

TOWN OF VIENNA
AN ORDINANCE
TO RECODIFY THE GENERAL ORDINANCES OF THE TOWN

APPROVED _____

WHEREAS, it is expedient to recodify the general ordinances of this Town, arrange them in appropriate Titles, Chapters, Articles, and Sections, and consolidate them into a Code: THEREFORE,

BE IT ORDERED by the Town Council of Vienna, in the manner following, that is to say:

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Ordinance Adopting Code

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TITLE 1

GENERAL PROVISIONS

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- 1-9. Interference with elections; political activity.
- 1-1 Contents and designation of Code. --The ordinances embraced in this and the following Titles, Chapters, Articles, and Sections of this Act shall constitute and be designated and cited as the "Code of Vienna", hereinafter referred to as "the Code" or "this Code".
- 1-2 Effective date; exceptions from repeal. --All the provisions of this Code shall be in force on and after the _____ day of _____, 19____, and all ordinances of a general and permanent nature in force prior thereto and not contained in such Code are hereby repealed from and after the _____ day of _____, 19____; excepting, however, any ordinance, order, or resolution, or part thereof, appropriating money, levying or imposing taxes, providing for the salaries of Town officials and employees, providing for the administration of the Town government not inconsistent with this Code, promising or guaranteeing the payment of money for the Town on account of any contract, authorizing the issuance of any bonds of the Town or the obligations of such bonds or any other form of obligation or indebtedness of the Town, affecting any franchise conferred on or right established, accrued, or accruing to any person or corporation by act of the Town Council, affecting any offense or act committed or penalty or forfeiture incurred before the day upon which such repeal takes place or proceeding pending on that day, or any ordinance passed after the _____ day of _____, 19____.
- 1-3 Fines--collection and disposition of; confinement for failure to pay. -- All fines and penalties imposed under any ordinance of the Town shall be for the use of the Town. Fines may be collected by execution returnable within thirty (30) days after the date of issue. The officer levying such execution shall sell the property upon which a levy has been made at auction, for cash, at some public point within the Town, after advertising the time and place of such sale for ten (10) days by posting notices thereof at three (3) conspicuous places within the Town. Whenever any person convicted of a violation of any ordinance of the Town shall fail to pay the fine imposed and all proper costs incident thereto, he may be committed to jail until such fine and costs are paid; provided that such person shall not be committed to jail for a period longer than one (1) year.
- 1-4 Fiscal year. --The fiscal year of the Town of Vienna shall begin on the first day of July and end on the thirtieth day of June of each year.
- 1-5 Form of Budget. --The form of budget for the Town shall be the standard municipal budget form recommended by the Auditor of Public Accounts of the Commonwealth of Virginia and the Virginia League of Municipalities.
- 1-6 General penalty; continuing violation. --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 five hundred (\$500.00) dollars or by imprisonment in jail for a period of not exceeding twelve (12) months, or by both such fine and imprisonment. Each day any such violation shall continue shall constitute, except where otherwise provided, a separate offense.

1-7 Right of entry for purposes of inspection. --Whenever any officer or employee of the Town is required or authorized by statute, the provisions of this Code, or any ordinance or resolution or rules and regulations or orders issued thereunder, in order to carry out his duties thereunder, to enter any premises or vehicle for the purpose of making an inspection thereof, or anything therein contained, such officer or employee shall have the right to enter any such premises or vehicle at any reasonable time in pursuance of such duties.

1-8 Town seal. --The official seal of the Town shall be a metallic disc one and one-half (1 1/2) inches in diameter with a barred rim, and with such words and figures engraved thereon as will, when used, reproduce impressions to be described as follows:

Within the barred rim at a distance of three-eighths (3/8) of an inch therefrom shall be a beaded circle, in the space between the rim and the beaded circle shall be the words "The Town of Vienna, Virginia" and at the bottom thereof shall be the numerals "1890". The numerals at either end shall be separated from the beginning and end of the words by a star at equidistance. Within the beaded circle shall be impressed Virtus, the genius of the Commonwealth, dressed as an Amazon, resting on a spear in her right hand, point downward, touching the earth; and holding in her left hand, a sheathed sword, or parazonium, pointing upward; her head erect and face upturned; her left foot on the form of Tyranny represented by the prostrate body of a man, with his head to her left, his fallen crown nearby, a broken chain in his left hand, and a scourge in his right. Above the group and within the border conforming therewith, shall be the word "Virginia", and in the space below, on a curved line, shall be the motto, "Sic Semper Tyrannis".

1-9 Interference with elections; political activity. --It shall be unlawful for any person employed by the Town of Vienna, in any agency or department thereof, to use his official authority or influence for the purpose of interfering with an election or affecting the result thereof. No appointive officer or employee of the Town of Vienna or any agency or department thereof, shall take any active part in political management or in political campaigns. All such persons shall retain the right to vote as they may choose and to express their personal opinions on all political subjects and candidates. However, they shall not express their opinion on such political subjects or candidates as officials or employees of the Town of Vienna.

TITLE 2

ADMINISTRATION OF TOWN GOVERNMENT GENERALLY

- Chapter 1. Town Government and Officers. Sections 2-1 to 2-9.
 Chapter 2. Taxes (Other than Business License Taxes), Sections 2-10 to 2-12.

Chapter 1

Town Government and OfficersSec.

- 2-1 Duties, powers, and functions of the Mayor.
 2-2 Duties, powers, and functions of the Town Council.
 2-3 Proceedings of the Council.
 2-4 Municipal Court; Justices of the Peace.
 2-5 Duties and functions of the Clerk.
 2-6 Duties and functions of the Treasurer.
 2-7 Duties of the Sergeant.
 2-8 Duties and powers of police force.
 2-9 Subsistence allowance for police officers.

(Personnel, classification, compensation, and retirement information is kept in the office of the Clerk, and may also be found in the minutes.)

- 2-1 Duties, powers, and functions of the Mayor. --The special duties, powers, and functions of the Mayor are set out in the Town Charter, Appendix 1:

Section 3. Election; term of office; effect of expiration of term of office or removal; right to veto selection made by Council to fill unexpired term.

Section 4. Power to dismiss or suspend officers and employees.

Section 5. Certificates of election; power to determine election contests.

Section 6. Duties as chief executive officer of Town; to vote only in case of tie; power to veto; investigative power; power to dismiss or suspend officers and employees; how vacancy filled; salary.

Section 8. Special meetings; quorum.

Section 9. Right to delegate certain powers and duties to Town Manager.

Section 13. Duty to sign evidences of indebtedness of Town.

(For powers of Mayor re inspection of fire hydrants, see Title 6, section 6-11.)

- 2-2 Duties, powers, and functions of the Town Council. --The special duties, powers, and functions of the Council are set out in the Town Charter, Appendix 1:

Section 3. Election; terms of office; effect of expiration of term of office or removal of member; filling of vacancies; right to override Mayor's veto of selection made to fill unexpired term.

Section 4. Right to appoint Town officers and employees; may prescribe execution of bonds by officers and employees; right to appoint same person to fill two (2) offices.

Section 5. May adopt regulations under which Mayor to judge election contests.

Section 6. Power to reinstate dismissed or suspended officers and employees; how President pro tempore of Council chosen; how vacancy in office of Mayor filled; fixing salaries of Mayor, Council, and all appointed officers and employees of Town.

Section 8. Regular meetings; special meetings; quorum; powers granted by general laws of the State but not specifically recited in Charter not excluded.

Section 9. Control and management of fiscal affairs; powers re real and personal property of Town and public utilities; right to delegate certain powers and duties to Town Manager.

Section 10 and 11. Authority to contract loans.

Section 12. Sinking fund.

Section 15. Power to levy and collect taxes.

For powers of the Council re registration of traffic, etc. see section 8-25.

2-3 Proceedings of the Council. --

- (a) The meetings of the Council, except as its own rules of procedure may otherwise provide (present rules contained in Appendix 3), shall be conducted according to Roberts' Rules of Order.
- (b) The Council may fine its members for improper conduct and, with the concurrence of four (4) of its members, expel a member.
- (c) The Council shall have kept an accurate record of its proceedings, which record shall be fully indexed and open to inspection by anyone entitled to vote for members of the Council.

2-4 Municipal Court; Justices of the Peace. --The civil jurisdiction of the Municipal Court of the Town of Vienna is as provided in Section 16. 1-77, Code of Virginia, 1950, as amended; its criminal jurisdiction is as provided in Section 16. 1-124, Code of Virginia, 1950, as amended. (Charter, Section 7, Appendix 1.) Provision is also made in Section 7, Town Charter, for the appointment of not more than three (3) Justices of the Peace, whose duties and powers are set forth in such section.

2-5 Duties and Functions of the Clerk. --The Clerk shall attend the meetings of the Council and shall keep a correct and complete record of the proceedings of the Council. He shall have charge of the records of the Town, faithfully preserve the same, and perform such other services and functions as he may be directed by the Council to perform.

2-6 Duties and Functions of the Treasurer. --

- (a) The Treasurer shall receive all taxes and other money and revenues belonging to the Town, and deposit the same in such bank or banks as the council may direct. He shall keep the bank books and check books so that they will accurately reflect the state of his accounts, and each check shall be drawn payable to the order of the person for whose benefit it is drawn, and shall contain a notation on its face which will indicate the purpose for which it is drawn. All checks and vouchers shall be carefully preserved.
- (b) The Treasurer shall also so keep the books that all receipts and disbursements and the source and character of the same may appear, and that a true and accurate understanding of the financial affairs and conditions of the Town may be readily ascertained therefrom. All of the Treasurer's books and records shall be open at any time to the inspection of the Mayor and any member of the Council, or such persons as the Council may direct.

- (c) An audit of the books of the Treasurer shall be made on the first day of September of each year by such persons as the Council may designate for the purpose, assisted by the Treasurer, and a report of such audit shall be made to the Council at its next succeeding regular meeting. This report shall also indicate the amount of uncollected assets of the Town in the hands of the Treasurer for collection.
- (d) Before entering upon the duties of his office, the Treasurer shall execute a bond with surety approved by the Council in the penalty of not less than twenty thousand (\$20,000.00) dollars conditioned upon the faithful performance of the duties of his office, for the proper collection of and accounting for all monies which shall come into his hands or which it shall be his duty to collect, and for the payment of all monies by him, on proper order of the Council, to those entitled to receive the same.

2-7 Duties of the Sergeant. --

- (a) The Council shall from time to time prescribe the general and other duties to be performed by the Sergeant. The Sergeant shall perform the duties, receive the compensation, and perform such other functions as may be ordered by the Council.
- (b) The Sergeant shall have the powers and generally discharge the same duties as were formerly had and discharged by constables. The Sergeant shall have the power to arrest without warrant and carry before the proper authority to be dealt with as the law provides any and all persons who shall violate any ordinance of the Town in his presence, and it shall be his duty to swear out warrants for the arrest of any person who he may have reason to believe has committed a violation of any ordinance of the Town.
- (c) The Sergeant shall be required to give bond in the amount of five thousand (\$5,000.00) dollars with surety approved by the Council, payable to the Town, for the faithful performance of his duties.

2-8 Duties and Powers of police force. --The officers and privates constituting the police force of the Town shall have the powers and duties of enforcing the Town ordinances, and all other powers and duties vested in them by the laws of the Commonwealth of Virginia. (See also Police Department Manual, Appendix 3.)

2-9 Subsistence allowance for police officers. --The sum of five (\$5.00) dollars per day for each work day is designated as and shall constitute a statutory subsistence allowance for all police officers of the Police Department of the Town of Vienna, Virginia. The purpose of this section is to give to such police officers the exclusion from gross income in the Federal Income Tax Laws which is provided by Section 120 of the 1954 Internal Revenue Code (USCA Title 26, Section 120).

Chapter 2

Taxes (Other than Business License Taxes)

2-10 Taxes and Levies. --

- (a) When taxes are due. All taxes and levies, except business license taxes, due the Town shall be payable annually at the office of the Town Treasurer on the fifth day of December. On the first day of March next succeeding there shall be added to the unpaid taxes or levies due from each tax payer a penalty of five (5%) percent of such tax or levy. On all taxes and levies assessed for the tax year 1960 and for each tax year thereafter, on the first day of July next succeeding six (6%) percent interest per annum and costs

will be imposed, with interest to be added at six (6%) percent per annum on the first day of July of each succeeding year until taxes, penalties, and interest are paid.

- (b) Amount of levy. The Council shall cause to be made up and entered upon its journal annually, an estimate or budget of all sums which are or may become lawful charges against the Town and which should be paid within one (1) year, and it shall order a Town levy for such amounts as it may deem necessary to satisfy such charges. The levy so ordered shall be upon all real estate within the Town which is not exempt from taxation and on such other property as may be subject to taxation.

2-11 Lien for delinquent real estate Taxes. --

- (a) Real estate taxes. Real estate within the Town shall be subject to a lien in favor of the Town to secure the payment of taxes assessed against the same.
- (b) Collection of delinquent taxes and levies. The Town Treasurer, after using due diligence to collect taxes and levies due the Town shall, before the first regular meeting of the Council in July of each year, prepare a list of the taxes and levies which he has been unable to collect, which list the Treasurer shall certify by oath as follows: "I,, Treasurer of the Town of Vienna, after having been duly sworn, do certify that I have used due diligence to collect the foregoing taxes and levies, and that I have been unable to collect them." Said certificate shall be acknowledged before an officer qualified to administer oaths.

2-12 Certificates of unpaid taxes. --

- (a) The Treasurer of the Town of Vienna shall issue, to any applicant therefore, a Certificate setting forth the entire amount of unpaid taxes assessed against any real estate within the Town, by or on behalf of the Town, up to and including the last day of the calendar month preceding the date of the said Certificate.
- (b) A separate Certificate shall be issued for each separate piece of property as the same appears upon the current tax records of the Town of Vienna, and a fee of one (\$1.00) dollar shall be charged for each Certificate.
- (c) The facts as set forth in each Certificate shall be binding upon the Town of Vienna, and no taxes other than those reported as unpaid in the said Certificate shall thereafter constitute a lien upon the real estate referred to in the said Certificate.
- (d) The Certificates provided for herein shall be designated "Certificates of Unpaid Taxes" and shall be substantially in the following form"

I hereby certify that the records in the office of the Clerk-Treasurer for the Town of Vienna, Virginia show that all town taxes due against the following property, known as Lot _____, Block _____, Subdivision _____ on the Town of Vienna Tax Records and currently assessed in the name of _____ are paid in full to _____, with the exception of the following: _____.

Clerk-Treasurer.

TITLE 3
BUILDING

Sec.

- 3-1 Adoption of Basic Building Code of Building Officials Conference of America, Inc., 1955 Edition, except as hereinafter modified.
- 3-2 Definitions.
- 3-3 Fire Limits Established.
- 3-4 Fees and Permits.
- 3-4.1 Same; for new construction.
- 3-4.2 Same; for additions, alternation, or repair.
- 3-4.3 Same; for removal.
- 3-4.4 Same; for demolition.
- 3-4.5 Permit for erection of display sign or awning.
- 3-4.6 Abandonment or discontinuance, effect.
- 3-5 Amendments to Basic Building Code.

3-1 Adoption of Basic Building Code of Building Officials Conference of America, Inc., 1955 Edition, except as hereinafter amended. --There is hereby adopted by the Town of Vienna for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location, and maintainance of buildings and structures, including permits and penalties, that certain building code known as the Basic Building Code of the Building Officials Conference of America, Inc., 1955 Edition, referred to hereinafter as "said building code", save and except such portions as are hereinafter deleted, modified, or amended, of which not less than three (3) copies have been and are now filed in the office of the Town Clerk and may be viewed there during the regular business hours established for the Town offices on their regular business days, and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Title shall take effect, the provisions thereof shall be controlling in the construction of all buildings and other subjects therein contained within the corporate limits of the Town of Vienna.

3-2 Definitions. --Wherever the word "municipality" is used in said building code, it shall be held to mean the Town of Vienna.

Wherever the term "building official" is used in said building code, it shall be held to mean the Director of Inspections for the Town of Vienna or his agent, the Building Inspection Chief.

The term "estimated cost" shall mean the reasonable value of all services, labor, materials, and use of scaffolding or other appliances or devices entering into and necessary to the prosecution and completion of the work.

The term "aggregate area" shall be held to include the gross areas of all floors plus the area of the basement (if any) plus the horizontally projected area of the roof.

3-3 Fire Limits Established. --The fire limits of the Town of Vienna shall include Fire District No. 1 and Fire District No. 2 and are hereby established as follows on the basis of the man entitled "Vienna Town Plan, Zoning Map", approved September 5, 1955.

Fire District No. 1 shall include all of the areas zoned as C-2, general commercial districts.

Fire District No. 2 shall include all of the areas zoned as follows:

- C-1 Local Business Districts
- C-M Limited Industry
- M Industry

3-4 Fees and Permits. --No permit as required by said building code shall be issued until the fee prescribed in this Title shall have been paid, nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure shall have been paid. All fees for permits shall be paid to the Treasurer of the Town of Vienna.

- 3-4.1 Same; for new construction. --For a permit for the construction of a new building or structure, the fee shall be at the rate of three-fourths (3/4¢) cents per square foot of aggregate area for type I construction and at the rate of one-half (1/2¢) cent per square foot of aggregate area for types 2, 3, and 4 construction.
- 3-4.2 Same; for alteration or repair. --For a permit for the alteration or repair of a building or structure the fee shall be as follows:

\$1.00 for estimated cost of \$100.00 or less
 \$2.00 for estimated cost of \$101.00 to \$300.00
 \$3.00 for estimated cost of \$301.00 to \$500.00
 \$10.00 for estimated cost of \$501.00 to \$1000.00 or part thereof of estimated cost

Note: Sections 3-4.1 and 3-4.2 were superseded by Council resolution of December 7, 1959, the pertinent parts of which are set out below:

"... the following charges for services performed by the Department of Public Works of the Town of Vienna are effective on and after 8 December, 1959:

1. Building permit fees:

A. New Construction

1. Commercial: 1.5¢ per square foot
2. Residential: 1.0¢ per square foot

B. Additions, alterations, and repairs to buildings (all):

\$100.00 or less	-	\$1.00
\$101.00 - 300.00		2.00
\$301.00 - 400.00		3.00
\$401.00 - 500.00		5.00
\$501.00 - 1,000.00		10.00
over this amount		- \$10.00 per \$1,000.00"

- 3-4.3 Same; for removal. --For a permit for removal of a building or structure to a new location, the fee shall be at the same rate as herein established for the alteration or repair of a building or structure.
- 3-4.4 Same; for demolition. --For a permit for the demolition of a building or structure the fee shall be in the form of a fifty (\$50.00) dollar bond satisfactory to the Director of Inspections. Such bond shall be forfeited in the event all material and rubbish is not removed from the site within thirty (30) days of completion of actual demolition.
- 3-4.5 Permit for erection of display sign or awning. --For a permit for the erection of a display sign or awning, see Section 15-15, Title 15.
- 3-4.6 Abandonment or discontinuance; effect. --In case of abandonment or discontinuance, the cost of work performed under a permit may be estimated, an adjustment of the fee made, and the portion of the fee for uncompleted work returned to the permit holder.
- 3-5 Amendments to Basic Building Code. --The said building code is hereby amended and changed in the following respects:
- (1) Section 115.1 is deleted.
 - (2) Sections 118.0 through 118.7 are deleted.
 - (3) Sections 119.0 through 119.3 are deleted.
 - (4) Section 120.1 is amended to establish minimum bond at \$25.00
 - (5) Section 124.2 is amended to establish minimum fine at \$100.00 and maximum fine at \$300.00.
 - (6) Section 127.3 is amended to establish fee at \$25.00.
 - (7) Section 301.1 is deleted.
 - (8) Section 301.2 is deleted.
 - (9) Section 304.1 is changed to the following:
 "304.1 Frame Construction. Buildings not exceeding 2000 square feet in area may be erected of Type 4-A construction when not less than six (6) feet from interior lot lines. Buildings not exceeding 1000 square feet in area may be erected of Type 4-B construction when not less than ten (10) feet from interior lot lines. Roof coverings shall be of 1, 2, or 3 roofings."
 - (10) 418.0 should read:
 "The provisions of this section shall apply to all places of public assembly and all parts of buildings and structures classified in the assembly use groups F-1, F-2, F-3, and F-4. Nothing herein contained shall be deemed to nullify any provisions of Sections 22-152 to 22-156 of the Code of Virginia, as amended, pertaining to school construction."
 - (11) Sections 1104.0 through 1104.2 are deleted.
 - (12) Section 1308.21 is amended to establish depth at three (3) feet.
 - (13) Section 1308.22 is amended to establish depth at three (3) feet.
 - (14) Section 1408.1 is amended to establish bond at \$25.00.
 - (15) Article 17 is deleted in its entirety.

TITLE 4

BUSINESS LICENSE TAXES

Chapter 1. <u>General Provisions</u>	Sections 4-1 to 4-24.
Chapter 2. <u>Special License Tax Provisions</u>	Sections 4-25 to 4-36.
Chapter 3. <u>Classified Business and Occupational License Provisions</u>	Sections 4-37 to 4-52.

4-2

Chapter 1

General ProvisionsSec.

4-1	Statement of Policy.
4-2	Definitions.
4-3	Subject to tax.
4-4	License tax year.
4-5	Procedure for obtaining license.
4-6	Dates for payment of license tax; penalties for delinquent license tax.
4-7	Minimum license tax.
4-8	Responsibility for maintenance of records.
4-9	Involuntary failure to pay license tax.
4-10	Assessment of additional license tax.
4-11	Assessment in cases of fraudulent intent to evade license taxes; penalty.
4-12	Refunds.
4-13	Beginner's license.
4-14	License tax proration.
4-15	License a personal privilege.
4-16	Transfer of license.
4-17	Persons subject to two (2) or more licenses.
4-18	Separate licenses for each place of business.
4-19	Corporations and partnerships.
4-20	License tax enforcement official.
4-21	Penalty for violation of Title 4.
4-22	Display of license.
4-23	License tax and zoning regulations.
4-24	Amendment procedure; when public hearings necessary.

4-1 Statement of Policy. --It is the purpose and policy of the Town Council of the Town of Vienna in enacting this Title imposing license taxes for the privilege of conducting business and engaging in certain professions, trades, and occupations in the Town, to equalize as far as practicable the burden of such license taxation among those hereby liable thereto, by adopting, for general application, but subject to any restrictions or exceptions imposed by State or Federal law (or to any restrictions or exceptions as may be imposed specifically hereinafter), a system of license taxes measured by classified gross receipts of the business, profession, trade, or occupation in respect to which the tax is levied. The license tax shall be for the support of the Town government and for the payment of the debt of the Town. All ordinances in conflict with this Title are hereby repealed.

4-2 Definitions. --As used in this Title and as applied to the business, profession, trade, or occupation subject to the license taxes hereinafter set forth and not specifically otherwise taxed, the following words and phrases shall have the following respective meanings, except where the context clearly indicates a different meaning or there is an express provision to the contrary:

(1) "Person." The word "person" shall include individuals, firms, co-partnerships, corporations, companies, associations, or joint stock associations; and it shall include any trustee, receiver, assignee, or personal representative thereof carrying on or continuing a business, profession, trade, or occupation, but shall not include a trustee, receiver, or other representative duly appointed by a court to liquidate assets for immediate distribution, or a sergeant or sheriff, or any deputy, selling under authority of process or writ of a court of justice.

(2) "Gross Receipts." Subject to the conditions, exceptions, deductions, and exemptions set out below, the term "gross receipts" shall mean the gross receipts from any business, profession, trade, occupation, vocation, calling, or activity, including cash, credits, fees, commissions, brokerage charges, and rentals, and property of any kind, nature, or description, from either sales made or services rendered without any deduction therefrom on account of cost of the property sold, the cost of materials, labor, or

Sec. 4-2 (cont.)

services, rentals, royalties, taxes, interest, or discounts paid, or any expense whatsoever, and shall include in the case of merchants the amount of the sale price of supplies and goods furnished to or used by the licensee or his family or other person for which no charge is made or for which a charge less than the prevailing sale price is made. Provided, however, that the term "gross receipts" with respect to manufacturers and wholesale merchants manufacturing or dealing in articles upon which there is levied a direct excise tax by the United States, shall not include such excise tax payments to the United States Government.

The term "gross receipts" shall include the gross receipts from all sales made from a place of business within the Town, both to persons within the Town and to persons outside the Town.

The calculation of gross receipts for license tax purposes shall be on either a cash or accrual basis; provided, however, that the basis used must coincide with the system of accounts used by the taxpayer and the method employed by the taxpayer for Federal and State income tax purposes.

(3) "Gross Expenditures." The term "gross expenditures" shall mean all expenditures incurred in connection with the acquisition or lease of real property, including cash, credits, fees, commissions, brokerage charges, and rentals, and all expenditures incurred in connection with the improvement or development of such property by force account, including costs of all labor involved in such improvement or development, cost of materials and supplies, equipment rental or an equivalent charge therefore if equipment is owned by the builder or developer; and any other expenditures of whatever description incurred in connection with the improvement or development by force account of such property. The term "gross expenditures" shall not include amounts expended for interest or payment of principal of debt incurred in connection with said improvement or development work.

(4) "Gross Purchases." The term "gross purchases" shall be construed to include all goods, wares, and merchandise received for resale at a definite place of business of every wholesale merchant, and shall not exclude any goods, wares, and merchandise coming within the meaning of the word. All goods, wares, and merchandise manufactured by a wholesale merchant and sold or offered for sale as merchandise shall be considered as purchases within the meaning of this definition.

(5) "Retail Merchant." The term "retail merchant" means every merchant who sells at retail only and not for resale.

(6) "Wholesale Merchant." The term "wholesale merchant" means every merchant who sells to other persons for resale only or who sells to institutional, commercial, or industrial users.

(7) "Professional Occupation." The term "professional occupation" is defined to mean every person whose occupation entails the rendering of a service which requires specialized education, training, or experience or for which the Commonwealth of Virginia requires the meeting of standards by means of examination, type of education or training, years of experience, etc.

(8) "Contractor." The term "contractor" shall mean any person accepting or offering to accept orders or contracts for doing any work on or in any building or structure requiring the use of paint, stone, brick, cement, wood, mortar, wallpaper, structural iron or steel, sheet iron, galvanized iron, metallic piping, tin, lead or other metal, or any other building material; or accepting or offering to accept orders or contracts to do any electrical work on or in any building or structure; or accepting or offering to accept orders or contracts to do any paving or curbing on sidewalks or streets, public or private property, requiring the use of asphalt, brick, stone, cement, wood, or any composition; or accepting or offering to accept orders or contracts to excavate earth, rock, or materials for foundations or any other purpose; or accepting or offering to accept orders or contracts to construct any sewer of stone, brick, concrete, terra cotta, or other material; or accepting or offering to accept orders or contracts to care for plots in cemeteries; or accepting or offering to accept orders or contracts for building, remodeling, repairing, wrecking, razing, or demolishing any structure, or for moving any building, or for drilling, boring, or digging a well, or for the installation, maintenance, or repair of neon signs,

Sec. 4-2 (cont.)

air conditioning apparatus, or equipment; or accepting or offering to accept orders or contracts for fumigating or disinfecting to prevent the spread of disease, or for the eradication or extermination of rats, mice, termites, vermin, or insects or bugs of any kind, whether such work is done or offered to be done by day labor, general contract, or subcontract.

The term "contractor" shall not include persons employed directly on a salary or wage basis by a contractor duly licensed as such under the terms of this Title.

(9) "Builder or Developer." The term "builder or developer" shall mean any person conducting or engaging in any of the activities enumerated below by force account on land or property owned, leased, or otherwise controlled by said person, for the purpose of eventual sale; work on or in any building structure requiring the use of paint, stone, brick, cement, wood, mortar, wallpaper, structural iron or steel, sheet iron, galvanized iron, metallic piping, tin, lead, or other metal, or any other building material; any electrical work on or in any building or structure; paving or curbing on sidewalks or streets, public or private property, requiring the use of asphalt, brick, stone, cement, wood, or any other composition; excavating earth, rock, or materials for foundations or any other purpose; or of constructing any sewer of stone, brick, terra cotta, or other material; building, remodeling, repairing, wrecking, razing, or demolishing any structure; moving any building; drilling, boring, or digging a well; and surveying and/or subdividing any tracts of land.

(10) "Business Service." The term "business service" is defined to mean any person rendering a service for compensation to any business, trade, or occupation licensed under this Title or to any governmental agency unless such service is specifically provided for under another section of this Title.

(11) "Personal Service." The term "personal service" is defined to mean any person rendering a service for compensation to private individuals unless such service is specifically provided for under another section of this Title.

(12) "Repair Service." The term "repair service" is defined to mean any person repairing, renovating, or servicing some article or item of personal property unless such service is specifically provided for under another section of this Title.

(13) "Amusement." The term "amusement" is defined to mean any person providing any type of entertainment or show for which compensation is received and which is not specifically provided for or exempted under another section of this Title.

(14) "Manufacturer." The term "manufacturer" is defined to mean any person producing or processing goods for sale to retail or wholesale merchants.

4-3 Subject to Tax. --Each and all of the taxes hereinafter imposed are in all cases imposed upon the privilege of doing business or engaging in a profession, trade, or occupation in the Town of Vienna, including all phases of the business, profession, trade, or occupation conducted in the Town of Vienna. It is the declared intent of the Town of Vienna to avoid either discriminatory or protective license taxation as it affects any businesses, professions, trades, or occupations, regardless of location or type of transaction. As to businesses, professions, trades, or occupations for which a license is required under the provisions of Chapter 3 of this Title which are carried on or conducted only in part within the Town of Vienna by persons having no regularly established place of business therein, it is the policy of the Town to subject such persons to the same provisions, conditions, and rates that persons having a regularly established place of business within the Town are subject to; and in such cases where only part of the business, profession, trade, or occupation is so conducted or carried on within the Town by said persons having no regularly established place of business therein, the tax liability shall be measured by only that portion of the business, profession, trade, or occupation conducted or carried on within the Town of Vienna.

Sec. 4-3 (cont.)

As to businesses, professions, trades, or occupations for which a gross receipts license tax is levied on persons having a regularly established place of business in the Town of Vienna, it is the policy of the Town to require that all gross receipts derived from the business, profession, trade, or occupation shall be included in their licensing basis, provided, that in cases where their business, profession, trade, or occupation requires the performance of certain activities without the Town of Vienna, and they become subject to and pay a licensing tax to a foreign taxing jurisdiction based on gross receipts derived from activities conducted within a foreign taxing jurisdiction, they shall be permitted to deduct such gross receipts taxed by the foreign taxing jurisdiction in arriving at their licensing basis. In all cases, such deductions must first be included in their total reported gross receipts.

4-4 License Tax Year. --For the year beginning January 1, 1961, and ending December 31, 1961, and also for each and every year thereafter beginning January 1 and ending December 31, until otherwise changed, there are hereby levied and there shall be collected the annual license taxes hereinafter set forth in this Title except as otherwise specifically provided in this Title on persons, firms, corporations, companies, and associations, conducting or engaged in any business, trade, or occupation in the Town of Vienna hereinafter set forth in this Title, which said license taxes shall be for the support of the Town government and for the payment of the debt of the Town.

4-5 Procedure for Obtaining License. --Every person liable for the payment of a license tax under the provisions of this Title shall make application therefore at the Office of the Town Treasurer.

Upon receipt of such application, the Town Treasurer shall furnish license applications forms in triplicate, which forms shall provide spaces for the correct name or trade name, if any, of the applicant; the correct residence of the applicant; the nature of the business, profession, trade, or occupation for which request of such license is being made; the place where such business, profession, trade, or occupation is to be pursued; and such other information as may be required by the Town Treasurer. For all licenses based upon gross receipts the Town Treasurer shall require a sworn statement from the applicant of the amount of such gross receipts of such business, profession, trade, or occupation, except as in the case of a beginner as hereinafter defined. The Town Treasurer shall assess such applicant, or other person of whom a license is required, with the license tax as required by this Title and shall retain two (2) copies of the completed license application form, furnishing the applicant with the original copy of said form. Upon the payment of the required license tax to the Town Treasurer, the Town Treasurer shall note the receipt of said payment upon each of the three (3) copies of the license application form, retain two (2) copies of the form and furnish the original copy to the applicant. The Town Treasurer shall issue the license on the original copy of the application form.

The Town Treasurer shall furnish the licensee with such tag, button, or sign as may be appropriate for display as evidence that a license has been issued.

4-6 Dates for payment of License Tax; penalties for non-payment. --All license taxes imposed by this Title, except as herein otherwise provided, shall come due and payable on or before the last day of February of each year.

In all cases where the person shall begin the business, profession, trade, or occupation upon which a license tax is imposed under the provisions of this Title at any time during the current license tax year, such license tax shall become due and payable at the time when such person shall commence business.

A penalty of ten (10%) percent shall be added to all license taxes imposed under the terms of this Title which are delinquent and unpaid on the due dates thereof.

4-7 Minimum License Tax. --No license issued under the provisions of this Title shall be less than ten (\$10.00) dollars, provided, however, should the minimum license tax herein prescribed be greater than the maximum license tax allowable under State law for a particular occupation, trade, profession, or business, the State maximum tax shall prevail for that particular occupation, trade, profession, or business.

- 4-8 Responsibility for Maintenance of Records. --Every person liable under this Title for a license tax based on gross receipts or gross expenditures shall keep all records and accounts necessary to compute and to verify such gross receipts or gross expenditures, and the report of said gross receipts or gross expenditures shall be taken from such records. All such records and general books of account shall be open to inspection and examination by any authorized representative of the Town of Vienna, and shall be maintained for a period of three (3) years.

Each licensee whose license tax is measured by gross receipts or gross expenditures shall submit to the Town Treasurer not later than the last day of February of each year a report of his gross receipts or gross expenditures for the preceding year.

