

**TITLE IX: GENERAL REGULATIONS**

Chapter

**90. ANIMALS AND FOWL**

**91. STREETS AND SIDEWALKS**



## CHAPTER 90: ANIMALS AND FOWL

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#### **GENERAL PROVISIONS**

##### **§ 90.01 KEEPING UNDER OFFENSIVE CONDITIONS.**

It shall be unlawful for any person to keep, have or maintain on premises owned or controlled by such person in any residence district of the town any animals or fowl under such conditions as shall cause the place where they shall be kept to be offensive to persons residing in the vicinity, or which shall impair the comfortable enjoyment by other persons of their property in such vicinity.

(Prior Code, § 5-1) Penalty, see § 10.99

##### **§ 90.02 KEEPING HOGS PROHIBITED.**

It shall be unlawful for any person to have or keep hogs within the town.

(Prior Code, § 5-2) Penalty, see § 10.99

##### **§ 90.03 CRUELTY TO ANIMALS PROHIBITED.**

It shall be unlawful for any person in the town to override, overdrive, overload, torture, ill-treat or cruelly or unnecessarily beat, maim, mutilate or kill any animal, whether belonging to himself or herself or another.

(Prior Code, § 5-3) Penalty, see § 10.99

**§ 90.04 FIGHTING ANIMALS OR FOWL PROHIBITED.**

It shall be unlawful for any person within the town to engage in the fighting of animals or fowl for prize or diversion.

(Prior Code, § 5-4) Penalty, see § 10.99

***DOGS***

**§ 90.15 VICIOUS DOGS.**

(A) It shall be unlawful for any person to permit or allow a dangerous, destructive or vicious dog to run at large with the town. Any dog that has been known to attack or attempt to attack or injure any person, animal or fowl, or to destroy anything of value shall be termed a dangerous dog. Such dog shall be kept confined upon the premises of the owner, and if removed from the premises, shall be secured by a leash in the hands of a person able to control such dog, or shall be confined inside a vehicle or cage.

(B) The owner of such animal, upon conviction thereof, shall be punished as a Class 2 misdemeanor as described in the VA Code § 18.2-11, confinement in jail for not more than 6 months and a fine of \$1,000, either or both.

(C) If the animal has been determined to be dangerous or destructive, such animal may be chained or removed from the town by order of the Town Manager, Chief of Police or the Mecklenburg County Animal Control Officer.

(Prior Code, § 5-5) (Am. Ord. passed 10-19-1999) Penalty, see § 10.99

**§ 90.16 DOGS RUNNING AT LARGE AND BEING DESTRUCTIVE.**

(A) If any dog bites any person or annoys any person by running after him or her in the streets in a vicious manner, or if any dog goes on the premises of

a person other than the owner and shall commit acts of destruction, the owner of such dog shall, upon conviction thereof, be punished as a Class 2 misdemeanor as described in the VA Code § 18.2-11, confinement in jail for not more than 6 months and a fine of not more than \$1,000, either or both.

(B) Such animal that bites shall be confined by the owner or the Mecklenburg County Animal Control Officer for a period of 10 days to determine if the dog is rabid. After 10 days, such dog may be removed from the town by order of the Town Manager, Chief of Police or the Mecklenburg County Animal Control Officer.

(Prior Code, § 5-6) (Am. Ord. passed 10-19-1999)

**§ 90.17 BARKING DOGS.**

(A) No person shall keep within the town a dog which persistently barks, howls or by other conduct disturbs the quiet of any person.

(B) If, after reasonable notice, the owner of the dog shall fail or refuse to prevent such annoyance or disturbance, the dog may be removed from the town by order of the Town Manager, Chief of Police or the Mecklenburg County Animal Control Officer.

(C) The owner shall, upon conviction thereof, be punished as a Class 4 misdemeanor, a fine of not more than \$250. A second or subsequent offense shall be found guilty of a Class 3 misdemeanor, a fine of not more than \$500.

(D) Such animal may be removed from the town by order of the Town Manager, Chief of Police or the Mecklenburg County Animal Control Officer.

