) days after final approval; otherwise agent shall mark plat "void" and return same to subdivider.

**Article VI. Effectual Clauses**

§15-6-1. Exception.

Where the subdivider can show that a provision of these standards would cause unnecessary hardship if strictly adhered to, and where, because of topographical or other conditions peculiar to the site, in the opinion of the Town Council a departure may be made without destroying the intent of such provisions, the Town Council may authorize an exception. Any exception thus authorized is required to be entered in writing in the minutes of the Town Council and the reason on which the departure was justified set forth.

§15-6-2. Penalties.

Any owner or proprietor of any tract of land who subdivides that tract of land and who violates any of the provisions of this ordinance shall be guilty of a misdemeanor, punishable by a fine of not less than ten dollars (\$10.00) nor more than two hundred fifty dollars (\$250.00), and each day after the first during which such violation shall continue shall constitute a separate violation.

§15-6-3. Validity.

Should any article, section, subsection or provision of this subdivision ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this subdivision ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

§15-6-4. Repeal.

All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed to the extent of their conflict.

§15-6-5. Amendments.

This ordinance may be amended in whole or in part by the governing body provided that any such amendment shall either originate with or be submitted to the commission for recommendation; and further provided that no such amendment shall be adopted without a public hearing having been held by the governing body. Notice of the time and place of the hearing shall have been given at least once a week for two weeks, and the last notice at least five (5) days prior to the hearing.

§15-6-6. Effective Date.

This ordinance was duly considered, following a required public hearing held on December 4, 1972, and was adopted by the Town Council of Glasgow, Virginia, at its regular meeting held on December 11, 1972.

**Article VII. Definitions**

For the purpose of this ordinance, certain words and terms used herein shall be interpreted or defined as follows: Words used in the present tense include the future, words in the singular number include the plural, and the plural the singular, unless the natural construction of the word indicates otherwise; the word "lot" includes the word "parcel"; the word "shall" is mandatory and not directory; the word "approve" shall be considered to be followed by the words "disapproved"; any reference to this ordinance includes all ordinances amending or supplementing the same; all distances and areas refer to measurement in a horizontal plane.

1. AGENT: shall mean the person or persons appointed by the governing body of Glasgow to serve as the agent of said governing body with respect to the subdivision of land and the plat thereof pursuant to this ordinance and to perform such other duties and functions with respect to this ordinance as said governing body may require.
2. ALLEY: A permanent service way providing a secondary means of access to abutting properties.
3. BUILDING LINE: The distance which a building is from the front lot line or front boundary line.
4. COMMISSION: Tile planning commission of Glasgow, Virginia.
5. CUL-DE-SAC. A street with only one outlet and having an appropriate turn-around for a safe and convenient reverse traffic movement.
6. DEVELOPER: Any owner of property being subdivided, whether or not represented by an agent.
7. EASEMENT: A grant by a property owner of the use of land for a specific purpose or purposes.
8. ENGINEER: An engineer licensed by the Commonwealth of Virginia.
9. GOVERNING BODY: The Town Council of Glasgow, Virginia.
10. HEALTH OFFICIAL: The health director or sanitarian for the Town of Glasgow. Virginia.
11. HIGHWAY ENGINEER: The resident engineer employed by the Virginia Department of Highways.
12. JURISDICTION: The area or territory subject to the legislative control of the governing body.
13. LOT: A numbered and recorded portion of a subdivision intended for transfer of ownership or for building development for a single building and its accessory building.
14. LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection; the shortest side fronting upon a street shall be considered the front of the lot, and the longest side fronting upon a street shall be considered the side of the lot.
15. LOT, DEPTH OF: The mean horizontal distance between the front and rear lot lines.
16. LOT, DOUBLE FRONTAGE: An interior tot having frontage on two (2) streets.
17. LOT, INTERIOR: A lot other than a corner lot.
18. LOT OF RECORD: A lot which has been recorded in the office of the clerk of the appropriate court.
19. LOT, WIDTH OF: The mean horizontal distance between the side lot lines.
20. PLAT: Includes the terms: map, plan, plot, replat, or replot; a map or plan of a tract or parcel of land which is to be, or which has been subdivided. When used as a verb "plat" is synonymous with "subdivide".
21. PROPERTY: Any tract, lot, parcel or several of the same collected together for the purpose of subdividing.
22. STREET: The principal means of access to abutting properties.
23. STREET OR ALLEY, PUBLIC USE OF: The unrestricted use of a specified area or right of way for ingress and egress to two or more abutting properties.

24. **STREET, MAJOR:** A heavily traveled thoroughfare or highway that carries a large volume of through traffic, or anticipated traffic exceeding five hundred (500) vehicles per day.

25. (not used in the original ordinance)

26. **STREET, SERVICE DRIVE:** A public right of way generally parallel and contiguous to a major highway, primarily designated to promote safety by eliminating promiscuous ingress and egress to the right of way by providing safe and orderly points of access to the highway.

27. **STREET WIDTH:** The total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks and planting strips.

28. **SUBDIVIDE:** To divide any tract, parcel or lot of land into two or more lots.

1. The agent may, however, with approval of the governing body permit the separation of one parcel from a tract of land without complying with all requirements of this ordinance if it is not in conflict with the general meaning and purpose of the ordinance.

2. The word "subdivide" and any derivative thereof shall have reference to the term "subdivider" as defined in Section 7-29.

29. **SUBDIVIDER:** An individual, corporation or registered partnership, owning any tract, lot or parcel of land to be subdivided, or a group of two or more persons owning any tract, lot or parcel of land to be subdivided, who have given their power of attorney to one of their group or to another individual to act on their behalf in planning negotiating for, in representing, or executing the legal requirements of the subdivision.

30. **SUBDIVISION:** A division of a lot, tract, or parcel of land into two or more lots or other subdivision of land, for the purpose, whether immediate or future, of transfer of ownership, or of building development, including all changes in street or lot lines, and including any parcel previously separated by the then owner of such tract for such purpose subsequent to the adoption of these regulations provided, however, that divisions of land in parcels of two acres or more not involving any new street or easement of access shall be exempted.

## **CHAPTER 16.**

### **SWIMMING POOLS**

Chapter 16 was repealed in its entirety on 7-10-1995 and the Town Council voted to adopt the BOCA Code in its stead.

## **CHAPTER 17.**

### **MANUFACTURED HOUSING AND MANUFACTURED HOUSING PARKS**

Revised 12/1/03

#### Article I. In General.

[§ 17-1.](#) Definitions.

#### Article II. Manufactured Homes.

[§ 17-2.](#) Age of Homes

[§ 17-3.](#) Use as Accessory Structure Not Permitted.

[§ 17-4.](#) Attachment of Two or More Homes

[§ 17-5.](#) Underpinning and Skirting

#### Article III. Manufactured Housing Parks.

[§ 17-6.](#) Access and Lot Requirements.

[§ 17-7.](#) Parking

[§ 17-8.](#) Accessory Structures

- [§ 17-9.](#) Electrical and Petroleum Requirements
- [§ 17-10.](#) Trash Disposal
- [§ 17-11.](#) Park Owner to Maintain Record of Owners and Occupants
- [§ 17-12.](#) Sub-Leasing
- [§ 17-13.](#) Stormwater Management
- [§ 17-14.](#) Ownership Defined as Business
- [§ 17-15.](#) Unoccupied Homes

## **Article I. In General.**

### **Sec. 17-1. Definitions.**

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

**Manufactured Home:** A structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

**Manufactured Home Park:** A group of manufactured homes located on a single tract of land owned by one person or entity who may lease lots to occupants who may own or lease the manufactured home as their permanent residence for single-family residential purposes.

**Owner.** Any person being vested with any right, title or interest in and to any real or personal property, including any tenant, lessee or licensee and their agents, heirs, personal representatives or assigns.

## **Article II. Manufactured Homes.**

### **Sec. 17-2. Age of Homes**

Homes constructed greater than 20 years from the date of the building permit to locate in Town shall not be located or relocated within the Town of Glasgow and all homes shall bear the seal of a testing laboratory approved by the Commonwealth of Virginia.

### **Sec. 17-3. Use as Accessory Structure Not Permitted.**

A manufactured home shall not be used for the purpose of an accessory use, such as a separate storage facility.

### **Sec. 17-4. Attachment of Two or More Homes**

The attachment of a manufactured home to another manufactured home or attachment to a single family dwelling is prohibited.

### **Sec. 17-5. Underpinning and Skirting**

Each manufactured home shall be underpinned unless a solid masonry foundation is provided. Every space for manufactured homes shall be provided with devices for anchoring the unit to prevent overturning or uplift. The anchorage shall be adequate to withstand wind forces and uplift as required in the County building code.

All manufactured homes shall be completely skirted such that no part of the undercarriage shall be visible to a casual observer. Skirting shall be completed in accordance with materials and methods typical to such applications.

### **Article III. Manufactured Housing Parks**

#### **Sec. 17-6. Access and Lot Requirements.**

Only one manufactured home may occupy a single lot within any manufactured home park.

Every manufactured home park shall abut upon a public street and shall provide suitable all-weather access therefrom for the passage of fire-fighting apparatus. In addition, such manufactured home park shall be designed or laid out in such a manner so as to provide free all-weather access to each unit located, accommodated, parked or stored thereon for passage or use by fire-fighting apparatus.

No manufactured home shall be located, accommodated, or stored closer than fifteen feet to any other manufactured home, including any additions and appurtenances to such manufactured home, or any building, dwelling or other structure and in no instance closer than five feet from any lot line.

#### **Sec. 17-7. Parking**

Off-street parking shall be provided for the use of occupants at the minimum ratio of 2.0 car spaces (each space containing a minimum of one hundred eighty (180) square feet) for each manufactured home. Each off-street parking space shall be paved or graveled and have unobstructed access to either a public or private street. On street parking is prohibited unless the paved street on which the mobile home fronts is expanded to accommodate additional parking lanes or parking bays.

#### **Sec. 17-8. Accessory Structures**

Accessory structures must be constructed with conventional materials and methods (as outlined in the Uniform Building Code) and may not total more than 150 square feet for each lot.

#### **Sec. 17-9. Electrical and Petroleum Requirements**

All electrical systems and equipment installed or maintained within any manufactured home park shall be of an approved type and installed in accordance with the provisions of the National Electrical Code insofar as the same are applicable.

The electrical supply facilities of every manufactured home park shall have adequate capacity to serve the maximum connected load, subject to a demand factor, as determined by the public utility furnishing such electrical service.

The owner of every manufactured home park shall provide facilities for electrical supply to each unit so located, accommodated, parked or stored thereon with readily accessible means of disconnecting such electrical supply, and shall provide for each such unit or a grounding type supply receptacle incorporating or provided with appropriate fuses or circuit breakers. The electrical connection between the electrical supply and any home shall be made only by an employee of the public utility furnishing such electrical service or by a duly licensed electrical contractor.

The owner of every manufactured home park shall provide a ground connection for unit with clamps or other facilities for connection between ground and the body of the unit, if of metal, and such ground connection

shall be a minimum of No. 8 stranded copper conductor or its equivalent and shall be connected to a metallic water pipe or other approved ground in accordance with the National Electrical Code. Such ground connection shall be made before connecting any such home to the electrical supply and shall be kept in place at all times while the electrical supply is connected.

No home shall be disconnected from such electrical supply or ground connection except by the employee of the public utility furnishing such electrical service or by a duly licensed electrical contractor.

All overhead electrical conductors or wiring shall have a clearance of at least eighteen feet in those areas of every manufactured home park reserved for passage or use by fire-fighting apparatus.

The storage or handling of liquid petroleum gases in every manufactured home park shall be in accordance with the provisions of chapter 7, title 27, (Division VI, Standards of National Board of Fire Underwriters For The Storage And Handling of Liquefied Petroleum Gases--NBFU No. 58), Code of Virginia, 1950, as amended.

The storage and handling of flammable liquids in every manufactured home park shall be in accordance with the current standards of the National Fire Protection Association.

#### Sec. 17-10. Trash Disposal

The owner of every manufactured home park shall provide an adequate system for the collection and safe disposal of rubbish and garbage, and the entire manufactured home park area shall be maintained free of dried brush, leaves, weeds, rubbish, garbage and other debris of every kind, nature and description. (9-6-60, § 1.)

#### Sec. 17-11. Park Owner to Maintain Record of Owners and Occupants

The operator of a manufactured home park shall keep an accurate register of all tenants occupying homes located in the park. The register shall show the name and permanent residence address of the owner and occupants of any home located in the park; the make and registration of any home; the time and date of arrival and departure; and such other information as might be necessary to provide information about the occupants of the home. These records shall be open to the law enforcement officers and public officials whose duties necessitate acquisition of the information contained in the register. The register record for each occupant registered shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park.

#### Sec. 17-12. Sub-Leasing

Homes in manufactured home parks shall not, subject to the provisions of Code of Virginia 55-248.27, be leased to any person by the owner of the home unless said home is owned by the owner of the park.

#### Sec. 17-13. Stormwater Management

The owner of the manufactured home park shall maintain a reasonable system of drainage to ensure stormwater does not accumulate on the property.

#### Sec. 17-14. Ownership defined as business.

The owner of any manufactured home park within the town shall be presumed to be engaged in the conduct and operation of a business therein.

Sec. 17-15. Unoccupied Homes

No home in a manufactured home park shall remain unoccupied for a period of greater than 90 days. Any home unoccupied for a period of greater than 90 days shall be removed from the park by the owner of the home, and if said owner fails to do so, it shall be removed by the owner of the park.

**CHAPTER 18.**

**ZONING<sup>1</sup>**

Article I. In General.

- [§ 18-1.](#) Definitions.
- [§ 18-2.](#) Enforcement of chapter.
- [§ 18-3.](#) Districts--Enumerated.
- [§ 18-4.](#) Same--Interpretation of boundaries.
- [§ 18-5.](#) Zoning permits.
- [§ 18-6.](#) Continuance of existing permits.
- [§ 18-7.](#) Certificate of occupancy.
- [§ 18-8.](#) Conditional use permit.
- [§ 18-9.](#) Uses not provided for by chapter.
- [§ 18-10.](#) Minimum off-street parking.
- [§ 18-11.](#) Permanent mobile home parks.
- [§ 18-12.](#) Amendment procedure.
- [§ 18-13.](#) Penalty for violations.

Article II. Residential District R-1.

- [§ 18-14.](#) Statement of intent.
- [§ 18-15.](#) Permitted uses.
- [§ 18-16.](#) Minimum lot area.
- [§ 18-17.](#) Setback.

- [§ 18-18.](#) Frontage.
- [§ 18-19.](#) Yard regulations.
- [§ 18-20.](#) Height regulations.
- [§ 18-21.](#) Special provisions for corner lots.

#### Article III. Residential District R-2.

- [§ 18-22.](#) Statement of intent.
- [§ 18-23.](#) Permitted uses.
- [§ 18-24.](#) Minimum lot area.
- [§ 18-25.](#) Setback.
- [§ 18-26.](#) Frontage.
- [§ 18-27.](#) Yard regulations,
- [§ 18-28.](#) Height regulations.
- [§ 18-29.](#) Special provisions for corner lots.

1. For state law as to planning, subdivision of land and zoning, see Code of Va., § 15,1-427 et seq. As to building regulations generally, see ch. 5 of this Code.

#### Article III-A. Residential District R-3.

- [§ 18-29.1.](#) Statement Of Intent
- [§ 18-29.2.](#) Permitted uses.
- [§ 18-29.3.](#) Area regulations.
- [§ 18-29.4.](#) Setback regulations
- [§ 18-29.5.](#) Frontage regulations.
- [§ 18-29.6.](#) Yard regulations.
- [§ 18-29.7.](#) Height regulations.
- [§ 18-29.8.](#) Special provisions for corner lots.
- [§ 18-29.9.](#) Special regulations for townhouses.

#### Article IV. Commercial District C-1.

- [§ 18-30.](#) Statement of intent.
- [§ 18-31.](#) Permitted uses--Enumerated.
- [§ 18-32.](#) Same--Requirements.
- [§ 18-33.](#) Minimum lot area.
- [§ 18-34.](#) Frontage and yard regulations.
- [§ 18-35.](#) Height regulations.

#### Article V. Industrial, Limited, District M-1.

- [§ 18-36.](#) Statement of intent.
- [§ 18-37.](#) Permitted uses--Enumerated.
- [§ 18-38.](#) Same--Requirements.
- [§ 18-39.](#) Minimum lot area.
- [§ 18-40.](#) Setbacks.

- [§ 18-41.](#) Frontage and yard regulations.
- [§ 18-42.](#) Height regulations.
- [§ 18-43.](#) Lot coverage.

Article V-A. Flood Plain District F-1.

- [§ 18-43.1.](#) Statement of intent.
- [§ 18-43.2.](#) Definitions.
- [§ 18-43.3.](#) Establishment of Flood Plain District.
- [§ 18-43.4.](#) Use regulations.
- [§ 18-43.5.](#) Criteria for building permit; site plan approval.
- [§ 18-43.6.](#) Administration.
- [§ 18-43.7.](#) Appeals.

Article VI. Nonconforming Uses.

- [§ 18-44.](#) Continuation.
- [§ 18-45.](#) Permits.
- [§ 18-46.](#) Repairs and maintenance.
- [§ 18-47.](#) Changes in district boundaries.
- [§ 18-48.](#) Expansion or enlargement.
- [§ 18-49.](#) Lots of record.
- [§ 18-50.](#) Restoration and replacement; travel trailers not to be used for permanent occupancy.

Article VII. Board of Zoning Appeals.

- [§ 18-51.](#) Appointment; membership; term; compensation; vacancies; removal of officers; chairman.
- [§ 18-52.](#) Powers and duties.
- [§ 18-53.](#) Rules and regulations.
- [§ 18-54.](#) Appeal--Procedure.
- [§ 18-55.](#) Same--Rearing.
- [§ 18-56.](#) Same--From decision of board.

Article VIII. Zoning Updates.

- [§ 18-57.](#) House Numbering Ordinance
- [§ 18-58.](#) Wireless Communication Towers

**Article I. In General.**

Sec. 18-1. Definitions.

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

Abattoir. A commercial slaughterhouse.

Accessory use or structure. A subordinate use or structure customarily incidental to and located upon the same lot occupied by the main use or building.

Acreage. A parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded subdivision plat.

Administrator. The official charged with the enforcement of this chapter. He may be any appointed or elected official who is by formal resolution designated to the position by the council. He may serve with or without compensation as determined by the council.

Agriculture. The tilling of the soil, the raising of crops, horticulture, forestry and gardening, including the keeping of animals and fowl and any agricultural industry or business such as fruit packing plants, dairies or similar uses.

Alteration. Any change in the total floor area, use, adaptability or external appearance of an existing structure.

Apartment house. A building used or intended to be used as the residence of three or more families living independently of each other.

Automobile graveyard. Any lot or place exposed to the weather upon which more than ten motor vehicles of any kind, which are incapable of being operated and which could not be economically and practicably made operative, are placed, located or found.