In those cases in which the conduct of the business, profession, trade, or occupation involves operations subject to more than one (1) rate (or computed on more than one (1) base, as hereinafter set forth), the licensee is hereby required to maintain separate accounts for each such operation and shall be separately licensed for said operation; provided, however, that the licensee may elect to maintain a single account for all operations taxed on gross receipts or gross expenditures, in which case the entire business taxed on gross receipts or gross expenditures shall be computed at the highest rate applicable to any part of the business taxed on gross receipts or gross expenditures.

If any licensee shall fail to maintain the records required in this section, regularly supported by customary vouchers, the Town Treasurer is hereby authorized and directed to estimate the taxpayer's gross receipts or gross expenditures on the basis of the best evidence he can obtain, and the Town Treasurer shall make an assessment on the basis of such determination.

- 4-9 Involuntary Failure to Pay License Tax. --If the Town Treasurer ascertains that any person has not been assessed with a license tax levied in this Title for any tax year of the three (3) license tax years last past, or for the current license tax year, and the absence of such assessment is not due to the fraudulent intent to evade the taxes on the part of said person, it shall be the duty of the Town Treasurer to assess the same with the proper license tax for the year or years omitted, adding thereto interest on the tax at the rate of ten (10%) percent per annum computed from the first day of the license tax year to the date of assessment; if the assessment is not paid into the Town Treasury on the date of assessment, interest at the rate of ten (10%) percent per annum shall accrue thereon from the date of assessment to the date of payment.

- 4-10 Assessment of Additional License Tax. --Whenever the Town Treasurer shall ascertain that any person shall be assessed with any additional license tax or taxes pursuant to the provisions of this Title, it shall be his duty to assess such person in writing with such additional license tax or taxes as may be reported to him to be due.

If such additional assessment shall be paid within thirty (30) days from the date of such additional assessment, no penalty shall accrue. If such additional assessment shall not be paid within thirty (30) days from the date of such additional assessment, interest at the rate of ten (10%) percent per annum shall accrue thereon from the date of said additional assessment until the time of payment.

- 4-11 Assessment in cases of fraudulent intent to evade license taxes; penalty. --It shall be the responsibility of each business, profession, occupation, or trade required by the provisions of this Title to purchase a license for the privilege of doing

business within the limits of this Town to purchase said license. Failure of such business, profession, occupation, or trade to purchase the required license may be taken as prima facie evidence of an intent to evade the payment of such license taxes.

If the Town Treasurer shall ascertain that any person has fraudulently, or with intent to evade the payment of the proper license taxes, failed or refused to obtain the proper license as required by the provisions of this Title for any one (1) or more of the three (3) license tax years last past, or for the current license tax year, and the liability therefore is ascertained, such omitted or additional license tax or taxes and interest computed at the rate of ten (10%) percent per annum from the date on which such license tax first became due shall be assessed for each and every year of the three (3) license tax years past and for the current license tax year, for which he is assessable, together with an additional penalty of fifty (50%) percent of such unpaid license tax or taxes.

- 4-12 Refunds. --The Town Treasurer is empowered to certify, after an audit of the tax account of the taxpayer, any refund that may be payable to any person due such an amount either because of an overassessment of license taxes against the individual, or because such person overestimated anticipated gross receipts or gross expenditures, or because such person, prior to the end of the expiration of the license tax year, has ceased to engage in the business for which the license tax was paid. Upon such certification, the Town Treasurer shall make the required refund.

Refunds allowable under this Section shall be calculated according to the following formulae:

(a) Where the refund is allowable because of an overassessment of license taxes - Overassessment minus correct assessment shall equal the amount to be refunded.

(b) Where a refund is allowable because of an overestimation of anticipated gross receipts or gross expenditures - Recompute taxes payable on the basis of actual gross receipts or actual gross expenditures. The resulting amount shall be subtracted from the original assessed amount; the resulting difference shall equal the amount to be refunded.

(c) Where the person ceases to engage in business prior to the end of the license tax year - Divide assessed amount of license tax by twelve (12) months; the result derived from such division shall then be multiplied by the number of months remaining in the license tax year. This shall be the amount to be refunded.

Provided, no refund shall be allowable when the amount of the license tax was based on the gross receipts or gross expenditures of the previous year, or when the reason for ceasing to do business is caused by violation of some law, or when the taxpayer is indebted to the Town. In the latter case, the taxpayer must pay all debts owed to the Town before he shall be entitled to a refund. Provided further, refunds shall not be allowable on any flat rate license issued under the provisions of this Title unless a manifest error has been made in making the original license tax assessment. Such refunds shall be allowable only where it is evident that the taxpayer was assessed a tax greater than the one established for his particular business or occupation by the provisions of this Title.

- 4-13 Beginner's license. --Every person beginning a business, profession, trade, or occupation which is subject under the provisions of this Title to a license tax based in whole or in part on gross receipts or gross expenditures, shall estimate the amount of the gross receipts he will receive or the gross expenditures he will incur between the date of beginning business and the end of the then current license year, and his license tax for the then current year shall be computed on such estimate.

Whenever a license tax is so computed upon the estimated gross receipts or gross expenditures, any erroneous estimate shall be subject to correction and the Town Treasurer shall assess such person with any additional license tax found to be due after the end of that license year, and shall at the same time correct the estimate for the then current year, until a full year of operation shall have been completed. In case of an overestimation, the taxpayer shall be entitled to a refund of the amount of tax in excess of his assessed liability. The refund shall be computed according to the formula as set forth elsewhere in this Title.

- 4-14 License tax Proration. --Every flat rate license, unless as otherwise specifically provided, for the unexpired portion of the license tax year, shall be charged on a pro rata basis from the first day of the month in which the license is issued. In no case shall proration reduce the cost of the license below the minimum tax as prescribed by this Title.

- 4-15 License a Personal Privilege. --Every license issued under this Title shall be deemed to confer a personal privilege to transact, carry on, or conduct the business, trade, or occupation which may be subject to the license, and shall not be exercised except by the person licensed. If it is determined that such individual to whom said license has been issued shall have transferred the same, except as hereinafter prescribed, or if the Town Treasurer has cause to believe that such person is otherwise abusing the privilege for which the license was issued, said official may suspend such license. Such suspension shall remain in effect until the cause or causes are removed. Said official shall report this action to the Council at its next regular business meeting after the effective date of the suspension.

- 4-16 Transfer of License. --Licenses issued under this Title shall be transferable, except where otherwise provided, only where the business for which the license was issued has been sold or disposed of but is to be continued by the purchaser or transferee at the same or at some other location; but in no case shall any transfer of the license be legal, or valid, unless and until notice in writing of such transfer shall have been given to the Town Treasurer, which notice shall contain the name, trade name, if any, the address of the proposed transferee, the proposed new location, if any, and the time of the proposed transfer, and unless the Town Treasurer shall have approved said transfer in writing on said license.

It is especially provided that if the transferor's license for the current year be based on an estimate of gross receipts or gross expenditures as provided in Section 4-13 of this Title that transferor shall reveal his gross receipts or gross expenditures for the period he was in business during the current license year; and if the accumulation of gross receipts or gross expenditures by transferor shall exceed the original estimate, the transferee shall be required to amend the license by an estimate of the gross receipts or gross expenditures he will incur between the day of beginning business and the end of the current license year.

The Town Treasurer shall keep a record of all transfers. Any person who transfers or attempts to transfer a license contrary to the provisions of this section shall commit a misdemeanor; if convicted, such person shall be fined not less than twenty-five (\$25.00) dollars and not more than two hundred fifty (\$250.00) dollars.

The Town Treasurer shall collect ten (\$10.00) dollars for each license transfer, which sum shall be used to pay administrative costs incurred by the license transfer.

- 4-17 Persons subject to two (2) or more license. --Any person who is engaged in two (2) or more businesses, professions, trades, or occupations, all requiring licenses under Chapter 3 of this Title, all carried on at the same place of business, and all measured by gross receipts or gross expenditures, but subject to different rates, shall obtain a separate license for each business, profession, trade, or occupation; provided, however, that such person may elect to carry on all such activities under one (1) license by paying license taxes on total gross receipts or gross expenditures at the highest rate of any of the separate license taxes to which he would otherwise be subject. Any person not otherwise exercising this option shall provide all information on each business, profession, trade, or occupation, as herein otherwise required, and such information shall appear on the license tax application forms.
- 4-18 Separate license for each place of business. --Any business, profession, trade, or occupation doing business at more than one (1) place, stall, or stand, shall be required to purchase a separate license for each place, stand, or stall; provided, however, that if any applicant is engaged in any business, profession, trade, or occupation at more than one (1) definite location and keeps only one (1) set of books for the accumulated transactions for all the places of business, he may purchase the minimum license allowable for like businesses on each location other than the main place of business. The cost of the license for the main branch shall be computed on the basis of the gross receipts or gross expenditures of the accumulated transactions, provided that in such computation for license tax purposes, the main branch may enter as a deductible item the amount of gross receipts or gross expenditures for which a minimum license or licenses, as elsewhere defined in this Title, have been issued for the other place or places of business.

If any applicant is engaged in two (2) or more businesses, professions, trades, or occupations all subject to the same rate, all measured by the same base, and all carried on at the same place of business, such applicant may obtain one (1) license for all such businesses, professions, trades, or occupations, but information for each, as herein otherwise required, shall be given and shall appear on the license tax application forms.

- 4-19 Corporations and partnerships. --When the business, profession, trade, or occupation taxed is conducted by a corporation or partnership, the license tax shall be imposed upon the gross receipts or gross expenditures of the corporation or the partnership, and paid by it, and when so paid, and also when paid by an individual employing persons who otherwise would be liable to a license, it shall be deemed to discharge the license tax liability of the officers and partners of such corporation and partnership and of such persons employed at an employer who otherwise would be liable to such tax, insofar as the licensed business, profession, trade, or occupation is concerned
- 4-20 License tax enforcement official. --The Town Treasurer is hereby given the responsibility of enforcing the provisions of this Title of the Town of Vienna Code. If such officer has reason to believe that the return or statement filed is incorrect, he shall cause an investigation of the taxpayer's books and records to be made and shall ascertain whether such person has made a true and correct return or statement, and to that end such officer is expressly authorized and empowered when necessary to summon such taxpayer before him and require the production of all his books and papers which he has reasonable cause to believe will throw any light upon the matter under investigation, and shall also be empowered to make such other and further investigation and examination as he may deem proper in order to determine accurately the proper return to be made by such person. In such investigations and examinations the Town Treasurer is specifically authorized to place the applicant under oath. Failure of such witness to answer such summons or refusal to testify on questions of his tax liability, or refusal to produce the specified records, books, or papers as directed shall constitute a misdemeanor and if convicted, shall be punishable as provided by Section 4-21 of this Title.
- 4-21 Penalty for violation of Title 4. --It shall be unlawful and constitute a misdemeanor for any person to conduct a business or to engage in a profession, trade, or occupation before procuring a license as required under the provisions of this Title. It shall also be unlawful and constitute a misdemeanor for any person to violate any of the provisions of this Title. Any person who is convicted for failing to procure a license as required, or convicted of a violation of any of the provisions of this Title shall be punished, unless otherwise specifically provided in this Title, by a fine not to exceed two hundred fifty (\$250.00) dollars or by imprisonment for a period not to exceed six (6) months or both. Each day any person shall continue to violate the provisions of this Title after the due date of any license tax or taxes prescribed herein shall constitute a separate offense.
- 4-22 Display of license. --The license form, tag, button, or sign issued to show payment of the license taxes imposed by any section of this Title shall be displayed in a conspicuous place at the regular place of business of the licensee, which license shall be produced by the licensee on request of any authorized law enforcement officer of the Town of Vienna for his inspection. All licensees who maintain no regular place of business shall carry on or about their persons the license form, tag, button, or sign issued to show payment of the license tax, which license form, tag, button, or sign shall be produced by the licensee on request of any authorized law enforcement officer of the Town of Vienna for his inspection.
- 4-23 License tax and zoning regulations. --The Town Treasurer shall not issue a license for conducting any business, profession, trade, or occupation at a location where the conduct of such business, profession, trade, or occupation is prohibited by Title 15, Zoning, of the Town of Vienna Code.

All such licenses shall be subject to verification to ascertain compliance with the zoning regulations. Failure to comply shall be just cause for immediate revocation by the Town Treasurer.

- 4-24 Amendment procedure; when public hearings necessary. --The Town Council may, from time to time, after public hearing thereon, amend any section, paragraph, phrase, or other part of this Title. The Town Council without holding a public hearing may add any specific type of business to the types shown in the various classifications in Chapter 3, but shall not transfer a specific type of business from one classification to another without first holding a public hearing thereon.

Chapter 2

Special License Tax ProvisionsSec.

4-25	Alcoholic beverages.
4-26	Bail bonds; bondsmen.
4-27	Bootblacks.
4-28	Carnivals, circuses, and menageries.
4-29	Fortune tellers.
4-30	Itinerant and Distraigned Merchandise Vendors.
4-31	Junk and second-hand dealers.
4-32	Laundries and dry cleaners, non resident.
4-33	Peddlers.
4-34	Peddlers of goods, wares, and merchandise to dealers and retailers.
4-35	Taxicabs.
4-36	Vending and slot machines.

4-25 Alcoholic beverages. --Every person who shall engage in the businesses of manufacturing, bottling, wholesaling, or retailing alcoholic beverages shall obtain a license therefore and shall pay therefore the license tax hereinafter provided:

(1) Distiller's License. For each distiller's license, \$500.00 per annum; provided, however, that no license shall be required of any distiller manufacturing not more than 5,000 gallons of alcohol or spirits or both during such license year.

(2) Winery License. For each winery license \$500.00 per annum.

(3) Brewery License. For each brewery license, \$500.00 per annum.

(4) Bottler's License. For each bottler's license, \$250.00 per annum.

(5) Wholesale Beer License. For each wholesale beer license, \$25.00 per annum.

(6) Wholesale Wine Distributor's License. For each wholesale wine distributor's license, \$25.00 per annum.

(7) Wholesale Druggist's License. For each wholesale druggist's license, \$10.00 per annum.

(8) Retail On-Premises Wine and Beer License for a Hotel, Motel, Restaurant, or Club. For each retail on-premises wine and beer license for a hotel, motel, restaurant, or club, \$37.50 per annum.

(9) Retail Off-Premises Wine and Beer License. For each retail off-premises wine and beer license, \$37.50 per annum.

(10) Retail On-Premises Beer License for a Hotel, Motel, Restaurant, or Club. For each retail on-premises beer license for a hotel, motel, restaurant, or club, \$25.00 per annum.

(11) Druggist's License. For each druggist's license, \$25.00 per annum.

(12) Banquet License. For each banquet license, \$5.00 per day.

(13) Fruit Distiller's License. For each fruit distiller's license, \$100.00 per annum.

The aforesaid licenses shall be as respectively defined by the Act of the General Assembly of Virginia as herebefore and hereafter amended, known as "The Alcoholic Beverage Control Act", and the terms "alcoholic beverages", "alcohol", "spirits", "beer", and "wine", wherever used in this Title shall have the meanings respectively prescribed to them by said Act.

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No license shall be issued under this section to any person unless such person shall hold or secure simultaneously therewith the proper State license required by the said Alcoholic Beverage Control Act, which State license shall be exhibited to the Town Treasurer, and all dining rooms, restaurants, lunchrooms, and club-rooms wherein the beverages herein defined are sold for consumption on the premises shall at all times be open to inspection to the State police and the police authorities of the Town of Vienna. Any violation of the terms of this provision shall be sufficient grounds for the revocation of the license issued in accordance with this section.

- 4-26 Bail bonds; bondsmen. --For every license for persons furnishing bail there shall be paid a license fee of fifty (\$50.00) dollars per year, which shall not be prorated or transferred.
- 4-27 Bootblacks. --Bootblacks or shoe-shining parlors in the Town shall pay for the privilege of doing business an annual license tax of five (\$5.00) dollars for each chair or seat. Bootblack stands on the streets or sidewalks of this Town are prohibited.
- 4-28 Carnivals, circuses and menageries. --Every person exhibiting performances in a side show, dog and pony show, trained animal show, carnival, circus, menagerie, or any other show, exhibition, or performance similar thereto, shall procure a license therefore.

The Town license tax on side show, dog and pony shows, trained animal shows, circuses, menageries, or similar shows, exhibitions, or performances shall be one hundred (\$100.00) dollars per day.

The Town license tax on carnivals shall be one hundred (\$100.00) dollars per day. For the purpose of this section, a carnival shall be taken to mean an aggregation of shows, amusements, concessions, eating places, and riding devices, or any of them, operated together on one (1) parcel of ground or streets or on contiguous parcels of ground or streets or moving from place to place, whether the same are owned and actually operated by separate persons or not.

This section shall not be construed to prohibit a resident mechanic or artist from exhibiting any production of his own art or invention without compensation, nor shall any license be required on any industrial art exhibit nor any agricultural fair or the shows exhibited within such grounds of such fair, during the period of such fair, whether any admission is charged or not, nor of any resident persons performing in a show or exhibition for charity or other benevolent purposes, nor of exhibitions of volunteer fire companies, whether an admission be charged or not. Whenever any such show, exhibition, or performance is given, whether exempted by the terms hereof or licensed, those engaged therein and operating under either such license or exemption, shall be exempt from a license tax for performing or acting thereat.

The provisions of this section shall not be construed to allow, without payment of the tax herein imposed, any performance for charitable or benevolent purposes by a company, association of persons, or a corporation, which makes it its business to give exhibitions, no matter what terms of contract may be entered into or under what auspices such exhibition is given by such company, association of persons, or corporation for benevolent or charitable purposes, it being the intent and meaning of this section that every company, association of persons, or corporation, the business of which is giving exhibitions for compensation, whether a part of the proceeds are for charitable or benevolent purposes or not, shall pay the license tax prescribed herein.

The provisions of this section shall not be construed to impose a license tax on a bona fide local association, company, or corporation organized for the principal purpose of holding and which holds legitimate agricultural exhibitions or industrial arts exhibits.

- 4-29 Fortune Teller. --Every person engaged in work as a fortune teller, clairvoyant, phrenologist, spirit medium, astrologist, hypnotist, or palmist, for which compensation is received, shall pay for the privilege an annual license tax of five hundred (\$500.00) dollars. This license shall not be transferred or prorated.

- 4-30 Itinerant and distrained merchandise vendors. --All persons bringing to and exhibiting for sale to consumers at retail in the Town in trucks, in temporary places or fixed places of sale, goods or merchandise of any character as bankrupt, consignee, trustee, railroad wreck, fire slaughter stock, leftover exhibition stock, or stock of like character, and all itinerant vendors doing business in the Town, shall pay for the privilege a license tax of twelve dollars and fifty cents (\$12.50) per week, and no license shall be issued under this section for a fraction of a week.

"Itinerant vendors" as used in this Title shall be construed to mean and include all persons, whether principal, agent, or salesman, who engage in temporary or transient business in this Town in one (1) or more places; and who for the purpose of carrying on such business, hire, lease, or occupy any building, structure, or truck, or other place for the exhibition or sale of such goods or merchandise.

- 4-31 Junk and second-hand dealers. --Every person trading in any kind of second hand articles, junk, old metal, rags, or other like commodities shall pay for the privilege an annual license tax of \$125.00; and for each canvasser or agent canvassing the Town for the purpose of buying junk or other second hand materials for a principal or for himself, an annual license tax of \$25.00 shall be paid for the privilege; and the person doing business under this section shall give bond in the amount of \$1,000.00 for his faithful compliance with the law, the said bond to be delivered to the Town Treasurer upon issuance of the license.
- 4-32 Laundries and dry cleaners, non-resident. --Every person (other than a laundry or dry cleaning establishment located in the Town of Vienna, paying dry cleaning or laundry tax in the Town of Vienna) engaged in soliciting and/or accepting clothing, rugs, or other fabrics to be cleaned, laundered, dyed, or pressed for compensation, and/or delivering clothing, rugs, or other fabrics which have been cleaned, laundered, dyed, or pressed for compensation where said person does the actual laundry or dry cleaning work outside the Town of Vienna or has any part of the dry cleaning, laundry, or finishing work done outside the Town of Vienna, in lieu of the tax imposed by Section 4-39 of this Title, may pay one hundred (\$100.00) dollars for the first outlet or truck, plus a license tax in the amount of fifty (\$50.00) dollars for each additional outlet or truck in excess of one (1).
- 4-33 Peddlers. --Any person who shall carry from place to place any goods, wares, or merchandise and offer to sell or barter the same, or actually sell or barter the same, shall be deemed to be a peddler.

All persons who do not keep a regular place of business, whether it be a house or a vacant lot or elsewhere, open at all times in regular business hours and at the same place, who shall offer for sale goods, wares, and merchandise, shall be deemed peddlers under this section. All persons who keep a regular place of business, open at all times in regular business hours and at the same place, who shall, elsewhere than at such regular place of business, personally or through their agents, offer for sale or sell and, at the time of such offering for sale, deliver goods, wares, and merchandise shall also be deemed peddlers as above, but this section shall not apply to those who sell or offer for sale in person or by their employees ice, wood, charcoal, meats, milk, butter, eggs, poultry, fish, oysters, game, vegetables, fruits, or other family supplies of a perishable nature or farm products grown or produced by them and not purchased by them for sale. However, a dairyman who uses upon the streets of the Town of Vienna one (1) or more wagons may sell and deliver from his wagons milk, butter, cream, and eggs without procuring a peddler's license.

The license taxes imposed by this section shall not apply to any peddler who is covered by Section 4-34 of this Title and who sells to licensed dealers or retailers only.

For the privilege of peddling or bartering in the Town of Vienna there shall be paid one hundred (\$100.00) dollars annual license tax for each person so engaged or employed in the Town when he travels on foot and when he peddles otherwise than on foot the annual license tax paid shall be twenty-five (\$25.00) dollars except that:

(a) The annual license tax on peddlers of ice, wood, or coal, not produced by them but purchased for resale shall be twenty-five (\$25.00) dollars for each vehicle used in such peddling in the Town of Vienna; provided, however such dealers paying a retail merchant's license under this Title may peddle

Sec. 4-33 (cont.)

retail merchant's license under this Title may peddle the same from their vehicles without paying additional tax;

(b) The annual license tax on peddlers of meat, milk, butter, eggs, poultry, fish, oysters, game, vegetables, fruits, or other family supplies of a perishable nature not grown or produced by them shall be twenty-five (\$25.00) dollars for such peddling in the Town of Vienna;

(c) The annual license tax on peddlers of seafood who buy the seafood they peddle directly from persons who catch or take the same shall be ten (\$10.00) dollars for each vehicle used in such peddling in the Town of Vienna;

(d) No license issued under this section shall be prorated or transferred.

4-34 Peddlers of goods, wares, and merchandise to dealers or retailers. --Every person (other than a distributor and/or vendor of motor vehicle fuels and petroleum products, tobacco, or seafood, a farmer, a farmer's cooperative association, a producer, or a manufacturer taxable on capital by this State, or a distributor of manufactured goods, paying a State license tax on his purchases) who or which shall peddle goods, wares, or merchandise by selling and delivering the same at the same time to licensed dealers or retailers at other than a definite place of business operated by the seller, shall pay an annual license tax of twenty-five (\$25.00) dollars per annum for each vehicle used in such business, which tax shall not be prorated and shall not be transferrable.

Every vehicle used by any licensee hereunder shall have conspicuously displayed thereon the name of the person, firm, or corporation using the same, with the post office address of the licensee, and the license hereby required shall be conspicuously displayed on each vehicle while used in such business.

Every person, firm, or corporation claiming to be a distributor and/or vendor of motor vehicle fuels and petroleum products, a farmer, a dealer in forest products, or tobacco, or seafood, a producer, a wholesale dealer, or a manufacturer taxable on capital by this State, or a distributor of manufactured goods paying a Town tax on his purchases and selling and delivering at the same time, or offering to sell and deliver at the same time, to licensed dealers or retailers, such goods, wares, or merchandise, shall upon request of any police, tax, or revenue officer, furnish evidence of his or its claim other than his or its mere statement, that he or it is exempt from the provisions of this section, and failure to furnish such evidence shall be sufficient ground for charging the person operating the vehicle with a violation of this section; and in any prosecution for a violation of this section, the claim aforesaid must be corroborated by satisfactory evidence. The exemption hereby accorded a distributor and/or vendor of motor vehicle fuels and petroleum products and forest products, and tobacco, and in the case of a farmer, a producer, or a manufacturer taxable on capital by this State, the exemption is restricted to such peddling of goods, wares, or merchandise actually manufactured, produced, or grown by the seller.

A farmer within the meaning of this section means any person, firm, or corporation chiefly engaged in producing agricultural products on whose farm the volume or character of the agricultural products produced is in keeping with the size of the farm, but does not mean any person, firm, or corporation engaged in producing agricultural products who or which (a) actively engages, directly or indirectly, in buying or trading in agricultural products not grown or produced by him or it; or (b) actively engages, directly or indirectly, in conducting a business that includes buying or selling agricultural products not grown or produced by him or it.

A peddler, within the meaning of this section, is any person, firm, or corporation who or which, at other than a definite place of business operated by the seller, shall sell or offer to sell goods, wares, or merchandise to licensed dealers or offer to deliver the goods, wares, or merchandise to the buyer, and any delivery made on the day of sale shall be considered as equivalent to delivery at the time of sale.

Every person, firm, or corporation claiming exemption from the provisions of this section on the ground that he or it is delivering goods, wares, or merchandise previously sold to the customer, shall, upon request of any police, tax, or revenue officer, furnish evidence of his or its claim other than his or its mere statement, which evidence may be an invoice or signed order describing the goods, wares, or merchandise involved, and the amount and price thereof, and failure to furnish such evidence shall be sufficient ground for charging the person operating the vehicle with a violation of this section, and in any prosecution for a violation of this section, the claim aforesaid must be corroborated by satisfactory evidence.

- 4-35 Taxicabs. --Every person operating taxicabs or other motor vehicles for hire, over the streets of the Town of Vienna and/or using the Town as the basis for operation, shall pay for the privilege an annual license tax of ten (\$10.00) dollars for each vehicle.
- 4-36 Vending and slot machines. --Any person having anywhere in this Town a slot machine of any description into which are inserted nickels or coins of larger denominations to dispense articles of merchandise, or for the purpose of operating devices that operate on the coin-in-the-slot principle, used for gain, except as a pay telephone, shall pay for every such slot machine, or device as the case may be, a license tax of twenty-five (\$25.00) dollars per year except (a) each coin-operated musical machine or musical device that operates on the coin-in-the-slot principle, on which there is hereby levied an annual license tax of fifteen (\$15.00) dollars for each such musical machine or musical device; (b) vending machines that are used solely for the sale of agricultural products, soft drinks, or cigars, on which there is hereby levied a license tax of five (\$5.00) dollars per year for each machine; (c) those used solely for the sale of candy and operated on the premises of moving picture or other theaters, on which there is hereby levied a license tax of five (\$5.00) dollars per year for each such machine; (d) such candy vending machines as are operated on the premises of any person conducting any other lawful business, on which there is hereby levied a license tax of ten (\$10.00) dollars per year for each such machine; (e) vending machines operated on premises for which a tobacco retailer's license has been obtained, and used solely for the sale of cigarettes, on which there is hereby levied a license tax of five (\$5.00) dollars per year for each machine; (f) weighing machines and machines used solely for the purpose of selling shoestrings, chewing gum, peanuts, peanut candy, or postage stamps, on which there is levied no license tax; (g) automatic baggage or parcel checking machines or receptacles, which are used for the storage of baggage or parcels of any character, on which there is hereby levied a license tax of fifteen (\$.15) cents per year for each receptacle that is operated on the coin-in-the-slot principle; and (h) on vending machines operated by the insertion of one (1) cent, on which there is levied no license tax. Provided, however, that nothing contained in this section shall be construed as permitting any such person to keep, maintain, exhibit, or operate any slot machine or other device, the operation of which is prohibited by law.

This section shall not apply to slot machines that are used solely for the purpose of selling individual sanitary drinking cups or sanitary cups and natural water or to machines vending sanitary napkins or to washing machines.

Chapter 3

Classified Business and Occupational License Provisions

<u>Sec.</u>	
4-37	Professional Occupations.
4-38	Personal Service Occupations.
4-39	Business Service Occupations.
4-40	Repair Service Occupations.
4-41	Retail Merchants.
4-42	Wholesale Merchants.
4-43	Contractors and Contracting.
4-44	Amusements.
4-45	Manufacturers, Millers, and Processers.
4-46	Builders and Developers.
4-46, 1	Same, when liable for tax elsewhere in State.
4-47	Building and Loan Associations
4-48	Public Utilities (motor vehicle, carriers, telephone, telegraph, heat, light, power, and gas companies).
4-49	Slaughter houses or Abbatoirs.
4-50	Loan Agencies.
4-51	Money lenders.
4-52	Renting by owner of houses, apartments, or commercial establishments.

4-37 Professional occupations. --Every person conducting or engaging in any of the following professional occupations shall pay for the privilege an annual license tax of forty-five (\$.45) cents for each one hundred (\$100.00) dollars of gross receipts, as hereinbefore defined, for the occupation from the preceding fiscal or calendar year; provided, any person commencing his occupation after the beginning of the license tax year, as hereinbefore defined, shall pay for the privilege a license tax of forty-five (\$.45) cents for each one hundred (\$100.00) dollars of anticipated gross receipts for the remaining portion of the license tax year:

Public accountants
Advertising agents or firms
Air conditioning engineers
Appraisers or evaluators of real estate for others for compensation
Architects, landscapers
Artists
Assayers
Attorneys at law
Auctioneers, all types
Auditing companies or firms
Brokers, any type other than pawnbroker or loan broker
Blue printers
Bookkeepers, public
Chemical engineers
Chemists
Chiropodists
Chiropractors
Civil engineers
Consulting engineers
Collection agencies or agents
Common carriers
Commission merchants
Contracting engineers
Dentists
Doctors of medicine
Electrical engineers
Furnishers of domestic or clerical help, labor, or employment
Homeopathists
Industrial engineers
Instructors and Tutors
Land agents, rental agents
Lumber measurers
Manufacturers' agents
Mercantile agents or agencies

Sec. 4-37 (cont.)

Mechanical engineers
 Metallurgists
 Mining engineers
 Naturopathists
 Neurologists
 Oculists
 Optometrists or opticians
 Orthodontists
 Osteopaths
 Patent attorneys or patent agents
 Physicians
 Physiotherapists
 Public relations counselors
 Public stenographers
 Furnishers of publicity service, booking agents, concert managers
 Radio engineers
 Recorders of proceedings in any court, commission, or other organization
 Refrigerator engineers
 Sales agent or agencies
 Sculptors
 Surveyors
 Surgeons
 Veterinarians

4-38 Personal Service Occupations. --Every person conducting or engaging in any of the following personal service occupations, businesses, or trades shall pay for the privilege an annual license tax of twenty-five (\$.25) cents for each one hundred (\$100.00) dollars of gross receipts, as hereinafter defined, from the occupation during the preceding fiscal or calendar year, provided, that any person commencing his occupation after the beginning of the license tax year, as hereinbefore defined, shall pay for the privilege a license tax of twenty-five (\$.25) cents for each one hundred (\$100.00) dollars of anticipated gross receipts for the remaining portion of the license tax year:

(a) The business of operating:

A barber shop
 A beauty parlor
 A chartered club
 A hair-dressing establishment
 A hotel or motel
 A turkish, Roman, or other like bath parlor
 An undertaker, an embalmer

(b) The business of:

Addressing letters or envelopes
 Bottle exchange
 Cleaning chimneys, furnaces
 Correspondence establishment or bureau
 Clinical laboratory
 Day nursery (other than foster homes)
 Dental Laboratory
 Exterminating, fumigating, or disinfecting establishment or service
 Furnishing ambulance service
 Furnishing clean diapers
 Furnishing house-cleaning service
 Furnishing messenger service, except telephone or telegraph messenger service
 Furnishing statistical service
 Nursing or convalescent home
 Operating a kennel or small animal hospital
 Operating a scalp treating establishment
 Photographer
 Physicians' registry, nurses' registry
 Picture framing or gilding
 Private school (other than religious and non-profit)

Sec. 4-38 (cont.)

Renting any kind of tangible personal property
 Renting or furnishing automatic washing
 Secretarial service
 Supplying clean linen, coats, aprons, towels
 Telephone answering service
 Other personal service occupations

Any non-resident person engaged in the business of taking pictures or photographs and developing, copying, or enlarging the same, but who has no permanent place of business in the Town, shall pay a license tax of either five (\$5.00) dollars a day or a yearly fee of fifty (\$50.00) dollars which fee shall not be prorated.

Every person engaged in canvassing or soliciting for the taking, developing, copying, or enlarging of pictures or photographs for work to be done outside of the Town shall pay a license tax of either five (\$5.00) dollars per day or a yearly fee of fifty (\$50.00) dollars which fee shall not be prorated.