(Prior Code, § 5-7) (Am. Ord. passed 10-19-1999) Penalty, see § 10.99

**§ 90.18 CONFINEMENT OF DOGS SUFFERING FROM OR SUSPECTED OF HAVING RABIES.**

(A) Any dog which is known to be suffering from rabies, or which is suspected of suffering from such disease, shall be at once confined by the owner until it is definitely known whether the animal is so infected.

(B) If it is found no have such disease, the owner shall at once cause such animal to be killed and the body to be burned or buried.

(C) In the event of the failure of the owner to obey the terms of this section, the police may cause such animal to be killed or confined under order of the Town Manager.  
(Prior Code, § 5-8)

**§ 90.19 AUTHORITY OF HEALTH OFFICER TO ORDER QUARANTINE OF DOGS HAVING BEEN NEAR RABID DOGS.**

The county health officer is empowered to order any individual owner of a dog, known at the time to have been in close proximity to the route or path of travel of a rabid dog, to quarantine such dog for a period of 45 days.  
(Prior Code, § 5-9)

**§ 90.20 TOWN MANAGER MAY REQUIRE CONFINING OF DOGS.**

At any time not exceeding 4 ten-day periods or such lesser time as the Town Manager may designate per year, the Town Manager may proclaim that all dogs within the town be confined to the homes or lots of their owners for a period of 10 days or such lesser time as the Town Manager may designate, while town police and state game wardens are canvassing the town for unlicensed and unclaimed dogs. The Town Manager, in proclaiming the confinement of dogs for such 10-day period or such lesser time as he or she may designate, shall do so by having notice thereof

published in newspapers of general circulation in the town at least twice a week for 2 weeks preceding the date of confinement. Any person failing to confine his or her dog during such proclaimed confinement period shall be penalized in accordance with § 10.99.  
(Prior Code, § 5-10) Penalty, see § 10.99

**LICENSING AND VACCINATION**

**§ 90.35 VACCINATION CERTIFICATE PREREQUISITE TO LICENSING; RECORDING OF LICENSE ON CERTIFICATE.**

All owners of dogs within the town shall comply with state and Mecklenburg County vaccination and licensing requirements.  
(Prior Code, § 5-11)

**§ 90.36 AUTHORITY OF COUNTY DOG WARDEN AND GAME WARDEN TO ENFORCE VACCINATION AND LICENSING.**

The provision of this subchapter shall be enforced by the county dog warden and game wardens.  
(Prior Code, § 5-12)

**LEASHING**

**§ 90.50 LEASHING.**

(A) *Definitions.* For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**DOG.** Every dog regardless of sex or age.

**OWNER.** Every person having right of property in a dog, or who keeps or harbors a dog, or has a dog in his or her care, or who acts as custodian of a dog.

**TO RUN AT LARGE** or **RUNNING AT LARGE.** To roam, loiter, walk, run, and destroy property or others, or be off the premises of the owner without being caged, physically carried or held by leash, by a person thoroughly capable both physically and mentally of controlling the dog.

(B) *Custody.*

(1) It shall be unlawful for any owner, harborer or custodian of any dog to allow, cause or permit such dog to run at large, at any time, within the town limits even though the dog is both lawfully licensed and vaccinated.

(2) It shall be unlawful for the owner, harborer or custodian of any dog to allow, cause or permit such dog to enter any public building, office or store during the time such business establishments are open for public business unless the dog is on a leash or otherwise under the immediate control of such owner.

(3) Any person violating this section in any portion thereof upon conviction shall be fined a minimum of \$50, but no more than \$150.

(Ord. passed 7-19-2005)

## CHAPTER 91: STREETS AND SIDEWALKS

### Section

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**GENERAL PROVISIONS****§ 91.001 DEFINITIONS.**

For the purposes of this chapter, unless the context specifically indicates otherwise, the following words and phrases shall have the meanings respectively ascribed to them by this section.

**IMPROVED STREET.** Any street having a wearing surface of concrete, asphalt, brick, stone block, tar treatment, or similar hard material.