Basement. A story having part but not more than one-half of its height below grade. A basement shall be counted as a story for the purpose of height regulations if it is used for business purposes or for dwelling purposes by any person other than a janitor employed on the premises.

Boarding house. A building where, for compensation, lodging and meals are provided for at least five and up to fourteen persons.

Building. Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels.

(a) building, accessory. A subordinate structure customarily incidental to and located upon the same lot occupied by the main structure. No such accessory structure shall be used for housekeeping purposes.

(b) Building, main. The principal structure or one of the principal buildings on a lot, or the building or one of the principal buildings housing the principal use on the lot.

Building, height of. The vertical distance measured from the level of the curb or The established curb grade opposite the middle of the front of the structure to the highest point of the roof if a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof. For buildings set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.

Cellar. A story having more than one-half of its height below grade and which may not be occupied for dwelling purposes.

Commission. The planning commission of the town.

Dairy. A commercial establishment for the manufacture and sale of dairy products.

District. Districts as referred to in section 15.1-486, Code of Virginia, 1950, as amended.

Dump heap or trash pile. Any area of one hundred square feet or more lying within one thousand feet of a state highway, residence, dairy barn or food handling establishment where trash, garbage or other waste or scrap material is dumped or deposited without being covered by a sanitary fill.

Dwelling. Any structure which is designed for use for residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, apartments, automobile trailers and mobile homes.

(a) Dwelling, multiple-family. A structure arranged or designed to be occupied by more than one family.

(b) Dwelling, single-family. A structure arranged or designed to be occupied by one family, the structure having only one dwelling unit.

(c) Dwelling, two-family. A structure arranged or designed to be occupied by two families, the structure having only two dwelling units.

Dwelling unit. One or more rooms in a dwelling designed for living or sleeping purposes and having at least one kitchen.

Family. One or more persons occupying a premises and living in a single dwelling unit, as distinguished from an unrelated group occupying a boarding house, lodging house, tourist home or hotel,

Frontage. The minimum width of a lot measured from one side lot line to the other along a straight line on which no point shall be farther away from the street upon which the lot fronts than the building setback line as defined and required by this chapter.

Garage, private. An accessory building designed or used for the storage of not more than three automobiles owned and used by the occupants of the building to which it is accessory. On a lot occupied by a multiple-unit dwelling, the private garage may be designed and used for the storage of one and one-half times as many automobiles as there are dwelling units.

Garage, public. A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling or storing motor-driven vehicles.

General store, country. A single store, the ground floor area of which is four thousand square feet or less and which offers for sale primarily most of the following articles: Bread, milk, cheese, canned and bottled foods and drinks, tobacco products, candy, papers and magazines and general hardware articles. Gasoline may also be offered for sale, but only as a secondary activity of a country general store.

Golf course. Any course, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as defined in this section.

Golf driving range. A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

Guest room. A room which is intended, arranged or designed to be occupied or which is occupied by one or more guests paying direct or indirect compensation therefor, but in which no provision is made for cooking; provided, that dormitories shall not be included in this definition.

Historical area. The area indicated on the zoning map to which the provisions of this chapter for protection of a historical heritage shall apply.

Hog farm. A farm where hogs are kept and fed primarily on garbage transported from other places.

Home garden. A garden in a residential district for the production of vegetables, fruits and flowers generally for use or consumption by the occupants of the premises.

Home occupation. An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display and where no one is employed other than members of the family residing on the premises, such as the rental of rooms to tourists, the preparation of food products for sale and similar activities and professional offices such as medical, dental, legal, engineering and architectural conducted within a dwelling by the occupant.

Hospital. An institution rendering medical, surgical, obstetrical or convalescent care, including nursing homes, homes for the aged and sanatoriums, but in all cases excluding institutions primarily for mental or feeble-minded patients, epileptics, alcoholics or drug addicts; provided, that certain nursing homes and homes for the aged may be home occupations if they comply with the definition of this section.

Hospital, special care. An institution rendering care primarily for mental or feeble-minded patients, epileptics, alcoholics or drug addicts.

Hotel. A building designed or occupied as the more or less temporary abiding place for fourteen or more individuals who are for compensation lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.

Junk yard. An establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk or for the maintenance or operation of an automobile graveyard; provided, that this definition shall include garbage dumps and sanitary fills,

Kennel. A place to house, board, breed, handle or otherwise keep or care for dogs for sale or in return for compensation.

Livestock market. A commercial establishment wherein livestock is collected for sale and auctioned off.

Lot. A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures together with such yards, open spaces, lot width and lot areas as are required by this chapter, and having frontage upon a street, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

(a) Lot, corner. A lot abutting on two or more streets at their intersection. Of the two sides of a corner lot, the front shall be deemed to be the shortest of the two sides fronting on streets.

(b) Lot, double frontage. An interior lot having frontage on two streets.

(c) Lot, interior. Any lot other than a corner lot.

Lot, depth of. The average horizontal distance between the front and rear lot lines.

Lot of record. A lot which has been recorded in the clerk's office of the circuit court.

Lot, width of. The average horizontal distance between side lot lines.

Manufacture or manufacturing. The processing or converting of raw, unfinished materials or products into articles or substances of different character or for use for a different purpose.

Mobile home. A single-family dwelling designed for transportation, after fabrication, as a single unit on streets and highways on its own wheels or on flatbed or other trailers and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operation, location on jacks or permanent foundations, connection to utilities and the like.

Mobile home park or subdivision. Any area of two or more acres designed to accommodate ten or more mobile homes intended for residential use where residence is in mobile homes exclusively.

Nonconforming activity. The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this chapter for the district in which it is located, either at the effective date of this chapter or as a result of subsequent amendments to this chapter.

Nonconforming lot. An otherwise legally platted lot that does not conform to the minimum area or width requirements of this chapter for the district in which it is located either at the effective date of this chapter or as a result of subsequent amendments to this chapter.

Nonconforming structure. An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage or other area regulations of this chapter or which is designed or intended for a use that does not conform to the use regulations of this chapter for the district in which it is located, either at the effective date of this chapter or as a result of subsequent amendments to this chapter.

Off-street parking area. Space provided for vehicular parking outside the dedicated street right of way.

Pen. A small enclosure used for the concentrated confinement and housing of animals or poultry, a place for feeding and fattening animals or a coop; provided, that an enclosed pasture or range with an area in excess of one hundred square feet for each hog or small animal or two hundred square feet for each larger animal shall not be regarded as a pen.

Public water and sewer systems. A water or sewer system owned and operated by the town or county or private individual or corporation approved by the council and properly licensed by the state corporation commission and which is subject to special regulations as set forth in this chapter.

Required open space. Any space required in any front, side or rear yard.

Restaurant. Any building in which, for compensation, food or beverages are dispensed for consumption on the premises including, among other establishments, cafes, tea rooms, confectionery shops and refreshment stands.

Retail stores and shops. Any building for the display and sale of merchandise at retail or for the rendering of personal services, excluding coal, wood and lumber yards, such as any drugstore, newsstand, food store, candy shop, milk dispensary, dry goods and notions store, antique store and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, barbershop and beauty shop.

Sawmill. A portable sawmill located on private property for the processing of timber cut only from that property or from property immediately contiguous and adjacent thereto.

Setback. The minimum distance by which any building or structure must be separated from the front lot line.

Sign. Any display of letters, words, numerals, figures, devices, emblems, pictures or any parts or combinations thereof by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to or as a part of a structure, surface or any other thing including, but not limited to, the ground or any rock, tree or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is made; provided, that a display of less than one square foot in area shall not be included in this definition.

(a) Business. A sign which directs attention to a product, commodity or service available on the premises.

(b) Directional. A sign, one end of which may be pointed or on which an arrow may be painted, indicating the direction to which attention is called, six square feet or less in area, giving the name only of the firm or business responsible for the erection of same.

(c) General advertising. A sign which directs attention to a product, commodity or service not necessarily available on the premises.

(d) Home occupation. A sign not exceeding six square feet in area directing attention to a product, commodity or service available on the premises, but which product, commodity or service is clearly a secondary use of the dwelling.

(e) Location. A sign which directs attention to the approximate location of an establishment from which the advertised product may be obtained.

(f) Temporary. A sign applying to a seasonal or other brief activity such as, but not limited to, summer camps, horse shows, auctions or sale of land and which shall conform in size and type to directional signs.

Sign structure. The supports, uprights, bracing and framework of any structure, be it single-faced, double-faced, v-type or otherwise, exhibiting a sign.

Store. See definition of retail stores and shops.

Story. That portion of a building other than the basement included between the surface of any floor and the surface of the floor next above it; provided, that if there be no floor above it, the space between the floor and the ceiling next above it shall be deemed to be a story.

Story, half. A space under a sloping roof- which has the line of intersection of roof decking and wall face not more than three feet above the top floor level and in which space not more than two-thirds of the floor area is finished off for use.

Street or road. A public thoroughfare which affords principal means of access to abutting property.

Street line. - The dividing line between a street or road right of way and the contiguous property.

Structure. Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground including dwellings, buildings, signs, etc.

Tourist court, auto court, motel, hotel, cabins or motor lodge. One or more buildings containing individual sleeping rooms designed for or used temporarily by automobile tourists or transients with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.

Tourist home. A dwelling where only lodging is provided for compensation for up to fourteen persons in-contradistinction to hotels and boarding houses and which is open to transients.

Travel trailer. A mobile unit less than twenty-nine feet in length and less than four thousand five hundred pounds in weight which is designed for human habitation.

Variance. A relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this chapter would result in unnecessary and-undue hardship. As used in this chapter, a variance is authorized only for height, area and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning division or district or adjoining zoning divisions or districts.

Wayside stand, roadside stand or wayside market. Any structure or land used for the sale of agricultural or horticultural produce, livestock or merchandise produced by the owner or his family on their farm.

Yard. An open space on a lot other than a court unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter.

(a) Front. 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.

(b) Rear. 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.

(c) Side. 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. (3-11-69, art. 12.)

Sec. 18-2. Enforcement of chapter.

This chapter shall be enforced by the administrator who shall be appointed by the town council and shall serve at their pleasure. Compensation for such administrator shall be fixed by resolution of the council. (3-11-69, § 11-1.)

Sec. 18-3. Districts--Enumerated.

For the purpose of this chapter, the incorporated area of the town is hereby divided into the following districts:

- Residential R-1.
- Residential R-2.
- Residential R-3.
- Commercial C-1.
- Industrial M-1.
- Flood Plain F-1.

Sec. 18-4. Same--Interpretation of boundaries.

Unless district boundary lines are fixed by dimensions or otherwise clearly shown or described and where uncertainty exists with respect to the boundaries of any of the districts as shown on the zoning map, the following rules shall apply:

(a) Where district boundaries are indicated as approximately following or being at right angles to the center lines of streets, highways, alleys or railroad main tracks, such center lines or lines at right angles to such center lines shall be construed to be such boundaries as the case may be.

(b) Where a district boundary is indicated to follow a river, creek, branch or other body of water, such boundary shall be construed to follow the center line at low water or at the limit of the jurisdiction, and in the event of change in the shore-line, such boundary shall be construed as moving with the actual shoreline.

(c) If no distance, angle, curvature description or other means is given to determine a boundary line accurately and the preceding subsections do not apply, the same shall be determined by the use of the scale shown on the zoning map. In case of subsequent dispute, the matter shall be referred to the board of zoning appeals which shall determine the boundary. (3-11-69, § 11-3.)

Sec. 18-5. Zoning permits.

Any buildings or structures shall be started, reconstructed, enlarged or altered and any land disturbed only after a zoning endorsement has been received from the Town and a building/land disturbance permit has been obtained from Rockbridge County.

The Zoning Administrator shall, upon proper application and payment of a fee of a ten dollar (\$10.00) fee, review said application for endorsement. The administrator shall ensure that the proposed project does not conflict with Town zoning regulations or other applicable ordinances. Materials to be submitted may include, but are not limited to, an application form as provided by the administrator; plans and specifications for the proposed work; a site plan of the project showing property lines in relation to all structures, streets, and alleys, and documents from engineers or other professionals as requested.

An incomplete application may be grounds for denial of the endorsement.

If administrator discovers that the project does not conflict with zoning or other applicable ordinances and that all delinquent real estate taxes owed to the Town which have been properly assessed against the subject property have been paid, the administrator shall complete the endorsement of the application and return it to the applicant within 10 working days of receiving the completed application.

If the administrator discovers that the project does conflict with zoning or other applicable ordinances the administrator shall complete the applicable portions of the application and return it, along with an explanation for the denial of the endorsement, to the applicant within 10 working days of receiving the completed application.

An applicant may appeal any decision of the administrator by following the procedure outlined in Section 18-54 of this code.

Any complaint of non-compliance with this section shall be investigated by the administrator, who, if satisfied that a violation exists, shall cause notice to be served upon the owner of the property using regularly accepted means of service. This notice shall include a description of the property, the alleged violation, a copy of this section of the Code, and a description of the steps necessary to comply with this section. The notice shall specify that any and all work shall cease as of the date of receipt of the notice and not recommence until such time as the provisions of this section are satisfied. (rev. 1/1/2003)

Sec. 18-6. Continuance of existing permits,

Nothing contained in this chapter shall require any change in the plans or construction of any building or structure for which a permit was granted prior to the effective date of this chapter; provided, that such construction shall commence within thirty days after this chapter becomes effective. If construction is discontinued for a period of six months or more, further construction shall be in conformity with the provisions of this chapter for the district in which the operation is located. (3-11-69, § 11-2.)

Sec. 18-7. Certificate of occupancy.

Land may be used or occupied, and buildings structurally altered or erected may be used or changed in use, only after a certificate of occupancy has been issued by the administrator. Such certificate shall state that the building or proposed use complies with the provisions of this chapter. A similar certificate shall be issued for the purpose of maintaining, renewing, changing or extending a nonconforming use. A certificate of occupancy either for the whole or a part of a building shall be applied for simultaneously with the application for a zoning permit and shall be issued within ten days after the erection or structural alteration of such building or part has conformed with the provisions of this chapter. (3-11-69, § 7-2.)

Sec. 18-8. Conditional use permit.

Where permitted by this chapter, the location of hotels, motels, mobile home parks, commercial amusement parks, hospitals, airports, borrow pits, hog farms, sanitary fill method garbage and refuse sites and other permitted uses shall require, in addition to the zoning permit and certificate of occupancy, a conditional use permit. Such permit shall be subject to such conditions as the council may deem necessary to carry out the intent of this chapter. (3-11-69, § 7-3.)

Sec. 18-9 Uses not provided for by chapter.

If in any district established under this chapter a use is not specifically permitted and an application is made by a property owner to the administrator for such use, the administrator shall refer the application to the planning commission which shall make its recommendations to the council within thirty days. If the recommendation of the planning commission is approved by the council, this chapter shall be amended to list the use as a permitted use in that district. Both the planning commission and town council shall hold a public hearing in connection with such amendment after advertising the same in accordance with section 15.1-431, Code of Virginia, 1950, as amended. (3-11-69, § 7-4.)

Sec. 18-10. Minimum off-street parking.

(a) There shall be provided at the time of erection or enlargement of any main building minimum off-street parking space with adequate provision for entrance and exit by standard sized automobiles, as follows:

(1) In all residential districts there shall be provided, either in a private garage or on the lot, space for the parking of one automobile for each dwelling unit in a new building or each dwelling unit added in the ease of the enlargement of an existing building.

(2) Tourist homes and motels shall provide on the lot parking space for one automobile for each accommodation.

(3) For church, high school, college and university auditoriums and for theaters, general auditoriums, stadiums and other similar places of assembly, at least one parking space for every five fixed seats in such building shall be provided.

(4) For hospitals, at least one parking space for each two beds' capacity, including infants' cribs and children's beds, shall be provided.

(5) For medical and dental clinics, at least ten parking spaces shall be provided. Three additional parking spaces shall be furnished for each doctor or dentist having offices in such clinic in excess of three doctors or dentists.

(6) For tourist courts, apartments and apartment motels, at least one parking space for each individual sleeping or living unit shall be provided. For hotels and apartment motels, at least one parking space for each two sleeping rooms, up to and including the first twenty sleeping rooms, and one parking space for each three sleeping rooms over twenty shall be provided.

(7) For mortuaries and liquor stores, at least thirty parking spaces shall be provided.

(8) For retail stores selling directly to the public, one parking space shall be provided for each one hundred square feet of retail floor space in the building.

(9) Any other commercial building not listed above shall provide one parking space for each one hundred square feet of business floor space in the building.

(b) Parking space as required in this section shall be on the same lot with the main building; except, that in the case of buildings other than dwellings, spaces may be located as far away as six hundred feet. Every parcel of land hereafter used as a public parking area shall be surfaced with gravel, stone, asphalt or concrete and shall have appropriate guards where needed as determined by the administrator. Any lights used to illuminate such parking areas shall be so arranged as to reflect the light away from adjoining premises in a residential district. (3-11-69, § 7-5.)

Sec. 18-11. Permanent mobile home parks.

The location of mobile home parks shall require, in addition to the zoning permit and certificate of occupancy, a conditional use permit issued by the council. Operators of such parks shall comply with the following provisions:

- (a) Area requirements. For each mobile home space within a park having a central water and sewer system and designed to accommodate one mobile home, there shall be provided at least three thousand square feet of area.
- (b) Width. Each mobile home space shall have a minimum width of thirty feet.
- (c) Distance between mobile homes. Parking spaces for mobile homes shall be arranged so as to provide a distance of fifteen feet or more between individual units, but in no case shall such units be closer than five feet to the individual lot line of the mobile home space.
- (d) Sanitary facilities. Each mobile home space shall be provided with individual water and sewer connections to a public system
- (e) Electrical connections. Each mobile home space shall be provided with electrical outlets installed in accordance with the National Electrical Code. (3-11-69, § 7-6.)

#### Sec. 18-12. Amendment procedure

The regulations, restrictions and boundaries established in this chapter may from time to time be amended, supplemented, changed, modified or repealed by a favorable majority of votes of the council; provided.'

(a) That the planning commission shall hold at least one public hearing on such proposed amendment after notice as required by section 15. 1-431, Code of Virginia, 1950, as amended, and may make appropriate changes in the proposed amendment as a result of such hearing. Upon the completion of its work, the commission shall present the proposed amendment to the council together with its recommendations and appropriate explanatory materials,

(b) That before approving and adopting any amendment, the council shall hold at least one public hearing thereon, pursuant to public notice as required by section 15.1-431, Code of Virginia, 1950, as amended, after which the council may make appropriate changes or corrections in the proposed amendment; provided, however, that no additional land may be zoned to a different classification than was contained in the public notice without an additional public hearing after notice required by section 15.1-431, Code of Virginia, 1950, as amended. An affirmative vote of at least a majority of the members of the council shall be required to amend this chapter. (3-11-69, § 10-1.)