4-39 Business Service Occupations. --Every person conducting or engaging in any of the following business service occupations, businesses, or trades, shall pay for the privilege an annual license tax of twenty (\$.20) cents for each one hundred (\$100.00) dollars of gross receipts, as hereinbefore defined, from the occupation during the preceding fiscal or calendar year; provided, any person commencing his occupation after the beginning of the license tax year, as hereinbefore defined, shall pay for the privilege a license tax of twenty (\$.20) cents for each one hundred (\$100.00) dollars of anticipated gross receipts for the remaining portion of the license tax year:

An airport
 Erecting, installing, removing, storing awnings
 Hauling or transfer, not in connection with taxicab business
 An impounding lot
 Job printer, printing shop, bookbinding, duplicating processes
 A laundering, cleaning, pressing, or dyeing establishment
 Leasing films for compensation
 Packing, crating, shipping, hauling, or moving goods or chattels for others
 Parking lots
 Public garage
 Renting airplanes
 Renting bicycles
 Storage, all types
 Title insurance company
 U-Drive-It firm or business
 Vehicular advertising, electric advertising, bus advertising, commercial advertising
 Other business service occupations

4-40 Repair Service Occupations. --Every person conducting or engaging in any of the following repair service occupations, businesses, or trades, shall pay for the privilege an annual license tax of fifteen (\$.15) cents for each one hundred (\$100.00) dollars of gross receipts, as hereinbefore defined, from the occupation during the preceding fiscal or calendar year; provided, any person commencing his occupation after the beginning of the license tax year, as hereinbefore defined, shall pay for the privilege a license tax of fifteen (\$.15) cents for each one hundred (\$100.00) dollars of anticipated gross receipts for the remaining portion of the license tax year:

Auto repair, engine repair of any type
 Bicycle repair
 Business and office machines repair
 Clothes, hats, carpets, or rugs, repair of
 Furniture, upholstering, repair of
 Gunsmith, gun repairing
 Machine shop, boiler shop
 Mattresses, repair of
 Nickel and chrome plating
 Paint shop, other than contractor
 Radios, refrigerators, electrical appliances, home appliances, repair of

Sec. 4-40 (cont.)

ReWeaving
 Road machines, farm machinery, repair of
 Saws, tools, repair of
 Scales, repair of
 Shades, repair of
 Shoe repair
 Tire repair
 Toys, repair of
 Umbrellas, harnesses, leather goods, repair of
 Washing, automobiles, cleaning of automobiles
 Watches, clocks, repair of
 Welding shop
 Other Repair Services not otherwise taxed

4-41 Retail Merchants. --Every person conducting or engaging in any of the following retail merchant occupations, businesses, or trades, shall pay for the privilege an annual license tax of fifteen (\$. 15) cents for each one hundred (\$100.00) dollars of gross receipts, as hereinbefore defined, from the business during the preceding fiscal or calendar year; provided, any person commencing his occupation after the beginning of the license tax year, as hereinbefore defined, shall pay for the privilege a license tax of fifteen (\$. 15) cents for each one hundred (\$100.00) dollars of anticipated gross receipts for the remaining portion of the license tax year:

Auto accessory, tire, battery
 Aircraft, or aircraft parts
 Antiques
 Auto sales, motor vehicle dealers
 Bakeries, caterers
 Bicycles
 Boats, motors
 Books, stationery
 Building materials
 Candy, nut store
 Cigar, tobacco stands, newsstands
 Confectionery
 Custom tailor
 Delicatessen
 Department stores
 Drapery, curtain, upholstery
 Drugs
 Dry goods stores
 Family clothing
 Farm equipment
 Filling stations
 Fish, seafood markets
 Floor covering
 Florists
 Fruit stores, vegetable markets
 *Fuel, ice (see note, p. 4-19)
 Furniture
 Furriers
 Garden Supplies
 General stores
 Gift, novelty, souvenir
 Grocery
 Hardware
 Heating, plumbing, electrical equipment
 Hog, grain, feed, seed
 Hosiery
 Jewelry
 Livestock dealer
 Luggage
 Lumber goods
 Meat Market
 Men's and boys' clothing
 Millinery
 Motorcycle
 Musical Instrument

Sec. 4-41 (cont.)

Office, store, appliance supply
 Optical
 All other clothing
 Paint, glass, wallpaper
 Photographic supply equipment
 All radio, or household appliances
 Restaurants, eating places, night clubs
 Second hand stores, other than junk
 Scientific, medical supplies
 Shoes
 Soda fountain
 Sporting goods
 Used cars
 Variety stores
 Workmen's clothing
 Other Retail Stores and Retail Merchants

*In lieu of the above tax, fuel oil dealers whose place of business is located outside the Town of Vienna may pay a flat rate of one hundred fifty (\$150.00) dollars a year.

4-42 Wholesale Merchants. --Every person conducting or engaging in any of the following wholesale merchant occupations, businesses, or trades, shall pay for the privilege an annual license tax of ten (\$.10) cents for each one hundred (\$100.00) dollars of gross receipts, as hereinbefore defined, from the business during the preceding fiscal or calendar year; provided, any person commencing his occupation after the beginning of the license tax year as hereinbefore defined, shall pay for the privilege a license tax of ten (\$.10) cents for each one hundred (\$100.00) dollars of anticipated gross receipts for the remaining portion of the license tax year:

Automotive
 Chemicals
 Clothing, furnishings
 Coal, coke
 Commission merchants (who take title, others classed as brokers)
 Drugs
 Dry goods
 Electrical, plumbing goods
 Farm equipment
 Furniture and house furnishings
 Groceries and foods
 Hardware
 Jewelry
 Lumber, paint, and construction materials
 Machinery, equipment, and supplies
 Metals and metal work
 Other goods, wares, merchandise
 Paper and paper products
 Seafood
 Soft drinks
 Sporting goods
 Tobacco and tobacco products (except leaf tobacco)
 Waste materials
 Other Wholesale Merchants

4-43 Contractors and Contracting. --Every person conducting or engaging in any of the following contracting occupations, businesses, or trades, shall pay for the privilege an annual license tax of ten (\$.10) cents for each one hundred (\$100.00) dollars of gross receipts, as hereinbefore defined, from the business for the preceding year; provided, any person commencing his occupation after the beginning of the license tax year, as hereinbefore defined, shall pay for the privilege a license tax of ten (\$.10) cents for each one hundred (\$100.00) dollars of gross receipts to be measured by the gross amount of all orders or contracts which he has accepted before applying for the license, plus the gross amount of all orders or contracts which he estimates he will accept for the remaining portion of the license tax year:

Air conditioning
 Brick contracting, stone, and other masonry

Sec. 4-43 (cont.)

Building
 Cement
 Dredging, sand and gravel
 Electrical
 Floor scraping or finishing
 Foundations
 Interior decorating
 Paint, paper decorating
 Plastering
 Plumbing, heating, steamfitting, gasfitting
 Road, street, bridge, sidewalk, curb, and gutter
 Sewer drilling and well digging
 Structural metal
 Tile, glass, flooring, floor covering
 Wrecking, moving, excavating
 Other Contractors and Contracting

- 4-44 Amusements. --Every person conducting or engaging in any of the following amusements occupations, businesses, or trades, shall pay for the privilege an annual license tax of thirty (\$.30) cents for each one hundred (\$100.00) dollars of gross receipts, as hereinbefore defined, from the business during the preceding calendar or fiscal year; provided, any person commencing business after the beginning of the license tax year, as hereinbefore defined, shall pay for the privilege a license tax of thirty (\$.30) cents for each one hundred (\$100.00) dollars of anticipated gross receipts for the remaining portion of the license tax year:

Amusement park
 Arcade or building devoted to general amusement or entertaining
 Auditorium
 Baseball
 Billiards or pool
 Bowling alley
 Coliseum
 Gardens, display or amusement
 Golf driving range
 Miniature gold
 Movie theaters
 Parks, athletic fields (operated for profit)
 Skating rink
 Theaters
 Other amusement occupations not specifically taxed under this section

- 4-45 Manufacturers, Millers, and Processors. --Every person conducting or engaging in any of the following manufacturing, milling, or processing occupations, businesses, or trades, shall pay for the privilege an annual license tax of fifteen (\$.15) cents for each one hundred (\$100.00) dollars of gross receipts, as hereinbefore defined, from the business during the preceding fiscal or calendar year; provided, any person commencing business after the beginning of the license tax year, as hereinbefore defined, shall pay for the privilege a license tax of fifteen (\$.15) cents for each one hundred (\$100.00) dollars of anticipated gross receipts for the remaining portion of the license tax year:

Asphalt, or asphalt products, bricks, marble goods, tombstones
 Awnings, sails, or tents
 Barrels, crates, boxes, hogsheads, veneers, veneer, and wood products
 Beds, bed springs, cots, mattresses, any or all
 Bread, cakes, pies, and other bakery products
 Burlap, cotton bags, and barrel covers
 Canneries
 Caskets, coffins, and burial vaults
 Cement and cement products
 Chemicals or chemical products
 Cigarettes or tobacco products
 Clothing, hose, cotton, wool, silk, textile and textile products

Sec. 4-45 (cont.)

Coffee roasting or tea blending
 Confections
 Cork products and insulating materials
 Corn meal, flour
 Fertilizers or guano
 Flavoring extracts and syrups
 Food for livestock
 Furniture, novelties, and wood products
 Gypsum and gypsum products
 Ice
 Ice cream
 Manufacturing, processing and assembling steel, iron, and metal products, any or all
 Motor vehicles or parts thereof
 Paints
 Planing and rolling mills
 Potato chips, sandwiches
 Processing peanuts and peanut products
 Processing soy beans
 Sashes, frames, blinds, or wood products, saw mills
 Soft drinks, manufacturing and bottling
 Other manufacturers, millers, and processors

- 4-46 Builders and Developers. --Every builder and developer, as hereinbefore defined in this Title, operating and doing business in the Town of Vienna, shall pay for the privilege an annual license tax of ten (\$. 10) cents on each one hundred (\$100.00) dollars of gross expenditures, as hereinbefore defined, for said building and development work during the preceding fiscal or calendar year.
- 4-46.1 Same; when liable for tax elsewhere in State. --When a builder or developer shall have become liable for a license tax required by another town, city, or county within the State on building or developing within that town, city, or county, then in that event the gross expenditures on the amount of business done in such other town, city, or county shall be deducted from the gross expenditures taxable by the Town of Vienna. In all cases, such deductions must first be included in the total reported gross expenditures.
- 4-47 Building and Loan Associations. --Every building and loan association having its principal office in the Town of Vienna shall pay for the privilege of doing business an annual license tax of thirty-seven and 50/100 (\$37.50) dollars provided the capital of such association or company actually paid-in whether from paid-up stock or partially paid-up stock, is not over twenty-five thousand (\$25,000.00) dollars. If the capital paid-in, whether from paid-up stock, or partially paid-up stock, is over twenty-five thousand (\$25,000.00) dollars then an additional license tax of one and 50/100 (\$1.50) dollars on each one thousand (\$1,000.00) dollars of such capital, or fraction thereof, in excess of twenty-five thousand (\$25,000.00) dollars shall be paid.
- A building and loan association which does business on a purely mutual plan, and makes loans only to its stockholders, organized in the Town of Vienna, and confining its business solely to the Town and surrounding political subdivision, shall pay a license tax of twenty-five (\$25.00) dollars.
- A building and loan association or company organized under the laws of a state other than Virginia shall pay the license tax herein imposed upon the capital invested in the Town of Vienna.
- 4-48 Public Utilities. --(1) Motor Vehicle Carriers. All motor vehicle carriers, except such carriers whose annual gross receipts do not exceed five thousand (\$5,000.00) dollars operating on or through the streets of the Town of Vienna shall pay for the privilege of using the streets, roads, and routes, including bridges, excluding toll bridges, an annual license tax as follows: 1/5 cent per mile for each mile operated within the Town by any vehicle weighing 5,000 pounds or less; 2/5 cent per mile for each mile operated within the Town by any vehicle weighing more than 5,000 pounds and less than 15,000 pounds; and 3/5 cent per mile operated within the Town by any vehicle weighing more than 15,000 pounds;

Sec. 4-48 (cont.)

(2) Telephone Companies. All persons engaged in the business of providing telephone communications in the Town of Vienna shall pay for the privilege an annual license tax equal to 1/2 of 1 percent of the gross receipts, as hereinbefore defined, from rentals, subscriptions, and stations within the Town during the preceding fiscal or calendar year, excluding, however, business done between the Town of Vienna and points outside the State of Virginia or messages sent by the Government of the United States or this State and their officers or agents;

(3) Telegraph Companies. All persons engaged in the business of sending telegraphic communications from the Town of Vienna to any point within the State of Virginia shall pay for the privilege an annual license tax of 1/2 of 1 percent of the gross receipts, as hereinbefore defined, derived from the sending of such telegrams and telegraphic communications of any kind during the preceding fiscal or calendar year; excluding, however, business done between the Town of Vienna and points outside the State of Virginia and receipts from the Government of the United States, this State, or this Town, and their officers and agents;

(4) Heat, Light and Power, and Gas Companies. All persons furnishing heat, light, or power by means of electric current or gas in the Town of Vienna shall pay for the privilege an annual license tax of 1/2 of 1 percent of the gross receipts, as hereinbefore defined, of such enterprise or enterprises derived from the Town of Vienna during the preceding fiscal or calendar year; excluding, however, such services furnished Federal, State, and local authorities and sales for resale to other electric companies.

4-49 Slaughter houses or abbatoirs. --Every person engaging in, conducting, or operating a slaughter house or abbatoir in the Town of Vienna shall pay for the privilege an annual license tax of twenty-five (\$.25) cents for each one hundred (\$100.00) dollars of the gross receipts, as hereinbefore defined, during the preceding fiscal or calendar year; provided any person commencing business after the beginning of the license tax year, as hereinbefore defined, shall pay for the privilege a license tax of twenty-five (\$.25) cents for each one hundred (\$100.00) dollars of anticipated gross receipts, for the remaining portion of the license tax year.

4-50 Loan Agencies. --Every small loan company embraced in Title 6 section 6-279, Code of Virginia, 1950, as amended, shall pay an annual license tax of two hundred (\$200.00) dollars, which tax shall not be prorated.

4-51 Money lenders. --Every person conducting or engaging in any of the following money lending occupations, businesses, or trades shall pay for the privilege an annual license tax of twenty (\$.20) cents for each one hundred (\$100.00) dollars of gross receipts, as hereinbefore defined, on the business during the preceding fiscal or calendar year; the minimum license tax per annum shall be twenty-five (\$25.00) dollars. This section shall not apply to banks, small loan companies as defined in Title 6, Chapter 8, Code of Virginia 1950, as amended, and loan associations.

A money lender
 An industrial loan company
 A loan or mortgage company
 A loan or mortgage broker
 A factor
 Financing accounts receivable
 Inventory financing
 Installment financing
 Chattel mortgage financing
 Consumer sales
 Buying installment receivables
 Other money lenders

4-52 Renting by Owner of houses, apartments, or commercial establishments. --Every person who, as principal, shall engage in the business of renting houses, apartments, or commercial property in the Town shall pay for the privilege of doing business an annual license tax of fifteen (\$.15) cents on each one hundred (\$100.00) dollars of gross receipts from the rental of all commercial establishments, apartment units, or dwelling units during the preceding fiscal or calendar year. Persons engaged in the business of renting houses or apartments, or both, shall not be affected by, or come within the provisions of this section unless such person is engaged in the business of renting in excess of two (2) separate dwelling units. The minimum annual license tax shall be ten (\$10.00) dollars.

Sec. 4-52 (cont.)

The business of renting houses and apartments as used in this section shall be construed to mean the rental of a building or portion thereof designed exclusively for residential occupancy, including one (1) family, two (2) family, and multiple family dwellings, but not including hotels, boardinghouses, and rooming houses.

The words "dwelling unit" are defined to mean one (1) or more rooms in a dwelling house or apartment designed for occupancy by one (1) family for living purposes and having cooking facilities.

TITLE 5

CRIMES AND OFFENSES GENERALLY

Chapter 1.	<u>General Provisions.</u>	Sec. 5-1 to 5-2
Chapter 2.	<u>Offenses against Morality and Decency.</u>	Sec. 5-3 to 5-12
Chapter 3.	<u>Offenses against the Peace.</u>	Sec. 5-13 to 5-20
Chapter 4.	<u>Offenses against the Person and Property.</u>	Sec. 5-21 to 5-40
Chapter 5.	<u>Offenses against Public Justice and Public Policy.</u>	Sec. 5-41 to 5-58

Chapter 1

General ProvisionsSec.

5-1 Definitions.
 5-2 Reserved for future use.

5-1 Definitions.

Adultery. Any person, being married, who voluntarily shall have sexual intercourse with any person not his or her spouse shall be deemed guilty of adultery.

Animal. The word "animal" as used in this Title shall be construed to include birds and fowl.

Bawdy place. Any place within or without any structure or building which is used or is to be used for lewdness, assignation, or prostitution; and the term shall include, but not be limited to, every house of prostitution, house of ill-fame, bawdy house, house of assignation, and brothel.

Fornication. Any person, not being married, who voluntarily shall have sexual intercourse with any other person shall be deemed guilty of fornication.

Loiter. To remain idle or stand around, wander or saunter, stroll, play in or upon or lag behind without legitimate or lawful reason.

Misdemeanor. Offenses are either felonies or misdemeanors. Such offenses as are punishable by death or confinement in the penitentiary are felonies; all other offenses are misdemeanors. Violations of the Code of Vienna are misdemeanors.

* Obscene. The word "obscene" as used in this Title shall mean that which, when considered as a whole, has as its dominant theme or purpose an appeal to prurient interest, that is, a shameful or morbid interest in nudity, sex, or excretion and/or going substantially beyond customary limits of candor in description or representation of such matters.

Place open to the public. Any privately-owned place of business carried on for profit or any place of amusement or entertainment to which the public is invited.

Prostitution. Any person who, for money or its equivalent, commits adultery or fornication or offers to commit adultery or fornication and thereafter does any substantial act in furtherance thereof, shall be guilty of being a prostitute or of prostitution.

Public place. Any public street, highway, road, alley, park, playground, dock, public building, public facilities, or vacant lot.

5-2 Reserved for future use.

Chapter 2

Offenses Against Morality and DecencySec.

- 5-3 Adultery and fornication.
 5-4 Appearing in public while intoxicated.
 5-5 Cruelty to animals.
 5-6 Fighting cocks, dogs, etc.
 5-7 Indecent exposure or language.
 5-8 Lewd and lascivious cohabitation.
 5-9 Obscene and indecent figures or words.
 5-10 Obscene or profane language over the telephone.
 5-11 Obscene pictures and literature.
 5-12 Prostitution residing in or frequenting house of ill-fame.

- 5-3 Adultery and fornication. --If any person commit adultery or fornication, he or she shall be punished by a fine of not less than twenty (\$20.00) dollars nor more than one hundred (\$100.00) dollars. If he or she commit adultery or fornication with any person whom he or she is forbidden by law to marry, such person shall be punished by a fine not exceeding five hundred (\$500.00) dollars or by imprisonment in jail not exceeding twelve (12) months, or by both such fine and imprisonment.

Nothing in this section is intended to contravene the provisions of Sec. 18.1-191, Code of Virginia, 1950, as amended.

- 5-4 Drunkenness or profane swearing. --If any person arrived at the age of discretion profanely curse or swear or get or be drunk in public he shall be taken into custody until sober, and shall be fined not more than ten (\$10.00) dollars.

If any person shall be convicted for being drunk in public three (3) times within one year, upon the third or any subsequent conviction for such offense within the period of one (1) year, such person may be punished by imprisonment in jail for not more than six (6) months or by a fine of not more than twenty-five (\$25.00) dollars, or by both such fine and imprisonment.

- 5-5 Cruelty to animals. --It shall be unlawful for any person to

(1) override, overload, overdrive, torture, illtreat, or cruelly or unnecessarily beat, maim, mutilate, or kill any animal, whether belonging to himself or another, or deprive any animal of necessary sustenance, food, or drink, or cause any of the above things, or being the owner of such animal permit such to be done by another, or

(2) wilfully set on foot, instigate, engage in, or in any way further any act of cruelty to any animal, or

(3) carry or cause to be carried in or upon any vehicle or vessel or otherwise any animal in a cruel, brutal, or inhuman manner, so as to produce torture or unnecessary suffering; but nothing in this section shall be construed to prohibit the dehorning of cattle.

- 5-6 Fighting cocks, dogs, etc. --If any person engage in the fighting of cocks, dogs, or other animals, for money, prize, or any thing of value, or upon the result of which any money or other thing of value is bet or wagered, or to which an admission fee is charged, directly or indirectly, or for any championship, he shall be fined not less than one hundred (\$100.00) dollars nor more than five hundred (\$500.00) dollars for each offense.

- 5-7 Indecent exposure or language. --It shall be unlawful for any person to expose his person indecently, or to procure another to so expose himself, or to act indecently, or to use indecent language in any street or public place in the Town, or in any place where others are present.

Nothing in this section is intended to contravene the provisions of Sec. 18.1-214, Code of Virginia, 1950, as amended.

- 5-8 Lewd and lascivious cohabitation. --If any persons, not married to each other, lewdly and lasciviously associate and cohabit together, or, whether married or not, be guilty of open and gross lewdness, they shall be fined not less than fifty (\$50.00) dollars nor more than five hundred (\$500.00) dollars, and, upon a repetition of the offense, and conviction thereof, they may also be confined in jail not less than six (6) months nor more than twelve (12) months.
- 5-9 Obscene and indecent figures or words. --It shall be unlawful to draw an indecent figure or write vulgar or obscene words upon any house, wall, pavement, fence, or upon any public place within the Town. The penalty for each violation of this ordinance shall be a fine of not less than five (\$5.00) dollars nor more than one hundred (\$100.00) dollars.
- 5-10 Obscene or profane language over the telephone. --It shall be unlawful for any person to use vulgar, profane, or indecent language over any telephone in the Town. Any person violating this section shall be punished by a fine of not more than one hundred (\$100.00) dollars.
- 5-11 Obscene pictures and literature. --It shall be unlawful for any person to display or sell any obscene item in the Town.
- 5-12 Residing in or frequenting bawdy place. --It shall be unlawful for any person to frequent, reside in or at, or visit, for immoral purposes, any bawdy place.

Chapter 3

Offenses Against the PeaceSec.

- 5-13 Abusive language.
- 5-14 Airguns, slingshots, etc.
- 5-15 Concealed weapons.
- 5-16 Disorderly conduct.
- 5-17 Disturbance of public assemblies.
- 5-18 Firearms-discharge.
- 5-19 Loitering.
- 5-20 Noises.
- 5-13 Abusive language. --It shall be unlawful for any person in the Town, in the presence or hearing of another, to curse or abuse such other person, or use any violent abusive language to such person concerning himself or any of his relations, or otherwise use such language, under circumstances reasonably calculated to provoke a breach of the peace. Any person convicted of violating this section shall be fined not less than two and 50/100 (\$2.50) dollars nor more than five hundred (\$500.00) dollars.
- 5-14 Airguns, slingshots, etc. --No person shall use any instrument for projecting missiles likely to do injury to persons or property, such as an airgun, BB gun, slingshot, grit shooter, bow and arrow, etc., in the Town.
- 5-15 Concealed weapons. --Except as authorized by law, it shall be unlawful for any person to carry about his person, hidden from common observation, any pistol, dirk, bowie knife, switch-blade knife, razor, slingshot, metal knucks, or any weapon of like kind. Any person violating this section, upon conviction, shall be fined not less than twenty (\$20.00) dollars nor more than one hundred (\$100.00) dollars, and may, in addition thereto, be confined in jail for a period of not more than twelve (12) months. The weapon shall be forfeited to the Town.
- 5-16 Disorderly conduct. --It shall be unlawful for any person in the Town to behave in a riotous or disorderly manner, or to commit any act which tends to disturb the peace or order of the Town.
- 5-17 Disturbance of public assemblies. --It shall be unlawful for any person in the Town wilfully to interrupt any assembly, meeting for the worship of God, or other meeting of persons lawfully assembled in any public building or place, or to disturb the same.
- 5-18 Firearms-discharge. --It shall be unlawful for any person in the Town to fire or discharge any gun, pistol, or other firearms except in a shooting gallery constructed and operated in accordance with the regulations of the National Rifleman's Association. Provided, that this section shall not apply to any law enforcement officer in the performance of his official duties nor to any other person whose said wilful act is otherwise justifiable or excusable at law in the protection of his life or property, or is otherwise specifically authorized by law.
- 5-19 Loitering. --Every person who loiters in or about any public street or other public place or any place open to the public in the Town of Vienna, Virginia, shall be guilty of a misdemeanor.
- 5-20 Noises. --The creation and continuation of any loud, disturbing, and unnecessary noises in the Town is hereby prohibited.

Chapter 4

Offenses Against the Person and PropertySec.

- 5-21 Advertising matter-attaching to poles or trees.
 5-22 Assault and battery.
 5-23 Buying, etc. certain secondhand materials; intent; possession.
 5-24 Concealment of merchandise on premises of store.
 5-25 Defrauding garage keeper.
 5-26 Defrauding hotels, boarding houses, etc.
 5-27 Destroying or damaging property.
 5-28 Exemption from civil liability in connection with arrest of suspected person.
 5-29 Hired animals and vehicles.
 5-30 Interference with fire apparatus.
 5-31 Interference with telephone, telegraph, telecasting, or lighting equipment.
 5-32 Maintaining a nuisance.
 5-33 Peeping or spying into structure occupied as dwelling.
 5-34 Petit larceny.
 5-35 Protection of homing pigeons.
 5-36 Pulling down fences or leaving open gates.
 5-37 Trespass.
 5-38 Unauthorized fill material.
 5-39 Waterworks and sewage disposal plant, injury, etc.
 5-40 Wells, pits, and abandoned refrigerators.

(For driving while under the influence of alcohol or drugs; Penalty; subsequent offense; prior conviction; Same; forfeiture of driver's license; suspension of sentence; and Driving after forfeiture of license; - See sections 8-36, 8-40, 8-41, 8-42.)

- 5-21 Advertising matter-attaching to poles or trees. --It shall be unlawful for any person to tack or otherwise attach any advertising matter or other substance to any telephone, telegraph, or electric transmission pole or tree within the Town.
- 5-22 Assault and battery. --Any person who attempts or offers with unlawful force or violence to do bodily harm to another person, whether or not the attempt or offer is consummated, is guilty of assault.
- Any person who unlawfully and intentionally, or with culpable negligence, applies force to the person of another by a material agency, used directly or indirectly, is guilty of a battery.
- This section does not contemplate a felonious employment of a dangerous weapon or the infliction of grievous bodily harm.
- 5-23 Buying, etc., certain secondhand materials; intent; possession. --If any person buy or receive secondhand grate baskets, keys, bells and bell fixtures, water fixtures, gas fixtures, water pipes, gas pipes, or any part of such fixtures or pipes with intent to defraud, he shall be confined in jail not less than one (1) month nor more than six (6) months. Possession of any such secondhand baskets, keys, bells and bell fixtures, water fixtures, gas fixtures, water pipes, gas pipes, or any part of such fixtures or pipes if bought or received from any person other than the manufacturer thereof or his authorized agent or the owner thereof shall be prima facie evidence of such intent.
- 5-24 Concealment of merchandise on premises of store. --It shall be unlawful for any person, without authority, wilfully to conceal goods or merchandise of any store, while still upon the premises of such store.

- 5-25 Defrauding garage keeper. --Whoever stores a motor vehicle with any person, firm, or corporation engaged in the business of conducting a garage for the storage of motor vehicles and furnishing supplies to motor vehicles and obtains supplies for such motor vehicle, without having an express agreement for credit, or procures storage or supplies on account of such motor vehicle so stored, without paying therefore, and with the intent to cheat or defraud the owner or keeper of such garage; or with such intent obtains credit at such garage for such storage or supplies through any misrepresentation or false statement; or with such intent removes or causes to be removed any such motor vehicle from any such garage while there is a lien existing thereon for the proper charges due from him for storage or supplies furnished thereon, shall be punished by a fine of not exceeding one hundred (\$100.00) dollars or imprisonment in jail for not exceeding three (3) months, or both.
- 5-26 Defrauding hotels, motels, boarding houses, etc. --Whoever puts up at a hotel, motel, or boarding house or obtains food from a restaurant or other eating house and, without having an express agreement for credit, procures food, entertainment, or accommodation without paying therefore and with intent to cheat or defraud the owner or keeper of such hotel, motel, boardinghouse, restaurant, or other eating house out of the pay for the same; or with intent to cheat or defraud such owner or keeper out of pay therefore obtains credit at a hotel, motel, boardinghouse, restaurant, or other eating house for such food, entertainment, or accommodation by means of any false show of baggage or effects brought thereto; or with such intent obtains credit at a hotel, motel, boardinghouse, restaurant, or other eating house for such food, entertainment, or accommodation through any misrepresentation or false statement; or with such intent removes or causes to be removed any baggage or effects from a hotel, motel, boardinghouse, restaurant, or other eating house while there is a lien existing thereon for the proper charges due from him for fare and board furnished therein, shall be punished by imprisonment not exceeding three (3) months or by fine not exceeding one hundred (\$100.00) dollars either or both.
- 5-27 Destroying or damaging property. --The unlawful taking, carrying away, defacing, disfiguring, cutting, marking, breaking, or otherwise injuring or destroying in part or whole of any property belonging to another, real or personal, public or private, including but not limited to trees and shrubbery owned by the Town of Vienna, by any person, corporation, partnership, or association, is prohibited.
- 5-28 Exemption from civil liability in connection with arrest of suspected person. -- A merchant, agent, or employee of the merchant, who causes the arrest of any person pursuant to the provisions of Sec. 5-24 shall not be held civilly liable for unlawful detention, slander, malicious prosecution, false imprisonment, false arrest, or assault and battery of the person so arrested, whether such arrest takes place upon the premises of the merchant, or after close pursuit from such premises by such merchant, his agent or employee, provided that, in causing the arrest of such person, the merchant, agent, or employee of the merchant had at the time of such arrest probable cause to believe that the person committed wilful concealment of goods or merchandise.
- 5-29 Hired animals and vehicles. --If any person after having rented or leased from any other person an animal, aircraft, vehicle, boat, or vessel shall wilfully injure or damage the same, by hard or reckless driving or using, or by using the same in violation of any statute of this State, or allow or permit any other person so to do, or hire the same to any other person without consent of the bailor, he shall be fined not less than ten (\$10.00) dollars nor more than fifty (\$50.00) dollars.

If any person procure any such animal, aircraft, vehicle, boat, or vessel by fraud or by misrepresenting himself as some other person or with intent to cheat or defraud such other person, he shall be punished by a fine of not less than twenty-five (\$25.00) dollars nor more than five hundred (\$500.00) dollars, or by imprisonment for not less than ten (10) days nor more than one (1) year, or both. The failure to pay the rental for or damage to such animal, aircraft, vehicle, boat, or vessel, or absconding without paying such rental or damage, shall be prima facie evidence of the intent to defraud at the time of renting or leasing such animal, aircraft, vehicle, boat or vessel.

- 5-30 Interference with fire apparatus. --It shall be unlawful for any person or persons to interfere or tamper with fire fighting equipment owned and maintained by any individual, firm, or corporation within the Town of Vienna, and anyone so doing shall upon conviction be fined ten (\$10.00) dollars for each offense.
- 5-31 Interference or tampering with telephone, telegraph, telecasting, or lighting equipment. --It shall be unlawful for any person wilfully or maliciously to interfere with, or in any way tamper with, any telephone, or telegraph wire or other material or property of any telephone, telegraph, or telecasting company, or with any of the lights, electric wires, or other apparatus or property used in the lighting of the Town.
- 5-32 Maintaining a nuisance. --It shall be unlawful for any person to create or maintain within the Town anything which is deemed a nuisance under common law or the statutes of Virginia. The penalty for each violation of this ordinance shall be a fine of not less than five (\$5.00) dollars nor more than one hundred (\$100.00) dollars and the Court may, in addition to such fine, order the nuisance to be abated or removed, prescribing the time within which such order shall be executed. Should the nuisance not be abated or removed in accordance with the Court's order, the offending person shall be fined five (\$5.00) dollars per day for each day that such nuisance shall thereafter continue, and the Court may cause such nuisance to be abated or removed at the cost of the offending person.
- (For houses of prostitution, etc. as nuisance, see Sec. 48-7, Code of Virginia, 1950, as amended.)
- 5-33 Peeping or spying into structure occupied as dwelling. --It shall be unlawful for any person unlawfully to enter upon the property of another, in the night time, and secretly or furtively peep through or attempt to so peep, into, through, or spy through, a window, door, or other aperture of any building, structure, or other enclosure of any nature occupied or intended for occupancy as a dwelling, whether or not such building, structure, or enclosure be permanently situated or transportable and whether or not such occupancy be permanent or temporary.
- 5-34 Petit larceny defined; how punished. --Any person who: (1) commits larceny from the person of another of money or other thing of value of less than five (\$5.00) dollars, or (2) commits simple larceny not from the person of another of goods and chattels of the value of less than fifty (\$50.00) dollars, shall be deemed guilty of petit larceny, and shall be punished by confinement in jail for not less than ten (10) days nor more than twelve (12) months or by a fine of not less than five (\$5.00) dollars nor more than one hundred (\$100.00) dollars, or both.
- (As to punishment when person has been sentenced before for like offense, and for third offense, see Sec. 19.1-293, Code of Virginia, 1950, as amended.)
- 5-35 Protection of homing pigeons. --It shall be unlawful for any person at any time or in any manner to hunt, pursue, take, capture, wound, maim, disfigure, or kill any homing pigeon of another person, or to make use of any pit or pitfall, scaffold, cage, snare, trap, net, baited hook, or similar device, or drug, poison, chemical, or explosive, for the purpose of injuring, capturing, or killing any such homing pigeon. Any person violating any of the foregoing provisions shall be guilty of a misdemeanor.
- 5-36 Pulling down fences or leaving open gates. --If any person, without the permission of the owner, pull down the fence of another and leave the same down, or, without permission, open and leave open the gate of another, or any gate across a public road established by order of court, or if any person other than the owner or owners of the lands through which a line of railroad runs open and leave open a gate at any public or private crossing of the right of way of a railroad, he shall be fined not less than five (\$5.00) dollars nor more than twenty (\$20.00) dollars.