**STREET.** The areas of the town set aside for public vehicles and pedestrian traffic.

**STREET GRADE.** The paved surface of any street determined by the Town Council.

**STREET PAVING.** Any type of concrete, rock or combination of rock and asphaltic material applied to the graded street.

**SUPERINTENDENT.** The Director of Public Works of the town, or his or her duty authorized deputy, agent and representative.

**UNIMPROVED STREET.** Any street having a dirt or crushed stone surface.  
(Prior Code, § 18-1)

**§ 91.002 POWERS AND DUTIES OF SUPERINTENDENT.**

(A) The Superintendent shall, subject to the direction of the Town Manager, have charge and control of the construction, maintenance, repair and condition of all streets, alleys, and sidewalks of the town, and shall be directly responsible therefor.

(B) It shall be the duty of the Superintendent to see that all streets, alleys and sidewalks are kept and maintained in proper condition, that needed new streets and sidewalks are constructed as directed by the Town Manager, to keep the Town Manager

advised at all times concerning the condition of the same and to make recommendations for needed improvements from the time to time, and generally to do or cause to be done all things necessary that the streets, alleys and sidewalks may at all times be kept in a proper safe and sanitary condition.

(C) In addition to such general powers and duties, the Superintendent shall have the following specific powers and duties:

(1) He or she shall at all times preserve and be responsible for all equipment, machinery, tools and material belonging to the town used in the Street Department. It shall be his or her duty at all times to keep himself or herself and the Town Manager informed as to the condition of such equipment, machinery and property.

(2) It shall be the duty of the Superintendent to see that all streets, sidewalks, and alleys of the town are inspected with reasonable frequency for the purpose of keeping the same in proper condition, free of obstruction or encroachments and to prevent their use for improper purposes. If at any time information comes to the Superintendent of any dangerous condition or situation existing in any of the streets, sidewalks, or alleys, he or she shall immediately correct the same, and report it to the Town Manager.

(Prior Code, § 18-2)

**§ 91.003 WATER AND SEWER CONNECTIONS.**

(A) (1) No person shall open any street, alley or sidewalk for the purpose of making connection with the town sewer or water lines, or for laying sewer, water or drain pipes, or for any other purpose, without having first obtained a permit from the Superintendent to do so.

(2) Upon completion of the work the person shall cause such opening to be filled, and the street or sidewalk to be replaced in its original condition, all of which shall notify the Superintendent, who shall then promptly inspect such work.

(B) Any person shall obtain such permit from the Superintendent to open any street, or alley shall properly barricade and light such opening and save the town harmless from any and all damage that may result from such opening until the work is completed and accepted by the Superintendent.  
(Prior Code, § 18-3)

**§ 91.004 INSTALLATION OF CURBS, GUTTERS AND SIDEWALKS.**

(A) On petition of the abutting property owners along an existing and graded street, the Town Council, on availability of funds therefor may, at its discretion, order installation of curbs, gutters, and sidewalks along the petitioned street.

(B) Costs of the above construction shall be distributed 1/2 to the abutting property, and 1/2 of the cost, plus street intersections to the town. Individual property shall be charged the pro rata share of the cost in proportion in frontage of lot facing the street.

(C) Corner lots on a street where curbs, gutters, and sidewalks have been installed on one side of a corner lot and charged for in accordance with the above, shall be entitled, at the option of the Town Council, to an adjustment of the charges improvement of the adjacent abutting unimproved street.

(D) Such charges shall be due at times fixed by the Town Council.  
(Prior Code, § 18-4)

***DRIVEWAYS***

**§ 91.015 CONSTRUCTION OF FILLING STATION DRIVEWAYS.**

All driveways hereafter constructed as entrances or exists to gasoline filling stations shall conform to the following requirements:

(A) All ramps leading from the street level to the sidewalk level shall be graded in a ratio not exceeding 1 to 7, based on the mean average curb height existing at the proposed driveway location, measured from the street grade at the curbing to the top of the curb; provided, that at any location where the mean average curb height exceeds 8 inches, the Superintendent shall make special provisions for ramp constructions.

(B) A 1-inch vertical rise may be made immediately at the junction of the street surface with the outside curb facing.