#### Sec. 18-13. Penalty for violations

Any person, whether as principal, agent, employee or otherwise, violating, causing or permitting the violation of any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, may be fined up to two hundred fifty dollars; provided, that such person shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this chapter is committed, continued or permitted by such person and shall be punishable as provided by this section. (3-11-69, § 9-2.)

### **Article II. Residential District**

#### R-1. Sec. 18-14. Statement of intent. <sup>2</sup>

The Residential District R-1 is composed of certain low or medium concentration of residential uses plus certain open areas where similar development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district and to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life composed of an adult population with children. To these ends, this district is protected against encroachment of general commercial or industrial uses. All residential types of structures for both permanent and transient occupancy, including institutions, are permitted. This residential district is not completely residential as it includes public and semipublic, institutional and other related uses. However, it is basically residential in character and, as such, should not be spotted with commercial and industrial uses. (8-11-69.)

Sec. 18-15. Permitted uses.

In Residential District R-1, structures to be erected or land to be used shall be for one or more of the following uses:

Single-family dwellings expressly excluding mobile homes.

Two-family dwellings expressly excluding mobile homes.

Rooming and boarding houses.

Tourist homes.

Schools, public and private.

Churches.

Rest or convalescent homes.

Nursing homes.

2. As to trailers and trailer courts, see ch. 17 of this Code.

General hospitals with a conditional use permit.

Cemetery with a conditional use permit.

Apartment houses.

Clubs and lodges.

Parks and playgrounds.

Professional offices.

Home occupations.

Off-street parking as required by this chapter.

Accessory buildings as defined; provided, that garages or other accessory structures such as carports, porches and stoops attached to the main building shall be considered part of the main building. No accessory building may be closer than one foot to any property line.

Public utilities such as poles, distribution lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities. Transmission lines, transmission towers and electrical substations shall not constitute necessary facilities under this subsection.

Business signs not exceeding six square feet in area per side and having not more than two sides.

Church bulletin boards and identification signs for church activities only.

Home occupations signs.

Identification signs.

Real estate signs.

Temporary signs. (3-11-69, § 2-1.)

Rental storage with a conditional use permit.

Sec. 18-16. Minimum lot area.

For lots containing or intended to contain a single permitted use served by public water and public sewage disposal, the minimum lot area shall be seven thousand square feet plus three thousand square feet for each additional dwelling unit.

For lots containing or intended to contain a single permitted use not served by public water and sewage systems, the minimum lot area shall be fifteen thousand square feet; provided, that the required area for any such use shall be approved by the health official, and that the administrator may require a greater area if considered necessary by the health official. All other permitted uses shall be served by public water and sewerage systems. (3-11-69, § 2-2.)

Sec. 18-17. Setback.

Structures shall be located at least twenty-five feet from any street right of way which is fifty feet or greater in width, or at least fifty feet from the center of any street right of way less than fifty feet in width. This shall be known as the "setback line." (3-11-69, § 2-3)

Sec. 18-18. Frontage.

For permitted uses, the minimum lot width at the setback line shall be at least sixty feet, and for each additional dwelling unit or permitted use there shall be at least ten feet of additional lot width at the setback line. (3-11-69, § 2-4.)

Sec. 18-19. Yard regulations.

The minimum side yard for each main structure shall be ten feet.

Each main structure shall have a rear yard of twenty-five feet. (3-11-69, §2-5)

Sec. 18-20. Height regulations.

Buildings may be erected up to thirty-five feet in height from grade; except, that:

(a) The height limit for structures may be increased up to forty-five feet and up to three stories; provided, that each side yard is ten feet plus one foot of side yard for each additional foot of building height over thirty-five feet.

(b) A public or semipublic building such as a school, church, library or hospital may be erected to a height of sixty feet from grade; provided, that front, side and rear yards shall be increased one foot for each foot in height over thirty-five feet.

(c) Church spires, belfries, cupolas, monuments, municipal water towers, chimneys, flues, flag poles, television antennae and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest. (3-11-69, § 2-6.)

Sec. 18-21. Special provisions for corner lots.

Of the two sides of a corner lot, the front shall be deemed to be the shortest of the two sides fronting on streets.

The side yard on the side facing the side street shall be at least twenty feet for both main and accessory buildings. (3-11-69, § 2-7.)

**Article III. Residential District R-2.**

Sec.18-22. Statement of intent.

The Residential District R-2 is composed of certain low or medium concentration of residential uses plus certain open areas where similar development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district and to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life composed of an adult population with children. To these ends, this district is protected against encroachment of general commercial or industrial uses. All residential types of structures for both permanent and transient occupancy, including institutions, are permitted. This residential district is not completely residential as it includes public and semipublic, institutional and other related uses. However, it is basically residential in character and, as such, should not be spotted with commercial and industrial uses. (3-11-69.)

Sec. 18-23. Permitted uses.

In Residential District R-2, structures to be erected or land to be used shall be for one or more of the following uses:

Single-family dwellings expressly including mobile homes.

Two-family dwellings expressly including mobile homes.

Rooming and boarding houses.

Tourist homes.

Schools, public and private.

Churches.

Rest or convalescent homes.

Nursing homes.

General hospitals with a conditional use permit.

Clubs and lodges.

Parks and playgrounds.

Professional offices. home occupations. Apartment houses.

Off-street parking as required by this chapter.

Accessory buildings as defined; provided, that garages or other accessory structures such as carports, porches and stoops attached to the main building shall be considered part of the main building. No accessory building may be closer than one foot to any property line.

Public utilities such as poles, distribution lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities; provided, that transmission lines, transmission towers and electrical substations shall not constitute necessary facilities under this subsection.

Business signs not exceeding six square feet in area per side and having not more than two sides.

Church bulletin boards and identification signs for church activities only.

Home occupations signs.

Identification signs.

Real estate signs.

Temporary signs.

Permanent mobile home parks. (3-11-69, § 3-1.)

Sec. 18-24. Minimum lot area.

For lots containing or intended to contain a single permitted use served by public water and public sewage disposal, the minimum lot area shall be seven thousand square feet plus three thousand square feet for each additional dwelling unit.

For lots containing or intended to contain a single permitted use not served by public water and sewerage systems, the minimum lot area shall be fifteen thousand square feet; provided, that the required area for any such use shall be approved by the health official and that the administrator may require a greater area if considered necessary by the health official. All other permitted uses shall be served by public water and sewerage systems. (3-11-69, § 3-2.)

Sec. 18-25. Setback.

Structures shall be located at least twenty-five feet from any street right of way which is fifty feet or greater in width, or at least fifty feet from the center of any street right of way less than fifty feet in width. This shall be known as the "setback line." (3-11-69, § 3-3.)

Sec. 18-26. Frontage.

For permitted uses, the minimum lot width at the setback line shall be at least sixty feet, and for each additional dwelling unit or permitted use there shall be at least ten feet of additional lot width at the setback line. (3-11-69, § 3-4.)

Sec. 18-27. Yard regulations.

The minimum side yard for each main structure shall be ten feet.

Each main structure shall have a rear yard of twenty-five feet. (3-11-69, § 3-5.)

Sec. 18-28. Height regulations.

Buildings may be erected up to thirty-five feet in height from grade; except, that:

(a) The height limit for structures may be increased up to forty-five feet and up to three stories; provided, that each side yard is ten feet plus one foot of side yard for each additional foot of building height over thirty-five feet.

(b) A public or semipublic building such as a school, church, library or hospital may be erected to a height of sixty feet from grade; provided, that front, side and rear yards shall be increased one foot for each foot in height over thirty-five feet.

(c) Church spires, belfries, cupolas, monuments, municipal water towers, chimneys, flues, flag poles, television antennae and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest. (3-11-69, § 3-6.)

Sec. 18-29. Special Provisions for corner lots.

Of the two sides of a corner lot, the front shall be deemed to be the shortest of the two sides fronting on streets.

The side yard on the side facing the side street shall be twenty feet or more for both main and accessory building. (3-11-69, § 3-7.)

**Article III-A. -Residential District R-3.**

Sec. 18-29.1. Statement of intent.

The intent of this district is to encourage a variety of housing types and to provide for residential densities appropriate for apartments or townhouse developments. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life composed of an adult population with children. To these ends, this district is protected against encroachment of general commercial or industrial uses.

Sec. 18-29.2. Permitted uses.

In Residential District~R-3, structures to be erected or land to be used shall be for one or more of the following uses:

Any use permitted in the R-1 district

Townhouses

Multiple-family dwellings

Sec. 18-29.3. Area regulations.

(a) For lots containing or intended to contain a single permitted use served by public water and public sewage disposal, the in maximum lot area shall be seven thousand square feet, plus three thousand square feet for each additional dwelling unit. The maximum density shall not exceed ten dwelling units per gross acre.

(b) For lots containing or intended to contain a single permitted use not served by public water and sewerage systems, the minimum lot area shall be fifteen thousand square feet. The required area for any such use shall be approved by the health official. The administrator may require a greater area if considered necessary by the health official. All other permitted uses shall be served by public water and sewerage systems.

Sec. 18-29.4. Setback regulations.

Structures shall be located twenty-five feet or more from any street right of way which is fifty feet or greater in width, or fifty feet or more from the center of any street right of way less than fifty feet in width. This shall be known as the "setback line."

Sec. 18-29.5. Frontage regulations.

For permitted uses the minimum lot width at the setback line shall be sixty feet or more, and for each additional dwelling unit or permitted use there shall be at least ten feet of additional lot width at the setback line.

Sec. 18-29.6. Yard regulations.

- (a) Side- The minimum side yard for each main structure shall be ten feet.
- (b) Rear- Each main structure shall have a rear yard of twenty-five feet.

Sec. 18-29.7. Height regulations.

Buildings may be erected up to thirty-five feet in height from grade except that:

- (a) The height limit for structures may be increased up to forty-five feet and up to three stories provided each side yard is ten feet, plus one foot of side yard for each additional foot of building height over thirty-five feet.
- (b) A public or semipublic building such as a school, church, library or hospital, may be erected to a height of sixty feet from grade provided that front, side and rear yards shall be increased one foot for each foot in height over thirty-five feet.
- (c) Church spires, belfries, cupolas, monuments, municipal water towers, chimney, flues, flag poles, television antennae and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.

Sec. 18-29.8. Special provisions for corner lots.

- (a) Of the two sides of a corner lot, the front shall be deemed to be the shortest of the two sides fronting on streets.
- (b) The side yard on the side facing the side street shall be twenty feet or more for both main and accessory building.

Sec. 18-29.9. Special regulations for townhouses.

- (a) For the purpose of the side yard regulations, a townhouse building shall be considered as one building on one lot with side yards required for end units only. Lot width for end units shall be adequate to provide required front and side yards.
- (b) No detached garage or carport or other detached accessory building shall be permitted on a lot occupied by a townhouse.
- (c) There shall be no more than ten townhouse dwelling units continuously connected.

(d) The facades of dwelling units in a townhouse development shall be varied by changed front yards of not less than three feet and variation in materials or design so that no more than three abutting units will have the same front yard depth and the same or essentially the same architectural treatment of facades and roof lines.

(e) When individual dwelling units and lots are sold separately, the nonpublic areas for the common use and enjoyment of occupants, including any common open space, common parking lot, and required screening, shall be conveyed to a non-profit corporation, organized and operated under the laws of Virginia, specifically, The Condominium Act; Section 55-79.39 through 55-79.103; Code of Virginia, 1950, as amended. The owner or developer shall present, along with the site plan, copies of the articles of incorporation of such corporation, its bylaws and an adequately financed plan with effectuating agreements and covenants acceptable to the town assuring the development and continued maintenance of the non-public areas.

(f) A site plan complying with the requirements of this Code section shall accompany an application for approval of a townhouse development.

#### **Article IV. Commercial District C-1.**

##### **Sec. 18-30. Statement of intent.**

The Commercial District C-1 covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods or by any nuisance factors other than those occasioned by incidental light and noise of congregation of people and passenger vehicles. This includes such uses as retail stores, banks, theaters, business offices, newspaper offices, restaurants and taverns. (3-11-69.)

##### **Sec. 18-31. Permitted Uses Enumerated.**

In Commercial District C-1, structures to be erected or land to be used shall be for one or more of the following uses:

Municipal office buildings.

Retail food stores.

Banks.

Bakeries.

Restaurants.

Dry cleaners.

Jewelry stores.

Laundries.

Coin-operated laundries and car washes.

Wearing apparel stores.

Drugstores.

Drive-in restaurants and food sales.

Barber and beauty shops.

Auto and home appliance services.

Hardware stores.

Theaters and assembly halls.

Hotels, motels and inns.

Office buildings.

Churches.

Libraries.

Hospitals, general.

Animal hospitals or clinics.

Funeral homes.

Service stations with major repairs under cover.

Clubs and lodges.

Auto sales and service.

Lumber and building supplies with storage under cover.

Plumbing and electrical supplies with storage under cover.

Wholesale and processing not objectionable because of dust, noise or odors with a conditional use permit.

Machinery sales and service.

Furniture stores.

Newspaper and printing houses.

Public utilities as defined in section 18-15.

Fruit and produce markets.

Off-street parking as required by this chapter.

Public billiard parlors and poolrooms, bowling alleys, dance halls and similar forms of public amusement, only after a public hearing shall have been held by the council on an application submitted to the council for such use. The council may request that the commission submit a recommendation to them concerning such use applications. In approving any such application, the council may establish special requirements and regulations for the protection of adjacent property, set the hours of operation and make requirements as they may deem necessary in the public interest.

Business signs.

Directional signs.

Church bulletin boards and identification signs for church activities only not exceeding twelve square feet in area.

General advertising signs. (3-11-69, § 4-1.)

Apartment buildings upon the application for and issuance by Town Council of a conditional use permit. Said conditional use permit shall issue for not more than five years but may be renewable upon proper application. The permit is not transferable and shall not convey with the sale of the subject property. (Added 5-1-2000 by Amendment)

Assembly of furniture and/or display cases. Use may include, when not objectionable due to noise or dust, the cutting of materials for assembly. Use may also include retail sales of assembled items. (added 10/10/2006)

Sec. 18-32. Same - Requirements.

Before a building permit shall be issued or construction commenced on any permitted use in this district or a permit issued for a new use, detailed site plans in sufficient detail to show the operations and processes shall be submitted to the zoning administrator for study. The administrator may refer these plans to the planning commission for their recommendations, and modification of such plans may be required. (3-11-69, § 4-5.)

Sec. 18-33. Minimum lot area.

There shall be no lot area requirements; except, that the required area for permitted uses utilizing individual sewage disposal systems shall be approved by the health official. (3-11-69, § 4-2.)

Sec. 18-34. Frontage and yard regulations.

For permitted uses, the minimum side yard or rear yard adjoining or adjacent to a residential district shall be twenty-five feet, and off-street parking shall be in accordance with the applicable provisions of this chapter. (3-11-69, § 4-3.)

Sec. 18-35. Height regulations.

Buildings may be erected up to forty-five feet in height from grade.

Church spires, belfries, cupolas, monuments, cooling towers, municipal water towers, chimneys, flues, flag poles, television antennae and radio aeriels are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest. (3-11-69, § 4-4.)

**Article V. Industrial, Limited, District M-1.**

Sec. 18-36. Statement of intent.

The primary purpose of the Industrial District M-1 is to permit certain industries which do not in any way detract from residential desirability to locate in any area adjacent to residential uses. The limitations on height of building, horsepower, heating, flammable liquids or explosives, controlling emission of fumes, odors and noise, landscaping and the number of persons employed are imposed to protect and foster adjacent residential desirability while permitting industries to locate near a labor supply. (3-11-69.)

Sec. 18-37. Permitted uses --Enumerated

In Industrial District M-1, any structure to be erected or land to be used shall be for one or more of the following uses:

Assembly of electrical appliances, electronic instruments and devices and radios and phonographs and the manufacture of small parts such as coils, condensers, transformers and crystal holders.

Automobile assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, tire re-treading or recapping or battery manufacture and automotive parts.

Blacksmith shops and welding or machine shops, excluding punch presses exceeding forty ton rated capacity and drop hammers.

Laboratories; pharmaceutical and medical.

Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, food products and ice manufacture.

Manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: Bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious metals or stones, shell, straw, textiles, tobacco, wood, yarn and paint.

Manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.

Manufacture of musical instruments, toys, novelties and rubber and metal stamps.

Building material sales yards, plumbing supplies storage and lumber mills. Coal and wood yards, lumber yards and feed and seed stores.

Contractors' equipment storage yards or plants or rental of equipment commonly used by contractors.

Cabinets, furniture and upholstery shops.

Boat building.

Monumental stone works.

Veterinary or dog or cat hospitals and kennels.

Wholesale businesses and storage warehouses.

Junk storage.

Off-street parking as required by this chapter.

Public utility generating, booster or relay stations, transformer substations, transmission lines and towers and other facilities for the provision and maintenance of public utilities including railroads and facilities and water and sewerage installations.

General advertising signs.

Location signs (3-11-69, § 5-1.)

Sec. 18-38. Same--Requirements.

Before a building permit shall be issued or construction commenced on any permitted use in this district or a permit issued for a new use, the plans, in sufficient detail to show the operations and processes, shall be submitted to the zoning administrator for study. The administrator may refer these plans to the planning commission for recommendation, and modifications of such plans may be required.

Landscaping may be required within any established or required front setback area. The plans and execution must take into consideration traffic hazards. Landscaping may be permitted up to a height of three feet and to within fifty feet from the corner of any intersecting streets.

Sufficient area shall be provided to adequately screen permitted uses from adjacent business and residential districts and for off-street parking of vehicles incidental to the industry, its employees and clients.

The administrator shall act on any application received within thirty days after receiving the application. If formal notice in writing is given to the applicant, the time for action may be extended for a thirty-day period. Failure on the part of the administrator to act on the application within the established time limit shall be deemed to constitute approval of the application. (3-11-69, § 5-2.)

Sec. 18-39 Minimum lot area.

For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official, and the administrator may require a greater area if considered necessary by the health official. (3-11-69, § 5-3.)

Sec. 18-40. Setbacks.

Buildings shall be located at least ten feet from any street right of way which is fifty feet or greater in width, or at least thirty-five feet from the center line of any street right of way less than fifty feet in width; except, that signs advertising sale or rent of premises may be erected up to the property line. This shall be known as the "setback line." (3-11-69, § 5-4.)

Sec. 18-41. Frontage and yard regulations.

For permitted uses, the minimum side yard adjoining or adjacent to a residential district shall be twenty-five feet. Off-street parking shall be in accordance with the provisions contained in this chapter. (3-11-69, § 5-5.)

Sec. 18-42. Height regulations.

Buildings may be erected up to a height of forty-five feet. For buildings over thirty-five feet in height, approval shall be obtained from the administrator. Chimneys, flues, cooling towers, flag poles, radio or communication towers or their accessory facilities not normally occupied by workmen are excluded from

this limitation. Parapet walls are permitted up to four feet above the limited height of the building on which the walls rest. (3-11-69, § 5-6.)

Sec. 18-43. Lot coverage.