5-37 Trespass. --It shall be unlawful for any person without authority of law or without permission of the owner, lessee, custodian, or other person lawfully in charge or possession of land, to go upon or remain upon or cross over the lands or premises of another. Any person violating this section shall be punished by a fine of not more than twenty-five (\$25.00) dollars. This section shall not be construed to affect in any way the provisions of Secs. 29-165 through 171, Code of Virginia, 1950, as amended.

5-38 Unauthorized fill material. --It shall be prohibited to use materials such as tree stumps, brush, prunings, lumber, or other undecomposed organic matter or scrap metal or scrap paper or other materials definable as trash, garbage, or undecomposed waste material for fill material in any place other than officially designated sanitary fills.

It is the intent of this provision of this Title to prevent the use of such materials in fills (other than officially designated sanitary fills) as may subsequently rot, decay, rust, or otherwise decompose and result in abnormal settling or cave-ins or may prevent the timely use of lands thus filled or may result in eventual hazard to health, life, limb, or property.

Any person who violates this provision of this Title shall be liable for the removal and disposal of the prohibited fill material and proper refilling, or the cost thereof, in addition to a fine of not less than one hundred (\$100.00) dollars nor more than five hundred (\$500.00) dollars.

5-39 Waterworks and sewage disposal plant, injury, etc. --No person shall injure or deface the sewage disposal plant, pump station, or any house, wall, stopcock, fireplug, or any other fixture connected with or pertaining to the sewage plant or waterworks, or, without lawful authority, climb over or get through the enclosure around such plant and waterworks, or place any building material or other thing on the stopcock or other fixture of a street water main or other service pipe so as to obstruct access thereto, or remove or injure any pipe, fire plug, hydrant, or stopcock, or use water from the waterworks for any other purpose for which he has neither paid nor obtained permission.

5-40 Wells, pits, and abandoned refrigerators. --(1) No owner, operator, proprietor, superintendent, or conductor of any sawmill or other manufacturing plant, or any other person who has caused to be dug on his own land or the land of another any well or pit for the use of such sawmill, plant, or person shall maintain, or permit to exist, any abandoned well, hole, or other dangerous cavity in the earth, dangerous to human beings, animals, or fowls, or any abandoned ice box, refrigerator, or other self-locking device of more than two cubic feet of clear space which is airtight.

Upon discovery of the existence of any such condition, the public authority shall notify the owner or occupant in writing, who thereupon shall abate abandoned wells, holes, or other dangerous earth cavities by filling with gravel, sanitary fill, or covering same with a suitable concrete cover; small pipe wells may be covered with a suitable metal cap; abandoned refrigerators or other self-locking devices may be abated by placing same in a locked place or compartment in such a manner as to exclude the general public, or by removing the door or hinges or destroying the locking device.

Should any such condition exist on abandoned property, the owner of which cannot be located, the same shall be abated by the public authority in the same manner as indicated above, and the reasonable cost thereof charged and collected against the property in the same manner as taxes are now collected.

Every day of continuance of such offense, after due notification by the public authority, shall constitute a separate offense.

Chapter 5

Offenses against Public Justice and Public Policy

Article 1

Offenses against Public JusticeSec.

- 5-41 False entries or destruction of records by officers.
 5-42 Obstructing justice by threats or force.
 5-43 Simulation of warrants, processes, writs, and notices.
 5-44 Theft or destruction of public records by others than officers.
 5-45 Unlawful wearing of officer's uniforms.

Article 2

Offenses against Public Policy

- 5-46 Begging.
 5-47 Billiard parlors, skating rinks, bowling alleys, etc.
 5-48 Carnivals, circuses, etc., permit required.
 5-49 False fire alarms.
 5-50 False publications.
 5-51 False reports to police officers.
 5-52 Gambling prohibited; penalty.
 5-52.1 Gambling; keeping place therefore.
 5-53 Lottery tickets.
 5-54 Objectionable matter in streets.
 5-55 Obstructing streets.
 5-56 Punchboards, slot machines, etc.
 5-57 Unsanitary conditions prohibited.
 5-58 Vagrants.

Article 1

- 5-41 False entries or destruction of records by officers. --If a clerk of the court or other public officer fraudulently make a false entry or erase, alter, secrete, or destroy any record in his keeping and belonging to his office, he shall be confined in jail not exceeding one (1) year and fined not exceeding one thousand (\$1,000.00) dollars. Any person convicted under this section shall forfeit his office and be forever incapable of holding any office of honor, profit, or trust under the constitution of Virginia.
- 5-42 Obstructing justice by threats or force. --It shall be unlawful for any person, by threats or force, to attempt to intimidate or impede a judge, justice, witness, police officer, or an officer of the court, or any revenue officer, in the discharge of his duty, or to obstruct or impede the administration of justice in any court.
- 5-43 Simulation of warrants, processes, writs, and notices. --Any person who, for the purpose of collecting money, shall knowingly deliver, mail, send, or otherwise use or cause to be used any paper or writing simulating or intended to simulate any warrant, process, writ, notice of execution, lien, or notice of motion for judgement shall, on conviction thereof, be punished by a fine of not less than five (\$5.00) dollars nor more than fifty (\$50.00) dollars for each offense.
- 5-44 Theft or destruction of public records by others than officers. --If any person steal or fraudulently secrete or destroy a public record or part thereof, he shall, if the offense be not embraced by Sec. 5-41, be confined in jail not exceeding one (1) year and fined not exceeding one thousand (\$1,000.00) dollars.
- 5-45 Unlawful wearing of officer's uniform. --If any person, not such an officer as is referred to in Section 19.1-95, Code of Virginia, 1950, as amended, shall wear any such uniform as is designated pursuant to the provisions of such section, he shall be punished by a fine not exceeding five hundred (\$500.00) dollars, or confinement in jail for a term not exceeding twelve (12) months, or by both such fine and imprisonment.

Article 2

- 5-46 Begging. --It shall be unlawful for any person to beg on the streets of the Town.

- 5-47 Billiard parlors, skating rinks, bowling alleys, etc. --All billiard parlors, skating rinks, bowling alleys, and other similar places of amusement in the Town may be operated only between the hours of 8:00 A. M. and 12:00 midnight on week days.

No gambling, betting, drinking, profane language, or any disorderly conduct whatsoever shall be allowed in any room in which pool or billiard tables are kept, or in other similar places of amusement in the Town.

Pool or billiard tables shall be kept in one room opening on a public street, with glass doors and windows and no partitions or screens, and with no other room entering thereinto.

It shall be unlawful for any person under the age of eighteen years to frequent, play, or loiter in any poolroom or billiard parlor in the Town, or for the proprietor thereof or his agent to permit such person to frequent, play, or loiter therein.

- 5-48 Carnivals, circuses, etc., permit required. --No carnival, circus, or tent show of any kind shall be held in the Town without the permission of the Council so to do, in addition to the payment of all license taxes.
- 5-49 False fire alarms. --If any person shall be found guilty of giving or raising a false alarm of fire within the Town he shall be fined not less than ten (\$10.00) dollars nor more than twenty-five (\$25.00) dollars for each offense.
- 5-50 False publications. --It shall be unlawful for any person knowingly and wilfully to state, deliver, or transmit by any means whatever to any publisher, or employee of a publisher, to any newspaper, magazine, or other publication, any false and untrue statement concerning any person or corporation, with intent that the same shall be published.
- 5-51 False reports to police officers. --It shall be unlawful for any person knowingly to give a false report as to the commission of any offense to any law enforcement official with intent to mislead.
- 5-52 Gambling prohibited; penalty. --Any person who shall bet, wager, or play at any game for money or other thing of value shall be fined not exceeding one hundred (\$100.00) dollars or confined in jail not exceeding sixty (60) days, or both.
- 5-52.1 Gambling; keeping place therefore. --No person shall keep or maintain any room, shed, tenement, or building or any part thereof in which games of cards or of chance shall be played for money or anything to be cashed in as money.
- 5-53 Lottery tickets. --It shall be unlawful for any person to take part in or participate in any way in any lottery or raffle for money or other thing of value, or to sell or buy any chance or ticket in a lottery, or any writing, certificate, bill, token, or other device purporting or intended to guarantee or assure to any person, or entitle him to a prize, or any thing of value, or share of or interest in a prize or any thing of value, to be drawn in a lottery or other scheme of chance, or for himself or another person to buy, sell, or transfer, or have in his possession for the purpose of sale or with intent to exchange negotiate, or transfer, or aid in selling, exchanging, negotiating, or transferring, a chance or ticket in or share of a ticket in a lottery, or any such writing, certificate, bill, token, or device.
- 5-54 Objectionable matter in streets. --It shall be unlawful for any person, firm, or corporation to throw or place dirt, ashes, stone, wood, or any other material upon any street within the Town; provided, however, that the penalty for violation of this section shall not be imposed upon persons, firms, or corporations placing building materials upon a street, in connection with construction work, after having obtained a permit from the Town Sergeant to place such materials upon the street for a limited period of time and having placed such materials in the space designated and manner directed by the said Sergeant, and having not permitted the same to remain there longer than the limited period stipulated in the permit. The penalty for each violation of this section shall be a fine of not less than five (\$5.00) dollars nor more than twenty-five (\$25.00) dollars.

Obstructing streets. --Any person, firm, or corporation placing or causing to be placed, or leaving any obstruction of any kind upon any street, alley, or sidewalk in the Town in the nighttime shall cause a red light to be placed on such obstruction, which red light shall be kept burning from sunset to sunrise. The penalty for each violation of this section shall be a fine of not less than five (\$5.00) dollars nor more than twenty-five (\$25.00) dollars.

5-56 Punch boards, slot machines, etc. --It shall be unlawful for any person to:

(a) Keep or exhibit for sale or use, or be concerned in interest in keeping or exhibiting for sale or use any (1) punch board or similar device of any kind or description, (2) slot machine or similar device of any kind or character, or (3) other device that operates on the nickel-in-the-slot principle, in the operation of which any element of chance whatever may enter, or through and from which it may be possible for one person to get any article of more value than that which any other person could or would get, or through and from which the article or thing vendid is not the fair equivalent in value to the coin required to operate the machine or device; or

(b) Permit any such punch board, slot machine, or similar device to be kept or exhibited for sale or use in his place of business or in any other place in the Town, and such punch board, slot machine, or other device shall be deemed a gaming apparatus and shall be embraced within the provisions of Sections 19.1-84, 19.1-86, and 19.1-87, of the Code of Virginia, 1950, as amended, insofar as such sections relate to gaming apparatus.

The possession of any such punch board, slot machine, or other device shall be prima facie evidence of the exhibition for sale or use thereof. Any slot machine or device that operates on the nickel-in-the-slot principle and which does not uniformly return to the customer in each transaction the equivalent in value and kind of merchandise unaccompanied by coins, trade checks, or other items of monetary value that it returned in each preceding transaction shall be deemed to embody the element of chance within the meaning of this section, even though such machine or device be so constructed as to indicate in advance of each transaction that it will dispense upon the deposit of the next coin or slug.

5-57 Unsanitary conditions prohibited. --It shall be unlawful for any person, firm, or corporation to permit any noxious, unsanitary, or offensive matter, stagnant water, or other substance which is or might be injurious to the public health, to be or remain on his or its property or in his or its possession or control. The penalty for each violation of this section shall be a fine of not less than five (\$5.00) dollars nor more than twenty-five (\$25.00) dollars.

5-58 Vagrants. --The following persons shall be deemed vagrants:

(a) All persons who shall unlawfully return to this Town after having been legally removed.

(b) All persons who, not having the wherewithal to maintain themselves and their families, live idly and without employment, and refuse to work for the usual and common wages given to other laborers in like work in the Town.

(c) Persons wandering or strolling about in idleness who are able to work and have no property to support them.

(d) Persons leading an idle, immoral, or profligate life, who have no property to support them, and who are able to work and do not.

(e) All able-bodied persons found begging for a living, or who quit their homes and leave their wives or children without the means of subsistence.

(f) All persons who shall come from any place from without this Town, who shall be found loitering and residing herein, and shall follow no labor, trade, occupation, or business, and have no visible means of subsistence, and can give no reasonable account of themselves or their business.

(g) All persons having a fixed abode who have no visible property to support them, and who live by stealing or by trading or bartering stolen property.

Sec. 5-58 (cont.)

(h) All persons who are able to work and do not work, but hire out their minor children and live upon their wages

(i) All persons who have no visible income lawfully acquired and who consort with idlers, gamblers, bootleggers, prostitutes, narcotic users, narcotic vendors, persons engaged in the operation of any disorderly house or illegal enterprise of any kind, or persons having the reputation of any of the above named.

It shall be the duty of the police and other Town officials to give information, under oath, to any officer empowered by law to issue criminal warrants, of all vagrants within their knowledge or persons whom they have good reason to suspect of being vagrants. Thereupon, or upon the complaint of any person upon oath, the officer shall issue a warrant for the arrest of the person alleged to be a vagrant, and he shall be brought before the proper person for trial. Upon conviction, he shall be punished by confinement in jail for not more than ninety (90) days, and, upon conviction of a second offense, shall be confined in jail not more than six (6) months; or, in the discretion of the court, may be permitted to leave the Town, and such sentence suspended for such time as such vagrant shall not return to the Town; but the court before which the case may be tried may permit such person so convicted to give bond, with sufficient security, in an amount not exceeding five hundred (\$500.00) dollars nor less than one hundred (\$100.00) dollars, conditioned upon his future industry and good conduct for one (1) year. Upon giving such bond, such person shall be set at liberty without undergoing the punishment imposed by his conviction. It shall be sufficient defense to the charge of vagrancy under this section that the defendant has made reasonable bona fide efforts to obtain employment at reasonable prices for his labor and has failed to obtain same.

TITLE 6

FIRE PROTECTION

Chapter 1.	<u>General Provisions.</u>	Sec. 6-1 to 6-13
Chapter 2.	<u>Fire Marshal</u>	Sec. 6-14 to 6-17
Chapter 3.	<u>Fire Appeals Board</u>	Sec. 6-18 to 6-31
Chapter 4.	<u>Precautions against Fire</u>	Sec. 6-32 to 6-44

TITLE 6
FIRE PROTECTION

Chapter 1

General Provisions

Sec.

- 6-1 Definitions.
- 6-2 Authority to enter premises.
- 6-3 Dangerous conditions to be remedied.
- 6-4 Inspections, investigations, orders, and reports.
- 6-5 Inspection of public buildings.
- 6-6 Inspection upon complaint.
- 6-7 Investigation of origin and circumstances of fires; reports.
- 6-8 Orders, compliance with.
- 6-9 Orders, service and effect of.
- 6-10 Smoking.
- 6-11 Inspection of fire hydrants.
- 6-12 Supplementary requirements.
- 6-13 Penalties for violations.

6-1 Definitions. --As used in this Title, unless a different meaning or construction is clearly required by the context,

(a) "Fire Marshal" means the Town Fire Marshal for the Town of Vienna, Virginia, provided for by this Title.

(b) "Public building" means and includes any building or structure, permanent or temporary, which is used or occupied or to be used or occupied, by ten (10) or more persons who are employed, lodged, housed, assembled, served, entertained, or instructed therein, and, without limiting the foregoing, includes hotels, motels, schools and colleges, nursing or rest homes, hospitals of all kinds, asylums, mercantile establishments, office buildings, apartment houses, theatres, restaurants, auditoriums, stadiums, gymnasiums, armories, dance halls, factories, work shops, garages maintained for the purpose of servicing or repair of motor vehicles, lodges, meeting rooms, manufacturing and processing establishments, and all other buildings and structures of same or similar character or of same or similar use, including buildings owned and occupied by the Town Government of Vienna, Virginia, including any division or department of the said Government.

(c) "Approved waste burner" means a burner or incinerator which shall be constructed of masonry, metal, or other non-combustible material. Ventilator opening shall not be greater than one (1) inch, greatest dimension unless gaffled so as to prevent the discharge of live sparks.

6-2 Authority to enter premises. --The Fire Marshal may, at all reasonable hours, enter any building or premises, except one-family dwellings, for the purpose of making any inspection which under any provision of this Title is necessary.

6-3 Dangerous conditions to be remedied. --Whenever and wherever such inspection shall disclose in any public building or upon any premises, combustible material or explosive matter or accumulation of rubbish, waste paper, boxes, or other highly flammable materials which are so situated as to endanger property or which create or tend to create an undue fire hazard, or shall find obstructions to or on fire escapes, stairs, steps, passageways, exitways, doors, or windows, likely to interfere with the operations of the fire department or which would impede or interfere with the egress of occupants in case of fire, the Fire Marshal shall order such dangerous conditions to be remedied or removed.

- 6-4 Inspections, investigations, orders, and reports. --The Fire Marshal shall inspect, as often as may be deemed necessary, all hazardous manufacturing processes, storage, installation, and handling of gases, chemicals, oils, and other flammable materials, all interior fire alarm systems, standpipes, and automatic sprinkler systems for the purpose of ascertaining and causing to be corrected any conditions likely to cause fire, or any violation of any provision of this Title.
- 6-5 Inspection of public buildings. --The Fire Marshal shall inspect, as often as may be deemed necessary, all public buildings and the premises of such buildings, except the interior of one-family dwellings, for the purpose of ascertaining and causing to be corrected any conditions likely to cause fire, or any violation of any provision of this Title.
- 6-6 Inspection upon complaint. --The Fire Marshal, upon complaint, shall inspect public buildings which, for want of repairs, lack of sufficient fire escapes or exits, or by reason of age or dilapidated condition, or from any other cause, are likely to be fire hazards, or to endanger occupants of such buildings, or which are so situated as to endanger other property or the occupants thereof, and whenever there shall be found in any such public buildings combustible or flammable materials or conditions dangerous to the safety of such public buildings or the occupants thereof, the Fire Marshal shall order such dangerous condition to be remedied or removed.
- 6-7 Investigation of origin and circumstances of fires; Reports. --All fires that endanger or cause loss of life or loss or damage to property shall be reported to the Fire Marshal by the Chief or other officer of the fire department in charge of such fire within five (5) days after such fire occurs on such form as the Fire Marshal shall prescribe. So far as is possible the Chief or other officer of the fire department in charge shall investigate and determine the cause, origin and circumstances of every such fire. If the circumstances of any such fire indicate the possibility of an incendiary origin, the Chief or other officer of the fire department in charge shall immediately summon the Fire Marshal. In such cases the Fire Marshal shall report at the scene of the fire and with the Chief or other officer of the fire department in charge of such fire, conclude the investigation. In any such case the Fire Marshal shall have the power of a regular member of the Town Police in making arrests where, after such investigation, there is sufficient evidence to charge any person or persons with the crime of arson, or with incendiary burning of property under the laws of the Commonwealth of Virginia.
- 6-8 Orders; compliance with. --Any order issued pursuant to the provisions of this Title shall forthwith be complied with by the owner or occupant of such premises; provided, however, that any such owner or occupant may within five (5) days from the date of service of such order, request a hearing before the Fire Appeals Board, which shall, within thirty (30) days from the filing date of such appeal, hold a hearing thereon and make its determinations, and unless by its authority the order is revoked or modified, it shall remain in full force and be complied with within the time fixed in said order or within such period of time as may be allowed by the Fire Appeals Board.
- 6-9 Orders, service and effect of. --The service of orders issued in pursuance of any provision of this Title may be made by the Fire Marshal upon the owner or occupant of the premises by delivering a copy thereof to such owner or occupant personally, or by delivering such copy to any person in charge of the premises. In case no such person is found on the premises, service may be made by affixing a copy of such order upon a conspicuous part of the property and by depositing an additional copy in a post office addressed to such owner or occupant by registered mail at his last known address.

- 6-10 Smoking. --The Fire Marshal may, by order, prohibit smoking in any building or establishment where in his judgment smoking is likely to endanger life or property. Any order so issued shall require the owner or occupant to post suitable signs or placards in each room, building, structure, or place in which such prohibition of smoking shall be enforced. All such signs shall read "By Order of the Fire Marshal".
- 6-11 Inspection of fire hydrants. --The Mayor shall require the Town Manager to establish a program for the semiannual inspection of fire hydrants.
- 6-12 Supplementary requirements. --The Fire Prevention Code (Edition of 1956, as amended), recommended by the National Board of Fire Underwriters, shall be deemed to be the generally accepted good practice for all matters not specifically included in or covered by this Title, and to this extent the Fire Marshal shall be governed by such fire prevention code in the exercise of his discretionary authority in carrying out the intent of any provision of this Title.
- 6-13 Penalties for violations. --Any person or persons, firm, or corporation violating any provision of this Title, or failing to comply therewith, or who shall violate or fail to comply with any order or regulation made pursuant to any section thereof, shall be guilty of a misdemeanor, and upon conviction shall be punishable by a fine of not less than five (\$5.00) dollars nor more than three hundred (\$300.00) dollars for each offense. Imposition of a penalty for a violation of a section or provision of this Title shall not excuse the violation, or permit it to continue; such violation shall be remedied within a reasonable time, and when not otherwise ordered, each day that prohibited conditions are maintained shall constitute a separate offense.

Chapter 2

Fire Marshal

Sec.

- 6-14 Appointment and compensation.
- 6-15 Oath.
- 6-16 Qualifications.
- 6-17 Tenure; removal.
- 6-14 Appointment and compensation. --The office of Town Fire Marshal is hereby created. The Town Council shall appoint a Fire Marshal whose powers and duties shall be as set forth in this Title. He shall receive such annual salary as the Town Council may allow. Until such time as a Fire Marshal is appointed hereunder, the Fire Marshal of the County of Fairfax, Virginia shall have authority to enforce provisions of this Chapter, said authority terminating upon the appointment of a Fire Marshal by the Council as provided herein.
- 6-15 Oath. --The Fire Marshal, before entering upon his duties, shall take an oath, before any officer authorized to administer oaths, faithfully to discharge the duties of such office; the certificate of the oath, with the certificate of his appointment, shall be returned to and preserved by the Clerk of the Town of Vienna.
- 6-16 Qualifications. --The person chosen to fill the office of Fire Marshal shall be of good moral character, shall possess such executive ability as is required for the performance of his duties in administering and enforcing the provisions of this Title, and shall have such other qualifications as the Town Council may require.
- 6-17 Tenure; removal. --The Fire Marshal shall not be appointed for a definite tenure, but shall be removable at the pleasure of the Town Council. In case the Town Council determines to remove the Town Fire Marshal, he shall be given, if he so demands, a written statement of the reasons alleged for the

Sec. 6-17 (cont.)

proposed removal and a right to a hearing thereon at a public meeting of the Town Council prior to the date on which his removal shall take effect, but pending and during such hearing the Town Council may suspend him from office, provided the period of suspension does not exceed thirty (30) days. The action of the Town Council in suspending or removing the Town Fire Marshal shall not be subject to review.

Chapter 3

Fire Appeals BoardSec.

6-18	Establishment.
6-19	Membership.
6-20	Appointment and compensation.
6-21	Tenure.
6-22	Meetings.
6-23	Quorum.
6-24	Duties.
6-25	Rules and regulations for procedure.
6-26	Appeals.
6-27	Withdrawal of appeals.
6-28	Minimum votes for action.
6-29	Records.
6-30	Limitations upon Board.
6-31	Applications for hearing.

- 6-18 Establishment. --There is hereby established a Fire Appeals Board.
- 6-19 Membership. --The Board shall consist of five (5) members, all of whom shall be residents of the Town of Vienna other than elected or appointed County officials.
- 6-20 Appointment and compensation. --The Board members shall be appointed by the Town Council. They shall receive such compensation as the Town Council may allow.
- 6-21 Tenure. --The five (5) Board members first appointed shall serve, respectively, for terms of: one (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years, and one (1) for five (5) years. Thereafter members shall be appointed for terms of five (5) years each.
- 6-22 Meetings. --The Board shall hold a meeting in January of each year at which it shall elect one (1) of its members Chairman and one (1) Vice-Chairman. Thereafter meetings, not to exceed two (2) per month, shall be held when necessary for the purpose of disposing of business properly before the Board.
- 6-23 Quorum. --Three (3) members of the Board shall constitute a quorum, but a lesser number may meet and adjourn.
- 6-24 Duties. --The Board shall hear and decide all appeals made by application by any person or persons, or their agents, aggrieved or affected by any order, rule, regulation, requirement, decision, determination or refusal made by the Fire Marshal.
- 6-25 Rules and regulations for procedure. --The Board shall formulate and adopt such rules and regulations as may be necessary to insure orderly procedure.
- 6-26 Appeals. --Appeals shall be docketed for hearing in the order filed, and all parties in interest shall be given notice in writing of the time and place of hearing at least ten (10) days prior to the date set. For just cause appearing, the Board may postpone hearings for a period not exceeding thirty (30) days, in which event all parties shall be given notice in writing of the time and place of such postponed hearings at least ten (10) days prior to the date set.

- 6-27 Withdrawal of appeals. --Any party filing an appeal as provided herein may withdraw the same by written request prior to the date set for hearing, in which event the Board shall by written notice close the docket and fix the time for compliance with the order of the Fire Marshal.
- 6-28 Minimum votes for action. --Three (3) affirmative votes shall be required for any action by the Board.
- 6-29 Records. --The Board shall keep minutes of its proceedings, including a full record of its determinations, and showing the vote on every question.
- 6-30 Limitations upon Board. --The Board shall not have power to amend this Title.
- 6-31 Applications for hearing. --Application for hearing before the Board may be made by any person or persons, or their agents, aggrieved or affected by any order, rule, regulation, requirement, decision, determination or refusal of the Fire Marshal. Application for such hearing shall be made on the appropriate form provided by the Board and shall be filed in the office of the Fire Marshal.

Chapter 4

Precautions against Fire

Sec.

- 6-32 Accumulation of combustible materials.
- 6-33 Bonfires or other open fires.
- 6-33, 1 Same; prohibited before 4.00 p. m.
- 6-34 Deposit of materials likely to create spontaneous ignition.
- 6-35 Doors, windows, and shaftways in factories and storage buildings.
- 6-36 Fire doors.
- 6-37 Fires in approved waste burners.
- 6-38 First-aid fire-extinguishing equipment.
- 6-39 Fixed fire-extinguishing equipment.
- 6-40 Maintenance of chimneys and smokestacks.
- 6-41 Removal, baling, and stacking of certain trash, waste, and combustible materials.
- 6-42 Restrictions on heating devices and lighting systems.
- 6-43 Storage of combustible packages and containers.
- 6-44 Use of flammable materials for decoration restricted.
- 6-32 Accumulation of combustible materials. --No person shall permit to remain upon any roof or in any court, yard, vacant lot, or open space, any accumulation of waste paper, hay, grass, straw, weeds, litter, or other combustible or flammable waste or rubbish likely to be fired or whereby property is endangered. All weeds, grass, vines, or other growth, when same endangers property, or is likely to be fired, shall be cut down and removed by the owner or occupant of the property it is on.
- 6-33 Bonfires or other open fires. --No person shall kindle or maintain any bonfire or other open fire or authorize any such fire to be kindled or maintained on any private land unless the location of such fire is not less than fifty (50) feet from any structure and adequate provision is made to prevent fire from spreading to within forty (40) feet of any structure. Any such fire within one hundred fifty (150) feet of woodland, brushland, field containing dry grass or other dry matter, or any material capable of spreading fire shall be totally extinguished before being left unattended.
- 6-33, 1 Same; prohibited before 4.00 p. m. --Bonfires or other open fires which are otherwise allowable under Section 6-33 are prohibited before 4.00 P. M. daily.
- 6-34 Deposit of materials likely to create spontaneous ignition. --No person shall deposit hot ashes, smoldering coals or embers, greasy or oily substances, or other materials likely to create spontaneous ignition within ten (10) feet of any wooden or plastered wall, partition, fence, floor, sidewalk, lumber,

Sec. 6-34 (cont.)

- hay, shavings, rubbish, or other combustible materials, except in metallic or other noncombustible receptacles. Such receptacles, unless resting on a noncombustible floor or on the ground outside the building, must be placed two (2) feet away from any combustible wall or partition, and from under any stairs, stairways, or fire escapes.
- 6-35 Doors, windows, and shaftways in factories and storage buildings. --All trap doors in any factory or storage building shall be closed at the completion of the business of each day. Every outside window in any such building which opens directly on any hoistway or other verticle means of communication between two (2) or more floors in such building, shall be plainly marked with the word "SHAFTWAY" in red letters at least six (6) inches high on a white background, such warning sign to be so placed as to be easily discernible from the outside of the building. Every door or window opening on such shaftway from the interior of the building, unless the construction of the partition surrounding the shaftway is of such distinctive nature as to make its purpose evident at a glance, shall be similarly marked with the warning word "SHAFTWAY" so placed as to be easily visible to any one approaching the shaftway from the interior of the building.
- 6-36 Fire doors. --All fire doors in public buildings shall be kept in proper working conditions at all times. Self-closing and automatic fire doors required by the Virginia Fire Hazard Law (Title 27, Chapter 6, Code of Virginia, 1950, as amended) shall not be obstructed, held, or blocked open so as to interfere or prevent their free operation.
- 6-37 Fires in approved waste burners. --No person shall kindle or maintain a fire in an approved waste burner or authorize any such fire to be kindled or maintained unless the location of such fire is not less than fifteen (15) feet from any structure and/or property line.
- 6-38 Fire-aid fire extinguishing equipment. --Whenever a public building or occupancy subject to inspection as provided in this Title is of such a nature that the use of first-aid fire extinguishing equipment would be desirable in the public interest and useful to control incipient fires, the Fire Marshal may order a reasonable number of approved type of fire extinguishers to be provided and maintained. Enforcement of this section shall require of the Fire Marshal due consideration of (a) the nature of construction of the building or occupancy, (b) the nature and extent of the business or operations conducted in such building, (c) the number of employees, occupants, transients, or other frequenting the premises, (d) the character and amount of materials, goods, and equipment kept or maintained in such building, (e) the character of the neighborhood and adjoining occupancies, and (f) any unusual or extraordinary features of the building or the operations therein which tend to affect the fire hazard.
- 6-39 Fixed fire-extinguishing equipment. --All fixed fire extinguishing equipment required by the Virginia Fire Hazard Law (Title 27, Chapter 6, Code of Virginia, 1950, as amended) shall be properly maintained and kept in good repair and operating condition by the owners thereof.
- 6-40 Maintenance of chimneys and smokestacks. --All chimneys, smokestacks, or similar devices for conveying smoke or hot gases to the outer air, and the stoves, furnaces, fire-boxes, or boilers to which they are connected shall be constructed and maintained in such manner as not to endanger property.
- 6-41 Removal, baling, and stacking of certain frash, waste, and combustible materials. --No person making, using, storing, or having charge of or control of any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw, or combustible trash, waste, or fragments shall fail, neglect, or refuse at the close of each day to cause all such material which is not completely baled or stacked in an orderly manner to be removed from the premises or stored in suitable vaults or in metal or metal-lined covered receptacles or bins.

- 6-42 Restrictions on heating devices and lighting systems. --No heating apparatus with an open flame, and no artificial lighting system other than electric lights shall be used in any warehouse for the storage of rags, excelsior, hair or other flammable or combustible material, nor in any shop or factory used for the manufacture, repair, or renovating of mattresses or bedding, nor in any establishment for the upholstery of furniture.
- 6-43 Storage of combustible packages and containers. --The storage of empty packing cases, boxes, barrels, or other similar combustible containers is forbidden, except in the open and except such as may be required by a manufacturer, farmer, merchant, or other establishment properly to carry on its operations, which storage shall be orderly and no so located as to endanger exits from the building. All storage in the open of packing cases, boxes, barrels, or other similar combustible containers shall be in a compact and orderly manner.
- 6-44 Use of flammable materials for decoration restricted. --Cotton batting, straw, dry vines, leaves, trees, celluloid, paper, or other readily flammable materials shall not be used for decorative purposes in show windows, stores, or any place of assembly unless such materials shall have first been treated and rendered flame-proof; provided, however, that nothing in this section shall be held to prohibit the display of salable goods permitted and offered for sale in stores. Electric light bulbs in stores and in any place of assembly shall not be decorated with paper or other combustible materials unless such paper or materials shall first have been rendered flameproof.

TITLE 7

FIREWORKS

Sec.

- 7-1 Explosive or inflammable fireworks prohibited.
- 7-2 Sparklers, roman candles, etc. permitted.
- 7-3 Permit for display of fireworks.
- 7-4 Penalty for violation of Title.
- 7-1 Explosive or inflammable fireworks prohibited. --Except as otherwise provided in this Title, it shall be unlawful for any person, firm, or corporation to transport, manufacture, sell, offer for sale, expose for sale, or to buy, use, ignite, or explode any firecracker, torpedo, skyrocket, or other substance or thing, of whatever form or construction, containing nitrates, chlorates, oxalates, sulphides of lead, barium, antimony, nitroglycerine, phosphorus, or any other explosive or inflammable compound or substance, and intended, or commonly known as, fireworks.
- 7-2 Sparklers, roman candles, etc. permitted. --The provisions of this Title shall not apply to the sale of roman candles, sparklers, Pharoah's serpents, caps for pistols, and pinwheels commonly known as whirligigs or spinning jennies, or to the use thereof when the same are used, ignited, or exploded on private property with the consent of the owner of such property.
- 7-3 Permits for display of fireworks. --The Town Council may issue permits, upon application in writing, for the display of fireworks by fair associations, amusement parks, or by any organization or group of individuals, under such terms and conditions as the Council may prescribe. After such permit has been issued, sales of fireworks may be made for use under such permit, and the association, organization, or group to which it is issued may make use of such fireworks under the terms and conditions of such permit.
- 7-4 Penalty for violation of Title. --Any person who violates any provision of this Title shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than five (\$5.00) dollars nor more than three hundred (\$300.00) dollars, or by imprisonment in jail not to exceed thirty (30) days, or by both such fine and imprisonment.