(C) An additional paved sidewalk are shall be provided at all filling station driveways to the rear of the established inside edge of the sidewalk and for the full width of the driveway thus established; such additional area to have the same depth as that required for the construction of the ramp. Ramps shall be made 6 inches to 7 inches in depth as approved by the Superintendent.

(D) Filling stations located at or the corner of 2 intersecting streets shall not have more than 3 driveways, and the maximum width of each driveway shall not exceed 30 feet in width when measured along the curb.

(E) Filling stations located between intersections shall not have more than 2 driveways and each driveway shall not exceed 30 feet in width when measured along the curb.

(F) No driveway shall be located closer to any corner than 10 feet from the property line of the intersecting street.

(G) Where 2 driveways serving 1 filling station are constructed on any 1 street, they shall not be located closer together than 5 feet when measured along the curb.

(H) Driveways to existing gasoline filling stations when reconstructed shall conform to all requirements of this section.  
(Prior Code, § 18-5)

**§ 91.016 OTHER NEW DRIVEWAYS.**

(A) All driveways hereafter constructed to serve premises not used for filling station purposes shall not exceed 15 feet in width when measured along the curb and not more than 1 driveway shall be constructed for each street on which the property fronts or abuts except upon application to and special permission from the Town Council.

(B) All driveways hereafter constructed in compliance with this section shall conform to § 91.015 (A), (B), (C) and (F), insofar as they are applicable to the requirements of this section.  
(Prior Code, § 18-6)

**§ 91.017 REMOVAL AND THE LIKE OF CERTAIN DRIVEWAYS.**

(A) All driveways heretofore constructed and serving business property the use of which has been changed to purposes not requiring driveway facilities; and all driveways now serving business property as a means of ingress and egress, if and changed to a usage not requiring driveway facilities, shall be removed by the owner of the property, the curbing reset and the sidewalk relaid to the correct grade.

(B) In the event the property owner fails to make such change within 60 days in the case of driveways not now being used, or within 30 days after the change in use of the property, the Town Manager, 30 days after final notice to the property owner by the Town Manager, may proceed with the resetting of the curb and the relaying of the sidewalk, the cost thereof to be assessed against the property.  
(Prior Code, § 18-7)

**OBSTRUCTIONS****§ 91.030 GENERAL PROVISION.**

No person shall obstruct or block any street or sidewalk in the town without a written permit therefor from the Town Manager. No person shall conduct any public meeting or deliver an address on or near the sidewalk of the town which may cause congregation on the sidewalk or street without first obtaining a permit from the Town Police Department.  
(Prior Code, § 18-8) Penalty, see § 10.99

**§ 91.031 BUILDING MATERIALS.**

No person shall place any brick, stone, lumber, sand or other building material upon any of the streets or sidewalks of the town without having first obtained from the Superintendent permission in writing therefor and then only under such reasonable restrictions as may prescribed by him or her for the public safety  
(Prior Code, § 18-9) Penalty, see § 10.99

**§ 91.032 PORCHES, STEPS, FENCES AND THE LIKE.**

No person shall build, erect, construct, place or maintain any porch, steps, fences, wall or other obstruction whatsoever in or over any of the streets or sidewalks of the town.  
(Prior Code, § 18-10) Penalty, see § 10.99

**§ 91.033 SIGNS AND THE LIKE.**

No person shall hang, put, erect, project, suspend, or in any manner place or maintain or permit to remain any sign or thing of like nature over, on or upon any sidewalk of the town or the curbing thereof, whether of wood, cloth or of whatever material made or constructed, or whether suspended by awning poles alongside or however placed, which shall in any manner whatsoever impede, display, incommode, endanger, or inconvenience pedestrians in the free and

uninterrupted use of such sidewalk or any part thereof or in passing to and from the same to the street. The projection when permitted shall have at least 7 feet clearance.

(Prior Code, § 18-11) Penalty, see § 10.99

**§ 91.034 SHEDS.**

No person shall erect, maintain or allow to remain any shed over of the streets or sidewalks of the town, except a shed built in connection with the construction or repair of a building.