Buildings or groups of buildings with their accessory buildings may cover up to seventy percent of the area of the lot. (3-11-69, § 5-7.)

**Article V-A. Flood Plain District F-I.**

Sec. 18-43.1. Statement of intent.

The primary purpose of this district is to regulate the use of land within the jurisdiction of the Town of Glasgow and identified as being in the 100-year floodplain by the Federal Insurance Administration. More specifically, the provisions of this district are designed to minimize flood damages to property and life, to prohibit the hazardous development of land in the flood hazard areas, to encourage wise use of areas that are subject to flooding, to prevent the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- (a) Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies.
- (b) Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding.
- (c) Requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or flood-proofed against flooding and flood damage.
- (d) Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

Sec. 18-43.2. Compliance and Liability.

- (a) No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.
- (b) The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside the floodplain districts, or that land uses permitted within such districts will be free from flooding or flood damages.
- (c) This ordinance shall not create liability on the part of the Town of Glasgow or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Sec. 18-43.3. Abrogation and Greater Restrictions.

This ordinance supersedes any ordinance currently in effect in flood-prone areas. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than this ordinance.

Sec. 18-43.4. Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

Sec. 18-43.5. Definitions.

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

Base flood elevation. The 100 year flood elevation.

Zoning Officer. The official of the County of Rockbridge authorized to issue building permits within the town.

Development. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Flood. A general and temporary inundation of normally dry land areas.

Flood Plain. (a) A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; (b) An area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

Floodproofing. Any combination of structural and non-structural additions, changes or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures and contents of buildings.

Person. Any individual or groups of individuals, corporation, partnership, association or other entity, including state and local governments and agencies.

Principally above ground. Where at least fifty-one percent of the actual cash value of a structure, less land value, is above ground.

Structure. A walled and roofed building, including a gas or liquid storage tank, that is principally above ground.

Substantial improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either,

(a) before the improvement or repair is started or

(b) if the structure has been damaged and is being restored, before the damage occurred.

For the purposes of the definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either

(a) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or

(b) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Manufactured Homes. A structure, transportable in one or more sections, which is built on a permanent chassis, and designed to be used with or without permanent foundation, when connected to the required utilities. The term also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 days.

Manufactured Home Park/Subdivision. A parcel (or contiguous parcels) of land divided into two or more lots for rent or sale.

Base Floor/One-Hundred Year Flood. A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

Floodway. The designated area of the floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

Board of Zoning Appeals. The board appointed to review appeals made by individuals with regard to decisions of the zoning administrator in the interpretation of this ordinance.

Flood-Prone Area. Any land area susceptible to being inundated by water from any source.

#### Sec. 18-43.6. Establishment of Flood Plain District

(a) The Flood Plain District shall include all areas subject to inundation by waters of the one hundred year flood. The basis for the delineation of these districts shall be the Flood Insurance Study for Glasgow prepared by the Federal Emergency Management Agency dated

(1) The Floodway shall be that portion of the Flood Plain District delineated as such on the Flood Boundary and Floodway Map for the Town of Glasgow.

(2) The basis for the outermost boundary of the Flood Plain District shall be the one hundred year flood elevations shown on the Flood Insurance Rate Map for the Town of Glasgow.

(b) The delineation of the Flood Plain District may be revised and amended and modified by the town council in compliance with the National Flood Insurance Program when:

(1) there are changes through natural or other causes;

(2) changes are indicated by future detailed hydrologic and hydraulic studies.

(c) Should a dispute concerning the district boundary arise, an initial determination shall be made by the Building Permit Officer. Any party aggrieved by this decision may appeal to the town council. The burden of proof shall be on the appellant.

#### Sec. 18-43.7. Use regulations.

(a) In the Flood Plain District any development and/or use of land shall be permitted provided that:

(1) the proposed development is in conformance with all other provisions of the Zoning Ordinance of the town and with the floodproofing and relating provisions contained herein, and with all other appropriate state and federal codes, ordinances and regulations, and

(2) no new construction, substantial improvements, or other developments (including fill) shall be permitted in the floodway.

(b) Whenever a developer intends to alter or relocate a watercourse within the Flood Plain District, the developer shall notify, in writing, by certified mail, all adjacent communities and the Virginia Water Control Board of all such intended activities prior to any alteration or relocation, and shall submit copies of such notification to the Federal Insurance Administrator. The developer shall also assure the town council, in writing, that the flood carrying capacity within the altered or relocated portion of the watercourse in question will be maintained.

Sec. 18-43.8 Criteria for building permit; site plan approval.

(a) Building Permit Criteria.

Building permits are required in order to determine whether all new construction or substantial improvements are:

- (1) designed (modified) and adequately anchored to prevent flotation, collapse, or lateral movement
- (2) constructed with materials and utility equipment resistant to flood damage
- (3) constructed by methods and practices that minimize flood damage.

The basic format of the Building Permit shall include the following:

- (1) Name and address of applicant
- (2) Name and address of owner of land on which proposed construction is to occur
- (3) Name and address of contractor
- (4) Site location
- (5) Brief description of proposed work and estimated cost
- (6) A plan of the site showing the exact size and location of the

Depending on the type of structure involved, the following information shall also be included in the building permit for work within the Flood Plain District:

For structures to be elevated to the Base Flood Elevation

- (1) a plan showing the size of the proposed structures and its relation to the lot where it is to be constructed
- (2) a determination of elevations of the existing ground, proposed finished ground and lowest floors certified by a Registered Professional Engineer, Surveyor, or Architect
- (3) plans showing the method of elevating the proposed structures, including details of proposed fills, pile structures, retaining walls, foundations, erosion protection measures,

etc. When required by the Building Inspector, these plans shall be prepared by a Registered Professional Engineer or Architect.

(4) plans showing the methods used to protect utilities (including sewer, water, telephone, electric, gas, etc.) from flooding to the Base Flood Elevation at the building site.

For structures to be floodproofed to the Base Flood Elevation (nonresidential structures only):

(1) plans showing details of all flood-proofing measures, prepared by a Registered Professional Engineer or Architect, and showing the size of the proposed structure and its relation to the lot where it is to be constructed.

(2) a determination of elevations of existing ground, proposed finished ground, lowest floors, and flood-proofing limits, certified by a Registered Professional Engineer, Surveyor, or Architect.

(3) a certificate prepared by the Registered Professional Engineer or Architect who prepared the plans in (1) above, that the structure in question, together with attendant utility and sanitary facilities is designed so that:

(aa) below the base Flood Elevation the structure is watertight with walls substantially impermeable to the passage of water, and

(bb) the structure will withstand the hydrostatic, hydrodynamic buoyant, impact, and other forces resulting from the flood depths, velocities, pressures, and other factors associated with the Base Flood.

(b) Minimum Floodproofing Standards.

In order to prevent excessive damage to buildings and structures, the following restrictions shall apply to all new construction and to construction of substantial improvements of existing structures occurring in the Flood Plain District:

(1) Basements and lowest floors:

(aa) All new construction and substantial improvements of residential structures must have the lowest floor (including basement) elevated to the Base Flood Elevation.

(bb) All new construction and substantial improvements of non-residential structures must have the lowest floor (including basement) elevated to the Base Flood Elevation; or, together with attendant utility and sanitary facilities, be designed so that below the Base Flood Elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydro-dynamic loads and effects of buoyancy.

(cc) All manufactured homes to be placed or substantially improved within the floodplain district shall be placed on a permanent foundation and elevated and anchored in accordance with the Virginia Uniform Statewide Building Code.

(2) Fill:

(aa) Fill shall extend beyond a structure for a sufficient distance to provide acceptable access. For residential structures, fill shall extend laterally fifteen feet beyond the building line from all points. For non-residential structures, fill shall be placed to provide access acceptable for intended use. At-grade access, with fill extending

laterally fifteen feet beyond the building line, shall be provided to a minimum of twenty-five percent of the perimeter of a non-residential structure.

(bb) Fill shall consist of soil or rock materials only. Sanitary land fills shall not be permitted.

(cc) Fill material shall be compacted to provide the necessary stability and resistance to erosion, scouring, or settling.

(dd) Fill slopes shall be no steeper than one vertical or two horizontal, unless substantiating data justifying steeper slopes are submitted to and approved by the Building Permit Officer.

(ee) Fill shall be used only to the extent to which it does not adversely affect adjacent properties.

(3) Placement of buildings and structures:

(aa) All buildings and structures shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum obstruction effect upon the flow and height of flood water.

(bb) The following shall not be placed or caused to be placed in the designated Flood Plain:

fences, except two-wire fences, other matter which may impede, retard or change the direction of the flow of water or that is placed where the natural flow of the stream or flood waters would carry the same downstream to the damage or detriment of either public or private property adjacent to the flood plain.

(4) Anchoring:

(aa) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, and lateral movement, thus reducing the threat to life and property, and decreasing the possibility of the blockage of bridge openings and other restricted sections of the watercourse.

(bb) All air ducts, large pipes and storage tanks located at or below the Base Flood Elevation shall be firmly anchored to resist flotation.

(5) Storage:

No new construction which stores materials that are buoyant, flammable, explosive, or in times of flooding could be injurious to human, animal or plant life, shall be stored below Base Flood Elevation.

(c) Site Plan Criteria.

The owner or developer of any proposed subdivision, or other development shall submit a site plan to the Building Permit Officer which includes the following information:

(1) Name of engineer, surveyor, or other qualified person responsible for providing the information required in this section.

(2) A map showing the location of the proposed subdivision and/or development with respect to the municipality's flood-prone areas, proposed lots and sites, fills, flood or erosion protective facilities and areas subject to special deed restriction. In addition, it is required that all

subdivision proposals and other proposed new developments greater than fifty lots or five acres, whichever is the lesser, shall include base flood elevation data.

(3) Where the subdivision and/or development lies partially or completely in the flood-prone areas, the plan map shall include detailed information giving the location and elevation of proposed roads, public utilities and building sites. All such maps shall also show contours at intervals of two or five feet depending upon the slope of the land and identify accurately the boundaries of the flood-prone areas.

(d) Utility and Facility Requirements.

For all proposed subdivisions, or other development, the Building Permit Officer shall require:

(1) All new or replacement water systems located in the Flood Plain District, whether public or private, shall be flood-proofed to the Base Flood Elevation.

(2) All new or replacement sanitary disposal systems located within the Flood Plain District, whether public or private, shall be floor-proofed to the Base Flood Elevation.

(3) All other new or replacement public and/or private utilities and facilities shall be elevated or flood-proofed to the Base Flood Elevation.

(e) Drainage.

Adequate drainage shall be provided to reduce exposure to flood hazards.

Sec. 18-43.9 Administration.

(a) Building Permits and Site Plan Approvals Required.

(1) It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, the new construction, substantial improvement, or relocation of any structure within the Flood Plain District unless the necessary permits have been obtained from the Building Permit Officer. In addition, where land is to be subdivided or otherwise developed, a site plan must be submitted to and approved by the Building Permit Officer prior to any development.

(b) Approval of Permits and Plans.

(1) All permits and plans shall be approved only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

(2) The Building Permit Officer shall require copies of all necessary permits, from those governmental agencies from which approval is required by federal and state law.

(3) A record of all information supplied to the Building Permit Officer shall be kept on file by the Building Permit Officer.

(c) Application Procedures.

Application for a building permit and site plan approvals shall be made, in writing, to the Building Permit Officer, and shall include all information stipulated under Sec. 18-43.8 of this Article.

The administration and enforcement of Ibis Article shall be conducted in conformance with the Virginia Uniform Statewide Building Code.

Sec. 18-43.10 Appeals.

(a) Whenever any person is aggrieved by a decision of the Building Permit Officer with respect to the provisions of this ordinance, it is the right of that person to appeal to the Board of Zoning Appeals. Such appeal must be filed, In writing, within thirty days after the determination by the Zoning Officer. Upon receipt of such appeal. the Board of Zoning Appeals shall set a time and place not less than ten nor more than thirty days for the purpose of hearing the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties at which time they may appear and be heard.

(b) Appeals review criteria.

All decisions on appeals shall adhere to the following criteria:

(1) A decision may be issued by the town council for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the Base Flood Elevation in conformance with the procedures of paragraphs 3, 4, 5 and 6 of this section.

(2) Affirmative decisions shall only be issued by the town council upon (aa) a showing good and sufficient cause, (bb) a determination that failure to grant the appeal would result in exceptional hardship to the applicant. and (cc) a determination that the granting of an appeal will not result in increased floor heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

(3)Affirmative decisions shall only be issued upon determination that it is the minimum necessary, considering the flood hazard, to afford relief.

(4) The town council shall notify the applicant in writing over the signature of an official thereof that (aa) the issuance of a decision to allow construction of structure below the Base Flood Elevation will result in increased premium rates for flood insurance, (bb) such construction below the Base Flood Elevation increases the risk to life and property.

(5) The town council shall (aa) maintain a record of all decisions, including justification for their issuance, and (bb) report such decisions issued in its annual report submitted to the Federal Insurance Administrator.

(6) An affirmative decision shall not be issued that would permit any development in any floodway that would result in any increase in the Base Flood Elevation.(1-1-78, § 1; 8-2-82)

**Article VI. Nonconforming Uses.**

Sec. 18-44. Continuation.

If at the time of enactment of this chapter any legal activity is being pursued or any lot or structure legally utilized in a manner or for a purpose which does not conform to the provisions of this chapter, such manner of use or purpose may be continued as provided in this article; except that advertising structures that become nonconforming because of a rezoning have twenty-four months within which to relocate in a permitted area.

If any change in title of possession or renewal of a lease of any such lot or structure occurs, the existing use may be continued.

If any nonconforming use, structure or activity is discontinued for a period exceeding two years after the enactment of this chapter, it shall be deemed abandoned, and any subsequent use shall conform to the requirements of this chapter.

Temporary seasonal nonconforming uses that have been in continual operation for a period of two years or more prior to the effective date of this chapter shall be excluded. (3-11-69, § 6-1).

Sec. 18-45. Permits.

Zoning permits and certificates of occupancy shall be issued to all nonconforming uses.

The construction or use of a nonconforming building or land area for which a permit was issued legally prior to the adoption of this chapter may proceed; provided, that such building is completed within one year or such use of land established within thirty days after the effective date of this chapter. (3-11-69, § 6-2).

Sec. 18-46. Repairs and maintenance.

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding ten percent of the current replacement value of the structure; provided, that the cubic content of the structure as it existed at the time of the passage or amendment of this chapter shall not be increased.

Nothing in this section shall be deemed to prevent the strengthening or restoring to safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. (3-11-69, § 6-3).

Sec. 18-47. Changes in district boundaries.

Whenever the boundaries of a district are changed, any uses of land or buildings which become nonconforming as a result of such change shall become subject to the provisions of this article. (3-11-69, § 6-5).

Sec. 18-48. Expansion or enlargement.

A nonconforming structure to be extended or enlarged shall conform with the provisions of this article. A nonconforming activity may be extended throughout any part of a structure which was arranged or designed for such activity at the time of enactment of this chapter. (3-11-69, § 6-5).

Sec. 18-49. Lots of record.

Any lot of record at the time of the adoption of this chapter which is less in area or width than the minimum required by this chapter may be used; provided, that a variance is obtained from the board of zoning appeals. Such variance shall be granted only if it is shown that unnecessary and undue hardships would result if it is not granted. (3-11-69, § 6-6).

Sec. 18-50. Restoration and replacement; travel trailers not to be used for permanent occupancy.

If a nonconforming activity is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed fifty percent of the cost of reconstructing the entire activity or structure, it shall be restored only if such use complies with the requirements of this chapter.

If a nonconforming structure is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed seventy-five percent of the cost of reconstructing the entire structure, it shall be restored only if it complies with the requirements of this chapter.

Where a conforming structure devoted to a nonconforming activity is damaged less than fifty percent of the cost of reconstructing the entire structure or where a nonconforming structure is damaged less than seventy-five percent of the cost of reconstructing the entire structure, either may be repaired or restored; provided, that any such repair or restoration is started within twelve months and completed within eighteen months from the date of partial destruction.

The cost of land or any factors other than the cost of the structure shall be excluded in the determination of cost of restoration for any structure or activity devoted to a nonconforming use.

Nonconforming mobile home activity is deemed destroyed if such home is moved.

Travel trailers cannot be used for permanent occupancy. (3-11-69), § 6-7).

## **Article VII. Board of Zoning Appeals.**

Sec. 18-51. Appointment; membership; term; compensation; vacancies; removal of officers; chairman.

A board of zoning appeals consisting of five members, one of whom shall be an active member of the planning commission, shall be appointed by the circuit court of the county and shall serve without pay, other than for traveling expenses, for a term of five years; except, that of the first five members appointed, one shall serve for five years, one for four years, one for three years, one for two years and one for one year. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the un-expired term.

Any member of the board shall be disqualified to act upon a matter before the board with respect to property in which such member has an interest, and members may be removed for cause by the circuit court of the county upon written charges and after a public hearing.

The board shall choose annually its own chairman and vice chairman who shall act in the absence of the chairman. (3-11-69, § 8-1.)

Sec. 18-52. Powers and duties.

The board of zoning appeals shall have the following powers and duties:

- (a) To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this chapter or of any ordinance adopted pursuant thereto.

(b) To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship; provided, that the spirit of this chapter shall be observed and substantial justice done as follows.

(1) When a property owner can show that his property was acquired in good faith and where, by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of this chapter or by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property or of the use or development of property immediately adjacent thereto, the strict application of the terms of the chapter would effectively prohibit or unreasonably restrict the use of the property or where the board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant,

(2) No such variance shall be authorized by the board unless it finds that the strict application of the chapter would produce undue hardship, that such hardship is not shared generally by other properties in the same zoning district and the same vicinity, that the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.

(3) No such variance shall be authorized except after notice and hearing as required by section 15.1-431, Code of Virginia, 1950, as amended.

(4) No variance shall be authorized unless the board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the chapter.

(5) In authorizing a variance the board may impose such conditions regarding the location, character and other features of the proposed structure for use as it may deem necessary in the public interest and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with. (3-11-69, § 8-2.)

#### Sec. 18-53. Rules and regulations.

The board of zoning appeals shall adopt rules and regulations as it may consider necessary including, but not limited to, the following:

- (a) The meeting of the board shall be held at the call of its chairman or at such times as a quorum of the board may determine.
- (b) The chairman or in his absence the acting chairman may administer oaths and compel the attendance of witnesses.
- (c) The board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.
- (d) All meetings of the board shall be open to the public.
- (e) A quorum shall consist of at least three members.

(f) A favorable vote of three members of the board shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which the board is required to pass. (3-11-69, § 8-3)

Sec. 18-54. Appeal -- Procedure

An appeal to the board may be taken by any person aggrieved or by any officer, department, board or bureau of the county or town affected by any decision of the zoning administrator. Such appeal shall be taken within thirty days after the decision appealed from by filing with the zoning administrator and with the board a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board that, by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the board or by a court of record on application and on notice to the zoning administrator and for good cause shown.