TITLE 7

FIREWORKS

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- 7-4 Penalty for violation of Title.
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- 7-3 Permits for display of fireworks. --The Town Council may issue permits, upon application in writing, for the display of fireworks by fair associations, amusement parks, or by any organization or group of individuals, under such terms and conditions as the Council may prescribe. After such permit has been issued, sales of fireworks may be made for use under such permit, and the association, organization, or group to which it is issued may make use of such fireworks under the terms and conditions of such permit.
- 7-4 Penalty for violation of Title. --Any person who violates any provision of this Title shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than five (\$5.00) dollars nor more than three hundred (\$300.00) dollars, or by imprisonment in jail not to exceed thirty (30) days, or by both such fine and imprisonment.

TITLE 8
MOTOR VEHICLES

Chapter 1.	<u>General Provisions</u>	Sec. 8-1 to 8-3
Chapter 2.	<u>Licensing</u>	Sec. 8-4 to 8-16
Chapter 3.	<u>Regulation of Traffic</u>	Sec. 8-17 to 8-131

Chapter 1

General Provisions

Sec.

- 8-1 Definitions.
 8-2 Penalties for misdemeanors.
 8-3 Removal and disposition of abandoned or unattended vehicles.

8-1 Definitions. --The following words and phrases when used in this Title, shall for the purpose of this Title have the following meanings:

- (1) "Business district". The territory contiguous to a highway where seventy-five (75%) percent or more of the total frontage, on both sides of the highway, for a distance of three hundred (300) feet or more is occupied by buildings actually in use and operation for business purposes.
- (2) "Chauffeur". Every person employed for the principal purpose of operating a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons and property.
- (3) "Commission". The State Corporation Commission.
- (4) "Commissioner". The Commissioner of the Division of Motor Vehicles in this State.
- (5) "Division". The Division of Motor Vehicles of this State.
- (6) "Highway". The entire width between the boundary lines of every way or place of whatever nature open to the use of the public for purposes of vehicular travel in this State, including the streets, alleys, and publicly, maintained parking lots in counties, cities, and towns.
- (7) "Roadway". That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder. A highway may include two (2) or more roadways if divided by a physical barrier or barriers or unpaved area.
- (8) "Traffic lane" or "lane". That portion of a roadway designed or designated to accommodate the forward movement of a single line of vehicles.
- (9) "Shoulder". That part of a highway between the portion regularly travelled by vehicular traffic and the lateral curb line or ditch.
- (10) "Intersection". (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles travelling upon different highways joining at any other angle may come in conflict.
 (b) Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.
- (11) "Motorcycle". Every motor vehicle designed to travel on not more than three (3) wheels in contact with the ground and any four (4) wheeled vehicle weighing less than five hundred (500) pounds and equipped with an engine of less than six (6) horsepower, except any such vehicle as may be included within the term "farm tractor" as herein defined.

(12) "Motor Vehicle". Every vehicle as herein defined which is self-propelled or designed for self-propulsion.

(13) "Operator". Every person who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

(14) "Owner". A person who holds the legal title of a vehicle or, in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this title, except that in all such instances when the rent paid by the lessee includes charges for services of any nature or when the lease does not provide that title shall pass to the lessee upon payment of the rent stipulated, the lessor shall be regarded as the owner of such vehicle and the vehicle shall be subject to such requirements of this title as are applicable to vehicles operated for compensation; provided, however, that a "truck lessor" as hereinafter defined shall be regarded as the owner, and his vehicles shall be subject to such requirements of this title as are applicable to vehicles of private carriers.

(15) "Peace" or "Police" officer. Every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(16) "Person". Every natural person, firm, partnership, association, or corporation.

(17) "Private road or driveway". Every way in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(18) "Residence district". The territory contiguous to a highway not comprising a business district where seventy-five (75%) percent or more of the total frontage, on both sides of the highway, for a distance of three hundred (300) feet or more is occupied by dwellings or by dwellings and buildings in use for business purposes.

(12) "Motor Vehicle". Every vehicle as herein defined which is self-propelled or designed for self-propulsion.

(13) "Operator". Every person who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

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(18) "Residence district". The territory contiguous to a highway not comprising a business district where seventy-five (75%) percent or more of the total frontage, on both sides of the highway, for a distance of three hundred (300) feet or more is occupied by dwellings or by dwellings and buildings in use for business purposes.

(19) "Safety zone". The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(20) "Semitrailer". Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

(21) "Superintendent". The Superintendent of the Department of State Police of this State.

(22) "Town". The Town of Vienna, Virginia.

(23) "Tractor truck". Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached thereto.

(24) "Trailer". Every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle.

(25) "Vehicle". Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

8-2 Penalties for misdemeanors. --It shall be unlawful and constitute a misdemeanor for any person to violate any provision of Title 8 of the Town of Vienna Ordinances.

Every person convicted of a misdemeanor for a violation of any of the provisions of Title 8 of the Code of Vienna for which no other penalty is provided shall, for a first conviction thereof, be punished by a fine of not less than five (\$5.00) dollars nor more than one hundred (\$100.00) dollars, or by imprisonment in jail for not less than one (1) nor more than ten (10) days, or by both such fine and imprisonment; for a conviction for a second such violation within one (1) year such person shall be punished by a fine of not less than ten (\$10.00) dollars nor more than two hundred (\$200.00) dollars, or by imprisonment in jail for not less than one (1) nor more than twenty (20) days, or by both such fine and imprisonment; for a conviction of a third or subsequent violation within one (1) year such person shall be punished by a fine of not less than twenty-five (\$25.00) dollars nor more than five hundred (\$500.00) dollars, or by imprisonment in jail for not less than ten (10) days nor more than six (6) months, or by both such fine and imprisonment.

8-3 Removal and disposition of unattended or Abandoned vehicles. --(a) Whenever any motor vehicle, trailer, semitrailer, motor scooter, or motorcycle 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 a manner as to be in violation of law or is left unattended for more than ten (10) days upon any privately owned property other than the property of the owner of said vehicle within the Town, or is abandoned upon such privately owned property without the permission of the owner, lessee, or occupant thereof, such motor vehicle, trailer, semitrailer, motor scooter, or motorcycle may be removed for safe-keeping by or under the direction of the Town Sergeant to a storage garage or area; provided, however, that no such article shall be so removed from privately owned premises without the written request of the owner, lessee, or occupant thereof. Such removal shall be reported to the Town Manager and notice thereof given to the owner of the motor vehicle, trailer, semitrailer, motor scooter or motorcycle as promptly as possible. The owner of such vehicle, before obtaining possession thereof, shall pay to the Town of Vienna all reasonable costs incidental to the removal, storage, and locating the owner of the motor vehicle, trailer, semitrailer, motor scooter, motorcycle. Should such owner fail or refuse to pay the costs or should the identity of such owner be unknown and unascertainable after 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 in Virginia against such vehicle, the Town Manager may, after holding such vehicle ninety (90) days and after due notice of sale, dispose of the same at public sale and the proceeds from the sale shall be forwarded to the Town Clerk. The Clerk shall pay from the sale proceeds the cost of removal, storage, investigation as to ownership and liens, and notice of sale, and the balance of such funds, if any, shall be held for the owner and paid to him upon satisfactory proof of ownership.

(b) If no claim has been made by the owner for the proceeds of such sale, after the payment of the above mentioned costs, 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 (3) years of the date of such sale and if timely application is made therefore, the said Town shall pay the same to the owner without interest or charges. No claim shall be made nor shall any suit, action, or proceeding be instituted for the recovery of such funds after three (3) years from the date of such sale.

Chapter 2

Licensing

Article 1

In GeneralSec.

- 8-4 Driving without license prohibited.
- 8-5 Unlawful acts relating to licensing enumerated.
- 8-6 Disposition of surrendered licenses upon conviction requiring revocation or suspension.
- 8-7 Driving while license suspended or revoked.
- 8-8 Display of license plates.
- 8-9 How license plates fastened to vehicle.
- 8-10 Use of license plates before and after registration year.

Article 2

Town Motor Vehicle License and TaxSec.

- 8-11 License tax imposed by Town.
- 8-12 Who must procure Town licenses; exceptions.
- 8-13 Where application for Town license and payment of tax made; disposition of revenues; record of Town licenses supplied to Mayor; display of Town license plate.
- 8-14 Commencement and expiration dates of Town licenses.
- 8-15 Amount of tax.
- 8-16 Penalty for violation of Article 2.

Chapter 2

Licensing

Article 1

In GeneralSec.

- 8-4 Driving without license prohibited. --No person shall drive any motor vehicle on any highway in this Town until such person shall have made application for an operator's or chauffeur's license and satisfactorily passed the examination and obtained an operator's or chauffeur's license or an instruction permit from the Division of Motor Vehicles, unless such person shall have been issued an operator's or chauffeur's license prior to June nineteenth, nineteen hundred and forty-six (1946) that is renewable in the discretion of the Division.
- 8-5 Unlawful acts relating to licensing enumerated. --No person shall:
- (a) Display, cause or permit to be displayed, or have in his possession any operator's or chauffeur's license or instruction permit knowing the same to be fictitious or to have been canceled, revoked, suspended, altered, or photographed for the purpose of evading the intent of this chapter;
 - (b) Lend or knowingly permit the use of, by one not entitled thereto, any operator's or chauffeur's license or instruction permit issued to any person so lending or permitting the use thereof;
 - (c) Display or represent as his own any operator's or chauffeur's license or instruction permit not issued to the person so displaying the same;
 - (d) Fail or refuse to surrender to the Division, upon demand, any operator's or chauffeur's license or instruction permit issued in this State or any other State, which has been suspended, cancelled, or revoked by proper authority in this State or any other State as provided by law, or fail or refuse to surrender such suspended, cancelled, or revoked license or instruction permit to any court in which an operator or chauffeur has been tried and convicted for the violation of any law or ordinance of this State or any city, town, or county thereof, regulating or affecting the operation of a motor vehicle.
- 8-6 Disposition of surrendered licenses upon conviction requiring revocation or suspension. --
- (a) In any case in which the accused is convicted of an offense, upon the conviction of which the law requires revocation or suspension of the operator's or chauffeur's license or instruction permit of the person so convicted, the court shall order the surrender of such license or permit, which shall remain in the custody of the court until,
 - (1) the time allowed by law for appeal has elapsed, when it shall be forwarded to the Commissioner, or
 - (2) an appeal is effected and proper bond posted, at which time it shall be returned to the accused.
 - (b) Provided, however, when the time of suspension or revocation coincides or approximately coincides with the appeal time, the court may retain the license or permit and return the same to the accused upon the expiration of the suspension or revocation.

8-7 Driving while license suspended or revoked. --

(a) No person resident or non-resident whose operator's or chauffeur's license or instruction permit has been suspended or revoked by any court or by the Commissioner or by operation of law pursuant to the provisions of this Title or of the Virginia Code or who has been forbidden as prescribed by law to operate a motor vehicle in this State shall thereafter drive any motor vehicle in this State unless and until the period of such suspension or revocation shall have terminated.

(b) Any person violating this section shall for the first offense be confined in jail not less than ten (10) days nor more than six (6) months, and may in addition be fined not less than fifty (\$50.00) dollars nor more than one hundred (\$100.00) dollars; and for the second or any subsequent offense be confined in jail not less than two (2) months nor more than one (1) year, and may in addition be fined not less than one hundred (\$100.00) dollars nor more than one thousand (\$1,000.00) dollars.

8-8 Display of license plates. --License plates assigned to a motor vehicle, other than a motorcycle, trailer, or semitrailer, or to persons licensed as motor vehicle dealers or transporters of unladen vehicles, shall be attached to such motor vehicle, one (1) in front and the other in the rear. The license plate assigned to a motorcycle, trailer, or semitrailer shall be attached to the rear thereof. The license plates issued to licensed motor vehicle dealers and persons licensed as transporters of unladen vehicles shall consist of one (1) plate for each set issued and shall be attached to the rear of the vehicle to which it is assigned. License plates shall be so displayed during the current registration year.

8-9 How license plates fastened to vehicle. --Every license plate shall at all times be securely fastened to the motor vehicle, trailer, or semitrailer to which it is assigned so as to prevent the plate from swinging, in a position to be clearly visible, and in a condition to be clearly legible. Insignia, emblems, or trailer hitches or couplings shall not be mounted in any such way that any portion of the license is illegible.

8-10 Use of license plates before and after registration year. --Registration and license plates or a license plate issued under the laws of this State for a succeeding license year may be used without penalty on or after March fifteenth of the calendar year in which such license year begins; registrations and license plates or a license plate issued under the laws of this State for a preceding license year may be used without penalty during the first fifteen (15) days of a current license year.

Article 2

Town Motor Vehicle License and TaxSec.

- 8-11 License tax imposed by Town. --There is hereby imposed by the Council of the Town of Vienna, Virginia a Town license tax upon every person owning a motor vehicle, including but not limited to automobiles, trucks, and motorcycles regularly housed or stored in the Town of Vienna, and used or intended to be used or operated regularly upon the streets and highways of this Town, except as herein otherwise provided.
- 8-12 Who must procure Town license; exceptions. --Every firm or corporation, or person, owning a motor vehicle, trailer or semitrailer, regularly housed or stored in the Town of Vienna, used or intended to be used or operated upon the streets and highways in this Town, shall make application for and procure a Town of Vienna motor vehicle license. The provisions of this section shall not apply to tractors, road rollers, and road machinery used for highway purposes, tractor engines, locomotive engines, electric cars running on rails, motor vehicles, trailers, or semitrailers owned by the Commonwealth of Virginia or by any political subdivision thereof except the Town of Vienna, or by the United States Government, or to vehicles held or used for sale by any manufacturer or dealer in said vehicles.
- 8-13 Where application for Town license and payment of tax made; disposition of revenue; record of Town licenses supplied to Mayor; display of Town license plate. --Application for the Town license herein prescribed shall be made to the Town Clerk at the Town Hall of the Town of Vienna on forms providing for the name and address of the applicant and a description of the motor vehicle for which said Town license is to be issued, and the Town license tax herein provided for shall be paid to the Town Clerk at said Town Hall located in the Town of Vienna; upon payment of the Town license tax, the said Town Clerk shall issue to the applicant a Town license plate for such motor vehicle.
- All fees collected for the Town license certificates and plates shall be deposited in the treasury of the Town of Vienna and shall be deposited by the Clerk in the same manner as that prescribed for other Town funds. The Mayor of the Town shall be supplied with a record of all Town motor vehicle licenses issued.
- The Town license plate issued to the licensee shall be displayed with the State license plate at the front or rear of the vehicle.
- 8-14 Commencement and expiration dates of Town licenses. --The Town license year under the terms of this section shall commence on the first day of April, and shall expire on the thirty-first day of March of the following calendar year.

- 8-15 Amount of Tax. --On each and every motor vehicle to which Article 2, Chapter 2 of this Title is applicable, there shall be a tax of ten (\$10.00) dollars per annum, and on motorcycles, there shall be a tax of three (\$3.00) dollars per annum. One-half (1/2) of the Town license tax hereinbefore prescribed shall be collected whenever any Town license tags are issued during the period beginning on the first day of October of any year and ending on the fifteenth day of January, in the same license year, and one-third (1/3) of such fee shall be collected whenever any Town license plates are issued after the fifteenth day of January in any license year.
- 8-16 Penalty for violation of Article 2. --Any person who violates any provision of Article 2, Chapter 2 of this Title shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five (\$5.00) dollars, or more than three hundred (\$300.00) dollars, or by imprisonment in jail not to exceed thirty (30) days, or by both such fine and imprisonment.

Chapter 3

Regulation of TrafficArticle 1. In General.Sec.

- 8-17 Persons riding bicycles or riding or driving animals subject to traffic regulations.
- 8-18 Riding upon or operating motorcycles.
- 8-19 Drivers to obey signs.
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- 8-21 Duty of driver to stop, etc., in event of accident; duty of occupant; reports additional to other accident reports required by title.
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- 8-23 Arrest for misdemeanor; release on summons and promise to appear; admitting to bail; violations.
- 8-24 When arresting officer may take person before judicial officer in lieu of issuing summons.

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- 8-29 Same; specific instances.
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- 8-32 Suspension of license; exceeding speed of 65 or 75 miles per hour.
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- 8-45 Special regulations applicable on streets and highways laned for traffic.
- 8-46 Passing vehicles proceeding in opposite directions.
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- 8-52 Following too closely.
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- 8-55 Signals required on starting, backing, stopping, or turning.
- 8-56 How such signals given.

Article 4 (cont.)

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- 8-58 Duty of drivers receiving signals.
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- 8-60 Right of way; general rule; forfeiture by unlawful speed.
- 8-61 Same; vehicle turning to left.
- 8-62 Stop before entering public highway or crossing sidewalk from private road, etc.; yielding right of way.
- 8-63 Approach of police or fire department vehicles, ambulance, etc.; rescue vehicle defined.
- 8-64 Police officers and others exempt from regulations in certain emergencies; exceptions and additional requirements.
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- 8-67 Riding or driving on or across sidewalks.

Article 5. Protection of Pedestrians.

- 8-68 How and where pedestrians to cross.
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- 8-70 Pedestrians stepping into street where they cannot be seen.
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- 8-72 Pedestrians not to use roadway except when necessary; keeping to the left.
- 8-73 Playing on streets or highways; roller skates, toys, or other devices on wheels or runners; persons riding bicycles, etc. not to attach to vehicles.
- 8-74 Penalty for violating Sec. 8-68 through 8-73.
- 8-75 When vehicles to stop for pedestrians carrying white or red-tipped white cane.
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- 8-79 Driving through safety zone prohibited.

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- 8-81 Stopping on highways; general rule.
- 8-82 Same; rural mail carriers loading and unloading mail.
- 8-83 Same; to discharge cargo or passengers; school buses.
- 8-84 Leaving scene of accident when directed to do so by officer.
- 8-85 Flares and other signals when vehicle disabled on highway after dark.
- 8-86 Same; when red reflector flares or red lanterns required instead of flares.
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Article 7. Lighting Equipment.

- 8-89 Equipment required.
- 8-90 Head lamps on motor vehicles.
- 8-91 Head lamps on motorcycles.
- 8-92 Rear lamps.
- 8-93 Lamps on bicycles.
- 8-94 Lamps on other vehicles, reflex reflectors.
- 8-95 Dimension or marker lights; generally.
- 8-96 Same; vehicles or loads exceeding 35 feet.
- 8-97 Spotlights and ditch lights.
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- 8-100 Requirements as to single beam headlamps.
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- 8-107 Brakes.
- 8-108 Within what distances brakes should stop vehicle.
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- 8-114 Illegal sirens, whistles, etc.; unlawful use of horn, etc.
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- 8-117 Failure to use school bus warning devices not to relieve motorist from duty.
- 8-118 Mirrors.
- 8-119 Rear fenders, flaps or guards required for certain motor vehicles.
- 8-120 Signs on windshield, etc.
- 8-121 Suspension of objects so as to obstruct view of driver.
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- 8-123 When safety glass required.
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- 8-127 Requirements of such devices.
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- 8-131 Construction of vehicle must prevent escape of contents.

Chapter 3

Regulation of Traffic

Article 1

In General

- 8-17 Persons riding bicycles or riding or driving animals subject to traffic regulations. --Every person riding a bicycle or an animal upon a roadway and every person driving any animal thereon shall be subject to the provisions of this chapter applicable to the driver of a vehicle, unless the context of the provision clearly indicates otherwise.
- 8-18 Riding upon or operating motorcycles. --A person operating a motorcycle shall ride only upon the permanent and regular seat attached to the motorcycle, and such operator shall not carry any other person, and no other person shall ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the seat for the operator. Any person who violates this section shall be guilty of a misdemeanor and shall be punished as provided in section 8-2.
- 8-19 Drivers to obey signs. --The driver of a motor vehicle, trailer, or semi-trailer shall stop, slow down, or regulate his speed to accord with the requirements of road signs erected, upon the authority of the State Highway Commission or by the town authorities, and the failure of such driver to comply with this provision shall constitute a misdemeanor. Upon conviction such driver shall be punished in accordance with the provisions of section 8-2.
- 8-20 Injuring signs. --Any person who shall deface, injure, knock down, or remove any sign legally posted as provided in this Title shall be guilty of a misdemeanor.
- 8-21 Duty of driver to stop, etc., in event of accident; duty of occupant; reports additional to other accident reports required by title. --(a) The driver of any vehicle involved in an accident in which a person is killed or injured or 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 person struck and injured if such person appears to be capable of understanding and retaining the information, 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. The driver shall also render reasonable assistance to any person injured in such accident, including the carrying of such injured person to a physician, surgeon, or hospital for medical treatment if it is apparent that such treatment is necessary or is requested by the injured person.
- (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 (24) hours from the time of the accident to the Chief of Police of the Town of Vienna 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 (24) hours to the chief of police of Vienna, Virginia. 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.

Sec. 8-21 (cont.)

(d) If the driver fails to stop and make a reasonable search for the owner or custodian of the 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 accident shall report within twenty-four (24) hours of the time of the accident to the Chief of Police of Vienna, Virginia 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 Title 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.

8-22 Penalty for violation of previous section. -- Any person convicted of violating the provisions of Sec. 8-21 shall, if such accident result only in damage to property, be deemed guilty of a misdemeanor and punished in accordance with Section 8-2; provided, however, if the vehicle or other property struck is unattended and such damage shall be less than twenty-five (\$25.00) dollars, such person shall be punished only by a fine not exceeding fifty (\$50.00) dollars.

8-23 Arrest for misdemeanor; release on summons and promise to appear; admitting to bail; violations. -- (a) Whenever any person is arrested for a violation of any provision of this Title, the arresting officer shall, except as otherwise provided in Section 8-24, 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 specified in such summons or notice, such time to be at least five (5) days after such arrest, and such person shall, if he so desire, have a right to a hearing at a convenient hour, and before a court having jurisdiction under this Title 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 Title.

(c) Any person who wilfully 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.

8-24 When arresting officer may take person before judicial officer in lieu of issuing summons. -- If any person is (1) arrested and charged with an offense causing or contributing to an accident resulting in injury or death to any person, (2) believed by the arresting officer to have committed a felony, (3) believed by the arresting officer to be likely to disregard a summons issued under Sec. 8-23, or (4) charged with reckless driving, the arresting officer may take such person forthwith before the nearest accessible judicial officer or other person qualified to admit to bail in lieu of issuing the summons required by Sec. 8-23.

Article 2

Powers of Local Authorities In General

8-25 Powers of Town Council. --The Town Council shall have the following powers in connection with the regulation of traffic on the streets of the Town, to be exercised in a manner consistent with the provisions of this Title:

(a) TRAFFIC LANES. To mark lanes for traffic on surfaces of the roadway at such places as he may deem advisable.

(b) CROSSWALKS. To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway and at such other places as he may deem necessary.

(c) PLAY STREETS. To declare any street or part thereof which he deems necessary a play street.

(d) RESTRICTIONS ON TURNING. To determine, as he deems necessary, those intersections at which drivers of vehicles shall make a right, left or U turn. The making of such turns may be prohibited between certain hours and permitted at other hours of the same day.

(e) STOPS AT INTERSECTIONS. To determine and designate as he deems necessary, intersections where particular hazards exist upon other than through streets and to determine whether vehicles shall stop at one (1) or more entrances to any such stop intersection.

(f) PARKING.

Narrow streets. To prohibit parking, if he deems it necessary, upon any street when the width of the roadway does not exceed thirty (30) feet.

One-way streets. To prohibit parking, if he deems it necessary, upon the left hand side of any one-way street. The town mayor is authorized to determine when standing or parking may be permitted upon the left hand side of any such one-way street and to erect signs giving notice thereof.

Hazardous or congested places. To determine and designate areas not exceeding two hundred (200) feet in length, in which the stopping, standing or parking of vehicles would in his opinion create an especially hazardous condition or would cause unusual delay to traffic, and to prohibit such stopping, standing or parking therein.

School zones. To prohibit parking upon that side of any street adjacent to any school property, when such parking would, in his opinion, interfere with traffic or create a hazardous situation.

Angle parking. To determine, as he deems necessary, upon what streets angle parking shall be permitted.

Curb loading zones. To determine, as he deems necessary the location of passenger and freight curb loading zones and the hours during which they are to be used as such.

Bus stops and taxi stands. To establish bus stops and taxi stands and stands for other passenger common-carrier motor vehicles on such streets and in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public.

(g) Speed Limit. To increase or decrease the speed limit within the boundaries of the Town provided such increase or decrease is based upon an engineering and traffic investigation by the Town and that such speed area or zone is clearly indicated by markers or signs; provided; however, that the Town Manager or such officer as the Council may designate may be authorized to reduce for a temporary period not to exceed sixty (60) days, without such engineering and traffic investigation, the speed limit on any portion of any highway of the Town on which men are working or where the highway is under construction or repair.

8-26

Officers may direct traffic; signals. --Peace or police officers may direct traffic by signals. Such signals other than by voice shall be as follows:

(a) To stop traffic by hand. Stand with shoulders parallel to moving traffic. Raise arms 45 degrees above shoulders with hand extended, palm towards moving traffic to be stopped.

(b) To move traffic by hand. Stand with shoulders parallel to traffic to be moved. Extend right arm and hand full length at height of shoulders towards such traffic, fingers extended and joined, palm down. Bring hand sharply in direction traffic is to move. Repeat movement with left arm and hand to start traffic from opposite direction.

(c) To stop and start traffic by whistle. One (1) blast, moving traffic to stop; two (2) blasts, traffic in opposite direction to move.

(d) Emergency stop of traffic by whistle. Three (3) or more short blasts, all traffic shall immediately clear the intersection and stop.

8-27

Signals by lights or semaphores. --Signals by lights or semaphores shall be as follows:

(a) Red indicates that traffic then moving shall stop and remain stopped as long as the red signal is shown, except in the direction indicated by a lighted green arrow. Green indicates that traffic shall then move in the direction of the signal and remain in motion as long as the green signal is given.

(b) Amber indicates that a change is about to be made in the direction of the moving traffic. When the amber signal is shown, traffic which has not already entered the intersection, including the crosswalks, shall stop but that which has entered the intersection shall continue to move until the intersection has been entirely cleared.

(c) When semaphores are not in operation, the use of amber light indicates need for caution, and the use of a flashing red indicates that traffic shall stop before entering the intersection.

(d) Officers of the law may assume control of traffic otherwise controlled by lights or semaphores and in such event signals by such officers shall take precedence over such light or semaphores.

Article 3

Reckless Driving; Driving While Under the Influence of
Alcohol or Drugs; Speeding, etc.

- 8-28 Reckless driving; general rule. --Irrespective of the maximum speeds herein provided, any person who drives a vehicle upon a highway recklessly or at a speed or in a manner so as to endanger life, limb, or property of any person shall be guilty of reckless driving; provided that the driving of a motor vehicle in violation of any speed limit provision of Sec. 8-33 shall not of itself constitute ground for prosecution for reckless driving under this section.
- 8-29 Same; specific instances. --A person shall be guilty of reckless driving who shall:
- (a) Drive a vehicle when not under proper control or with inadequate or improperly adjusted brakes upon a highway.
 - (b) While driving a vehicle, overtake and pass another vehicle proceeding in the same direction, upon or approaching the crest of a grade or upon or approaching a curve in the highway, where the driver's view along the highway is obstructed, except where the overtaking vehicle is being operated on a highway having two (2) or more designated lanes of roadway for each direction of travel or on a designated one-way street or highway;
 - (c) Drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, as to obstruct the view of the driver to the front or sides of the vehicle or to interfere with the driver's control over the driving mechanism of the vehicle;
 - (d) Pass or attempt to pass two (2) other vehicles abreast, moving in the same direction, except on highways having separate roadways of three (3) or more lanes for each direction of travel, or on designated one-way streets or highways;
 - (e) Overtake or pass any other vehicle proceeding in the same direction at any steam, diesel, or electric railway grade crossing or at any intersection of highways unless such vehicles are being operated on a highway having two (2) or more designated lanes of roadway for each direction of travel or on a designated one-way street or highway, or while pedestrians are passing or about to pass in front of either of such vehicles, unless permitted to do so by a traffic light or police officers;
 - (f) Fail to stop at a school bus, whether publicly or privately owned and whether transporting children to, from, or in connection with a public or private school, stopped on the highway for the purpose of taking on or discharging school children, when approaching the same from any direction, and to remain stopped until all school children are clear of the highway and the bus is put in motion; provided, however, that this shall apply only to school buses marked or identified as provided in the regulations of the State Board of Education;
 - (g) Fail to give adequate and timely signals of intention to turn, partly turn, slow down, or stop, as required by sections 8-55 through 8-59, or to back a vehicle without first ascertaining that such movement can be made with reasonable safety and without interfering with other traffic, as provided in such sections.

8-29 (cont.)

(h) Exceed a reasonable speed under the circumstances and traffic conditions existing at the time regardless of any posted speed limit;

(i) Drive a motor vehicle upon a highway at a speed in excess of 75 miles per hour, except as provided in subsection (1) of this section;

(j) Fail to bring his vehicle to a stop immediately before entering a highway from a side road when there is traffic approaching upon such highway within five hundred (500) feet of such point of entrance, unless a "Yield Right of Way" sign is posted; or where such sign is posted, fail, upon entering such highway, to yield the right of way to the driver of a vehicle approaching on such highway from either direction; or

(k) Drive or operate any automobile or other motor vehicle upon any driveway or premises of a church, or school, or of any recreational facilities or of any business property open to the public, recklessly or at a speed or in a manner so as to endanger the life, limb, or property of any person.

(l) Drive a truck or tractor or tractor-truck or a motor vehicle being used to tow a vehicle designed for self-propulsion, or a house trailer, or combinations of vehicles designed to transport property; upon a highway at a speed in excess of 65 miles per hour.

8-30 Same; racing on highways. -- Any person who shall engage in a race between two (2) or more motor vehicles on a highway shall be guilty of reckless driving. When any person shall be convicted of reckless driving under this section, then in addition to any other penalties provided by law, the operator's or chauffeur's license or instruction permit of such person shall be suspended by the court for a period of not less than six (6) months nor more than two (2) years. In case of conviction the court shall order the surrender of the license to the court where it shall be disposed of in accordance with the provisions of Sec. 8-6.

8-31 Same; Penalties. -- Every person convicted of reckless driving under Sec. 8-28, Sec. 8-29, or Sec. 8-30 shall for the first violation be punished as provided by Sec. 1-6. For each second or subsequent conviction for the offense of reckless driving under Sec. 8-28, Sec. 8-29, or Sec. 8-30 committed within twelve (12) months before or after the date of another act of reckless driving for which he has been convicted, such person shall be punished by a fine of not less than fifty (\$50.00) dollars nor more than five hundred (\$500.00) dollars, or by imprisonment in jail for not less than ten (10) days nor more than twelve (12) months, or by both such fine and imprisonment.

8-32 Suspension of license; exceeding speed of 65 or 75 miles per hour.--When any person shall be convicted of reckless driving for exceeding a speed of 65 or 75 miles per hour, as the case may be, upon the streets or highways of the Town under sections 8-29 (i) or 8-29 (l), then in addition to any other penalties provided by law, except in the cases for which revocation of licenses is provided in Sections 8-36 and 8-42 of this Title, and Section 46.1-417, Code of Virginia, 1950, as amended, the chauffeur's or operator's license or instruction permit of such person shall be suspended by the court for a period of not less than sixty (60) days nor more than six (6) months. In case of conviction the court shall order the surrender of the license or permit to the court where it shall be disposed of in accordance with the provisions of Section 8-6. Where the conviction is a second conviction which would require revocation under the provisions of Section 46.1-417, Code of Virginia, 1950, as amended, the court shall suspend the operator's or chauffeur's license or instruction permit of such person and thereupon transmit the same to the Division of Motor Vehicles as provided by law. If such person so convicted has not obtained a license required by Section 8-6 of this Title or is a nonresident, such court shall direct in the judgment of conviction that such person shall not drive or operate any motor vehicle in this State for a period of not less than sixty (60) days nor more than six (6) months.