(Prior Code, § 18-12) Penalty, see § 10.99

**§ 91.035 GATES, CELLAR DOORS AND THE LIKE.**

(A) No person shall use, construct or erect any gate on any street, alley or sidewalk so that it shall open outwardly on such street, alley or sidewalk.

(B) No person shall have any cellar door, manhole or grating in any street or sidewalk of the town without written permission therefor granted by the Town Manager.

(C) No person when allowed to have such cellar door or grating shall allow the same to remain open except when in actual use and when properly protected.

(Prior Code, § 18-13) Penalty, see § 10.99

**§ 91.036 PROTECTION OF OBSTRUCTIONS.**

Every person causing or allowing any obstruction to remain on any street or sidewalk at night shall protect the same with a sufficient number of red lights.

(Prior Code, § 18-14)

**§ 91.037 REMOVAL OF DIRT, LOAM, SOD AND THE LIKE.**

No person shall remove any dirt, loam, sod, clay, gravel, or other material from any of the streets, alleys, or sidewalks provided that this section shall not apply to lot owners who are repairing or constructing sidewalk under the specifications prescribed by the town nor to persons planting trees shrubbery or grass along the edges of sidewalks.

(Prior Code, § 18-15) Penalty, see § 10.99

**§ 91.038 RAKING OR BURNING LEAVES, WOOD, TRASH AND THE LIKE.**

No person shall rake or burn leaves, wood, trash or other material on any improved street, gutter or sidewalk of the town.

(Prior Code, § 18-16) Penalty, see § 10.99

**§ 91.039 IGNORING BARRICADES.**

No person shall ride, lead or drive, or cause to be ridden, lead or driven any horse or other animal, or driven or cause to be driven any automobile or other vehicle upon any street or sidewalk when the same is barricaded and under process of construction or in any other manner cause any damage to such street or sidewalk.

(Prior Code, § 18-17) Penalty, see § 10.99

**§ 91.040 UNAUTHORIZED REMOVAL.**

No person, except an authorized agent of the town, shall remove or cause to be removed any barricade placed by authority of the town upon any street or sidewalk.

(Prior Code, § 18-18) Penalty, see § 10.99

***STREETS*****§ 91.055 STREET GRADING AND SURFACING.**

Upon proper application to the town and after proper dedication for public use, the Town Council, in its discretion, may grade any street within the town and apply any type of surfacing it deems advisable.  
(Prior Code, § 18-19)

**§ 91.056 OPENING STREETS ON PRIVATE PROPERTY.**

(A) No street shall be opened upon private property of any person, by the owner of such property, or any other person, without the permission and approval of the Town Council.

(B) The Town Council shall prescribe the terms for opening of such streets and establish street widths between property lines, alleys, easements, grades and types of construction to be incorporated.  
(Prior Code, § 18-20) Penalty, see § 10.99

**§ 91.057 STREET LINES AND GRADES.**

Street lines and grades shall be established by the Superintendent.  
(Prior Code, § 18-21)

**§ 91.058 WIDTH OF NEW STREETS.**

All new streets accepted by the town shall be a minimum of 50 feet in width between abutting property lines.  
(Prior Code, § 18-22)

**§ 91.059 MATERIALS FOR SURFACING AND PAVING STREETS.**

Materials for surfacing and paving of streets shall be as prescribed by the Superintendent and as approved by the Town Manager.  
(Prior Code, § 18-23)

**§ 91.060 CONSTRUCTION SPECIFICATIONS AND STANDARDS FOR SURFACING AND PAVING STREETS.**

Construction specifications and standards for street resurfacing and paving shall be as prescribed by the Superintendent.  
(Prior Code, § 18-24)

**§ 91.061 DRAGGING, RUNNING AND THE LIKE OF ANY IMPLEMENT ON PAVED STREET.**

No person shall drag or run, cause to be dragged or run any harrow or other implement, engine, machine or tool upon any paved street of the town which shall be liable in anywise to injure or cut the surface thereof.  
(Prior Code, § 18-25)