Appeals shall be mailed to the board of zoning appeals in care of the zoning administrator, and a copy of such appeal shall be mailed to the secretary of the planning commission. A third copy should be mailed to the individual, official, department or agency concerned.

Appeals requiring an advertised public hearing shall be accompanied by a certified check for twenty dollars payable to the town treasurer (3-11-69, §§ 8-4, 8-5.)

Sec. 18-55. Same -- Hearing.

The board shall fix a reasonable time for the hearing of an application or appeal, shall give public notice thereof as well as due notice to the parties in interest and shall decide the same within sixty days. In exercising its powers, the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from. (3-11-69, § 8-6.)

Sec. 18-56. Same -- From decision of board.

Any person aggrieved by any decision of the board of zoning appeals or any taxpayer, officer, department, board or bureau may present to the circuit court of the county a petition specifying the grounds on which aggrieved within thirty days after filing of such decision in the office of the board.

Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the board of zoning appeals and shall prescribe therein the time within which a return thereto must be made and served upon the realtor's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

The board of zoning appeals shall not be required to return the original papers acted upon by it, but shall return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and such material to show the grounds of the decision appealed from and shall be verified.

If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

Costs shall not be allowed against the board unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from. (3-11-69, § 8-7.)

Sec. 18-57. House Numbering Ordinance.

Structure Numbering

The Town of Glasgow maintains a house numbering system based upon the location of the main structure.

House numbers increase along east/west streets as one travels west, and along north/south streets as one travels north.

Even house numbers are on the north side of east/west streets and odd on the south. Even number houses are on the east side of north/south streets and odd on the west.

The Town Manager will assign house numbers for all new main structures at the time the building permit endorsement is issued.

Address Number Placement

It shall be the property owner's responsibility to place address numbers on the structure.

Address numbers must be conspicuously placed on the structure so that the number is clearly visible from the road. In cases where the structure is more than fifty (50) feet from the road, or not visible from the road, the number must be placed near the walk, driveway or common entrance to the structure, or upon the mailbox, gatepost, fence, address placard or other appropriate place so as to be clearly visible from the road to guide emergency responders to the structure.

If primary address numbers are to be placed on a mailbox, or mailbox post on the road, then the mailbox must be immediately adjacent to or opposite the entrance to the driveway.

Address numbers shall be no less than 3" (inches) in height and should be placed on a contrasting color for high visibility. Address numbers for business shall be no less than 4" (inches) in height. In all cases numbers should be reflective with a contrasting background.

Manufactured home parks shall have similar styles of address numbers placed in a similar location on the individual homes. Example: If all homes are set perpendicular to the street or parking lot, then all address numbers shall be placed on the end of the home at a uniform height above the ground.

Trees and brush shall be cleared from obstructing address numbers.

Owners and/or inhabitants of existing structures are required to post their assigned numbers using these guidelines.

Questions regarding proper address number placement should be addressed to the Town Manager.

Residents shall have six (6) months from the date of adoption of this ordinance to comply with the address number placement requirements.

Enforcement

Persons failing to post address numbers shall be subject to penalties as described in Section 18-13 of this Code.

**Adopted 12/5/2005**

Sec. 18-58. Wireless Communication Towers.

Wireless Communication Towers and related facilities may be permitted in any zone upon the recommendation of the Planning Commission and approval of Town Council following a public hearing advertised in accordance with state law. In addition, placement of wireless communication towers shall require the issuance of a Conditional Use Permit granted by Town Council with such provisions at it deems appropriate for the location and use considered.

**Adopted 12/5/2005**

**PERSONAL PROPERTY TAXES ORDINANCE  
OF  
GLASGOW, VIRGINIA**

Adopted 12-18-1992

Section 1. Except as noted in Section 3 and Sections 5 (c) and (e), there shall be a personal property tax on the assessed value of all tangible personal property with a situs in the Town of Glasgow as of January 1st for each year at a rate or rates established annually in the Town budget enacted by the Town Council.

Section 2. The situs for personal property shall be a set forth in the Code of Virginia, 1950, as amended.

Section 3 Exemptions:

The following classes of personal property shall be exempt from taxation.

A. Household goods and personal effects as defined in §58.1-3504 of the Code of Virginia (1950), as amended. The items affected by this exemption are described as follows.

1. Bicycles.
2. Household and kitchen furniture including gold and silver plates, plated ware, watches and clocks sewing machines, refrigerators, automatic refrigerating machinery of any type, vacuum cleaners and all other household machinery, books, firearms and weapons of all kinds.
3. Pianos, organs, phonographs and record players, and records to be used therewith and all other musical instruments of whatever kind, radio and television instruments and equipment.
4. Oil paintings, pictures, statuary, curios, articles of virtu and works of art.
5. Diamonds, cameos or other precious stones and all precious metals used as ornaments or jewelry.
6. Sporting and photographic equipment.
7. Clothing and objects of apparel.
8. All other tangible personal property used by an individual or a family or household incident to maintaining an abode.

B. Farm livestock or farm animals which are enumerated in §58.1-3505 of the Code of Virginia (1950), as amended, as items 1, 2, 3, 4 and 5. The items affected by this exemption are described as follows:

1. Horses, mules, and other kindred animals.
2. Cattle.
3. Sheep and goats.
4. Hogs.
5. Poultry.

Section 4. Returns.

(a) Except where personal property taxes are pro rated as provided by law, all persons owning personal property subject to taxation hereunder must file annually a personal property tax return for the current tax year on or before May 1st of the year.

(b) Returns for tangible personal property tax on motor vehicles, trailer and boats which acquire a situs within the Town or which has its title transferred after January 1st, shall be filed within thirty (30) days of the date on which the situs to acquired or title transferred, of the year for which the tax is to be assessed.

Section 5. When due and Payable.

(a) Except for personal property taxes that are pro rated by law, payment of personal property taxes for the current year shall be due on or before December 5th of the tax year.

(b) There shall be a personal property tax at a rate established each year by the Town council on motor vehicles, trailers and boats (herein) after referred to in this section as "taxable property" which have a situs within the Town on January 1st of each year and which acquires a situs within the Town on or after January

2nd of each year. When taxable property acquires a situs within the Town on or after January 2nd, the personal property tax for the year shall be assessed to the owner pro rated on a monthly basis for the portion of the tax year during which the taxable property has situs within the county. When taxable property with a situs in the Town is transferred to a new owner within the country, the personal property tax shall be assessed to the new owner and pro rated on a monthly basis for the portion of the tax year during which the new owner owns the taxable property. For purposes of pro ration, a period of more than one-half (1/2) of a month shall be counted as a full month and a period of less than one-half (1/2) of a month, shall not be counted. For purposes of pro ration, the 1st through the 15th will be considered as the first half of the month and the 16th to the end of the month will be considered the second half of the month.

(c) When any taxable property loses its situs within the Town after the tax day or after the day which is acquired a situs or its title is transferred to a new owner, the taxpayer shall, from that time be relieved from personal property tax on such tangible property and receive a credit towards taxable property newly transferred to the taxpayer, or a credit against personal property taxes outstanding against the taxpayer, or a refund of personal property taxes already paid on a monthly pro rated basis, upon application to the Commissioner of Revenue; provided, that, application is made within three (3) years from the last date of the tax year during which the taxable property lost situs or had its title transferred. Relief from the assessment of any personal property tax based upon loss of situs or acquisition of situs shall be based upon the property being legally assessed by another jurisdiction and such tax on the assessed property being paid.

(d) When any person, after January 1st or situs date, acquires any taxable property with a Town situs, the tax shall be assessed on such taxable property for the portion of the tax year during which the new owner owns the taxable property and has its situs in the Town. The tax shall be due and owing within thirty (30) days after presentation or mailing of the bill from the Treasurer.

(e) An exemption from this tax and any interest or penalties arising therefrom shall be granted for any tax share or portion thereof during which the property was legally assessed by another jurisdiction and that such tax on the assessed property was paid.

#### Section 6. Penalty and Interest on Delinquencies.

(a) Any person who shall fail to pay any tangible personal property tax when the same is due shall be assessed and shall pay, along with such tax, a penalty of five percent (5%) of the amount of such unpaid tax.

## **BALL FIELD LIGHTS POLICY**

### **PURPOSE**

The purpose of this policy is to control the use of the lights on the Glasgow ball field.

### **SCOPE**

This policy is to allow for optimal recreational and organizational use of the ball field lights.

### **POLICY**

The lights will be used only for sanctioned or organized activities.

RARO scheduled activities will be considered a sanctioned activity.

Activities organized by Town civic or church groups will be considered a sanctioned activity.

Practice sessions, get togethers, pick-up games, or other such informal activities will not be considered sanctioned activities.

Request for the use of the facilities(lights) shall be submitted to the Town Monday through Friday between the hours of 8:30 A.M. and 5:00 P.M.

The key for access to the facilities will be picked-up and returned Monday through Friday between the hours of 8:30 A.M. and 5:00 P.M.

A \$10.00 deposit will be required at the time the key is picked-up and will be refunded when the key is returned.

The person who picks-up the key will be considered in responsible charge of the key.

The key shall be returned as soon as possible. Normally the next working day after the activity is held.

Those holding keys will include RARO, Town staff, snack-bar staff, and others as Town Council may approve.

Unauthorized duplication of this key will be considered theft of public property and will be treated as such.

The Town will keep on file a copy of RARO scheduled events.

## **SEWER USER CHARGE SYSTEM**

### **ARTICLE I**

The Town of Glasgow acting as an incorporated Town under the Code of Virginia does own and operate a sewage works which is declared to be necessary and conducive to the protection of the public health, safety, and welfare.

The Town of Glasgow will collect user fees which will be for the purpose of: operation and maintenance of a collection system and sewage treatment plant, debt service, salaries, retirement, FICA. repair and replacement, and those other expenses incidental to owning, operating and maintaining a sewage collection and treatment system.

The Town of Glasgow will evaluate annually as part of budget preparation this user charge system and other revenue sources to ensure that adequate revenues are generated

Should any rate changes occur there will be public notification of the proposed change.

### **ARTICLE II**

- SECTION 1: B.O.D. - The letters "B.O.D." (denoting biochemical oxygen demand) mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days of 2006, expressed in parts per million. The laboratory determination shall be made in accordance with the procedures set forth in "Standard Methods".
- SECTION 2: NORMAL DOMESTIC SEWAGE - The words "Normal Domestic Sewage" shall mean normal sewage for the Town of Glasgow, in which concentration of suspended materials and five (5) days 20°C B.O.D. is established at 240 parts per million each, by weight, on the basis of the normal daily contribution of twenty hundredths (0.20) pounds per capita, per 100 gallons.
- SECTION 3: SUSPENDED SOLIDS - The words "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids, and which are removable by laboratory filtering. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods".
- SECTION 4: SURCHARGE - The word "Surcharge" shall mean the charge in addition to the published water and sewer rates. The basis for surcharges on industrial wastes is a capital and operating cost for suspended solids, and B.O.D. exceeding "normal domestic sewage".
- SECTION 5: RESIDENTIAL USER - "Residential Use" shall mean any contributor to the Town's treatment works whose lot, parcel or real estate, or building is used for domestic dwelling purposes only.
- SECTION 6: COMMERCIAL USER - "Commercial User" shall mean all retail stores, restaurants, office buildings, laundries, and other private business and service establishments.
- SECTION 7: INDUSTRIAL USER - "Industrial User" shall include any non-governmental, non-residential user of publicly owned treatment works which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions; Division A - Agriculture, Forestry, and Fishing; Division B - Mining; Division D - Manufacturing; Division E - Transportation, Communications, Electric, Gas and Sanitary; and Division I - Services.
- SECTION 8: INSTITUTIONAL USER - "Institutional User" shall include social, charitable, religions, and educational activities such as schools, churches, hospitals, nursing homes, penal institutions and similar institutional users.
- SECTION 9: GOVERNMENTAL USER - "Governmental User" shall include legislative, judicial, administrative, and regulatory activities of Federal, State, and local governments.
- SECTION 10: SHALL, MAY: "Shall" is mandatory; "May" is permissive.

### **ARTICLE III**

SECTION 1: TYPES OF CHARGES AND FEES:

(A) The charges and fees for residential and commercial service are those fees established by the rate heretofore enacted by the Town of Glasgow and any amendments of changes in said rate which may hereinafter be enacted by the Town of Glasgow.

(B) The charges and fees for establishments discharging industrial wastes and those fees established by the rate heretofore enacted by the Town of Glasgow and any amendments or changes in said rate which may hereinafter be enacted by the Town of Glasgow.

(C) Fees for reimbursement of costs of setting up and operating the Town's Pretreatment Program

(D) Fees for monitoring, inspections and surveillance procedures.

(E) Fees for reviewing accidental discharge procedures and construction.

(F) Fees for permit applications.

(G) Fees for filing appeals.

(H) Fees for consistent removal (by the Authority) of pollutants otherwise subject to Federal Pretreatment Standards.

(I) Other fees as the Town may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this ordinance and are separate from all other fees chargeable by the Town.

SECTION 2: TAP TEE - At the time of the filing of an application for connection to the public sanitary sewer system, the applicant or his authorized agent shall pay a fee in the amount of \$150.00, regardless of service size, for each and every dwelling house, building, structure, or trailer to be connected.

#### ARTICLE IV

SECTION 1: PENALTY AND INTEREST TO BE ADDED TO UNPAID CHARGES - All charges for sewer service that are unpaid on the due date shall be subject to a penalty of 10 per cent to be added to the amount of such charges and collected by the Town and shall continue at the rate of one and one-half percent until paid.

LIEN FOR UNPAID CHARGES - All unpaid charges for sewer services and connection fees, together with the penalties and interest thereon shall constitute a lien on the property served and shall be collected in the same manner as delinquent Town taxes.

DISCONTINUANCE OF SEWER SERVICE FOR NONPAYMENT OF CHARGES - If a charge for sewer connection and/or sewer service is not paid within ninety (90) days after the same becomes due and payable, the Town may, after 10 days notice in writing to the tenant or owner of such property of its intention so to do, cut off, and discontinue water and sewer service to the property.

SECTION 2: PENALTY FOR FAILURE TO PAY BILLS AND/OR REPEATED DISCHARGE OF PROHIBITED WASTE TO PUBLIC SEWER - Failure to pay monthly bills for water and/or sewer service and/or garbage charge, when due, or failure to pay the established sewer surcharge for industrial waste when due, or repeated discharge of prohibited waste

to the sanitary sewer shall be sufficient cause to disconnect any and all services to the water and/or sanitary sewer mains of the Town, and the same penalties and charges now or hereafter provided for by the Ordinances of the Town of Glasgow, for failure to pay the bill for water and sewer service when due shall be applicable in like manner in cases of failure to pay the established surcharge for industrial waste discharges to the sanitary sewer mains as established herein.

SECTION 3: RECONNECT FEE - Anytime water service is discontinued due to failure to make timely payments or discharge of prohibited waste a single reconnection fee of \$10.00 will be assessed prior to returning service. If a physical sewer disconnect is required a fee equal to time and materials to facilitate the disconnect and reconnect will be assessed.

## ARTICLE V

SECTION 1: A monthly user charge will be assessed against users of the sewage works. This charge will be based on useage as determined by water and/or waste-water metering.

SECTION 2: Each user shall pay a user charge of \$2.558 per thousand gallons of water up to 6645 gallons, \$.55 per thousand gallons from 6645 to 25,000 gallons, and \$.28 per thousand for all above 25,000 gallons.

A minimum charge of \$17.00 per month will be assessed per account. Page 3.

SECTION 3: INDUSTRIAL WASTE SURCHARGE -

(A) Users discharging wastes which exhibit none of the characteristics of wastes prohibited previously other than excessive B.O.D. or suspended solids but having a concentration for a duration of fifteen (15) minutes greater than four (4) times that of "normal" sewage as measured by suspended solids and B.O.D. and/or an average concentration during a normal working day of the user of suspended solids or B.O.D. content in excess of "normal" sewage as defined in Definitions as "normal" domestic sewage shall be required to pretreat the wastes to meet the requirements of "normal" sewage; however, such wastes may be accepted for treatment if the following requirements are met:

(1) The waste will not cause damage to the collection and treatment facilities.

(2) The waste will not impair the treatment process.

(3) The person who discharges such waste enters into an Industrial Connection Application and agrees to pay the sewer service charge and industrial waste surcharge.

(B) The person who discharges such wastes shall enter into an Industrial Sewer Connection Application with the Town of Glasgow providing for a surcharge over and above established water and sewer rates. The basis for surcharge on industrial wastes is a capital and operating cost of \$0.23 per part per million per million gallons for the B.O.D. (biochemical oxygen demand) and a capital and operating cost of \$0.26 per part per million per million gallons for the suspended solids exceeding ~ sewage. These rates shall continue until changed by action of the Town. The surcharge shall be calculated for billing purposes with the following formula:

$$S.C. = V [0.23 (B.O.D.-240) + 0.26 (SS_1-240)]$$

S.C. = Surcharge in dollars for time related to volume

V = Volume in million gallons based on metered water

B.O.D. = B.O.D. - 5 day @ 20<sup>0</sup>C of industrial waste (ppm)

SS<sub>1</sub> = Suspended solids of industrial waste (ppm)

(C) Any person who refuses to comply with or who resists or willfully discharges wastes prohibited from discharge into public sewers or who refuses to comply with the provisions of this section, shall be served by the Town with a written notice stating the nature of the violation and providing a reasonable time limit for satisfactory correction thereof. Any person who shall continue any violation beyond the time limit shall be guilty of violation of his Industrial Sewer Connection Application and shall be summarily disconnected from the sanitary and/or water service. Such disconnection and reconnection to be of total expenses to the customer. Where acids or chemicals damaging to sewer lines or treatment process are released to the sewer and cause rapid deterioration of these structures or interferes with the proper treatment of sewage the Town is authorized to immediately terminate service by such measures as are necessary to protect the facilities.

## ARTICLE VI

SECTION 1: Users shall be billed monthly. Payments are due by the last day of the month. Any bill not paid within fifteen days of the due date shall generate a reminder notice up to ninety days delinquent.

SECTION 2: BILLING - Industrial waste surcharge provided for in this Ordinance shall be included as a separate item on the regular bill for water and sewer charges and shall be paid monthly in accordance with the existing practices. Surcharges shall be paid at the same time that the water, sewer and sanitation charges of the person become due and payment for water and sanitation charges and industrial waste surcharges.

### **Sewer Discharge Control Ordinance**

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## GENERAL PROVISIONS

### Purpose and Policy

This ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection, and treatment system for the Town of Glasgow, Virginia and enables the Town to comply with all applicable state and Federal laws required by the Clean Water Act of 1977 and the general pretreatment Regulations (40 CFR, Part 403).