Maximum and minimum speed limits; posting, etc., of school zones. --No person shall drive any vehicle upon a highway of this State at a speed in excess of:

(a) Sixty (60) miles per hour on highways under the jurisdiction of the State Highway Commission or a city and specified in this paragraph and in accordance herewith if the vehicle is a passenger motor vehicle, passenger bus, United States post office bus, pickup or panel truck not exceeding an actual gross weight of 5,000 pounds, or a motorcycle, or fifty (50) miles per hour if the vehicle is a truck, road tractor, tractor-truck, or combination of vehicles designed to transport property and if the highway has four (4) or more lanes, with the roadway for traffic traveling in one direction separated from the roadway for traffic traveling in the other direction by a physical barrier or an unpaved area; provided that for such highway such speed has been prescribed by the State Highway Commission after an engineering and traffic investigation. On any highway where such speed is prescribed the speeds shall be plainly indicated upon the highway by signs; and where the speed limit is indicated by posted signs, there shall be a prima facie presumption that such engineering and traffic investigation was made;

(a. 1) Except as hereinafter otherwise prescribed fifty-five (55) miles per hour on other highways if the vehicle is a passenger motor vehicle, passenger bus, United States post office bus, pickup or panel truck not exceeding an actual gross weight of 5,000 pounds, or a motorcycle;

(b) Forty-five (45) miles per hour if the vehicle is a truck, road tractor, tractor-truck, or combination of vehicles designed to transport property or is a motor vehicle being used to tow a vehicle designed for self-propulsion or a house trailer;

(c) Thirty-five (35) miles per hour if the vehicle is being used as a school bus carrying children;

(d) Forty-five (45) miles per hour if the vehicle or combination of vehicles is operating under a special permit issued by the State Highway Commission in accordance with Sections 46.1-330 and 46.1-343, Code of Virginia, 1950, as amended. The State Highway Commission may, however, prescribe a speed limit of less than forty-five (45) miles per hour on any permit issued in accordance with Sections 46.1-330 and 46.1-343;

(e) A speed lower than the speeds prescribed in paragraphs (a) through (d) of this section when such lower speed has been prescribed by the State Highway Commission and is plainly indicated upon the highway by signs;

(f) And, irrespective of the type or use of the vehicle driven:

(1) Twenty-five (25) miles per hour between portable signs or fixed blinking signs placed in the highway bearing the word "school" which word shall indicate that school children are present in the immediate vicinity. If the portion of the highway to be posted is within the limits of a city or town, such portable signs shall be furnished and delivered by such city or town. If the portion of the highway to be posted is outside the limits of a city or town such portable signs shall be furnished and delivered by the State Highway Department. It shall be the duty of the principal or chief administrative officer of each school or some responsible person designated by the school board to place such portable signs in the highway at the limits of the school property and remove such signs when their presence is no longer required by this subsection. Such portable or fixed blinking signs shall be placed in a position plainly visible to vehicular traffic approaching from either direction but shall not be placed so as to obstruct the roadway. Such portable signs shall be in position for thirty (30) minutes preceding regular school hours and for thirty (30) minutes thereafter and during such other times as the presence of children on such school property reasonably requires a special warning to

motorists. Provided, however, the governing body of any city or town may, if the portion of the highway to be posted is within the limits of such city or town, decrease the speed limit provided in this subsection, and provided further that no such decrease in speed limit shall be effective unless such decreased speed limit is conspicuously posted upon the portable or fixed blinking signs required by this subsection;

(2) Twenty-five (25) miles per hour in a business or residential district, unless otherwise prescribed by the proper authorities of any city or town pursuant to the provisions of Section 46.1-180, Code of Virginia, 1950, as amended;

(3) Thirty-five (35) miles per hour in any city or town unless otherwise prescribed by the proper authorities of such city or town pursuant to the provisions of Section 46.1-180, Code of Virginia, 1950, as amended;

(4) A speed higher or lower than those prescribed in subparagraphs (1) through (3) upon any highway maintained by the State Highway Department when such higher or lower speed is prescribed by the State Highway Commission based upon an engineering and traffic investigation and is plainly indicated upon the highway by signs;

(g) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law;

(h) Whenever the State Highway Commission or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the Commission or such local authority may determine and declare a minimum speed limit to be set forth on signs posted on such highway below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law, provided that such minimum speed limit shall not apply to a school bus carrying children;

(i) Any person violating this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in Section 8-2.

8-34 Prohibiting conviction for speeding in certain areas unless markers installed. --No person shall be convicted of a violation of Sec. 8-33 (e) or (f) (4) or an ordinance enacted by local authorities pursuant to the provisions of Sec. 8-25 decreasing the speed limit established in Sec. 8-33 (f) (3) when such person has exceeded the speed limit in an area where the speed limit has been decreased unless such area is clearly indicated by a conspicuous marker at the termini of such area.

8-35 Tables of speed and stopping distances. --(a) All courts shall take notice of the following tables of speed and stopping distances of motor vehicles, which shall not raise a presumption, in actions in which inquiry thereon is pertinent to the issues:

SPEED IN		AVERAGE STOPPING DISTANCES			TOTAL STOPPING DISTANCES: DRIVER AND	
MILES per hour	Feet per Second	Automobile Brakes (In feet)	Truck Brakes (Brakes on all Wheels) (In feet)	Average Driver Reaction Time (3/4 Second) (In feet)	Automobiles (In feet)	Trucks (In feet)
10	14.67	5	7	11	16	18
15	22.0	12	17	16	28	33
20	29.34	21	30	22	43	52
25	36.62	32	47	27	59	74
30	44.0	47	67	33	80	100
35	51.3	63	92	38	101	130
40	58.7	82	120	44	126	164
45	66.0	104	152	50	154	202
50	73.3	128	187	55	183	242
55	80.7	155	227	61	216	288
60	88.0	185	270	66	251	336
65	95.3	217	316	71	288	387
70	102.6	252	367	77	329	444
75	109.9	289	422	82	371	504
80	117.2	328	480	88	416	568
90	132.0	425	607	99	524	706
100	146.6	514	750	109	623	859

(b) The courts shall further take notice that said tables are the result of experiments made with motor vehicles, unloaded except for the driver, equipped with four-wheel brakes, in good condition, on dry, hard, approximately level stretches of highway free from loose material.

- 8-36 Driving automobile, engines, etc., while intoxicated or under influence of Drugs. --No person shall drive or operate any automobile or other motor vehicle, car, truck, engine, or train while under the influence of alcohol, brandy, rum, whiskey, gin, wine, beer, lager beer, ale, porter, stout, or any other liquid beverage or article containing alcohol or while under the influence of any narcotic drug or any other self administered intoxicant or drug of whatsoever nature.
- 8-37 Use of chemical analyses to determine alcohol in blood; procedure; costs; evidence. --In any criminal prosecution under Sec. 8-36, no person shall be required to submit to a determination of the amount of alcohol in his blood at the time of the alleged offense as shown by a chemical analysis of his blood, breath, or other bodily substance; however, any person arrested for a violation of Sec. 8-36 shall be entitled to a determination of the amount of alcohol in his blood at the time of the alleged offense as shown by a chemical analysis of his blood or breath, provided the request for such determination is made within two (2) hours of his arrest. Any such person shall, at the time of his arrest, be informed by the arresting authorities of his right to such determination, and if he makes such request, the arresting authorities shall render full assistance in obtaining such determination with reasonable promptness.

Only a physician, nurse, or laboratory technician shall withdraw blood for the purpose of determining the alcoholic content therein. The blood sample shall be placed in a sealed container provided by the Chief Medical Examiner of the Commonwealth of Virginia. Upon completion of taking of the sample, the container must be resealed in the presence of the accused after calling the fact to his attention. The container shall be especially equipped with a sealing device, sealed so as not to allow tampering, labelled, and identified showing the person making the test, the name of the accused, the

8-37 (cont.)

date and time of taking. The sample shall be delivered to the police officer for transporting or mailing to the Chief Medical Examiner of the Commonwealth of Virginia. Upon receipt of the blood sample, the office of the Chief Medical Examiner of the Commonwealth of Virginia shall examine it for alcoholic content. That office shall execute a certificate which certificate shall indicate the name of the accused, the date, time, and by whom the same was received and examined, and a statement that the container seal had not been broken or otherwise tampered with and a statement of the alcoholic content of the sample. The certificate, attached to the container shall be returned to either the police officer making the arrest, the department from which it came, or to the clerk of the court in which the matter will be heard.

Upon the request of the person who was given a chemical test of blood or breath, the results of such test shall be made available to him.

An amount not to exceed five (\$5.00) dollars to cover the costs of taking blood and making an analysis thereof shall be taxed as part of the costs of the case.

Other than as expressly provided herein, the provisions of this section shall not otherwise limit the introduction of any competent evidence bearing upon any question at issue before the court. The failure of the accused to request such a determination is not evidence and shall not be subject to comment in the trial of the case.

8-38 Report of results of analysis to be filed in Office of Chief Medical Examiner of the Commonwealth of Virginia; admissibility of copy of certificate from such office. -- When any blood sample taken in accordance with the provisions of Sec. 8-37 is forwarded for analysis to the Office of the Chief Medical Examiner of the Commonwealth of Virginia, a report of the results of such analysis shall be made and filed in that office. Upon proper identification of such vial, tube, or container, the copy of such certificate as provided for in Sec. 8-37 shall, when duly attested by the Chief Medical Examiner of the Commonwealth of Virginia or any Assistant Chief Medical Examiner, be admissible in any court or proceeding as evidence of the facts therein stated and the results of the analysis of the blood of the accused.

8-39 Presumption from alcoholic content of blood. In any prosecution for a violation of Sec. 8-36 or any similar ordinance of any county, city, or town, the amount of alcohol in the blood of the accused at the time the alleged offense as indicated by a chemical analysis of the accused's blood or breath in accordance with the provisions of Sec. 8-37 shall give rise to the following presumptions:

(1) If there was at that time 0.05 percent or less by weight of alcohol in the accused's blood, it shall be presumed that the accused was not under the influence of alcoholic intoxicants;

(2) If there was at that time in excess of 0.05 percent but less than 0.15 percent by weight of alcohol in the accused's blood, such facts shall not give rise to any presumption that the accused was or was not under the influence of alcoholic intoxicants, but such facts may be considered with other competent evidence in determining the guilt or innocence of the accused;

8-39 (cont.)

(3) If there was at that time 0.15 percent or more by weight of alcohol in the accused's blood, it shall be presumed that the accused was under the influence of alcoholic intoxicants.

8-40

Penalty; subsequent offense; prior conviction. --Any person violating any provision of Sec. 8-36 shall be guilty of a misdemeanor, punishable by a fine of not less than one hundred (\$100.00) dollars nor more than one thousand (\$1,000.00) dollars or imprisonment for not less than one (1) month nor more than six (6) months, either or both, in the discretion of the court trying the same, for a first offense, and the court may, in its discretion, suspend the sentence during the good behavior of the person convicted. Any person convicted of a second or other subsequent offense within ten (10) years thereof shall be punishable by a fine of not less than one hundred (\$100.00) dollars nor more than one thousand (\$1,000.00) dollars and by imprisonment of not less than one (1) month nor more than one (1) year. For the purposes of this section a conviction or finding of not innocent in the case of a juvenile under the provisions of Sec. 8-36 or any similar ordinance of any county, city, or town in this State or the laws of any other state substantially similar to the provisions of Sec. 8-36 through Sec. 8-39, shall be considered a prior conviction.

- 8-41 Same; forfeiture of driver's license; suspension of sentence. --The judgment of conviction, or finding of not innocent in the case of a juvenile, if for a first offense under Sec. 8-36 or for a similar offense under any county, city, or town ordinance, shall of itself operate to deprive the person so convicted or found of the right to drive or operate any such vehicle, conveyance, engine, or train in this State for a period of one (1) year from the date of such judgment, and if for a second or other subsequent offense within ten (10) years thereof, for a period of three (3) years from the date of the judgment of conviction or finding of not innocent thereof. If any person has heretofore been convicted or found not innocent of violating any similar act of this State and thereafter is convicted or found not innocent of violating the provisions of Sec. 8-36 such conviction or finding shall for the purpose of this section and Sec. 8-37 be a subsequent offense and shall be punished accordingly; and the court may, in its discretion, suspend the sentence during the good behavior of the person convicted or found not innocent.
- 8-42 Driving after forfeiture of license. --If any person so convicted shall, during the time for which he is deprived of his right so to do, drive or operate any such vehicle, conveyance, engine, or train in this Town, he shall be guilty of a misdemeanor and shall be confined in jail not less than ten (10) days nor more than six (6) months and may in addition be fined not exceeding five hundred (\$500.00) dollars.

Article 4

The Rules of the Road

- 8-43 Drive on right side of highways. --Except as otherwise provided by law, upon all highways of sufficient width the driver of a vehicle shall drive the same upon the right half of the highway, unless it is impracticable to travel on such side of the highway, and except when overtaking and passing another vehicle, subject to the provisions applicable to overtaking and passing set forth in Secs. 8-47, 8-48, 8-49, and 8-51.
- 8-44 Keep to the right in crossing intersections or railroads. --In crossing an intersection of highways or the intersection of a highway by a railroad right of way, the driver of a vehicle shall at all times cause such vehicle to travel on the right half of the highway unless such right side is obstructed or impassable.
- 8-45 Special regulations applicable on streets and highways laned for traffic. --Whenever any highway has been divided into clearly marked lanes for traffic, drivers of vehicles shall obey the following regulations:
- (a) A vehicle shall normally be driven in the lane nearest the right hand edge or curb of the highway when such lane is available for travel except when overtaking another vehicle or in preparation for a left turn or as permitted in paragraph (d) of this section.
- (b) A vehicle shall be driven as nearly as is practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
- (c) Upon a highway which is divided into three (3) lanes a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle or in preparation for a left turn or unless such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted or marked to give notice of such allocation.
- (d) When right hand lanes have been designated for a slow-moving traffic and when such lanes are signposted or marked to give notice of such designation a vehicle may be driven in any lane allocated to traffic moving in the direction such vehicle is proceeding, but when traveling within such inside lanes vehicles shall be driven at approximately the speed authorized in such lanes and speed shall not unnecessarily be decreased so as to block, hinder or retard traffic.

8-45 (cont.)

(e) Wherever a highway is marked with double traffic lines consisting of a solid line immediately adjacent to a broken line, no vehicle shall be driven to the left of such line if the solid line is on the right of the broken line, except that it shall be lawful to make a left turn for the purpose of entering or leaving a public, private or commercial road or entrance.

(f) Wherever a highway is marked with double traffic lines consisting of two (2) immediately adjacent solid lines, no vehicle shall be driven to the left of such lines, except that it shall be lawful to make a left turn for the purpose of entering or leaving a public, private or commercial road or entrance.

- 8-46 Passing vehicles proceeding in opposite directions. --Drivers of vehicles proceeding in opposite directions shall pass each other to the right, each giving to the other, as nearly as possible, one-half (1/2) of the main traveled portion of the roadway.
- 8-47 Passing upon overtaking a vehicle. --The driver of any vehicle overtaking another vehicle proceeding in the same direction shall pass at least two (2) feet to the left thereof and shall not again drive to the right side of the highway until safely clear of such overtaken vehicle, except as hereinafter provided.
- 8-48 Horn signal upon overtaking vehicle. --The driver of an overtaking motor vehicle when traveling outside of a business or residence district shall give audible warning with his horn or other warning device before passing or attempting to pass a vehicle proceeding in the same direction.
- 8-49 When overtaking vehicle may pass on right. --(a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
- (1) When the vehicle overtaken is making or about to make a left turn, and the driver of such vehicle has given a signal as required;
 - (2) Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two (2) or more lines of moving vehicles in each direction;
 - (3) Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two (2) or more lines of moving vehicles.
- (b) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main travelled portion of the roadway.

- 8-50 Driver to give way to overtaking vehicle. --Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.
- 8-51 Limitations on privileges of overtaking and passing. --(a) The driver of a vehicle shall not drive to the left side of the center line of a highway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be made in safety.
(b) No person operating a truck or tractor and trailer shall pass or attempt to pass any truck, or tractor and trailer going in the same direction on an upgrade hill if such passing will impede the passage of following traffic.
- 8-52 Following too closely. --(a) The driver of a motor vehicle shall not follow another motor vehicle, trailer or semitrailer more closely than is reasonable and prudent, having due regard to the speed of both vehicles and the traffic upon, and conditions of, the highway at the time.
- 8-53 Limitation upon turning so as to proceed in opposite direction. --(a) The driver of a vehicle within business districts, cities or towns shall not turn such vehicle so as to proceed in the opposite direction except at an intersection of highways.
(b) No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from any direction within 500 feet.
- 8-54 Required position and method of turning at intersections. --Except as may be directed by police officers or required by buttons, markers, or signs placed by the Town authorities, the driver of a vehicle intending to turn at an intersection or other location on any highway shall do so as follows:
(a) Right turn: Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway.
(b) Left turns on two-way roadways: At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right

8-54 (cont.)

of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(c) Left turns on other than two-way roadways: At any intersection where traffic is restricted to one (1) direction on one (1) or more of the highways, and at any crossover from one (1) roadway of a divided highway to another roadway thereof on which traffic moves in the opposite direction the driver of a vehicle intending to turn left at any such intersection or crossover shall approach the intersection or crossover in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection or crossover the left turn shall be made so as to leave the intersection or crossover, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

8-55 Signals required on starting, backing, stopping, or turning. --Every driver who intends to start, back, stop, turn, or partly turn from a direct line shall first see that such movement can be made in safety, and whenever the operation of any other vehicle may be affected by such movement, shall give a signal as required in Secs. 8-56, 8-57, or 8-59, plainly visible to the driver of such other vehicle, of his intention to make such movement.

8-56 How such signals given. --(a) The signal required by Sec. 8-55 shall be given by means of the hand and arm or by some mechanical or electrical device, in the manner herein specified. Whenever the signal is given by means of the hand and arm, the driver shall indicate his intention to start, stop, turn, or partly turn by extending the hand and arm from and beyond the left side of the vehicle, in the manner following:

(1) For left turn or to pull to the left, the arm shall be extended in a horizontal position straight from and level with the shoulder.

(2) For right turn or to pull to the right, the arm shall be extended upward.

(3) For slowing down or to stop, the arm shall be extended downward.

(4) The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

(b) Wherever the lawful speed is more than thirty-five (35) miles per hour such signals shall be given continuously for a distance of at least one hundred (100) feet, and in all other cases at least fifty (50) feet, before slowing down, stopping, turning, partly turning, or materially altering the course of the vehicle.

- 8-57 Change of course after giving signal. --Drivers having once given a hand, electrical, or mechanical device signal must continue the course thus indicated, unless they alter the original signal and take care that drivers of vehicles and pedestrians have seen and are aware of the change.
- 8-58 Duty of drivers receiving signals. --Drivers receiving a signal from another driver shall keep their vehicle under complete control and shall be able to avoid an accident resulting from a misunderstanding of such signal.
- 8-59 Signals prior to moving standing vehicles into traffic. --Drivers of vehicles standing or stopped at the curb or edge before moving such vehicles shall give signals of their intention to move into traffic, as hereinbefore provided, before turning in the direction the vehicle will proceed from the curb.
- 8-60 Right of way; general rule; forfeiture by unlawful speed. --Except as provided in Sec. 8-62, when two (2) vehicles approach or enter an intersection at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right unless a "Yield Right of Way" sign is posted. Where any such sign is posted, the driver of the vehicle approaching or entering such intersection on the highway, road, or street on which such sign is posted shall yield the right of way to the driver of a vehicle approaching or entering the circle. The driver of any vehicle traveling at an unlawful speed shall forfeit any right of way which he might otherwise have hereunder.
- 8-61 Same; vehicle turning to left. --The driver of a vehicle, in an intersection and turning therein to the left across the line of travel of vehicles within or approaching the intersection shall yield the right of way to such other vehicles, provided; that where there is an automatic signal device governing the flow of traffic at any intersection and allowing turns to the left while all other vehicular traffic is required to stop, any vehicle making such turn shall have the right of way over all other vehicles approaching the intersection.
- 8-62 Stop before entering public highway or crossing sidewalk from private road, etc; yielding right of way. --The driver of a vehicle entering a public highway or crossing a sidewalk from a private road, driveway, alley, or building shall stop immediately before entering such highway or crossing such sidewalk and, upon entering such highway or crossing such sidewalk shall yield the right of way to all vehicles approaching on such public highway or to all pedestrians or vehicles approaching on such public sidewalk.

8-63 Approach of police or fire department vehicles, ambulances, etc; rescue vehicle defined. -- Upon the approach of any police vehicle, fire department vehicle, vehicle owned or operated by a member of a volunteer fire company, rescue vehicle, or ambulance, giving audible signal by siren or exhaust whistle, the driver of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right-hand edge or curb, clear of any intersection of highways, and shall stop and remain in such position unless otherwise directed by a police or traffic officer, until the police or fire department vehicle or vehicle owned or operated by a member of a volunteer fire company, rescue vehicle, or ambulance shall have passed. This provision shall not operate to relieve the driver of a police or fire department vehicle, or vehicle owned or operated by a member of a volunteer fire company, rescue vehicle, or ambulance from the duty to drive with due regard for the safety of all persons using the highway, nor shall it protect the driver of any such vehicle from the consequences of an arbitrary exercise of such right of way.

As used in this Title, the term "rescue vehicle" is defined as any vehicle designed or utilized for the principal purposes of supplying resuscitation or other emergency relief where human life is endangered.

8-64 Police officers and others exempt from regulations in certain emergencies; exceptions and additional requirements. -- (a) The operator of any publicly owned vehicle operated by or under the direction of the police officer in the chase or apprehension of violators of the law or persons charged with or suspected by any such violation, and the operator of any vehicle used for the purpose of fighting fire or a vehicle owned by a political subdivision of the Commonwealth for rescue purposes when traveling in response to a fire alarm or respirator call, and the operator of any ambulance or rescue or life saving vehicle, whether such vehicle is publicly owned or operated by a non-profit corporation or association when such vehicle is being used in the performance of public services, and when such vehicle is operated under emergency conditions may, without subjecting himself to criminal prosecution:

- (1) Proceed past red signal, light, stop sign, or device indicating that moving traffic shall stop if the speed and movement of the vehicle is reduced and controlled so that it can pass a signal, light or device with due regard to the safety of persons and property.
- (2) Park or stand notwithstanding the provisions of this chapter.
- (3) Disregard regulations governing a direction of movement of vehicles turning in specified directions so long as the operator does not endanger life or property.

(b) These exemptions, hereinbefore granted to such a moving vehicle, shall apply only when the operator of such vehicle displays a flashing, blinking or alternating red light and sounds a siren, bell, or exhaust whistle, as may be reasonably necessary, and only when there is in force and effect for such vehicle standard automobile liability insurance covering injury or death to any one person in the sum of at least \$25,000. Such exemptions shall not, however, protect the operator of any such vehicle from criminal prosecution for conduct constituting reckless disregard of the safety of persons and property. Nothing in this section shall be construed to release the operator of any such vehicle from civil liability for failure to use reasonable care in such operation.

- 8-65 Following or parking near fire apparatus. --It shall be unlawful for the driver of any vehicle, other than one on official business, to follow any fire apparatus traveling in response to a fire alarm at any distance closer than five hundred (500) feet to such apparatus, or to park such vehicle within five hundred (500) feet of where fire apparatus has stopped in answer to a fire alarm.
- 8-66 Driving over a fire hose. --It shall be unlawful, without the consent of the fire department official in command, for the driver of any vehicle to drive over any unprotected hose of a fire department laid down for use at any fire or alarm of fire.
- 8-67 Riding or driving on sidewalks. --If any person ride or drive any vehicle, including bicycles and motorcycles, on the sidewalks of the town, he shall be guilty of a misdemeanor and upon conviction shall be fined not less than five (\$5.00) dollars nor more than twenty-five (\$25.00) dollars.

Article 5

Protection of Pedestrians

- 8-68 How and where pedestrians to cross. --When crossing highways or streets pedestrians shall not carelessly or maliciously interfere with the orderly passage of vehicles. They shall cross wherever possible only at intersections. They shall cross only at right angles.
- 8-69 Right of way of pedestrians. --(a) The driver of any vehicle upon a highway within a business or residence district shall yield the right of way to a pedestrian crossing such highway within any clearly marked crosswalk or any regular pedestrian crossing included in the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a block, except at intersections where the movement of traffic is being regulated by traffic officers or traffic devices.
- (b) No pedestrian shall enter or cross an intersection in disregard of approaching traffic.
- (c) The drivers of vehicles entering, crossing, or turning at intersections shall change their course, slow down, or come to a complete stop if necessary to permit pedestrians to cross such intersections safely and expeditiously.
- (d) Pedestrians crossing highways or streets at intersections shall at all times have the right of way over vehicles making turns into the highways or streets being crossed by the pedestrians.
- 8-70 Pedestrians stepping into street where they cannot be seen. --Pedestrians shall not step into that portion of a highway or street open to moving vehicular traffic at any point between intersections where their presence would be obscured from the vision of drivers of approaching vehicles by a vehicle or other obstruction at the curb or side, except to board a passenger bus or to enter a safety zone, in which event they shall cross the highway or street only at right angles.
- 8-71 Boarding or alighting from buses. --When actually boarding or alighting from passenger buses, pedestrians shall have the right of way over vehicles, but shall not, in order to board or alight from passenger buses, step into the highway or street sooner nor remain there longer than is absolutely necessary.
- 8-72 Pedestrians not to use roadway except when necessary; keeping to left. --Pedestrians shall not use the roadways or streets other than the sidewalk thereof, for travel, except when necessary to do so because of the absence of sidewalks, reasonably suitable and passable for their use, in which case, if they walk upon the hard surface, or the main travelled portion of the roadway, they shall keep to the extreme left side or edge thereof, or where the shoulders of the highway are of sufficient width to permit, they may walk on either shoulder thereof.

- 8-73 Playing on streets or highways; roller skates, toys, or other devices on wheels or runners; persons riding bicycles, etc. not to attach to vehicles. --
(a) No person shall play on a highway or street other than upon the sidewalks thereof. No person shall use on a highway or street where play is prohibited roller skates, or toys or other devices on wheels or runners, except bicycles and motorcycles.
(b) No person riding upon any bicycle, roller skates, toys or other devices on wheels or runners, shall attach the same or himself to any vehicle upon a roadway.
- 8-74 Penalty for violating Secs. 8-68 through 8-73. --Any person convicted of violating any of the provisions of Secs. 8-68 through 8-73 shall be fined not less than two (\$2.00) dollars nor more than twenty-five (\$25.00) dollars for each offense.
- 8-75 When vehicles to stop for pedestrians carrying white or red-tipped white cane. Whenever a pedestrian is crossing or attempting to cross a public street or highway, within the corporate limits of the Town, carrying in a raised or extended position a cane or walking stick clearly visible above the body which is white in color or white tipped with red, the driver of every vehicle approaching the intersection or place of crossing shall bring his vehicle to a full stop before arriving at such intersection or place of crossing, unless such intersection or place of crossing is controlled by a traffic officer.
- 8-76 Unlawful for person not blind or incapacitated to carry such cane. --It is unlawful for any person, unless totally or partially blind or otherwise incapacitated, while on any public street or highway to carry in a raised or extended position a cane or walking stick which is white in color or white tipped with red.
- 8-77 Violation of Sec. 8-75 and Sec. 8-76. --Any person who violates any provision of Sec. 8-75 or Sec. 8-76 shall, upon conviction thereof, be punished by a fine not exceeding twenty-five (\$25.00) dollars or imprisonment in jail not exceeding ten (10) days, or both.
- 8-78 Construction of Sec. 8-75 and Sec. 8-76; failure to use cane or guide dog not contributory negligence. --Nothing contained in Sec. 8-75 or 8-76 shall be construed to deprive any totally or partially blind or otherwise incapacitated person, not carrying such a cane or walking stick or not being guided by a dog, of the rights and privileges conferred by law upon pedestrians crossing streets or highways, nor shall the failure of such totally or partially blind or otherwise incapacitated person to carry a cane or walking stick, or to be guided by a guide dog be held to constitute or be evidence of contributory negligence.
- 8-79 Driving through safety zone prohibited. --The driver of a vehicle shall not at any time drive through or over a safety zone.

Article 6

Railway and Highway Crossing; Parking and Stopping on Highway

8-80 Railroad warning signals must be obeyed. --It shall be unlawful for any person driving a vehicle to disobey a clearly visible or audible crossing signal which signal gives warning of the immediate approach of devices used exclusively upon stationary rails or tracks.

8-81 Stopping on highways; general rule. --(a) No vehicle shall be stopped in such manner as to impede or render dangerous the use of the highway by others, except in the case of an emergency as the result of an accident or mechanical breakdown, in which case a report shall be made to the nearest police officer as soon as practicable and the vehicle shall be removed from the roadway to the shoulder as soon as possible and removed from the shoulder without unnecessary delay; and, if said vehicle is not promptly removed, such removal may also be ordered by a police officer at the expense of the owner if the disabled vehicle creates a traffic hazard.

(b) No vehicle shall be stopped except close to and parallel to the right-hand edge of the curb or roadway, except that a vehicle may be stopped close to and parallel to the left-hand curb or edge of the roadway on one-way streets or may be parked at an angle where permitted by the State Highway Commission or local authorities with respect to streets and highways under their jurisdiction.

The provisions of this section shall not apply to any vehicle owned or controlled by the Commonwealth of Virginia, Department of Highways, or the Town of Vienna, while actually engaged in the construction, reconstruction or maintenance of highways.

8-82 Same; rural mail carriers loading and unloading mail. --(a) The provisions of the first paragraph of Sec. 8-81 shall not apply to any rural mail carrier stopping on the highway while loading or unloading mail at a mail box, provided there be lettered on the back of the vehicle operated by such rural carrier, or lettered on a sign securely attached to and displayed at the rear of such vehicle, in letters at least four (4) inches in height, the following:

CAUTION

FREQUENT STOPS

U. S. Mail

(b) Provided further that nothing in this section shall be construed so as to relieve any such mail carrier from civil liability for such stopping on any highway, if he is negligent in so doing, and if said negligence proximately contributes to any personal injury or property damage resulting therefrom.

- 8-83 Same; to discharge cargo or passengers; school buses. --No truck or bus, or part thereof, except a school bus shall be stopped on the traveled portion of any highway outside of the Town of Vienna for the purpose of discharging or taking on passengers or cargo unless the operator cannot leave the traveled portion of the highway with safety. A school bus may be stopped on the traveled portion of the highway when taking on or discharging school children, but these stops shall be made only at points where the bus can be clearly seen for a safe distance from both directions.
- 8-84 Leaving scene of accident when directed to do so by officer. --A person shall leave the scene of an accident when directed to do so by a police officer.
- 8-85 Flares and other signals when vehicle disabled in highway after dark. --Whenever any bus or truck is disabled upon any portion of the traveled portion of any highway in this State, except upon streets or highways which are artificially lighted at night, at any time during which lights are required upon motor vehicles by Sec. 8-99 the operator of such bus or truck shall place or cause to be placed on the roadway three (3) red reflector flares or torches of a type approved by the Superintendent. One (1) of the flares or torches shall be placed in the center of the lane of traffic occupied by the disabled bus or truck and not less than one hundred (100) feet therefrom in the direction of the traffic approaching in that lane, one (1) not less than one hundred (100) feet from such truck or bus in the opposite direction and one (1) at the traffic side of such bus or truck not closer than ten (10) feet from the front or rear thereof; provided, however, that if such bus or truck is disabled within five hundred (500) feet of a curve or crest of a hill, or other obstruction to view, the flares or torches in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than five hundred (500) feet from the disabled vehicle.
- 8-86 Same; when red reflector flares or red lantern flares required instead of flares. --If any such vehicle is used for the transportation of inflammable liquids in bulk, whether loaded or empty, or for transporting inflammable gases, red reflector flares or red electric lanterns of a type approved by the Superintendent of State Police shall be used. Such reflectors or lanterns shall be lighted and placed upon the roadway in the manner provided in the preceding section.
- 8-87 Same; when red flags required instead of flares, etc. --During such time as lights on motor vehicles are not required red flags not less than twelve (12) inches both in length and width shall be used in the place of flares, torches, reflectors or lanterns. The flags shall be placed upon the roadway in the manner prescribed in Sec. 8-85 and Sec. 8-86 for flares, torches, reflectors, and lanterns, except that no flag shall be required to be placed at the side of such vehicle; but if the disablement of such vehicles continues into the period when lights on motor vehicles are required, flares, torches, reflectors or lanterns shall be placed as required by Sec. 8-85 and Sec. 8-86.
- 8-88 Parking in front of fire hydrant, near street corner, fire station, etc. --No person shall park a vehicle or permit it to stand, whether attended or unattended, upon a highway in front of a private driveway or within fifteen (15) feet in either direction of a fire hydrant or the entrance to a fire station, nor within twenty (20) feet from the intersection of curb lines or, if none, then within fifteen (15) feet of the intersection of property lines at an intersection of highways.

Article 7

Lighting Equipment

- 8-89 Equipment required. --Every vehicle operated or moved upon a highway within this State shall at all times be equipped with such lamps as are in this Article respectively required for different classes of vehicles, which lamps shall at all times be capable of being lighted, except as herein otherwise provided; but this section shall not apply to any vehicle for transporting well-drilling machinery when operated only between the hours of sunrise and sunset.
- 8-90 Head lamps on motor vehicles. --Every motor vehicle other than a motorcycle, road roller, road machinery or tractor used on a highway shall be equipped with at least two head lamps as approved by the Superintendent, at the front of and on opposite sides of the motor vehicle.
- 8-91 Head lamps on motorcycles. --Every motorcycle shall be equipped with at least one (1) and not more than two (2) head lamps which shall be of a type that has been approved by the Superintendent and shall be capable of projecting sufficient light to the front of such motorcycle to render discernible a person or object at a distance of two hundred (200) feet but shall not project a glaring or dazzling light to persons approaching such motorcycles.
- 8-92 Rear lamps. --Every motor vehicle, trailer or semitrailer which is being drawn at the end of one or more other vehicles, or motorcycles shall carry at the rear a lamp capable of exhibiting a red light plainly visible in clear weather from a distance of five hundred (500) feet to the rear of such vehicle and such rear lamp shall be constructed and so mounted in its relation to the rear license plate as to illuminate by a white light such license plate so that the same may be read from a distance of fifty (50) feet to the rear of such vehicle; or a separate white light shall be so mounted as to illuminate and make visible such rear license from a distance of fifty (50) feet to the rear of such vehicle, such rear light or special white light to be of a type that has been approved by the Superintendent.
- 8-93 Lamps on bicycles. --(a) Every bicycle 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 500 feet to the front and with a red reflector on the rear of a type approved by the Superintendent which shall be visible from all distances in clear weather from 50 feet to 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 500 feet to the rear may be used in lieu of or in addition to the red reflector. The lamps herein required shall be of a type that has been approved by the Superintendent.

8-93 (cont.)

(b) In addition to the lamps required herein, each such vehicle shall be equipped with amber reflectors located on the side thereof, at or near the front. Red reflectors shall be used on the rear of each such vehicle. Such reflectors shall be securely fastened to the vehicle not less than twenty-four (24) inches and not more than sixty (60) inches from the ground, provided that in the case of a vehicle which is less than twenty-four (24) inches in height such reflector shall be securely fastened thereto at the highest point the structure of the vehicle will permit. The reflectors required herein shall be of a type that has been approved by the Superintendent.