***SIDEWALKS*****§ 91.075 DUTY OF OWNERS, OCCUPANTS AND THE LIKE OF ABUTTING PROPERTY AS TO CLEANING SIDEWALKS.**

It shall be the duty of the owner or occupant of any residence, store, office or other place of business on the first floor of any building abutting the street to keep the sidewalk in front of the property clean.  
(Prior Code, § 18-26)

**§ 91.076 DUTY AS TO OVERHANGING SHRUBBERY AND ADJACENT GRASS PLOTS.**

It shall be the duty of every owner and every occupant of any premises to keep the sidewalk abutting such premises free from overhanging shrubbery, weeds, or grass and to keep any grass plot adjacent to such sidewalk neatly mowed.  
(Prior Code, § 18-27)

**§ 91.077 DUTY AS TO REMOVAL OF SNOW, ICE AND THE LIKE.**

It shall be the duty of the owner to of every lot abutting any sidewalk which paved to remove all snow, ice or other similar accumulation from such sidewalks by 12:00 p.m. of each day, unless it is still snowing, hailing, or sleeting at that time, in which case such snow, ice, or other similar accumulation shall be removed as soon as such snowing, hailing, or sleeting ceases; except that if such snowing, hailing, or sleeting ceases at night or on Sunday, such snow, ice or other similar accumulation shall be moved by 12:00 p.m. of the next following day; provided, that in any case where any lot or the building on such lot is leased or rented, it shall be the duty of the lessee or tenant thereof to remove such snow, ice or other similar accumulation; provided, further, that where the owner of vacant or unoccupied property resides more than 3 miles outside the town and such snow, ice or other similar accumulation may be removed by town forces and the cost thereof may be charged against such property and may be collected as taxes are collected.  
(Prior Code, § 18-28)

**§ 91.078 DUTY AS TO WATER OR OTHER LIQUIDS DRAINING ON SIDEWALK.**

No person shall pour water or other liquids or allow drainage from his or her lot or premises abutting on any sidewalk to run over or upon such sidewalk. No person shall run, or allow to run, by pipes or otherwise, any sewage, water or liquids of any kind

upon any street or sidewalk within the town; provided, that this section shall not apply to rainwater properly conducted across the sidewalk to the gutter of the street.

(Prior Code, § 18-29)

**§ 91.079 SIDEWALK DISPLAYS.**

It shall be unlawful for any person to make use of any portion of the town's sidewalks or streets, including that portion that lies between the outer edge of the sidewalk pavement and the inner edge of the street hard surface, for the display, exhibition or disposition of merchandise or other articles for sale, or for the placing thereon of weighing machines, benches or other similar devices unless permission is obtained from the Town Manager. Temporary obstruction of the sidewalks or streets for the loading and unloading of merchandise or other articles shall not be deemed a violation of this section; provided, that such loading and unloading is done expeditiously so as not to obstruct free passage over the sidewalks and streets any longer than is reasonably necessary.  
(Prior Code, § 18-30) Penalty, see § 10.99

**§ 91.080 BICYCLES PROHIBITED.**

(A) It shall be unlawful for any person to ride bicycles or any other man powered or motor vehicles on any sidewalk in the town.

(B) Any type of device used to aid the handicap is exempt from this section.  
(Prior Code, § 18-32) Penalty, see § 10.99

**EXCAVATIONS**

**§ 91.095 APPLICABILITY OF CHAPTER.**

The provisions of this chapter shall apply to the cutting of street and sidewalks for any purpose other than the laying of water or sewer connections.  
(Prior Code, § 18-33)

**§ 91.096 PERMIT REQUIRED.**

No person shall make any opening in any street or sidewalk of the town without a permit therefor issued by the Superintendent  
(Prior Code, § 18-34) Penalty, see § 10.99

**§ 91.097 PERMIT APPLICATION.**

Any person desiring to make any opening in any street or sidewalk shall make written application therefor, which application shall show the location of the proposed opening, the purpose thereof and the approximate number of square yards of surface to be cut.  
(Prior Code, § 18-35)

**§ 91.098 PROTECTION.**

Every person making an opening in any street or sidewalk shall protect the same in the day time by means of a red flag and at night by means of a sufficient number of red lights.  
(Prior Code, § 18-36)