The objectives of this ordinance are:

- (a) to prevent the introduction of pollutants into the Town's wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;

(b) to prevent the introduction of pollutants into the Town's wastewater system which will pass through the system, inadequately treated, into receiving waters or otherwise be incompatible with the system;

(c) to improve the opportunity to recycle and reclaim wastewaters and sludges from the system;  
and

(d) to provide for equitable distribution of the cost of the municipal wastewater system.

This ordinance provides for the regulation of direct and indirect contributors to the Town's wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customers' capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This ordinance shall apply to all users of the Town's POTW. Except as otherwise provided herein, the Town Manager of the Town of Glasgow POTW shall administer, implement and enforce the provisions of this ordinance.

## WASTE CONTROL ORDINANCE

### SECTION 1. DEFINITION OF TERMS:

For the purpose of interpreting this ordinance, certain words used herein are defined as follows:

(1) SHALL - The word "shall" wherever used in this ordinance will be interpreted in its mandatory sense; "may" is permissive.

(2) TOWN - The word "Town" shall mean the corporate identity of the Town of Glasgow, Virginia.

(3) COUNCIL - The word "Council" shall mean the duly elected body of the Town of Glasgow.

(4) ENGINEER - The word "Engineer" shall be the Town Engineer or the Town's Consulting Engineer, or their duly authorized representatives.

(5) PERSON - The word "Person" shall mean any and all persons, natural or artificial, including any individual, firm, company, industry, municipal or private corporation, association, society, governmental agency or other entity and agents, servants or employees.

(6) PERMITTEE - The word "Permittee" shall mean that person applying for a permit to construct a sanitary sewer main or to connect to an existing sanitary sewer.

(7) APPROVING AUTHORITY - The words "Approving Authority" shall mean the Virginia State water Control Board.

(8) SEWAGE - The word "Sewage" shall mean a combination water-carried waste from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.

(9) DOMESTIC SEWAGE - The words "Domestic Sewage" shall mean waterborne wastes normally discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories and institutions, free from storm surface water and industrial wastes.

(10) NORMAL DOMESTIC SEWAGE - The words "Normal Domestic Sewage" shall mean normal sewage for the Town of Glasgow, in which concentration of suspended materials and five (5) day 20°C B.O.D. is established at 240 parts per million each, by weight, on the basis of the normal daily contribution of twenty hundredths (0.20) pounds per capita, per 100 gallons.

(11) INDUSTRIAL WASTES - The words "Industrial Wastes" shall mean all waterborne solids, liquids or gaseous wastes resulting from any industrial, manufacturing or food processing operation or process, or from the development of any natural resource, or any mixture of these with water or domestic sewage as distinct from normal domestic sewage.

(12) GARBAGE - The word "Garbage" shall mean solid wastes and residue from the preparation, cooking and dispensing of food, and from the handling, storage and sale of food products and produce.

(13) PROPERLY SHREDDED GARBAGE - The words "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch in any dimension.

(14) SLUG - The word "Slug" shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds from any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, or more than five (5) times the average twenty-four hour flow, during normal operation.

(15) UNPOLLUTED WATER OR WASTE - The words "Unpolluted Water or Waste" shall mean any water or waste containing one of the following: Free or emulsified grease or oil, acid or alkali, phenols, or other substances imparting taste and odor in receiving water, toxic poisonous substances in suspension, colloidal state or solution, and noxious or odorous gases. The water shall contain not more than ten (10) parts per million each of suspended solids and B.O.D. The color shall not exceed 150 Jackson Turbidity Units.

(16) SEWER - The word "sewer" shall mean a pipe or conduit for carrying sanitary sewage.

(17) PUBLIC SEWER - The words "Public Sewer" shall mean either sanitary or storm sewer in which all owners of abutting properties shall have equal rights and is controlled by public authority.

(18) SANITARY SEWER - The word "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

(19) SEWAGE WORKS - The words "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

(20) SEWAGE TREATMENT PLANT - The words "sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

(21) STORM SEWER OR STORM DRAIN - The words "Storm sewer or Storm Drain" shall mean a sewer which carries storm and surface waters and drainage but excludes sewage and polluted industrial wastes.

(22) STORM WATER RUN-OFF - The words "Storm Water Run-Off" shall mean that portion of the rainfall that is drained into the storm sewers.

(23) SEWERAGE - The word "Sewerage" shall mean the system of sewers and appurtenances for the collection, transportation and pumping of sewage and industrial wastes.

(24) BUILDING DRAIN - The words "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the

walls of the building and conveys to the building sewer beginning three (3) feet outside the inner face of the building wall.

(25) BUILDING SEWER - The words "Building Sewer" shall mean the extension from the building drain to the sewer or other place for disposal.

(26) NATURAL OUTLET - The words "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

(27) WATERCOURSE - The word "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(28) PARTS PER MILLION - The words "Parts Per Million" shall mean a weight to weight ratio; the parts per million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water.

(29) pH - the letters "pH" shall mean the logarithm (base 10) of the reciprocal of the hydrogen ion concentration of a solution. It shall be determined by one of the procedures outlined in "Standard Methods".

(30) B.O.D. - The letters "B.O.D."<sup>1</sup> (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in parts per million. The laboratory determination shall be made in accordance with the procedures set forth in "Standard Methods".

(31) SUSPENDED SOLIDS - The words "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids, and which are removable by laboratory filtering. Quantitative determination *or* suspended solids shall be made in accordance with procedures set forth in "Standard Methods".

(32) STANDARD METHODS - The words "Standard Methods" shall mean the examination and analytical procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of water and Wastewater" as prepared, approved, and published jointly by the A.W.W.A., W.P.C.F. and the American Public Health Association.

(33) SEWER SERVICE CHARGE - The words "Sewer Service Charge" shall mean the charge made on all users of the public sewerage system whose wastes do not exceed in strength the concentration values established as representative of normal sewage.

(34) SURCHARGE - The word "Surcharge" shall mean the charge in addition to the published water and sewer rates. The basis for surcharges on industrial wastes is a capital and operating cost for suspended solids, and B.O.D. exceeding "normal domestic sewage".

(35) PUBLICLY OWNED TREATMENT WORKS (POTW) - A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the Town. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the (Town) who are, by contract or agreement with the Town users of the (Town's) POTW. sometimes used as synonymous with "waste treatment plant(s)" or "wastewater treatment plant(s)" or "water pollution control plants".

(36) SMALL DIAMETER SEWERS - Any sewer line that has been reduced from the minimum required by State Health Department as the result of pre-treatment system design to reduce solid contents.

(37) APPROVED SEPTIC TANK - The words "Approved septic Tank" shall mean any prestressed or poured in-place concrete septic tank that meets the suggested design in the Commonwealth of Virginia/State Board of Health Sewage Handling & Disposal Regulations.

(38) GREASE - The word "Grease" shall mean oil, fat or grease in a physical state such that it may be separated by gravity from wastewater by treatment in an approved pretreatment facility.

(39) EXISTING SEWER LINE - The words "Existing sewer Line" shall mean an existing pipe or conduit used for the purpose of carrying domestic waste from a residence or building excluding storm or surface waters.

(40) OWNER(S) OR DEVELOPER(S) - The words "Owner(s) or Developer(s)" shall mean any person, firm, corporation or association having an interest, whether legal or equitable, sole or partial, in any premise which is, or may in the future, be responsible for design and construction of facilities to be under the jurisdiction of the Town and to become a part of the public owned treatment works of the Town.

(41) INTERFERENCE - The term "Interference" means a Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

(a) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(b) Therefore is a cause of a violation of any requirement of the POTW's NFDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid waste Disposal Act (SWDA) (including Title TI, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

(42) PASS THROUGH - The term "Pass Through" means a Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

## SECTION 2 - SEWER CONNECTIONS AND SERVICE LINES

(A) All sewers whether in street or on private property that are 8" or larger shall be regarded as sewer interceptors. Sewers running from a main to the property line for one dwelling shall be considered as a sewer lateral. If a sewer interceptor is on private property the sewer lateral shall be that section of sewer from the interceptor to where the Town's sewer easement ends, and, if there is no specified easement, the lateral shall be that section extending ten feet. Any sewer laterals beyond these points shall be considered the responsibility of the Owner.

(B) Where it is found in unstopping a Town interceptor or sewer laterals owned by the property Owner, that said stoppage was caused by carelessness or neglect on the part of the property owner or by reason of his fault, construction or other neglect, the cost of such work shall be borne by the property owner.

(C) No person(s) shall uncover, alter, disturb, use, or make any connections to any public sewer or appurtenance thereof without first obtaining a written agreement or permission from the Town or its duly authorized representative.

(D) The owner(s) or Developer(s) OR THEIR AGENTS shall make application on a special form furnished by the Town or its duly authorized representatives for residential building connections or for service to establishments producing industrial wastes. The application shall be supplemented with plans, specifications, or other information considered pertinent by the Town or its duly authorized representative. All information shall be submitted to the Town 60 days prior to proposed start of construction.

(E) All cost and expenses incidental to the installation of septic tank for pretreatment where low diameter sewers are to be used or connection to the conventional sewer shall be borne by the user(s). The user shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the service line.

(F) A separate and independent service line shall be provided for every building unless otherwise approved by the Town or its duly authorized representative. Exceptions may be granted where one building stands to the rear of another on an interior lot and no other means of connection is available through an adjoining alley, court, yard, driveway, or street. The Town will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.

(FI) All connections to a small diameter sewer shall be provided with pretreatment by means of an approved septic tank.

(G) Existing service lines can be used only when approved by the Town or its duly authorized representative.

(H) All materials used in the construction, installation, and testing of sewer service lines shall conform to the requirements of the building and plumbing code and to the Town's specifications. This includes the pipe size, slope, alignment, pipe placement, jointing, backfill, and testing procedures. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

(I) Sewer lines 6-inches or greater must be installed pursuant to the State Department of Health and state water Control Board Sewerage Regulations.

(J) Service lines shall be made to sewers by replacing a length of pipe with branch fittings, or a clean opening cut with tapping equipment and a tee-saddle or tee-insert attached. connections to deep sewers, trunk sewers and manholes shall be made so as to prevent structural damage and infiltration. To meet future needs of properties, stubs, wyes, and tees may be installed if plugged tightly.

(K) Whenever possible, the sewer service line shall be brought to the building below the grade of the basement floor. In any building which will not gravity flow to the public sewer, an approved means must be provided to lift the sewage to the public sewer at the expense of the user.

(L) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within sixty (60) days and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

(M) The owners of private wastewater disposal facilities shall operate and maintain them in a sanitary manner at all times, at no expense to the Town. sludge removal from private disposal systems shall be performed by a licensed operator and disposed of in accordance with an approved Sludge Disposal Plan approved by the approving Town.

(N) Connection of roof downspouts, foundation drains, storm drains, combined sewer or other sources of surface runoff or unpolluted water discharge to a public sewer is strictly forbidden. All violations will be required to be corrected by the property owner. Any exceptions must be approved by the Town or its duly authorized representative.

(O) The applicant for the service line connection shall notify the County Building Inspector and a representative of the Town when the service line is ready for inspection and connection to the public sewer. The testing and connection shall be made under the supervision of the building inspector and the Town's representative at the cost of the owner, if any.

(P) All excavations for service lines shall be adequately guarded so as to protect the public from hazards with appropriate signs, barricades, and/or lights. Any damage to public property resulting from the installation of service lines shall be restored in a manner which is satisfactory to the Town's duly authorized representative.

(Q) Any service lines abandoned for any reason shall be properly sealed by the owner and inspected by the Town's representative

(R) No person shall construct a building for residential, commercial, or industrial purposes within 400 feet of an existing Sewage Treatment Plant owned and operated by the Town of Glasgow. The extent of this 400 feet buffer zone perimeter is measured from the treatment units. Exceptions to this buffer zone requirement must be approved by the Town or its duly authorized agent.

(S) The requirement for buffer zones shall apply according to Section 23.01.02 of the Virginia State Sewerage Regulations.

(T) Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.

### SECTION 3 - EXTENSION OF THE SYSTEM BY OTHERS

(A) The person (permittee) desiring to construct any prospective real estate improvement, such as a subdivision, building or group of governmental and/or industrial purposes, or for any other use requiring a sanitary sewer system, shall advise the Town of their desires, prior to any physical work being done on their project.

(B) The procedure to follow in developing such a project is as follows:

All engineering regarding the waste disposal system shall be performed by a professional engineer licensed to practice in the State of Virginia. The proposed system(s) shall be engineered in accordance with, meet the requirements of and be approved by:

1. Town Council of Glasgow
2. Rockbridge County Health Department
3. Virginia State Department of Health
4. Virginia State Water Control Board
5. Building Inspectors Office of Rockbridge - if applicable.

(C) Plans and profiles of the proposed system(s) shall include the plan of the building sewers and shall be initially submitted to the Town sixty (60) days prior to proposed start of construction for their review and approval. The cost of the review by the Town shall be at the expense of the applicant. The Town may, at its option, have the plans reviewed by its consulting Engineer, the cost of such review to be at the applicant's expense.

(D) The approved plans must then be submitted to the State Health Department for review and approval.

(E) Upon the Town's receipt of a copy of the permit and/or approval issued by the applicable state Agencies, a complete cost estimate for the installation of the proposed project including but not limited to, construction, engineering, lands, legal and whatever else is reasonably necessary to properly and legally complete the installation of the project, must be furnished to the Town.

(F) Included in the above shall be the estimated cost of an inspector who will inspect the installation of the facility on behalf of the Town. The Town will select the Inspector. The cost of the inspector shall be a part of the project estimate and will be borne by the applicant.

(G) A competent and experienced contractor and/or builder shall be employed to construct the facility. The contractor and/or builder shall be approved in writing by the Town or its duly authorized representative.

(H) The system shall be built as per approved plans. Any changes therefrom shall be approved in writing by the Town before actual construction.

(I) Actual connection of the new facility, to the existing sanitary system, will be made only after the entire new system has been tested in accordance with the Town's specifications and is approved as satisfactory by the Town.

(J) No service connection shall be made to the new facility until such time as the entire system has been tested and approved by the Town.

(K) A one-year maintenance Bond covering all workmanship, materials and equipment shall be provided.

(L) Upon complete of the project and written acceptance of construction from the Town or the duly authorized representative, the Town will own, operate, and maintain the system, provided the applicant, at his expense, shall furnish the following:

1. A complete set of certified "as constructed" plans and specifications.
2. All involved rights-of-way, easements and properties.
3. Any specialized equipment necessary.
4. Operation and Maintenance manuals for all equipment.
5. Factory-trained manufacturer's representative shall instruct the Town's personnel in the operation and maintenance of all equipment.

(M) Subsequent to satisfying all the above provisions of this section the applicant shall provide the Town with:

1. A proper application for sewer service each time a connection with the subject sanitary sewer extension is to be installed.
2. Proper notification of the installation of the building sewer and request to inspect the building sewer prior to trench backfill mg.

(N) The Town shall inspect, approve or disapprove the building sewer as being constructed and installed in accordance with the Town's specifications and requirements covering such installations, and shall certify same to applicant.

(O) The applicant's sewer service account or accounts, in regard to any one improvement project, must remain current with the Town.

(P) If the applicant does not meet all above requirements, the ownership, operation and maintenance shall be the applicant's responsibility. The Town will bill the applicant in accordance with established rates and charges, rules, regulations and/or ordinances local, State and/or Federal.

(Q) Non-payment of charges rendered by the Town to the applicant shall constitute a violation of this Regulation and the Town shall institute appropriate legal action against the applicant.

(R) By adoption of this ordinance the Town is empowered to establish rules to properly operate and maintain the system. The Town also reserves the right to employ a registered professional engineer to establish design standards governing connections to the sewer system at the expense of the applicant/permittee, if applicable.

#### SECTION 4 - ADMISSION OR INDUSTRIAL WASTES INTO PUBLIC SEWER

(A) Approval Required - Review and acceptance of the Town shall be obtained prior to the discharge into the public sewers of any wastes and waters having the following:

(1) A 5 day 20°C centigrade biochemical oxygen demand (B.O.D.) greater than 240 ppm (parts per million); or

(2) suspended Solids content greater than 240 ppm.

(B) Pretreatment - where required, in the opinion of the Town, to modify or eliminate wastes that are harmful to the structures, process or operation of the sewage disposal works, the Person shall provide, at his expense, such preliminary treatment or processing facilities as may be determined necessary to render his wastes acceptable for admission to the public sewer.

(C) Submission of Information - Design calculations, plans, specifications and other pertinent information relating to proposed industrial waste pretreatment or processing facilities shall be submitted for approval or disapproval by the Town prior to start of their construction, if the effluent from such facilities is to be discharged into the public sewers. The attached industrial sewer connection Application shall be fully completed and submitted to the Town. The Permittee shall not connect to the public sewer without prior approval by the Town of the Permittee's "Industrial sewer Connection Application." It shall be the responsibility of the Permittee to file an amendment for approval to the permit thirty (30) days prior to the change of any item of information on the permit. Failure to maintain the permit as an accurate representation of the Permittee's waste discharges to public sewers shall be cause for penalty.

(D) Pre-Application conference - Prior to filing an Industrial Sewer Connection Application, the permittee shall consult with the Town or its duly authorized representative concerning the types, concentration and volumes of industrial wastes proposed for discharge. Conditional approval as to the general requirements must be obtained from the Town prior to preparation of the Industrial Sewer Connection Application.

#### SECTION 5 - PROHIBITIVE DISCHARGES

(A) No Person shall discharge or cause to be discharged any storm water, ground water, roof run-off, subsurface drainage, downspouts, yard drains, yard fountain and ponds or lawn sprays into any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Town. Unpolluted processed water may be discharged upon prior written approval of the Town to a storm sewer or natural outlet or into the sanitary sewer system by an indirect connection whereby such discharge is cooled, if required, and flows into the sanitary sewer at a rate not in excess of three gallons per minute, provided the waste does not contain materials or substances in suspension or solution in violation of the limits prescribed by this section. Any person discharging waste of any type into a storm sewer or natural outlet shall first obtain the written permission of the Town who shall designate the point of discharge whether it be sanitary sewer, storm sewer, or natural outlet.

In cases where, and in the opinion of the State Health Department and state water control Board, the character of the sewage from any manufacturer or industrial plant building or other premises is such that it will damage the system or cannot be treated satisfactorily in the system, the town shall have the right to require such used to dispose of such waste otherwise and prevent it from entering the system. Existing violations of this section shall be corrected by the landowner.