(c) If any vehicle is so constructed as to make compliance with the requirements of this section impractical, the lamps and reflectors required herein shall be placed on the vehicle in accordance with the Superintendent's regulations; however, the requirement of reflectors shall not apply to school buses unless used during the time that lights are required.

8-94

Lamps on other vehicles; reflex reflectors. --(a) All vehicles or other mobile equipment not heretofore in this article required to be equipped with specified lamps shall carry one (1) or more lamps or lanterns capable of projecting a white light to the front and a red light to the rear visible in clear weather from a distance of not less than five hundred (500) feet to the front and rear of such vehicles.

(b) In lieu of or in addition to the lamps or lanterns a reflex reflector of a type, size and color approved by the Superintendent may be permanently affixed to the rear and front of such vehicle.

8-95

Dimension or marker lights; generally. --All motor vehicles, trailers, or semitrailers exceeding seven (7) feet in height or in width or the widest portion of which extends four (4) inches beyond the front fender extremes shall be equipped with lamps mounted at the extreme right and left hand front top corners of such vehicle, each of which lamps shall be capable of projecting an amber light visible in clear weather for a distance of at least five hundred (500) feet to the front of such vehicle, and shall be equipped with lamps mounted at the extreme right and left hand rear top corners of such vehicle, each of which lights shall be capable of projecting a red light visible in clear weather for a distance of at least five hundred (500) feet to the rear of such vehicle. If the front or the rear of such vehicle shall not be the widest portion of such vehicle the dimension or marker lights required in this section shall be mounted on the widest portions of the vehicle with the amber lights herein required visible from the front as herein required and the red lights herein visible from the rear as herein required. °

8-96

Same; vehicles or loads exceeding thirty-five (35) feet. --Whenever any motor vehicle or combination of vehicles whose actual length, including the road thereon, shall exceed thirty-five (35) feet and is not subject to the provisions of Sec. 8-95, such vehicles shall, when operated during the hours of darkness, be equipped with reflectors of a type approved by the Superintendent. Such reflectors shall be mounted on the widest part of the towed vehicle or the load thereon so as to be visible from the front and sides of the vehicle.

8-97 Spotlights and ditch lights. --Any motor vehicle or motorcycle may be equipped with not to exceed two (2) spotlights or two (2) ditch lights which when lighted shall be aimed and used so that no portion of the beam will be directed to the left of the center of the highway at any time or more than one hundred (100) feet ahead of the vehicle and shall be of a type that has been approved by the Superintendent. No such spotlights shall be used in conjunction with or as a substitute for required headlights, except in case of emergency.

8-98 Other permissible lights; police and fire department vehicles, emergency vehicles, etc. --Any motor vehicle may be equipped with not to exceed two (2) fog lamps, one (1) passing lamp, one (1) driving lamp, two (2) side lamps of not more than six candle power; interior light of not more than fifteen (15) candle power; vacant or destination signs on vehicles operated as public carriers, and signal lamps.

Any police vehicle, fire department vehicle, school bus, vehicle owned or operated by a member of a volunteer fire company, ambulance, any rescue vehicle, whether publicly or privately owned, used for emergency calls, and any vehicle used for the principal purpose of towing disabled vehicles or in constructing, maintaining, and repairing public highways or utilities on or along public highways, may be equipped with flashing, blinking or alternating warning lights of a type approved by the Superintendent. The Superintendent may limit the number of vehicles to be equipped with such warning lights owned by any one department, association or person.

In addition to the foregoing, the Superintendent, upon application of the chief of any volunteer fire company, shall authorize the issuance of permits to members of any volunteer fire company designated by the chief in such application, to equip one (1) privately owned vehicle each with warning lights for use in emergency calls. Provided however, that no motor vehicle shall be operated on any highway which is equipped with any lighting device other than the lamps required or permitted in this article or required or permitted by the Superintendent.

8-99 When lights to be lighted; number of lights to be lighted at any time; use of warning lights. --(a) Every vehicle upon a highway within this state shall display lighted lamps and illuminating devices as required by this article from a half (1/2) hour after sunset to a half (1/2) hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons or vehicles are not clearly discernible at a distance of five hundred (500) feet.

8-99 (cont.)

(b) Not more than four (4) lamps used to provide general illumination ahead of the vehicle, including at least two (2) head lamps and any other combination of fog lamps, passing lamp, driving lamp or other auxiliary lamp approved by the Superintendent shall be lighted at any time. Provided, however, this limitation shall not preclude the display of such warning lights as may be authorized in Sec. 8-98, nor such lights as may be authorized by the Superintendent for purposes of identification, other than warning lights.

(c) Vehicles equipped with warning lights authorized in Sec. 8-98 shall display such lights at all times when engaged in emergency calls, and if engaged in towing disabled vehicles or in constructing, repairing and maintaining public highways or utilities on or along public highways, such lights shall be displayed during the periods prescribed in paragraph (a).

- 8-100 Requirements as to single-beam head lamps. --Approved single beam head lamps shall be aimed in accordance with requirements adopted by the Superintendent so as not to project a glaring or dazzling light to persons approaching such head lamps and shall be of sufficient intensity to reveal persons and objects at a distance of at least two hundred (200) feet.
- 8-101 Requirements as to multiple-beam head lamps. --Approved multiple-beam head lamps, shall be aimed in accordance with requirements adopted by the Superintendent based on recommendations of the Society of Automotive Engineers. An uppermost distribution of light shall be provided of sufficient intensity to reveal persons and objects at least three hundred and fifty (350) feet ahead and at least one (1) lower, non-glaring distribution of light shall be provided. All road lighting beams shall be of such intensity as to reveal persons and objects at least one hundred (100) feet ahead.
- 8-102 Indicator lamp required. --Every new motor vehicle hereafter sold when operated on a highway shall be equipped with an indicator lamp in good condition which shall indicate to the operator when the uppermost distribution of light is being used.
- 8-103 When dimming headlights, etc., required. --Whenever a vehicle is being operated upon a highway or a portion thereof which is sufficiently lighted to reveal any person or object upon such way at a distance of three hundred and fifty (350) feet ahead, the operator of such vehicle shall use one (1) of the lowermost distributions of light or shall dim the head lamps if the vehicle has single beam lamps. Whenever a vehicle approaches an oncoming vehicle within five hundred (500) feet it shall be the duty of the operator of such vehicle to use one (1) of the lowermost distributions of light so aimed that glaring rays are not projected into the eyes of the oncoming driver or to dim the headlights if the vehicle has single beam lamps. Whenever the operator of any motor vehicle approaches from the rear or follows within two hundred (200) feet of any motor vehicle proceeding in the same direction, such operator shall use the lowermost distribution of light or shall dim the headlights if the vehicle has single beam lamps.

- 8-104 Dimming or lowering headlights on parked vehicles. --Whenever a vehicle is parked so that the beam from the headlights of such parked vehicle will glare into the eyes of the driver of a vehicle approaching upon a highway, it shall be the duty of the operator of the parked vehicle to dim or low beam such lights so that glaring rays are not projected into the eyes of such approaching driver.
- 8-105 Specifications for and tests of lighting devices. --The Superintendent shall determine whether any lighting device of a type sold for use or used upon any motor vehicle, trailer or semitrailer will comply with the requirements of this Title and the specifications adopted by him for laboratory tests. The Superintendent may adopt current specifications of the Society of Automotive Engineers for such laboratory tests. He shall publish lists of approved devices by name and type.
- 8-106 Lights on parked vehicles. --Whenever a vehicle is parked or stopped upon a highway, whether attended or unattended, during the period from a half (1/2) hour after sunset to a half (1/2) hour before sunrise there shall be displayed upon such vehicle one (1) or more lamps projecting a white or amber light visible in clear weather from a distance of five hundred (500) feet to the front of such vehicle and projecting a red light visible under like conditions from a distance of five hundred (500) feet to the rear.

Article 8

Brakes, Horns, and other Mechanical Equipment

- 8-107 Brakes. --Every motor vehicle when operated upon a highway shall be equipped with brakes adequate to control the movements of and to stop and hold such vehicle, and such brakes shall be maintained in good working order and shall conform to regulations provided in Sec. 8-107 through Sec. 8-110.
- 8-108 Within what distances brakes should stop vehicle. --On a dry, hard, approximately level stretch of highway free from loose material, the service (foot) brake shall be capable of stopping the motor vehicle at a speed of twenty (20) miles per hour within a distance of twenty-five (25) feet with four (4) wheel brakes or forty-five (45) feet with two (2) wheel brakes. The hand brake shall be capable of stopping the vehicle under like conditions within a distance of not more than seventy five (75) feet.
- 8-109 Same; trucks, etc. --Motor trucks and tractortrucks with semitrailers attached shall be capable of stopping on a dry, hard, approximately level highway free from loose material at a speed of twenty (20) miles per hour within the following distances: Thirty (30) feet with both hand and service brake applied simultaneously and fifty (50) feet when either is applied separately.
- 8-110 Brakes on trailers. --(a) Every semitrailer or trailer or separate vehicle attached by a drawbar, chain, or coupling to a towing vehicle other than a farm tractor or a vehicle not required to obtain an annual registration certificate for license plates under 46.1-45, Code of Virginia, 1950, as amended, and having an actual gross weight of three thousand (3,000) pounds or more, shall be equipped with brakes controlled or operated by the driver of the towing vehicle which shall conform to the specifications set forth in Sec. 8-109 and shall be of a type approved by the Superintendent.
(b) "Gross weight" for the purpose of this section includes the load upon such semitrailer, trailer, or separate vehicle.
- 8-111 Requirements for parking. --No person having control or charge of a motor vehicle shall allow such vehicle to stand on any highway unattended without first effectively setting the hand brake thereon, stopping the motor and turning the front wheels into the curb or side of the highway.

- 8-112 Steering gear. --Every motor vehicle being operated upon a highway shall be equipped with steering gear adequate to insure the safe control of the vehicle which shall not show signs of weakness or breaking under ordinary conditions.
- 8-113 Horns. --Every motor vehicle operated upon a highway shall be equipped with a horn in good working order, capable of emitting sound audible under normal conditions over a distance of not less than two hundred (200) feet.
- 8-114 Illegal sirens, whistles, etc.; unlawful use of horn, etc. --It shall be unlawful for any vehicle to be equipped with or for any person to use upon any vehicle any siren or exhaust, compression or spark plug whistle or horn except as may be authorized in this Title. It shall be unlawful for any vehicle to be equipped with or for any person to use any horn or warning device while upon a highway or any way open to public travel that is not of a type that has been approved by the Superintendent or for any person at any time to use a horn otherwise than as a reasonable warning or to make any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device, except that the vehicles of common carriers or extraordinarily large and heavy vehicles may be equipped with such type of warning device as the Superintendent may require or permit.
- 8-115 Sirens or exhaust whistles upon emergency vehicles. --Every police vehicle and fire department vehicle and every ambulance or rescue vehicle used for emergency calls shall be equipped with a siren or exhaust whistle of a type not prohibited by the Superintendent. The Superintendent, upon application of the chief of any volunteer fire company shall authorize the issuance of permits to not more than three (3) officers of such volunteer fire company, designated by the chief in such application, to equip their respective privately-owned motor vehicles with a siren of a type not prohibited by the Superintendent, for use in emergency calls of the fire company only; provided that no person shall so equip more than one (1) such motor vehicle.

It shall be unlawful for any member of a volunteer fire company to install any such siren without first obtaining a permit or to use the siren for any other purpose than answering a fire call of his company. Any person violating the provisions of this section shall be guilty of a misdemeanor.

- 8-116 Warning devices on school buses; use thereof. --Every bus used for the principal purpose of transporting school children shall be equipped with a warning device of such type as may be prescribed by the State Board of Education after consultation with the Superintendent of State Police. Such a warning device shall indicate when such bus is stopped, is about to stop, and when it is taking on or discharging children. Such warning device shall be used and in operation for a distance of not less than one hundred (100) feet before any proposed stop of such bus if the lawful speed limit is less than thirty-five (35) miles per hour, and for a distance of at least two hundred (200) feet before any proposed stop of such bus if the lawful speed limit is thirty-five (35) miles per hour or more.

8-116 (cont.)

(b) Any person operating such bus who fails or refuses to equip such vehicle being driven by him with such equipment, or who fails to use such warning devices in the operation of such vehicle shall be guilty of a misdemeanor, and shall on conviction be fined not less than five (\$5.00) dollars nor more than twenty-five (\$25.00) dollars.

- 8-117 Failure to use school bus warning devices not to relieve motorist from duty. -- The failure of any school bus to have the warning device prescribed in Sec. 8-116 or the failure of the operator to use such warning device shall not relieve the operator of any motor vehicle from the duty to stop at or before passing such stopped school bus while taking on or discharging children as provided in Sec. 8-29 (f).
- 8-118 Mirrors. -- No person shall operate a motor vehicle upon a highway which is not equipped with a mirror so located as to reflect to the operator a view of the highway for a distance of not less than two hundred (200) feet to the rear of such vehicle.
- 8-119 Rear fenders, flaps, or guards required for certain motor vehicles. -- (a) No person shall operate upon a highway any motor vehicle or combination of vehicles having a licensed gross weight in excess of forty thousand (40,000) pounds which motor vehicle or combination of vehicles is not equipped with rear fenders, flaps, or guards which shall be of such size as will substantially prevent the projection of rocks, dirt, water, or other substance to the rear. Vehicles used exclusively for hauling logs shall be exempt from the provisions of this section.
(b) "Gross weight" for the purpose of this section includes the load upon such motor vehicles or combination of vehicles.
- 8-120 Signs on windshields, etc. -- It shall be unlawful for any person to operate any motor vehicle upon a highway with any sign, poster or other nontransparent material upon the front windshield, sideshields or rear windows of such motor vehicle other than a certificate or other paper required to be placed by law or which may be permitted by the Superintendent.
- 8-121 Suspension of objects so as to obstruct view of driver. -- It shall be unlawful for any person to operate a motor vehicle upon a highway in this State with any object or objects, other than a rear view mirror, sun visor, or other equipment of the motor vehicle approved by the Superintendent, suspended from any part of such motor vehicle in such a manner as to obstruct the driver's clear view of the highway through the windshield, the front side window, or the rear window.

8-122 Windshield wipers. --(a) Every permanent windshield on a motor vehicle shall be equipped with a device for cleaning snow, rain, moisture or other matter from the windshield directly in front of the operator. The device shall be so constructed as to be controlled or operated by the operator of the vehicle; provided that every such device on a vehicle designed or used to carry passengers for compensation or hire or as a public conveyance to transport school children or others shall be of a mechanically or electrically operated type. The device or devices on any motor vehicle manufactured or assembled after January first, nineteen hundred and forty-three (1943), shall clean both the right and left sides of the windshield and shall be of a mechanically or electrically operated type.

8-123 When safety glass required. --(a) It shall be unlawful for any person to operate on any highway a motor vehicle registered in this State and manufactured or assembled after January first, nineteen hundred and thirty-five (1935) and designed or used for the purpose of carrying persons for compensation or hire or as a public conveyance to transport school children and other, unless such vehicle be equipped with safety glass wherever glass is used in doors, windows, windshields and sideshields.

(b) It shall be unlawful to operate on any highway any motor vehicle registered in this State, manufactured or assembled after January first, nineteen hundred and thirty-six (1936), unless such vehicle be equipped with safety glass approved by the Superintendent, or meets the standards and specifications of the American Standards Association whenever glass is used in doors, windows, windshields, and sideshields.

(c) The term "safety glass" as used in this section shall be construed to mean any product composed of glass so manufactured, fabricated, or treated as substantially to prevent shattering and flying of the glass when struck or broken. The Commissioner shall maintain a list of types of glass approved by the Superintendent as conforming to the specifications and requirements for safety glass as set forth in this section and shall not issue a license for or relicense any motor vehicle subject to the provisions herein stated unless such motor vehicle be equipped as herein provided with such approved type of glass.

(d) No glazing material other than safety glass shall be used in any motor vehicle registered in this State, except that the Superintendent may permit safety glazing materials other than glass to be used in lieu of safety glass in portions of motor vehicles, trailers, and semitrailers designated by him; provided any such material so used bears a trade name or identifying mark, and has been submitted to and approved by the Superintendent for such use prior to being used in any such motor vehicle, trailer, or semitrailer.

(e) If any person shall operate any vehicle in violation of the provisions of this section, he shall be punished as provided in Sec. 8-25, if such person shall operate such vehicle under a certificate issued by the State Corporation

8-123 (cont.)

Commission, in addition to the penalty provided in Sec. 8-2 the certificate of such person may in the discretion of the State Corporation Commission be suspended until the provisions of this Section are satisfactorily complied with.

(f) Replacement safety glass installed in any part of a vehicle other than the windshield need not bear a trademark or name, provided the glass consists of two (2) or more sheets of glass separated by a glazing material, and provided the glass is cut from a piece of approved safety glass, and provided the edge of the glass can be observed.

- 8-124 Replacement of glass in vehicle. --It shall be unlawful for any person to replace any glass in any vehicle with any material other than an approved type of safety glass; provided, that safety glazing materials other than glass approved by the Superintendent as provided in Sec. 8-123 may be used to replace safety glass in any portion of a motor vehicle which has been designated for such use by the Superintendent.
- 8-125 Cleats, etc., on tires; chains. --No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use farm machinery having protuberances which will not injure the highway and to use tire chains of reasonable proportions when required for safety because of snow, ice or other conditions tending to cause a vehicle to slide or skid.
- 8-126 When signal device required; exception as to motorcycles. --(a) Any motor vehicle which is so constructed or carries a load in such a manner as to prevent a hand and arm signal required in Sec. 8-56 from being visible both to the front and rear of such vehicle or any vehicle the driver of which is incapable of giving the required hand and arm signals shall be equipped with a mechanical or electrical signal device which meets the requirements of this Title and is of a type that has been approved by the Superintendent.
- (b) It shall be unlawful for any person to operate on any highway a motor vehicle registered in this State and manufactured or assembled after January first, nineteen hundred and fifty-five (1955), unless such vehicle be equipped with such a mechanical or electrical signal device on both front and rear.
- (c) Any such mechanical or electrical signal device may be used in lieu of the hand and arm signal required by Sec. 8-56.
- (d) The first two (2) paragraphs of this section shall not apply to any motorcycle.

- 8-127 Requirements of such devices. --Every device intended and used to give a signal of intention to turn or to stop a vehicle shall be so constructed and so installed as to give a signal plainly visible in clear weather and under normal traffic conditions from a distance of at least one hundred (100) feet to the rear and one hundred (100) feet to the front of the vehicle, except that stop signal need be visible only to the rear; and provided that no front signal shall be required on vehicles manufactured or assembled before January first, nineteen hundred and forty-three (1943).
- 8-128 Flag or light at end of load. --Whenever the load on any vehicle shall extend more than four (4) feet beyond the rear of the bed or body thereof, there shall be displayed at the end of such load in such position as to be clearly visible at all times from the rear of such load, a red flag, not less than twelve (12) inches, both in length and width, except that between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise, there shall be displayed at the end of such load a red light plainly visible in clear weather at least five hundred (500) feet to the sides and rear of such vehicle.
- 8-129 Exhaust system in good working order required. --(a) No person shall drive and no owner of a motor vehicle shall permit or allow the operation of any owned vehicle upon a highway unless such motor vehicle is equipped with an exhaust system of a type installed as standard factory equipment, or comparable to that designed for use upon the particular vehicle as standard factory equipment, in good working order and in constant operation to prevent excessive or unusual noise, annoying smoke, and escape of excessive gas, steam, or oil. An exhaust system shall not be deemed to prevent excessive or unusual noise if it permits or allows the escape of noise in excess of that permitted by the standard factory equipment exhaust system of private passenger motor vehicles or trucks of standard make.
- (b) The term "exhaust system" as used in this section means all parts of a motor vehicle through which the exhaust passes after leaving the engine block.
- 8-130 Muffler cutout, etc., illegal. --It shall be unlawful to sell or offer for sale a muffler without interior baffle plates or other effective muffling device, commonly called "guttled muffler", "muffler cutout", or "straight exhaust", or for any motor vehicle to be equipped with or for any person to use such a "guttled muffler", "muffler cutout", or "straight exhaust" while such motor vehicle is being operated upon a highway.
- 8-131 Construction of vehicle must prevent escape of contents. --No vehicle shall be operated or moved on any highway unless such vehicle is so constructed as to prevent its contents from dropping, sifting, leaking, or otherwise escaping therefrom.

TITLE 9

NUMBERING OF HOUSES AND BUILDINGSSec.

- 9-1 Uniform system of numbering established.
 9-2 Assignment of numbers; required use.
 9-3 Placing numbers.
 9-4 Multiple use of same number.
 9-5 Continuity of system.
 9-6 Duty of police to report violations.
 9-7 Violations and penalties.

- 9-1 Uniform system of numbering established. --There is hereby established a uniform system of numbering houses and buildings fronting on all streets, avenues, and public ways in the Town of Vienna, and all houses and buildings shall be numbered in accordance with the provisions of this Title.
- 9-2 Assignment of numbers; required use. --There shall be assigned to each house and building located on any street, avenue, alley, or highway in said Town, its respective number under the uniform system provided for in this Title. When each house and building has been assigned its respective number or numbers, the owner, occupant, or agent shall place or cause to be placed upon each house or building controlled by him the number or numbers assigned under the uniform system provided for in this Title and in accordance with the Numbering Plat bearing date of September 6, 1955, filed in the Office of the Town Clerk.
- 9-3 Placing numbers. --Such number or numbers shall be placed within 20 days after the assigning of the proper number. The numbers shall be conspicuously placed immediately above, on, or at the side of the proper door of each building so that the number can be seen plainly from the street. Whenever any building is situated more than fifty (50) feet from the street line, the number of such building shall be conspicuously displayed at the street line, near the walk, driveway or common entrance to such building and upon the gate post, fence, tree, post, or other appropriate place so as to be easily discernible from the sidewalk.
- 9-4 Multiple use of same number. --Where only one number can be assigned to any house or building the owner, occupant, or agent of such house or building who shall desire distinctive numbers for the upper and lower portion of any such house or building, or for any part of such house or building, fronting on any street, such owner, occupant, or agent shall use the suffix A, B, C, etc., as may be required.
- 9-5 Continuity of system. --Whenever any house, building or structure shall be erected or located in the Town of Vienna, Virginia, in order to preserve the continuity and uniformity of numbers of the houses, buildings, and structures, it shall be the duty of the owner to procure the correct number or numbers as designated from the Town Clerk for the said property and immediately to fasten the said number so assigned upon said building as provided by this Title. No building permit shall be issued for any house, building, or structure until the owner has procured from the Clerk the official number of the premises.

- 9-6 Duty of police to report violations. --It shall be the duty of all police officers of the Town of Vienna, Virginia, to report violations of any provision of this Title.
- 9-7 Violations and penalties. --Failure to comply with the provisions of this Title shall constitute a misdemeanor, and each day that such violation continues to exist shall constitute a separate offense.

TITLE 10

PLUMBING

Chapter 1.	General Provisions.	Sections 10-1 to 10-37
Chapter 2.	Quality and Weights of Materials.	Sections 10-38 to 10-53
Chapter 3.	The Plumbing System.	Sections 10-54 to 10-129

Chapter 1

General Provisions

Article 1

Definitions; licenses; fees; permits; penaltiesSec.

10-1	Definitions.
10-2	License required.
10-3	Permit required; exception.
10-4	Fees for permits and inspections.
10-5	Penalties for all violations of this Title except as provided in Sections 10-16 and 10-18.

Article 2

General Regulations

10-6	Grades of horizontal piping.
10-7	Change in direction.
10-8	Prohibited fittings.
10-9	Dead ends.
10-10	Protection of material.
10-11	Workmanship.
10-12	Installation of plumbing by owner.
10-13	Proper ventilation necessary.
10-14	Ventilating pipe, how connected.
10-15	Temporary toilet facilities during construction work.
10-16	Placing of waste material in Town storm water sewer system prohibited.
10-17	How previous section enforced.
10-18	Penalty for violation of section 10-16.
10-19	Commercial refrigerators and special wastes; how fixtures permitted to connect.
10-20	Same; refrigerator wastes.
10-21	Same; overflow pipes and motor exhausts.

Article 3

Inspections and Tests

10-22	Inspection required.
10-23	Inspection and testing procedure; fee for renotification.
10-23.1	Procedure when inspector fails to appear.
10-24	Material and labor for tests.
10-25	System tests.
10-26	Order of tests.
10-27	Covering of work.
10-28	Uncovering of work.
10-29	Defective work.
10-30	House sewer and house drain tests.
10-31	Stable test.
10-32	Garage system.
10-33	Test of water distribution system.
10-34	Certificate of approval.
10-35	Test of defective plumbing.
10-36	Defective fixtures in general.
10-37	When inspections and tests not required.

Article 1

10-1

Definitions, --

(a) **PLUMBING.** Plumbing is the art of installing in buildings the pipes, fixtures, and other apparatus for bringing in the water supply and removing liquid and water-carried wastes.

(b) **PLUMBING SYSTEM.** The plumbing system of a building includes the water supply distributing pipes; the fixtures and fixture traps; the soil, waste and vent pipes; the house drain and house sewer; with their devices, appurtenances, and connections all within or adjacent to the building.

(c) **WATER-SERVICE PIPE.** The water-service pipe is the pipe from the water main to the building served.

(d) **WATER-DISTRIBUTION PIPES.** The water-distribution pipes are those which convey water from the service pipe to the plumbing fixtures.

(e) **PLUMBING FIXTURES.** Plumbing fixtures are receptacles intended to receive and discharge water, liquid, or water-carried wastes into a drainage system with which they are connected.

(f) **TRAP.** The trap is a fitting or device so constructed as to prevent the passage of air or gas through a pipe without materially affecting the flow of sewage or waste water through it.

(g) **TRAP SEAL.** The trap seal is a vertical distance between the crown weir and the dip of the trap.

(h) **VENT PIPE.** A vent pipe is any pipe provided to ventilate a house-drainage system and to prevent trap siphonage and back pressure.

(i) **LOCAL VENTILATING PIPE.** A local ventilating pipe is a pipe through which foul air is removed from a room or fixture.

(j) **SOIL PIPE.** A soil pipe is any pipe which conveys the discharge of water closets, with or without the discharges from other fixtures, to the house drain.

(k) **WASTE PIPE AND SPECIAL WASTE.** A waste pipe is any pipe which receives the discharge of any fixture, except water-closets, and conveys the same to the house drain, soil, or waste stacks. When such pipe does not connect directly with a house drain or soil stack, it is termed a special waste.

(l) **MAIN.** The main of any system of horizontal, vertical, or continuous piping is that part of such system which receives the wastes, vent or back vents, from fixture outlets or traps, direct or through branch pipes.

(m) **BRANCH.** The branch of any system of piping is that part of the system which extends horizontally at a slight grade, with or without lateral or vertical extensions or vertical arms, from the main to receive fixture outlets not directly connected to the main.

(n) **STACK.** Stack is a general term for any vertical line of soil, waste, or vent piping.

(o) **HOUSE DRAIN.** The house drain is that part of the lowest horizontal piping of a house drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of any building and conveys the same to the house sewer beginning five (5) feet outside of the inner face of the building wall.

10-1 (cont.)

(p) HOUSE SEWER. The house sewer is that part of the horizontal piping of a house drainage system extending from the house drain five (5) feet outside of the inner face of the building wall to its connection with the main sewer or cesspool and conveying the drainage of but one (1) building site.

(q) SIZE AND LENGTH. The given caliber or size of pipe is for a nominal internal diameter, except that other than iron pipe size, brass pipe is measured by its outside diameter. The developed length of a pipe is its length along the center line of pipe and fittings.

(r) DEAD END. A dead end is a branch leading from a soil, waste, vent, house drain, or house sewer, which is terminated at a developed distance of two (2) feet or more by means of a cap, plug, or other fitting not used for admitting water to the pipe.

10-2 License required. --No person, partnership, or corporation shall engage in the plumbing business or trade without first obtaining a specific license from the Town of Vienna to do so.

10-3 Permit required, exception. --Any person, partnership, or corporation intending to install, repair, or maintain any plumbing system within the Town of Vienna shall before beginning work on said system obtain a permit from the Town Council; provided, however, that no permit will be required for work not requiring inspection under Section 10-37 of this Title.

10-4 Fees for permits and inspections. --The Town of Vienna shall collect the following fees and charges for permits which shall be paid into the Town Treasury:

Base permit	- \$5.00; an additional charge of 50¢ per fixture
Water connection	- \$1.00
Sewer connection	- \$3.00
Sewer Lateral	- \$3.00

(See also Section 10-23-c)

10-5 Penalties for all violations of this Title, except as provided in Sections 10-16 and 10-18. --Any person violating any provision of this Title, except as provided in the second sentence of this section, and in Sections 10-16 and 10-18, shall be deemed guilty of a misdemeanor and upon conviction be fined not more than fifty (\$50.00) dollars nor less than ten (\$10.00) dollars for each offense. Each day such violation continues after notice shall constitute a separate offense; provided, however, that failure to obtain a permit before beginning work on any plumbing system as required by this Title shall be punished by a fine of not less than ten (\$10.00) dollars nor more than twenty-five (\$25.00) dollars, and each day that work is continued on such plumbing system under such circumstances shall constitute a separate offense.

- 10-6 Grades of horizontal piping. --All horizontal piping shall be run in practical alignment and at a uniform grade of not less than one-eighth of an inch per foot, and shall be supported or anchored at intervals not to exceed ten (10) feet. All stacks shall be supported at their bases, and all pipes shall be rigidly secured.
- 10-7 Change in direction. --All changes in direction shall be made by the appropriate use of forty-five (45) degree wyes, half wyes, long sweep quarter bends, sixth, eighth, or sixteenth bends, except that single sanitary tees may be used on vertical stacks, and short quarter bends may be used in soil and waste lines where the change in direction of flow is from the horizontal to the vertical. Tees and crosses may be used in vent pipes.
- 10-8 Prohibited fittings. --No double hub, double T, or double sanitary T branch shall be used on soil or waste lines. The drilling and tapping of house drains, soil, waste, or vent pipes, and the use of saddle hubs and bands is prohibited.
- 10-9 Dead ends. --In the installation of any drainage system dead ends shall be avoided.
- 10-10 Protection of material. --All pipes passing under or through walls shall be protected from breakage. All pipes passing through or under cinder, concrete, or other corrosive material shall be protected against external corrosion.
- 10-11 Workmanship. --Workmanship shall be of such character as fully to secure the results sought to be obtained in all of the sections of this Title.
- 10-12 Installation of plumbing by owner. --All plumbing installed by the owner shall comply with the requirements of this Title, and in such event the word "owner" shall be substituted for the word "plumber" throughout this Title.
- 10-13 Proper ventilation necessary. --No trapped plumbing fixtures shall be located in any room or apartment that does not contain a window placed in an external wall or is not otherwise provided with proper ventilation.
- 10-14 Ventilating pipe, how connected. --Ventilation pipes from fixtures and toilet rooms shall be separate and distinct and have no connection whatever with the other ventilating ducts or pipes in the building.
- 10-15 Temporary toilet facilities during construction work. --Suitable toilet facilities shall be provided for the use of workmen during the construction of any building. These toilet facilities shall be maintained in a sanitary condition.

- 10-16 Placing of waste material in Town storm water sewer system prohibited. --It shall be unlawful for any person, firm, or corporation to place, cause the placing of, or permit the placing of any waste material or debris, organic or inorganic, including, but not limited to, paper, leaves, cloth, wood, or residue from septic tanks, into the storm water sewer system of the Town of Vienna.
- 10-17 How previous Section enforced. --The Plumbing Inspector of the Town of Vienna shall enforce the provisions of Section 10-16, including but not limited to inspecting any premises of any person, firm, or corporation, to determine the unlawful use of the Town of Vienna sewer systems.
- 10-18 Penalty for violation of Section 10-16. --Any person, firm, or corporation violating the provisions of Section 10-16, upon conviction thereof, shall be punished as provided in Section 1-6 of the Town of Vienna Code.
- 10-19 Commercial refrigerators and special wastes, how fixtures permitted to connect. --No waste pipe from a refrigerator or ice-box floor drain or any other receptacle where food is stored shall connect directly with any house drain, soil, or waste pipe. Such waste pipes shall in all cases empty into an open sink that is properly supplied with water, connected, trapped, and vented, the same as other fixtures, or they may discharge into a downspout or rain leader trap located inside the building or into a cellar floor drain, but their ends must be left open. Such waste connects shall not be located in inaccessible or unventilated cellars.
- 10-20 Same; refrigerator wastes. --Refrigerator-waste pipes shall not be less than one and one-fourth (1 1/4) inches for one (1) opening, one and one-half (1 1/2) inches for three (3) openings, and for four (4) to twelve (12) openings must be not less than two (2) inches, and shall have at each opening a trap, and cleanout at angles, so arranged as properly to flush and clean pipes. Such waste pipes shall be continued not less than full size through the roof, except where such fixtures are located in the basement or first floor.
- 10-21 Same; overflow pipes and motor exhausts. --Pipes from a water supply tank or exhaust from a water lift shall not be directly connected with any house drain, soil, or waste pipe. Such pipes shall discharge upon the roof or be trapped into an open fixture or discharge as for refrigerator wastes.