(B) No Person shall discharge or cause to be discharged either directly or indirectly any of the following described substances, materials, waters or waste:

1. Any liquid having a temperature higher than 1500 F (650 C) or quantities of water sufficient to raise the inlet temperature above 104<sup>0</sup> F (20<sup>0</sup>C) at the bar rack.
2. Any water or wastes which contain wax, grease, or oil, plastic or other substances that will solidify or become discernibly viscous at temperatures between 32 degrees to 104 degrees Fahrenheit.
3. Any solids, liquids or gases which by themselves or by interaction with other substances may cause fire or explosion hazards, or in any other way be injurious to persons, property, or the operator of the sewage works.
4. Any solids, slurries or viscous substances of such character as to be capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair and fleshlings, entrails, lime slurry, lime residues, slops, chemical residues, paint residues, or bulk solids.
5. Any garbage that has not been properly comminuted or shredded.
6. Any noxious or malodorous substance, which either singly or by interaction with other substances is capable of causing objectionable odors, or hazard to life; or forms solids or creates any other condition deleterious to structures or treatment processes; or requires unusual provisions, alteration, or expense to handle such materials.
7. Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any corrosive property capable of causing damage or hazards to structures, equipment, personnel or biological population of the sewage works.
8. Any wastes or waters containing suspended or dissolved solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment or in the public sewage works.
9. Any waters or wastes containing a toxic or poisonous substance such as, but not limited to, plating or heat treating wastes in sufficient quantity to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals, or to create any hazard in the receiving waters or the sewage treatment plant.
10. Any cyanide greater than 1.0 parts per million, as CN.
11. Any hexavalent chromium greater than 2.0 parts per million.
12. Any mercury greater than 0.005 parts per million.
13. Any trivalent chromium greater than 5.0 parts per million.
14. Any manganese greater than 1.0 parts per million.

15. Any copper greater than 1.0 parts per million.
16. Any boron greater than 1.0 parts per million.
17. Any nickel greater than 1.0 parts per million.
18. Any cadmium greater than 0.02 parts per million.
19. Any arsenic greater than 0.05 parts per million.
20. Any zinc greater than 1.0 parts per million.
21. Any phenols greater than 0.2 parts per million.
22. Any iron greater than 2.0 parts per million.
23. Any tin greater than 1.0 parts per million.
24. Any barium greater than 5.0 parts per million.
25. Any lead greater than 0.1 parts per million.
26. Any silver greater than 0.10 parts per million.
27. Any selenium greater than 0.02 parts per million.
28. Any chlorides greater than 250.0 parts per million.
29. Any radioactivity as radium -226 and strontium -90 greater than 3 ppc per liter and 10 ppc per liter respectively. In the known absence of strontium -90 and alpha emitters the known concentration shall not be greater than 1,000 ppc per liter.
30. Any antimony greater than 0.C. parts per million.
31. Any bismuth greater than 0.0 parts per million.
32. Any cobalt greater than 0.0 parts per million.
33. Any molybdenum greater than 0.0 parts per million.
34. Any rhenium greater than 0.0 parts per million.
35. Any tellurium greater than 0.0 parts per million.
36. Any uranyl ion greater than 0.0 parts per million.

(C) Except in quantities, or concentrations, or with provisions as stipulated herein, it shall be unlawful for any person, Corporation or Individual, to discharge waters or wastes to the sanitary sewer containing the following:

1. Free or emulsified oil and grease exceeding on analysis an average of 100 parts per million (833 pounds per million gallons) of either or both or combination of free or emulsified oil and grease.
2. Any radioactive wastes greater than the allowable stipulated in (B-29) above.

3. Cyanides or cyanogen compounds capable of liberating hydrocyanic gas on acidification in excess of one-half (0.5) parts per million by weight as CN in the wastes from any outlet into the public sewers.

4. Material which exert or cause the following:

- a. Unusual concentrations of solids or composition; as for example, in total suspended solids of inert nature (such as Fuller's Earth) and/or in total dissolved solids (such as sodium chloride, or sodium sulfate),
- b. Excessive discoloration,
- c. Unusual biochemical oxygen demand,
- d. High hydrogen sulfide content, or
- e. Unusual flow and concentration, unless such material shall be pretreated to a concentration acceptable to the Town if such wastes can (1) cause damage to collection facilities, (2) impair the processes, (3) incur treatment cost exceeding those of normal sewage, or (4) render the water unfit for stream disposal. where discharge of such wastes to the sanitary sewer are not properly pretreated or otherwise corrected, the Town shall reject the wastes or terminate the service of water and/or sanitary sewer.

(D) General prohibition pollutants introduced into the POTW by a non-domestic source shall not pass through the POTW or interfere with the operation or performance of the works. These general prohibitions and the specific prohibitions apply to all non-domestic sources introducing pollutants into the POTW whether or not the source is subject to other National pretreatment Standards or any national or state pretreatment requirements

#### 5.1 - ACCIDENTIAL DAMAGES

In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, probable effects and corrective actions.

Written Notice - Within twenty-four (24) hours following an accidental discharge the user shall submit to the Town Manager a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW fish kills, or any other damage to personal property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

Notice to Employees - A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

#### SECTION 6 - CONTROL OF ADMISSABLE WASTES

(A) Within sixty (60) days from the date of this Ordinance, any Person desiring to deposit or discharge any industrial waste into the public sewers or natural outlets of the Town of Glasgow, or any sewer connected therewith, or who is now so doing, shall make application to the Town for a permit; therefore, upon application forms to be obtained from the Town of Glasgow.

(B) Grease, oil and sand interceptors shall be provided within 180 days of notice by the Town of Glasgow that are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or

any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwellings. All interceptors shall be of a type and capacity approved by the Town and shall be located as to be readily and easily accessible for easy cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be substantially constructed, watertight and equipped with easily removable cover which, when bolted in place, shall be gas tight and watertight. Grease, oil and sand interceptors shall be maintained by the Permittee, at his expense, in continuously efficient operation at all times.

- (C) Within sixty (60) days from the date of passage of this Ordinance, any Person discharging or desiring to discharge an industrial waste mixture into the public sewers or natural outlets of the Town of Glasgow or any sewer connected therewith, shall provide and maintain in a suitable accessible position on the permittee's premises, or such premises occupied by him, an inspection chamber or a manhole near the outlet of each sewer, drain, pipe, channel, or connection which communicates with the sewer or sewer works of the Town or any sewer connected therewith. Existing facilities shall have 60 days to meet these requirements after approval of permit application. Each such manhole or inspection chamber shall be of such design and construction which will minimize infiltration by ground and surface waters and be filtered if required by the Town for prevention of nuisance conditions by screens with sufficient fineness to prevent the entrance of objectionable slugs of solids to the sanitary sewer system. Manholes or inspection chambers shall be so maintained by the person discharging wastes so that any authorized representative or employee of the Town may readily and safely measure the volume and obtain samples of the flow at all times. Plans for construction of the control manholes, or inspection chambers, including such flow measuring devices as may be required, shall be included with the Industrial Sewer Connection Application.
- (D) Sampling of the effluent of waste discharges may be accomplished manually or by use of mechanical equipment to obtain a composite sample which would be representative of the total effluent. Samples shall be taken at six (6) months intervals to establish the B.o.D. and suspended solids of the industrial waste for billing purposes, or at such intervals as determined by the Town as necessary to maintain a control over the discharges from the Permittee. The method used in the examination of all industrial wastes to determine H.O.D., suspended solids, and prohibited wastes shall be set as forth in "standard Methods".
- (E) The use of grease interceptors shall be provided on all establishments where foods are prepared other than private living quarters. Any person(s) involved in food preparation requiring grease and oil interceptors shall submit a schedule to the Town detailing a daily inspection schedule, methods of skimming, holding facilities and a plan to dispose of grease and oil.

#### SECTION 7 - PROTECTION FROM DAMAGE

- (A) No unauthorized Person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the sewage works. Any person violating this provision shall be guilty of a misdemeanor and fined in accordance with the penalty provisions set out under Section 17.1.2 herein.

#### SECTION 8 - POWERS AND AUTHORITY OF ENFORCINC AGENTS

- (A) The Town, and other duly authorized employees acting as its duly authorized agent and bearing credentials and identification, shall be permitted to gain access to such properties at any reasonable time as may be necessary for the purpose of inspection, observation, measurement, sampling and testing, in accordance with provisions of this ordinance. The Town or its representative shall have no authority to inquire into any process beyond that point having direct bearing on the kind and source of discharge to the sewer.

- (B) While performing the necessary work on private properties of paragraph (A) above, the Town or duly authorized employees of the Town of Glasgow shall observe all safety rules applicable to the premises established by the company.
- (C) Where wastes, acids, chemicals or other deleterious substances are released to the sewer causing rapid deterioration of these structures or interfering with the proper treatment of sewage, the Town is authorized to immediately terminate services by such measures as are necessary to protect the facilities.

#### SECTION 9 - TYPES OF CHARGES AND FEES

- (A) The charges and fees for residential and commercial service are those fees established by the rate heretofore enacted by the Town of Glasgow and any amendments of changes in said rate which may hereinafter be enacted by the Town of Glasgow.
- (B) The charges and fees for establishments discharging industrial wastes are those fees established by the rate heretofore enacted by the Town of Glasgow and any amendments or changes in said rate which may hereinafter be enacted by the Town of Glasgow.
- (C) Fees for reimbursement of costs of setting up and operating the Town's Pretreatment Program.
- (D) Fees for monitoring, inspections and surveillance procedures.
- (E) Fees for reviewing accidental discharge procedures and construction.
- (F) Fees for permit applications.
- (G) Fees for filing appeals.
- (H) Fees for consistent removal (by the Authority) of pollutants otherwise subject to Federal Pretreatment Standards.
- (I) Other fees as the Town may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this ordinance and are separate from all other fees chargeable by the Town.

#### SECTION 10 - PENALTY AND INTEREST TO BE ADDED TO UNPAID CHARGES

- (A) All charges for sewer service that are unpaid on the due date shall be subject to a penalty of 10 per cent to be added to the amount of such charges and collected by the Town and shall continue at the rate of one and one-half percent per month until paid.

##### 10.1 Lien for Unpaid Charges

All unpaid charges for sewer services and connection fees, together with the penalties and interest thereon shall constitute a lien on the property served and shall be collected in the same manner as delinquent Town taxes.

##### 10.2 Discontinuance of sewer Service for Nonpayment of Charges

If a charge for sewer connection and/or sewer service is not paid within ninety (90) days after the same becomes due and payable, the Town may, after 10 days notice in writing to the tenant or owner of such property of its intention to do so, cut off, and discontinue water and sewer service to the property.

#### SECTION 11 - INDUSTRIAL WASTE SURCHARGE

(A) Persons discharging industrial wastes which exhibit none of the characteristics of wastes prohibited previously other than excessive B.O.D. or suspended solids but having a concentration for a duration of fifteen (15) minutes greater than four (4) times that of "normal" sewage as measured by suspended solids and B.O.D. and/or an average concentration during a normal working day of the Permittee's industry of suspended solids or B.O.D. content in excess of "normal" sewage as defined in Definitions as "normal" domestic sewage shall be required to pretreat the industrial wastes to meet the requirements of "normal" sewage; however, such wastes may be accepted for treatment if the following requirements are met:

- (1) The waste will not cause damage to the collection and treatment facilities \*
- (2) The waste will not impair the treatment process.
- (3) The person who discharges such waste enters into an Industrial connection Application and agrees to pay the sewer service charge and industrial waste surcharge.

(B) The person who discharges such wastes shall enter into an Industrial Sewer Connection Application with the Town of Glasgow providing for a surcharge over and above established water and sewer rates. The basis for surcharge on industrial wastes is a capital and operating cost of \$0.23 per part per million per million gallons for the B.O.D. (biochemical oxygen demand) and a capital and operating cost of \$0.26 per part per million per million gallons for the suspended solids exceeding "normal" sewage. The rates shall continue until changed by action of the Town. The surcharge shall be calculated for billing purposes with the following formula:

$$S.C. = V [0.23(B.O.D. - 240) + 0.26 (SS1 - 240)]$$

S.C. = surcharge in dollars for time related to volume

V

V = volume in million gallons based on metered water  
B.O.D.= B.O.D. - 5 day 0 20°C of industrial waste (ppm)

SS1 = Suspended solids of industrial waste (ppm)

(C) Any person who refuses to comply with or who resists or willfully discharges wastes prohibited from discharge into public sewers or who refuses to comply with the provisions of this section, shall be served by the Town with a written notice stating the nature of the violation and providing a reasonable time limit for satisfactory correction thereof. Any Person who shall continue any violation beyond the time limit shall be guilty of violation of his Industrial Sewer Connection Application and shall be summarily disconnected from the sanitary and/or water service. Such disconnection and reconnection to be of total expense to the customer where acids or chemicals damaging to sewer lines or treatment process are released to the sewer and cause rapid deterioration of these structures or interferes with the proper treatment of sewage, the Town is authorized to immediately terminate service by such measures as are necessary to protect the facilities.

#### SECTION 12 - BILLING

(A) Industrial waste surcharge provided for in the Ordinance shall be included, as a separate item on the regular bill for water and sewer charges and shall be paid monthly in accordance with the existing practices. Surcharges shall be paid at the same time that the water, sewer and sanitation charges of

the person become due and payment for water and sanitation services shall not be accepted without payment also of the sewer service charges and industrial waste surcharges.

SECTION 13 - PENALTY FOR FAILURE TO PAY BILLS AND/OR REPEATED DISCHARGE OF PROHIBITED WASTE TO PUBLIC SEWERS

- (A) Failure to pay monthly bills for water and/or sewer service and/or garbage charge, when due, or failure to pay the established sewer surcharge for industrial waste when due, or repeated discharge of prohibited waste to the sanitary sewer shall be sufficient cause to disconnect any and all services to the water and/or sanitary sewer mains of the Town, and the same penalties and charges now or hereafter provided for by the Ordinances of the town of Glasgow, for failure to pay the bill for water and sewer service when due shall be applicable in like manner in cases of failure to pay the established surcharge for industrial waste discharged to the sanitary sewer mains as established herein.

SECTION 14 - ADMINISTRATION

14.1

14.1 Wastewater Dischargers

It shall be unlawful to discharge without a Town permit to any natural outlet within the Town, or in any area under the jurisdiction of said Town, and/or to the Pong except as authorized by the Town in accordance with the provisions of this regulation.

14.2

14.2 Wastewater Contribution Permits

14.2.1 General Permits

All significant users proposing to connect to or to contribute to the POW shall obtain a wastewater Discharge Permit before connecting to or contributing to the POTW. Existing users at the date of this ordinance adoption will be issued permits.

14.2.2 Permit Application

Proposed new users shall apply at least 90 days prior to building design. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

(a) Name, address, and location of planned facility, (if different from the address);

(b) SIC number according to the Standard Industrial Classification Manual, Office of Management and Budget, 1972, as amended:

(c) wastewater constituents and characteristics including but not limited to those mentioned in Section 5 of this regulation as determined by a reliable analytical laboratory, sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended.

(d) Time and duration of contribution;

(e) Average daily and 3 minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;

(f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and sewer connections, and appurtenances by the size, location and elevation;

(g) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;

(h) Where known, the nature and concentration of any pollutants in the discharge which are limited by the Town, State or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional Operations and Maintenance and/or additional pretreatment is required for the User to meet applicable pretreatment Standards;

(i)

If additional pretreatment and/or operations and maintenance will be required to meet the Pretreatment Standards; the shortest schedule by which the User will provide such additional pretreatment. The completion date of this schedule shall not be later than the compliance date established for the applicable pretreatment Standards;

The following conditions shall apply to this schedule:

(1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

(2) No increment referred to in paragraph 1 above shall exceed 9 months.

(3) Not later than 14 days following each date in the schedule and the final date for compliance the User shall submit a progress report to the Town Manager including as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Town Manager.

(j) Each product produced by type, amount, process or processes and rate of production;

(k) Type and amount of raw materials processed (average and maximum per day);

(l) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

(m) Any other information as may be deemed by the Town to be necessary to evaluate the permit application.

The Town will evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, the Town may issue a wastewater contribution Permit subject to terms and conditions provided herein.

These preceding provisions apply to any building additions and/or renovations.

### 14.2.3 Permit Modifications

Within nine months of the promulgation of a National categorical pretreatment Standard, the Wastewater contribution Permit of Users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. where a User, subject to a National categorical pretreatment Standard, has not previously submitted an application for a Wastewater Contribution Permit as required by 12.fl, the User shall apply for a Wastewater Contribution Permit within 180 days after the promulgation of the Applicable National Categorical pretreatment Standard. In addition, the User with an existing Wastewater Contribution permit shall submit to the Town Manager within 180 days after the promulgation of an applicable Federal categorical Pretreatment Standard the information required by paragraph (h) and (i) of Section 15.2.1.

### 14.2.4 Permit Conditions

Wastewater Discharge permits shall be expressly subject to all provisions of this regulation and all other applicable regulations, user charges and fees established by the Town. permits may contain the following:

- (a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
- (b) Limits on the maximum wastewater constituents and characteristics;
- (c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (d) Requirements for installation and maintenance of inspection and sampling facilities;
- (e) Specifications for monitoring programs which may include sampling locations; frequency of sampling, number, types and standards for tests and reporting schedule;
- (f) Compliance schedules;
- (g) Requirements for submission of technical reports or discharge reports (see 4.c);
- (h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the town, and affording the Town access thereto;
- (i) Requirements for notification of the Town of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- (j) Other conditions as deemed appropriate by the Town to ensure compliance with this ordinance.

### 14.2.5 Permit Duration

Permits shall be issued for S specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit except in such cases where the permit has been issued for a period of one (1) year or less, the user shall apply for permit reissuance a minimum of 60 days prior to the expiration of the users existing permit. The terms and

conditions of the permit may be subject to modification by the Town during the term of the permit as limitations or requirements as identified in Section 5 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

#### 14.2.6 Permit Transfer

Wastewater Discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the Town. Any succeeding owner or user shall apply for a new permit.

### 14.3 Reporting Requirements for Permittee

#### 14.3.1 Compliance Date Report

Within 90 days following the date for the final compliance with applicable pretreatment Standards or, in the case of a New source, following commencement of the introduction of wastewater into the POTW, any User subject to Pretreatment Standards and Requirements shall submit to the Town Manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment standards and Requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional operations and maintenance and/or pretreatment is necessary to bring the User into compliance with the applicable pretreatment standards or Requirements. This statement shall be signed by an authorized representative of the Industrial User, and certified to by a qualified professional.

#### 14.3.2 Periodic Compliance Reports

(1) Any User subject to a pretreatment standard, after the compliance date of such Pretreatment Standard, or, in the case of a New source, after commencement of the discharge into the POTW shall submit to the Town Manager during the months of June and December, unless required more frequently in the pretreatment Standard or by the Town Manager, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such pretreatment Standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in paragraph 15.2.4.b of this section. At the discretion of the Town Manager and in consideration of such factors as high or low flow rates, holidays, budget, cycles, etc., the Town Manager may agree to alter the months during which the above reports are to be submitted.

### 14.4 Monitoring Facilities

The Town may require to be provided and operated at the User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises, but the Town may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Town's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the Town.

#### 14.5 Inspection and Sampling

The Town may inspect the facilities of any User to ascertain whether the purpose of this ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Town or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The Town, Approval Authority and (where the NPDES State is the Approval Authority) EPA shall have the right to set up on the User's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. where a User has security measures in force which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Town, Approval Authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

#### 14.6 Pretreatment

Users shall provide necessary wastewater treatment as required to comply with this ordinance and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the Town shall be provided, operated, and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Approving Authority for review, and shall be acceptable to the Town before construction of the facility. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Town under provisions of this ordinance. subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Town prior to the User's initiation of the changes.

All records relating to compliance with pretreatment Standards shall be made available to officials of the EPA or Approval Authority upon request.

#### 14.7 Confidential Information

Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the Town that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for Users related to this ordinance, the national pollutant Discharge Elimination System (NPDES) permit, State Disposal system Permit and/or the pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the Town as confidential, shall not be transmitted to any governmental agency or to the general public by the town until and unless approval is received from the User.

### SECTION 15 - ENFORCEMENT

### 15.1 Harmful Contributions

The Town may suspend the wastewater treatment service and/or a Wastewater Contribution Permit when such suspension is necessary, in the opinion of the Town, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the Town to violate any condition of its NPDES Permit.

Any person notified of a suspension of the wastewater treatment service and/or the Wastewater Contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Town shall take such steps as permitted by this ordinance or applicable law including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Town shall reinstate the Wastewater Contribution Permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge.

A detailed written statement submitted by the User describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Town within 15 days of the date of occurrence.

### 15.2 Revocation of Permit

Any User who violates the following conditions of this ordinance, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of Section 16 of this regulation:

- (a) Failure of a User to factually report the Wastewater constituents and characteristics of his discharge;
- (b) Failure of the User to report significant changes in operations, or wastewater constituents and characteristics;
- (c) Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring; or,
- (d) Violation of conditions of the permit.

### 15.3 Notification of Violation

Whenever the Town finds that any User has violated or is violating this ordinance, wastewater contribution permit, or any prohibition, limitation or requirements contained herein, the Town may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of notice, a plan for the satisfactory correction thereon shall be submitted to the Town by the User.

### 15.4 Show Cause Hearing

- 15.4.1 The Town may order any User who causes or allows an unauthorized discharge to show cause before the Town why the proposed enforcement action should not be taken. A notice shall be served on the User specifying the time and place of a hearing to be held by the Town regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause before the Town why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation. Notice of the hearing shall also be given to the State Water control Board.

- 15.4.2 The Town may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the Town of Glasgow to:
- (a) Issue in the name of the Town notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
  - (b) Take the evidence;
  - (c) Transmit a report of the evidence and hearing, including transcripts and other evidence together with recommendations to the Town for action thereon.
- 15.4.3 At any hearing held pursuant this ordinance, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges hereof.
- 15.4.4 After the Town has reviewed the evidence, it may issue an order to the User responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

### 15.5 Legal Action

If any person discharges sewage, industrial wastes or other wastes into the Town's wastewater disposal system contrary to the provisions of this regulation, Federal or state Pretreatment requirements or any order of the Town, the Town's Attorney may commence an action for appropriate legal and/or equitable relief in the circuit Court of Rockbridge County.

## SECTION 16 - ASSESSMENTS AND COSTS

### 16.1 Enforcement and Assessments

Any User who is found to have violated an order of the Town or who fails to comply with any provision of this ordinance, and the orders, rules, regulations and permits issued hereunder, or who commits an actual or threatened discharge as set forth in section 5 or who violates any of the conditions and rules set forth in this ordinance, shall be subject to the following action.

- (1) Upon a first violation, the Town shall issue a written notification in the form of a warning letter directing the User to cease and desist from non-compliance with the provisions of this ordinance, to take necessary action to correct such violations and to make full restitution to the Town for any damage caused to the sewage treatment facility. The Town may further issue an order to the User responsible for the discharge directing that following a specified period of time the sewer service be discontinued and/or the wastewater contribution permit be revoked unless corrective action is taken.
- (2) Upon a second violation, the Town may impose a \$1,000 assessment upon the User and shall order that the User pay full restitution to the Town of any damages caused to the sewage treatment system or facility. The Town may further impose any of the sections set forth in paragraph (1) above.
- (3) Upon a third notice, the Town shall conduct a hearing upon ten days notice to the User and the State Water Control Board Enforcement Division, both of which shall be entitled to be present at said hearing. For a third violation of the provisions of this regulation, the Town may impose a

\$10,000 assessment upon the User and shall order full restitution to the Town of any damage caused by said User to the sewage treatment facility; and the Town may additionally impose any of the sanctions in paragraph (1) above.

(4) Upon a fourth violation, the Town may revoke the permit of the User and shall take such action as may be necessary to enforce the revocation of said permit. In addition to permit revocation, the Town may further assess the User the sum of \$10,000 for the fourth violation and shall order full restitution to the Town of any damage caused to the sewage treatment facility as a result of said violation.

(5) Nothing in this action shall be intended to limit or modify any enforcement action the Town may take under Section 5 of this regulation.

Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Town may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this ordinance or the orders, rules, regulations, and permits issued hereunder.

#### 16.2 Falsifying Information

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance, or Wastewater Contribution permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall, upon such a finding by the Town be assessed the sum of \$1,000 and the Town shall further revoke the wastewater contribution permit and any and all other permits issued to said User.

#### SECTION 17 - GENERAL PENALTIES

(A) Any person found to be violating any provision of this ordinance not pertaining to pretreatment shall be served by the Town of Glasgow with written notice stating the nature of the violation and providing a "reasonable" time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. Any person who shall continue any violation beyond the time limit provided for in Section 12.C shall be guilty of a violation and upon conviction thereof, shall be fined in an amount not exceeding one hundred (\$100) dollars for each violation. Each day in which such violation shall continue shall be deemed a separate violation.

(B) The penalty provided herein shall be cumulative of other remedies provided by state law and the power of injunction as provided by applicable statutes, may be exercised in enforcing this ordinance whether or not there has been a criminal complaint filed.

(C) Any Person violating any of the provisions of this ordinance shall become liable to the Town of Glasgow for any expense, loss or damage occasioned by the Town by reason of such violation.

(D) Nothing contained herein shall be construed as prohibiting any property owner who is damaged or affected by a violation of the terms of this ordinance from bringing suit in a court of competent jurisdiction to obtain such remedies as may be available at law or in equity for the protection of the rights of such property owner.

#### SECTION 18 - SEVERABILITY

If any provision, paragraph, word, section or article of this regulation is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be

effected and shall continue in full force and effect. No statement contained in this ordinance shall be construed to interfere with any additional requirement that may be imposed by either the Virginia Department of Health or state Water Control Board

SECTION 19 - CONFLICT

All other ordinance and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 20 - VARIANCE

Temporary variances may be issued on a case to case to basis when in the discretion of the Town no significant affect on the POTW will occur.

SECTION 21 - EFFECTIVE DATE

**WHEREAS**, the VML/VACo Virginia Power Steering Committee (the “Committee”), composed of representatives of the Town of Glasgow and other local governments and political subdivisions of the Commonwealth, has for over several decades negotiated on behalf of such governmental units a standard form contract for their purchase of electricity supply and delivery service from Virginia Electric and Power Company (“Virginia Power”) as a sole source provider; and

**WHEREAS**, political subdivisions of the Commonwealth of Virginia are authorized under Virginia law to exercise jointly powers that they otherwise are authorized to exercise independently, and the terms and conditions of such authorization are currently set forth in Sections 15.2-1300, et seq. of the Virginia Code (the “Joint Powers Act”); and

**WHEREAS**, the Virginia Electric Utility Restructuring Act (the “Restructuring Act”) further authorizes municipalities and other political subdivisions in the Commonwealth to aggregate their electricity supply requirements for the purpose of their joint purchase of such requirements from licensed suppliers, and the Restructuring Act provides that such aggregation shall not require licensure; and

**WHEREAS**, the Virginia Public Procurement Act (the “Procurement Act”) exempts from its competitive sealed bidding and competitive negotiation requirements (the “Requirements”) the joint procurement by public bodies, utilizing competitive principles, of electric utility services purchased through member associations under the conditions set forth in the Procurement Act; and

**WHEREAS**, the Committee recommends that the aggregation and procurement of electric supply, electric delivery, and other energy-related services (“Energy Services”) be effectuated as provided in the Joint Powers Association Agreement, a copy of which is attached to and made part of this Ordinance (the “Joint Powers Agreement”), in accordance with applicable provisions of the Procurement Act, such as the utilization of competitive principles pursuant to an exemption from the Requirements; and

**WHEREAS**, the Committee also recommends that the other services provided by the Committee to its members be effectuated as provided in the Joint Powers Agreement, with such services consisting of (i) assistance in implementing standard form contracts for the purchase of services from incumbent electricity utilities, (ii) education of members regarding electricity procurement issues, (iii) monitoring of legal and regulatory developments affecting the provision of electricity service to local governments, and (iv) hiring of consultants and legal counsel to assist in its provisions of the foregoing services (“Steering Committee Services”).

**WHEREAS**, it appearing to the Town Council of Town of Glasgow that the joint procurement of the Energy Services pursuant to the Joint Powers Agreement and the provision of Steering Committee Services pursuant to the Joint Powers Agreement is otherwise in the best interests of Town of Glasgow

**NOW, THEREFORE, BE IT HEREBY ORDAINED** that:

- (1) Competitive sealed bidding and competitive negotiation for the procurement of Energy Services are not fiscally advantageous to the public because the procurement process for Energy Services must be flexible enough to respond to quickly changing market conditions in which energy prices can fluctuate considerably on a daily or even hourly basis.
- (2) The aggregation and joint procurement of the Energy Services pursuant to the Joint Powers Agreement is hereby approved.
- (3) The provision of Steering Committee Services pursuant to the Joint Powers Agreement is hereby approved.
- (4) The Joint Powers Agreement and the performance of the terms and conditions thereof on behalf of Town of Glasgow are hereby authorized and approved.
- (5) The Town Manager is hereby authorized and directed to execute and deliver the Joint Powers Agreement on behalf Town of Glasgow in substantially the form presented to this meeting.
- (6) The payment obligations of Town of Glasgow pursuant to the provisions hereof and the Joint Powers Agreement shall be subject to annual appropriation of requisite funds therefor by the Town Council.
- (7) This Ordinance shall take effect immediately upon its adoption or passage.

Adopted this 4th day of March, 2002

## **Park and Playground Rules**

Park Rules:

### **1-1 Alcohol**

- a) No person shall consume or possess an open or previously opened container containing any alcoholic beverage, or be under the influence of an alcoholic beverage while in public park and recreation facilities.
- b) No person shall consume, possess or be under the influence of any controlled substance, as defined by the Code of Virginia, while in Public Park and recreation facilities.

### **1-2 Open Fires**

- a) No person shall make a fire in a public park and recreation facility other than in grills, fireplaces or other areas and designated and approved for such use by the Town Manager. All fires shall be closely monitored and completely extinguished by persons starting and using them before persons leave the immediate vicinity.

### **1-3 Skateboards**

- a) No person shall ride or use a skateboard, bike or roller blades in public park and recreational facilities except in areas so designated for such use and/or at times designated for such use.

### **1-4 Restrooms**

- a) No person shall fail to cooperate in maintaining restrooms in a neat and sanitary condition. There shall be no loitering in the restrooms.

### **1-5 Use of Property & Equipment**

- a) No person shall damage, deface, destroy, remove, injure or improperly use public park and recreational facilities, property, equipment, or the natural environment. Persons or groups using facilities or equipment assume full responsibility for damages. Facilities and/or grounds used shall be returned to the same condition as before such use.

### **1-6 Litter**

- a) No person shall throw, deposit or leave any litter, refuse or rubbish of any kind in public park and recreational facilities except in public receptacles and in such manner that the litter, refuse or rubbish will be prevented from being carried by the elements. Where public receptacles are not provided all such litter, refuse or rubbish shall be carried away by the person responsible and disposed of accordingly.
- b) The group or person responsible for reserving the shelter must remove all litter, refuse, or rubbish from the area and dispose of it at an acceptable disposal site.

### **1-7 Animals**

- a) No person shall permit his animal to run at large. In case of a dog, the owner or his agent shall secure the animal by voice or with a collar using a chain, cord or leash in order to have the animal under complete and immediate control.
- b) All animal waste must be removed and disposed of properly. No animals are permitted in the fenced in playground area unless designated by the Town.

### **1-8 Instruction**

- a) No person other than those authorized by the Town Manager shall offer instruction or educational classes (e.g. kayak instruction) in public park or recreational facilities.

#### **1-9 Lease**

- a) When authorized by the Town Council and upon such terms and conditions as it may provide, the public parks and recreation facilities may be leased. The Town Manager under the direction of Town Council shall fix and collect charges for the use of facilities and services.
- b) Under the lease agreement, the lessee shall have full responsibility for following all rules and regulations set forth in this document.
- c) An agreement on activities planned by the lessee shall be presented to the Town Manager for approval.

#### **1-10 Sale of Goods and Concessions**

- a) No person, church, corporation or charitable group shall post, distribute, circulate or display any notice, banner, advertisement or printed material in any park or recreational facility without obtaining written permission.
- b) No person, church, corporation or charitable group shall offer for sale and goods, articles, privileges, commodities or services whatsoever or solicit for any purpose in any public park or recreational facility without obtaining permission from the Town Manager, and for such time and at such places as the Town Manager may determine.
- c) The sale of foods, soft drinks, or other like goods is prohibited in any park or recreational facility, except when authorized by the Town Manager.

#### **1-11 Rules and Regulations**

- a) The Town Manager shall have the right to promulgate rules and regulations for the operation of public parks and recreation facilities and the activities therein. Such rules and regulations shall be posted at such park and recreation facility and available for review at the Town Office.

#### **1-12 Violations**

- a) See references in the Code of the State of Virginia.
- b) The Mayor, Town Sergeant, Town Manager or any person delegated to do so by the Town Manager may issue no trespass papers to violators of Park Rules and Regulations.

#### **1-13 Insurance**

- a) The Town of Glasgow property insurance and general liability insurance does not extend to individuals, community groups, or other organized groups leasing the public park areas or facilities for events. In addition, such person may be ejected from the park, building or other facility wherein the violation occurred.

#### **1-14 Council to Establish Fees**

- a) The Town Manager shall review, annually, all fees, charges and prices for recreation services and the use of recreation facilities and areas. Changes in such fees, charges and prices may be recommended to the Town Council at such times and in such amounts as the manager may seem proper. The Town Council may establish or amend such fees, charges and prices, as it deems appropriate. Such establishment of amendment shall be by resolution. The Town Manager may waive, upon request, any fees, charges and prices assessed hereunder for good cause.

#### **1-15 Hours of Operation**

- a) All public parks, playgrounds and recreational areas or facilities shall be open from the use of the general public between the hours posted, unless permission was received from the Town Manager or Council to augment the hours listed for events.

- b) No person shall trespass or otherwise be upon the grounds of any municipal park, playground recreational facility or area, without express permission of the Town Manager or Council, between the hours posted that the facility is closed.

#### **1-16 Authority to Close Parks**

- a) The Town Manager is hereby authorized to close any public park, playground, recreational area or facility to all persons not properly authorized to be therein, for the protection of the public peace, health, safety, welfare or morals or at the discretion of the Town Council.
- b) In the event the Town Manager directs the closure of any public park, playground, recreational area or facility, the date and time of such emergency closure shall be posted upon the property affected.
- c) It shall be unlawful for any person not properly authorized to enter into or fail to vacate any park, playground, recreational area or facility when notice of emergency closure has been given.

#### **1-17 Use of Parks**

- a) Regularly planned activities or events sponsored by the Town shall be given preference.
- b) A written permit shall be obtained from the Town Manager or his/her authorized representative whenever any person or group, not officially a participant in a program of the Town, desires to reserve a park, playground, recreation facility or area or any portion thereof.
- c) Applications for a permit shall be filed with the Town Manager or his/her authorized representative on a form provided at least two weeks prior to the date use is requested unless use of the Knick Field in its entirety is desired. Then the application must be filed by January 31. The shelter and Park run on a first come, first served basis for events.
- d) If notice of cancellation is not received by the Town Manager at least four (4) days prior to the date of the event, the permit holder shall be responsible for all expenses incurred by the Town relating to such request.
- e) No apparatus (scenery, etc.), furniture or equipment shall be moved into a park or facility unless special permission is granted in advance from the Town Manager or his/her authorized representative. Such apparatus, furniture or equipment, if allowed, shall be removed from the park area of facility promptly after use. Failure to comply will be grounds for the Town Manager or his/her representative to prohibit, at his/her discretion, such persons or groups from using facilities at a later date.
- f) Any permittee using park facilities or areas shall be required to indemnify and save the Town of Glasgow harmless from any and all liabilities for damages, personal or property, which may arise out of or in connection with the use of said park facility or area by such permittee. Responsibility for loss, breakage or need for repair any piece of furniture, equipment or portion of the facility rests solely with the person signing the agreement, who shall report same to the Town Manager or his/her authorized representative.

#### **1-18 Accommodations**

- a) If control personnel, parking attendants or other special services are necessary outside of normally scheduled work times, such personnel shall be supplied by the permittee, or upon agreement between the permittee and Town Manager or his/her authorized representative shall be procured by the Town Manager and charged to the permittee. The Town Manager, sergeant, or any other authorized agent, as determined by the Town Manager shall specify when control personnel are necessary.

#### **1-19 Vehicle Use**

- a) No person shall drive, ride, or park at any time any automobile, truck, motorcycle, motor scooter, or other motor vehicle, horse or animal upon the grounds of any public park, playground or recreation area, except in public streets running through such premises, within designated parking areas located upon premises or with approval from the Town Manager. Nor should they impede traffic without approval from the Town Manager.

### **1-20 Interpretation of Rules**

- a) All permits shall be revocable at any time by the Town Manager upon finding a violation of any rule, Code Section or state statute.
- b) The Town Manager or his/her authorized representative or the park and recreation committee shall interpret these rules and regulations and may act in any case not specifically covered herein. If it should become necessary for the Town Manager or his/her authorized representative to make a decision before formal consideration or consultation with the committee or council may be had, the decision of the Town Manager may be ratified at the subsequent Town Council meeting.
- c) Any request not contemplated by these rules and regulations or any refusal of a permit request may be appealed to the Town Council, who may at their discretion decide such appeal.

### Playground Rules

- 1) Playground equipment is for ages 2 to 12. Adults may use the equipment only if assisting children for safety purposes.
- 2) Children must be supervised by an adult at all times in the playground area.
- 3) Please no running while in the playground area
- 4) Horseplay, inappropriate language, and/or abuse of the playground equipment will not be tolerated.
- 5) Clothing is required to be worn at all times when using equipment. Socks and shoes are required at all times.
- 6) When using slides, go feet first and one person at a time. Climbing up the sides or slides is not permitted at any time.
- 7) No food, gum, or drinks permitted on the play equipment.
- 8) Caution: Play equipment may become hot during sunny days. Parents please check equipment temperature prior to allowing play.
- 9) Town of Glasgow staff reserve the right to suspend children from playground equipment at any time rules are broken or violated.
- 10) Please report any inappropriate behavior or rules violation to Town Hall.

Adopted January 12, 2009