Article 3

- 10-22 Inspection required. --All piping, traps, and fixtures of a plumbing system shall be inspected by the proper administrative authority to insure compliance with all the requirements of this Title and the installation and construction of the system in accordance with the approved plans and the permit.
- 10-23 Inspection and testing procedure; fee for renotification. --
 (a) It shall be the duty of the plumber to notify the proper administrative authority and the owner or his authorized agent orally, by telephone, or in writing, not less than eight (8) working hours between the hours of eight (8) A. M. and four (4) P. M. before the work is to be inspected or tested.
 (b) It shall be the duty of the plumber to make sure that the work will stand the test prescribed before giving the above notification.
 (c) If the proper administrative authority finds that the work will not stand the test, the plumber shall be required to re-notify as above and to pay the sum of one (\$1.00) dollar for each notification.
- 10-23.1 Procedure when inspector fails to appear. --If the proper administrative authority fails to appear within twenty-four (24) hours of the time set for each inspection or test, the inspection or test shall be deemed to have been made, and the plumber required to file an affidavit with the proper administrative authority that the work was installed in accordance with this Title, the approved plans and permit, that it was free from defects, that the required tests had been made and the system found free from leaks, and whether the owner or his authorized agent was present when such inspection or test was made, or was duly notified.
- 10-24 Material and labor for tests. --The equipment, material, power, and labor necessary for inspections and tests shall be furnished by the plumber.
- 10-25 System tests. --All the piping of a plumbing system shall be tested with water or air. The Plumbing Inspector shall determine the method of testing the system under inspection in accordance with the usually approved tests for each type of system.
- 10-26 Order of tests. --The tests may be made separately, as follows:
 (a) The house sewer and all its branches from the property line to the house drain.
 (b) The house drain, including all piping to the height of ten (10) feet above the highest point on the house drain except the exposed connections to fixtures.
 (c) The soil, waste, vent, inside conductor, and drainage pipes which would be covered up before the building is enclosed or ready for completion. The tests required for (b) and (c) may be combined.
 (d) The final test of the whole system.
 (e) After each of the above tests has been made and proved acceptable, the proper administrative authority shall issue a written approval.

- 10-27 Covering of work. --No drainage or plumbing system or part thereof shall be covered until it has been inspected, tested, and approved as herein prescribed.
- 10-28 Uncovering of work. --If any house drainage or plumbing system or part thereof is covered before being regularly inspected, tested, and approved, as herein prescribed, it shall be uncovered upon the direction of the proper administrative authority.
- 10-29 Defective work. --If inspection or test shows defects, such defective work or material shall be replaced within three (3) days and inspection and test repeated.
- 10-30 House sewer and house drain tests. --The house sewer and house drain shall be tested with water or air. The water test shall have not less than a ten (10) foot head of water and the air test not less than a five (5) pound pressure. All alterations, repairs, or extensions, which shall include more than ten (10) feet, shall be inspected and tested. (NOTE: The last sentence is ambiguous: I think it means "...or extensions longer than ten (10) feet..." does it?)
- 10-31 Stable test. --If a stable or any part of a stable be used for human habitation, the same inspections and tests of plumbing systems thereof shall be made as in the case of an ordinary dwelling.
- 10-32 Garage system. --For a garage or any part of a garage the same tests and inspection of the plumbing system thereof shall be made as in the case of an ordinary dwelling. (NOTE: It would seem that this should have the same clause as 10-31 -- "...to be used for human habitation..." after "any part of a garage." Should it?)
- 10-33 Test of water-distribution system. --Upon the completion of the entire water-distribution system it shall be tested and proved tight under a water pressure of not less than the maximum working pressure under which it is to be used.
- 10-34 Certificate of approval. --Upon the satisfactory completion and final test of the plumbing system a certificate of approval shall be issued by the proper administrative authority to the plumber to be delivered to the owner.
- 10-35 Test of defective plumbing. --A test shall be made of the sanitary condition of the drainage or plumbing system of all buildings where there is reason to believe that it has become defective. In buildings condemned by the proper administrative authority because of insanitary conditions of the plumbing system the alterations in such system shall be not be considered as repairs, but as new plumbing.
- 10-36 Defective fixtures in general. --All installed fixtures found defective or in an insanitary condition shall be repaired, renovated, replaced, or removed within thirty (30) days upon written notice from the proper administrative authorities.
- 10-37 When inspections and tests not required. --No tests or inspections shall be required where a plumbing system or part thereof is set up for exhibition purposes and is not used for toilet purposes and not directly connected to a sewerage system, nor after the repairing or replacing of an old fixture, (including pumps), faucet, or valve by a new one (to be used for the same purpose), nor after forcing out stoppages and repairing leaks.

Chapter 2

Quality and Weights of MaterialsSec.

- 10-38 Materials, quality of.
- 10-39 Label, cast or stamped.
- 10-40 Vitrified clay pipe.
- 10-41 Cast-iron pipe, quality of.
- 10-42 Wrought-iron pipe.
- 10-43 Mild-steel pipe.
- 10-44 Brass and copper pipe.
- 10-45 Transite or fiber duct pipe.
- 10-46 Lead pipe, diameter and weights.
- 10-47 Sheet lead.
- 10-48 Sheet copper or brass.
- 10-49 Galvanized sheet iron.
- 10-50 Threaded fittings.
- 10-51 Calking ferrules.
- 10-52 Soldering nipples and bushings.
- 10-53 Floor flanges for water closets.
- 10-38 Materials, quality of. --All materials used in any drainage or plumbing system, or part thereof, shall be free from defects.
- 10-39 Label, cast or stamped. --Each length of pipe, fitting, trap, fixture, and device used in a plumbing or drainage system shall be stamped or indelibly marked with the weight or quality thereof and the maker's mark or name.
- 10-40 Vitrified clay pipe. --All vitrified clay pipe shall conform to the standard specifications for clay sewer pipe (serial designations, C thirteen (13) - twenty-four (24) of the American Society for Testing Materials, designated as A. S. T. M. in this Title).
- 10-41 Cast-iron pipe, quality of. --All cast-iron pipe and fittings shall conform to the A. S. T. M. standard specifications for cast-iron soil pipe and fittings (serial designation, A seventy-four-eighteen).
- 10-42 Wrought-iron pipe. --All wrought-iron pipe shall conform to the A. S. T. M. standard specifications for welded wrought-iron pipe (serial designation, A seventy-two-twenty-seven), and shall be galvanized.
- 10-43 Mild-steel pipe. --All steel pipe shall conform to the A. S. T. M. standard specifications for welded and seamless steel pipe (serial designation A fifty-three-twenty-seven), and shall be galvanized.
- 10-44 Brass and copper pipe. --Brass and copper pipe shall conform, respectively, to the standard specifications of the A. S. T. M. for brass pipe, standard sizes, and for copper pipe, standard sizes (serial numbers B forty-three-twenty-four and B forty-two-twenty-four, respectively).
- 10-45 Transite or fiber duct pipe. --Transite or fiber duct pipe shall be of a standard quality and weight; provided, however, that no transite or fiber pipe shall be used from property line to main lines located in streets.
- 10-46 Lead pipe, diameter and weights. --All lead pipe shall be of the best quality of drawn pipe, of not less weight per linear foot than shown below:
- (a) Lead soil, waste, vent, or flush pipes, including bends and traps (extra light):

Internal diameter Inches	Weights per ft.	
	Lbs.	Ozs.
1	2	-
1 1/4	2	8
1 1/2	3	8
2	4	-
3	4	12
4	6	-

(b) Lead water-supply pipe above ground (strong):

Internal diameter Inches	Weights per ft.	
	Lbs.	Ozs.
1/2	2	-
5/8	2	8
3/4	3	-
1	4	-
1 1/4	4	12
1 1/2	6	-
1 3/4	6	8
2	7	-

(c) Lead water-supply pipe under ground (extra strong):

Internal diameter Inches	Weights per ft.	
	Lbs.	Ozs.
1/2	2	8
5/8	3	-
3/4	3	8
1	4	12
1 1/4	6	-
1 1/2	7	8
1 3/4	8	-
2	9	-

10-47 Sheet lead. --Sheet lead shall weigh not less than four (4) pounds per square foot.

10-48 Sheet copper or brass. --Sheet copper or brass shall not be lighter than number eighteen B and S gauge except that for local and interior ventilating pipe it shall not be lighter than number twenty-six (26) B and S gauge.

10-49 Galvanized sheet iron. --Galvanized sheet iron shall not be lighter than the following B and S gauge:

- (a) Number twenty-six (26) for two (2) to twelve (12) inch pipe.
- (b) Number twenty-four (24) for thirteen (13) to twenty (20) inch pipe.
- (c) Number twenty-two (22) for twenty-one (21) to twenty-six (26) inch pipe.

10-50 Threaded fittings. --

- (a) Plain screwed fittings shall be of cast iron, malleable iron, or brass, of standard weight and dimensions.
- (b) Drainage fittings shall be of cast iron, malleable iron, or brass, with smooth interior waterway, with threads tapped out of solid metal.
- (c) All cast-iron fittings used for water-supply distribution shall be galvanized.
- (d) All malleable iron fittings shall be galvanized.

10-51 Calking ferrules. --Brass calking ferrules shall be of the best quality red cast brass, with weights and dimensions in accordance with the following table:

Pipe sizes Inches	Actual Inside diameter Inches	Length Inches	Weight	
			Lbs.	Ozs.
2	2 1/4	4 1/4	1	-
3	3 1/4	4 1/4	1	12
4	4 1/4	4 1/2	2	8

10-52

Soldering nipples and bushings. --

(a) Soldering nipples shall be of brass pipe, iron-pipe size, or of heavy, cast red brass not less than the following weights:

Diameters Inches	Weights Ozs.	Diameters Inches	Weights Lbs.	Ozs.
1 1/4	6	2 1/2	1	6
1 1/2	8	3	2	0
2	14	4	3	8

(b) Soldering bushings shall be of brass pipe, iron-pipe size, or heavy, cast red brass.

10-53

Floor flanges for water closets. -- Floor flanges for water closets shall be not less than three-sixteenths of an inch thick, and of brass or cast iron.

TITLE 10

PLUMBING

Chapter 3

The Plumbing System

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Article 1

- 10-54 Materials. --All receptacles used as water-closets, urinals, or otherwise for the disposal of human excreta, shall be vitrified earthenware, hard natural stone, or cast-iron white enameled on the inside.
- 10-55 How installed. --All plumbing fixtures shall be installed free and open and in a manner to afford access for cleaning. Where practical all pipes from fixtures shall be run to the wall, and no lead trap or pipe shall extend nearer to the floor than twelve inches unless protected by casing.
- 10-56 Water-closet bowls. --Water-closet bowls and traps shall be made in one piece and of such form as to hold a sufficient quantity of water when filled to the trap overflow to prevent fouling of surfaces, and shall be provided with integral flushing rims constructed so as to flush the entire interior of the bowl.
- 10-57 Frost-proof closets, where permitted. --Frost-proof closets may be installed only in compartments which have no direct connections with a building used for human habitation or occupancy. The soil pipe between the hopper and the trap shall be three (3) inches in diameter and shall be of lead or cast-iron enameled on the inside.
- 10-58 Fixtures prohibited. --Fixed wooden wash trays or sinks shall not be installed in any building designed or used for human habitation. No new copper-lined wooden bathtubs shall be installed, and an old fixture of this class taken out shall not be reconnected. Pan and valve plunger, offset washout, and other water-closets having invisible seals or unventilated space, or walls not thoroughly washed at each flush shall not be used. Long hopper closets or similar appliances shall not hereafter be installed. No dry closets or chemical closet shall be installed in a dwelling.
- 10-59 Shower drains. --A shower drain shall be considered a fixture and provided with a strainer.
- 10-60 Fixture strainers. --All fixtures other than water-closets and pedestal urinals shall be provided with fixed strong metallic strainers with outlet areas not less than that of the interior of the trap and waste pipe.
- 10-61 Fixture overflow. --The overflow pipe from a fixture shall be connected on the house or inlet side of the trap and be so arranged that it may be readily and effectively cleaned.

Article 2

- 10-62 Independent system required; exception. --The drainage and plumbing system of each new building and of new work installed in an existing building shall be separate and independent of that of any other building, except as provided below, and every building shall have an independent connection with a public or private sewer when available.

Where one building stands in the rear of another building on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the house drain from the front building may be extended to the rear building and the whole will be considered as one house drain.

- 10-63 Old house sewers and drains. --Old house sewers and drains may be used in connection with new buildings or new plumbing only when they are found, on examination and test, to conform in all respects to the requirements governing new sewers or drains, as prescribed in this Title. If the old work is found defective, the proper administrative authority shall notify the owner to make the necessary changes to conform with this Title.

- 10-64 Connections with cesspools. --When a sewer is not available, drain pipes from buildings shall be connected with approved private sewage disposal works.

- 10-65 Excavations. --Each system of piping shall be laid in a separate trench, provided that drainage trenches may be benched not less than eighteen (18) inches for lighter piping. Where a double system of drainage is installed, the sanitary and surface house sewers or drains may be laid side by side in one trench.

Tunneling for distances not greater than six (6) feet is permissible in yards, courts, or driveways of any building site. When pipes are driven, the drive pipe shall be at least one (1) size larger than the pipe to be laid.

All excavations required to be made for the installation of a house-drainage system, or any part thereof within the walls of a building, shall be open trench work. All such trenches and tunnels shall be kept open until the piping has been inspected, tested, and approved.

- 10-66 House drains underground. --Whenever possible all house drains shall be brought into the building below the basement or cellar floor.

- 10-67 Material. --(a) The house sewer beginning five (5) feet outside of the inner face of the building wall shall be of cast-iron, fiber duct, or of vitrified clay pipe; (b) the house drain when underground shall be of lead, brass, or cast-iron; (c) the house drain when above ground shall be of cast-iron, galvanized wrought-iron or steel, lead, or brass, approved standards.

- 10-68 Depths of drains and sewers. --No house sewer or underground house drain shall be laid parallel to or within three (3) feet of any bearing wall which might be thereby weakened. The house sewer and drains shall be laid at sufficient depth to protect them from frost.

- 10-69 Size of drains, sewers, and horizontal branches. --The required size of sanitary house drains, sanitary house sewers, and horizontal branches shall be determined on the basis of the total number of fixture units drained by them in accordance with the following table:

Sanitary Systems Only

Maximum number of fixture units

Diameter of pipe (ins.)	Slope 1/8 in. fall to 1 ft.	Slope 1/4 in. fall to 1 ft.	Slope 1/2 in. fall to 1 ft.
1 1/4	1	1	1
1 1/2	2	2	3
2	5	6	8
3	15	18	21
4	84	96	114
5	162	216	264
6	300	450	600
8	990	1392	2220
10	1800	2520	3900
12	3084	4320	6912

In connection with the above table no water-closet shall discharge into a drainpipe less than three (3) inches in diameter; and not more than two (2) water-closets shall discharge into any three (3) inch horizontal branch, house drain, or house sewer.

- 10-70 House sewer in made ground. --The house sewer when laid in made or filled-in ground shall be of vitrified clay pipe, laid on a bed of approved grillage or concrete, or of cast-iron pipe, A.S.T.M. approved standards.
- 10-71 Drainage below sewer level. --In all buildings in which the whole or part of the house drainage and plumbing system thereof lies below the crown level of the main sewer or house wastes shall be lifted by approved artificial means and discharged into the house sewer.
- 10-72 Sumps and receiving tanks. --All subhouse drains shall discharge into an airtight sump or receiving tank so located as to receive the sewage by gravity, from which sump or receiving tank the sewage shall be lifted and discharged into the house sewer by pumps, ejectors, or any equally efficient method. Such sumps shall be either automatically discharged or be of sufficient capacity to receive the house sewage and wastes for not less than twenty-four (24) hours.
- 10-73 Ejectors, vented. --The soil or vent pipe leading to an ejector or other appliance for raising sewage or other waste matter to the street sewer shall, where a water-closet or closets are installed, be provided with a vent pipe not less than four (4) inches in diameter, and where fixtures other than water-closets are installed the waste vent pipe shall be the same diameter as the waste pipe.
- 10-74 Motors, compressors, etc. --All motors, air compressors, and air tanks shall be located where they are open for inspection and repair at all times. The air tanks shall be so proportioned as to be of equal cubical capacity to the ejectors connected therewith, in which there shall be maintained an air pressure of not less than two (2) pounds for each foot of height the sewage is to be raised.

Article 3

- 10-75 Water and gas-tight joints. --All joints and connections mentioned under this article shall be made permanently gas-and water-tight.
- 10-76 Vitrified pipe. --All joints in vitrified clay pipes, or between vitrified clay pipe and metals, shall be poured joints.
- 10-77 Calked joints. --All calked joints shall be firmly packed with oakum or hemp and shall be secured only with pure lead, not less than one (1) inch deep, well calked, and no paint, varnish, or putty will be permitted until after the joint is tested.
- 10-78 Screw joints. --All screw joints shall be American standard screw joints, and all burrs or cuttings shall be removed.
- 10-79 Cast-iron. --Cast-iron joints either may be calked or screw joints made in the approved manner.
- 10-80 Wrought-iron, steel, or brass to cast-iron. --Wrought-iron, steel, or brass to cast-iron joints either may be screwed or calked joints made in the approved manner.
- 10-81 Lead Pipe. --Joints in lead pipe, or between lead pipe and brass or copper pipes, ferrules, soldering nipples, bushings, or traps, in all cases on the sewer side of the trap and in concealed joints on the inlet side of the trap, shall be full-wiped joints, with an exposed surface of the solder to each side of the joint of not less than three-quarters of an inch and a minimum thickness at the thickest part of the joint of not less than three-eighths of an inch.
- 10-82 Lead to cast-iron, steel, or wrought iron. --Lead to cast-iron, steel, or wrought-iron joints shall be made by means of a calking ferrule, soldering nipple, or bushing.
- 10-83 Slip joints and unions. --Slip joints shall be permitted only in trap seals or on the inlet side of the trap. Unions on the sewer side of the trap shall be ground faced and shall not be concealed or enclosed.
- 10-84 Roof joints. --The joint at the roof shall be made water-tight by use of copper, lead, or iron plates or flashings.
- 10-85 Closet, pedestal urinal, and trap standard slop sink connections. --Closet, pedestal urinal, and trap standard slop sink floor connections shall be made as follows: A brass floor connection shall be wiped or soldered to lead pipe, an iron floor connection shall be calked to cast-iron pipe or an iron floor connection calked or screwed to wrought-iron pipe, and the floor connections bolted to an earthenware trap flange. A metal to earthenware, a metal to metal union, or a lead or asbestos gasket or washer shall be used to make a tight joint.
- 10-86 Increasesers and reducers. --Where different sizes of pipe or pipes and fittings are to be connected, proper size increasesers or reducers, pitched at an angle or forty-five (45) degrees between the two (2) sizes, shall be used.
- 10-87 Prohibited joints and connections. --Any fitting or connection which has an enlargement, chamber, or recess with a ledge shoulder or reduction of the pipe area in the direction of the flow on the outlet or drain side of any trap is prohibited.
- 10-88 Expansion bolts. --Connections of wall hangers, pipe supports, or fixture settings with the masonry, stone, or concrete backing shall be made with expansion bolts without the use of wooden plugs.
- 10-89 New materials. --Any other material than that specified in this Title which the proper administrative authority approves as being equally efficient, may be permitted.

Article 4

- 10-90 Material. --All main or branch soil, waste, and vent pipes within the building shall be of cast-iron, galvanized steel, or wrought-iron, lead, brass, or copper, except that no galvanized steel or wrought-iron pipe shall be used for underground soil or waste pipes.
- 10-91 Fixture unit. --The following table, based on the rate of discharge from a lavatory as the unit, shall be employed to determine fixture equivalents:

<u>Fixture</u>	<u>Units</u>
One lavatory or washbasin	1
One kitchen sink	1 1/2
One bathtub	2
One laundry tray	3
One combination fixture	3
One urinal	3
One shower bath	3
One floor drain	3
One slop sink	4
One water-closet	6
One bathroom group consisting of 1 water-closet, 1 lavatory, and 1 bathtub and overhead shower; or of 1 water-closet, 1 lavatory, and 1 shower compartment	8

- 10-92 Soil and waste stacks generally. --Every building in which plumbing fixtures are installed shall have a soil or waste stack, or stacks, extending full size through the roof. Soil and waste stacks shall be as direct as possible and free from sharp bends and turns. The required size of a soil or waste stack shall be determined from the distribution and total of all fixture units connected to the stack in accordance with the following table, except that no water-closets shall discharge into a stack less than three (3) inches in diameter:

<u>MINIMUM FIXTURE UNITS ON ONE STACK</u>					
<u>With "sanitary T" inlets</u>			<u>With all 45 deg. or "combination Y and one-eighth bend" inlets</u>		<u>Y maximum length including extension as vent, feet</u>
<u>Diameter (inches)</u>	<u>In One</u>		<u>In One</u>		
	<u>Branch Interval</u>	<u>On Any One stack</u>	<u>Branch Interval</u>	<u>On Any One stack</u>	
1 1/4	1	1	1	1	50
1 1/2	2	8	4	12	65
2	9	16	15	36	85
3	24	48	45	72	212
4	144	256	240	384	300
5	324	680	540	1020	390
6	672	1380	1122	2070	510
8	2088	3600	3480	5400	750

The term "branch interval" as used in the above table shall be interpreted to mean a vertical length of stack, not less than eight (8) feet, within which a branch or branches are connected, and the total fixture units on all branches connected to a stack within any eight (8) foot length shall not exceed the maximum permitted by the table in one (1) "branch interval."

- 10-93 Fixture connections of soil and waste stacks. --All soil and waste stacks and branches shall be provided with correctly faced inlets for fixture connections.
- 10-94 Changing soil and vent pipes. --In existing buildings where the soil or waste vent pipe is not extended undiminished through or above the roof, or where there is a sheet-metal soil or waste vent pipe, and the fixture is changed in style or location or is replaced, a soil or waste vent pipe of the size and material prescribed for new work shall be installed.
- 10-95 Prohibited connections. --No fixture connection shall be made to a lead bend or branch of a water-closet or similar fixture. No soil or waste vent, circuit or loop vent above the highest installed fixture on the branch or main shall thereafter be used as a soil or waste pipe.
- 10-95.1 Tapping into sanitary sewer line prohibited. --No system designed for the removal of storm or surface water shall be tapped into, or in any manner discharged into a sanitary sewer line.
- 10-96 Soil and waste pipe to be protected. --No soil or waste stack shall be installed or permitted outside a building unless adequate provision is made to protect it from frost.
- 10-97 Roof extensions. --All roof extensions of soil and waste stacks shall be run full size at least one (1) foot above the roof, and when the roof is used for other purposes than weather protection such extension shall not be less than five (5) feet above the roof.

When there is danger of frost closure, no roof extension shall be less than four (4) inches in diameter. Change in diameter shall be made by use of a long increaser at least one (1) foot below the roof, and where access to the roof is difficult a test opening shall be provided at this point.

- 10-98 Terminals generally. --The roof terminal of any stack or vent if within twelve (12) feet of any door, window, scuttle, or air shaft, shall extend at least three (3) feet above same.

10-99 Terminals adjoining high buildings. --No soil, waste, or vent pipe extension of any new or existing building shall be run or placed on the outside of a wall, but shall be carried up in the inside of the roof.

In the event that a new building is built higher than an existing building, the owner of the new building shall not locate windows within twelve (12) feet of any existing vent stack on the lower building unless the owner of such new building shall defray the expenses or shall himself make such alteration to conform with section 10-98.

It shall be the duty of the owner of the lower existing building to make such alteration therein upon the receipt in advance of money or security therefore, sufficient for the purpose, from the owner of the new or higher building or to permit, at the election of the owner of the new or higher building, the making of such alteration by the owner of such new or higher building.

10-100 Traps to be protected; vents. --Every fixture trap shall be protected against siphonage and back pressure, and air circulation assured by means of a soil or waste vent, a continuous soil or waste vent, or a loop or circuit vent. No crown vent shall be installed.

10-101 Distance of vent from trap seal. --No trap shall be placed more than five (5) feet, horizontal developed length, from its vent. The distance shall be measured along the central line of the waste or soil pipe from the vertical inlet of the trap to the vent opening. The vent opening from the soil or waste pipe, except for water closet and similar fixtures, shall not be below the dip of the trap.

10-102 Main vents to connect at base. --All main vents or vent stacks shall connect full size at their base to the main soil or waste pipe at or below the lowest fixture branch and shall extend undiminished in size above the roof or shall be reconnected with the main soil or waste vent at least three (3) feet above the highest fixture branch.

10-103 Vent-pipe grades and connections. --All vent and branch vent pipes shall be free from drops or sags and be so graded and connected as to drip back to the soil or waste pipe by gravity. Where a vent pipe connects to a horizontal soil or waste pipe, the vent branch shall be taken off above the center line of the pipe, and the vent pipe must rise vertically or at an angle of forty-five (45) degrees to the vertical to a point six (6) inches above the fixture it is venting before offsetting horizontally or connecting to the branch main waste, or soil vent.

- 10-104 Branch and individual vents. --No vents shall be less than one and one-fourth (1 1/4) inches in diameter. For one and one-fourth (1 1/4) and one and one-half (1 1/2) inch wastes the vent shall be of the same diameter as the waste pipe. In no case shall a branch or main vent have a diameter less than one-half (1/2) that of the soil or waste pipe served, and in no case shall the length of a branch vent of given diameter exceed the maximum length permitted for the main vent serving the same size soil or vent stack.
- 10-105 When vents not required. --Where bathrooms or water closets or other fixtures are located on opposite sides of a wall or partition or directly adjacent to each other within the prescribed distance, such fixtures may have a common soil or waste pipe and common vent.
- 10-106 Circuit and loop vents. --A circuit or loop vent will be permitted as follows: A branch soil or waste pipe to which two (2) and not more than eight (8) water-closets, pedestal urinals, trap standard slop sinks, or shower stalls are connected in the series may be vented by a circuit or loop vent, which shall be taken off in front of the last fixture connection. Where fixtures discharge above such branch, each branch shall be provided with a relief one-half (1/2) the diameter of the soil or waste stack taken off in front of the first fixture connection.
- 10-107 Required sizes of main vents or vent stacks. --The required size of main vents or vent stacks shall be determined from the size of the soil or waste stack vented, the total number of fixture units drained into it, and the developed length of the vent, in accordance with the following table, interpolating when necessary between permissible lengths of vent given in the table:

Maximum Permissible Length of Vents (in feet) for Soil and Waste Stacks:

Diameter of soil or Waste stack (inches)	Number of Fixture Units	Diameter of vent in inches									
		1 1/4	1 1/2	2	2 1/2	3	4	5	6	8	10
1 1/4	1	45	--	--	--	--	--	--	--	--	--
1 1/2	Up to 8	35	60	--	--	--	--	--	--	--	--
2	Up to 18	30	50	90	--	--	--	--	--	--	--
2 1/2	Up to 36	25	45	75	105	--	--	--	--	--	--
3	12	--	34	120	180	212	--	--	--	--	--
3	18	--	18	70	180	212	--	--	--	--	--
3	24	--	12	50	130	212	--	--	--	--	--
3	36	--	8	35	93	212	--	--	--	--	--
3	48	--	7	32	80	212	--	--	--	--	--
3	72	--	6	25	65	212	--	--	--	--	--
4	24	--	--	25	110	200	300	340	--	--	--
4	48	--	--	16	65	115	300	340	--	--	--
4	96	--	--	12	45	84	300	340	--	--	--
4	144	--	--	9	36	72	300	340	--	--	--
4	192	--	--	8	30	64	282	340	--	--	--
4	264	--	--	7	20	56	245	340	--	--	--
4	384	--	--	5	18	47	206	340	--	--	--
5	72	--	--	--	40	65	250	390	440	--	--
5	144	--	--	--	30	47	180	390	440	--	--
5	288	--	--	--	20	32	124	390	440	--	--
5	432	--	--	--	16	24	94	320	440	--	--
5	720	--	--	--	10	16	70	225	440	--	--
5	1020	--	--	--	8	13	58	180	440	--	--
6	144	--	--	--	--	27	108	340	510	--	--
6	288	--	--	--	--	15	70	220	510	630	--
6	576	--	--	--	--	10	43	150	425	630	--
6	864	--	--	--	--	7	33	125	320	630	--
6	1296	--	--	--	--	6	25	92	240	630	--
6	2070	--	--	--	--	4	21	75	186	630	--
8	320	--	--	--	--	--	42	144	400	750	900
8	640	--	--	--	--	--	30	86	260	750	900
8	960	--	--	--	--	--	22	60	190	750	900
8	1600	--	--	--	--	--	16	40	120	525	900
8	2500	--	--	--	--	--	12	28	90	370	900
8	4160	--	--	--	--	--	7	22	62	252	840
8	5400	--	--	--	--	--	5	17	52	212	705

Article 5

10-108 Kind and minimum size of traps, --Every trap shall be self cleaning. Traps for bathtubs, lavatories, sinks, and other similar fixtures shall be of lead, brass, cast-iron, or of malleable iron galvanized or porcelain-enameled inside. Galvanized or porcelain-enameled traps shall be extra heavy and shall have a full-bore smooth-interior water way, with threads tapped out of solid metal. The minimum size (nominal inside diameter) of trap and waste branch for a given fixture shall not be less than that shown in the following table:

<u>Kind of fixture</u>	<u>Size (in inches) trap and branch</u>
Bathtubs	1 1/2
Bath, shower, stall	2
Bath, sitz	1 1/2
Bidets	1 1/2
Combination fixture	1 1/2
Drinking fountains	1 1/4
Fountain cuspidors.....	1 1/4
Floor drains	2
Laundry trays	1 1/2
Sinks, kitchen, resident	1 1/2
Sinks, hotel or public	2
Sinks, large hotel or public	2
Sinks, small, pantry or bar	1 1/4
Sinks, dishwater	1 1/2
Sinks, slop, with trap combined	3
Sinks, slop sink, ordinary.....	2
Urinals, hip	1 1/2
Urinals, trough	2
Urinals, pedestal	3
Urinals, stall	2
Washbasin	1 1/4
Water-closet	3

10-109 Prohibited traps, --No form of trap which depends for its seal upon the action of movable parts of concealed interior partitions shall be used for fixtures.

10-110 Where traps required, --Each fixture shall be separately trapped by a water-seal trap placed as near to the fixture as possible, except that a set of not more than three (3) laundry trays or lavatories or a set of two (2) laundry trays and one (1) sink may connect with a single trap, provided the trap is placed centrally and the branches connect into the trap seal at an angle of not more than sixty (60) degrees to the vertical arm. In no case shall the waste from a bathtub or other fixture discharge into a water-closet trap. No fixture shall be double trapped.

10-111 Water seal, --Each fixture trap shall have a water seal of not less than two (2) inches and not more than four (4) inches.

10-112 Trap cleanouts, --Each trap, except those in combinations with fixtures in which the trap seal is plainly visible and accessible, shall be provided with an accessible brass trap screw of ample size, protected by the water seal.

10-113 Trap levels and protection, --All traps shall be set true with respect to their water seals and protected from frost and evaporation.

10-114 Pipe cleanouts generally, --The bodies of cleanout ferrules shall be made of standard pipe sizes, conform in thickness to that required for pipes and fittings of the same metal, and extend not less than one-quarter inch above the hub.

10-115 Where pipe cleanouts required, --A cleanout easily accessible shall be provided in each vertical waste or soil stack.

10-116 Manholes, --All underground traps and cleanouts of a building, except where cleanouts are flush with the floor, and all exterior underground traps shall be made accessible by manholes with proper covers.

10-117 Cleanout equivalents, --Any floor or wall connection of fixture traps when bolted or screwed to the floor, or any test tee shall be regarded as a cleanout.

10-118 Grease traps, --When a grease trap is installed, it shall be placed as near as possible to the fixture from which it receives the discharge and should have twice the capacity of the discharge.

10-119 Sand traps, --Sand traps when installed should be so designed and placed as to be readily accessible for cleaning.

Article 6

- 10-120 Quality of water supply. --The quality of the water supply shall meet accepted standards of purity.
- 10-121 Distribution. --The water supply shall be distributed through a piping system entirely independent of any piping system conveying another water supply.
- 10-122 Water service. --The water service pipe of any building shall be of sufficient size to permit a continuous ample flow of water on all floors at a given time.
- 10-123 Water supply to fixtures. --All plumbing fixtures shall be provided with a sufficient supply of water for flushing to keep them in a sanitary condition. Every water-closet or pedestal urinal shall be flushed by means of an approved tank or flush valve of at least four (4) gallons flushing capacity for water-closets and at least two (2) gallons for urinals, and shall be adjusted to prevent the waste of water. The flush pipe for water-closet flush tanks shall be not less than one and one-fourth (1 1/4) inches in diameter, and the water from flush tanks shall be used for no other purpose.

No water-closet or urinal bowl shall be supplied directly from a water-supply system through a flushometer or other valve unless such valve is set above the water-closet or urinal in a manner such as to prevent any possibility of polluting the water supply.

No plumbing fixture, device, or construction shall be installed which will provide a cross-connection between a distributing system of water for drinking and domestic purposes and a drainage system, soil, or waste pipe so as to permit or make possible the back flow of sewage or waste into the water-supply system.

- 10-124 Size of water-supply pipes. --Materials from curb to dwelling: Water service pipes from the curb to the dwelling shall be of type E1 or K copper, galvanized steel or galvanized iron, or number 2 grade plastic materials.

The minimum size of such pipes from the curb to the dwelling shall be 3/4 inch, and to fixtures as follows:

	<u>Inch</u>
Sill cocks.....	1/2
Hot-water boilers	3/4
Laundry trays	1/2
Sinks	1/2
Lavatories	3/8
Bathtubs	1/2
Water-closet tanks	3/8

- 10-125 Water-supply control. --A main shutoff on the water supply line shall be provided near the curb. Accessible shutoffs shall be provided on the main supply line just inside the foundation wall for each flat or apartment of a building, for each outside faucet, for supply to each hot water tank, and for each water-closet.
- 10-126 Material of water-supply pipes; used pipes and fittings. --All water-supply pipes for a plumbing system shall be of lead, galvanized wrought-iron or steel, brass, copper, cast-iron, or number 2 grade plastic material, with brass, copper, galvanized cast-iron, or galvanized malleable iron fittings. No pipes or fittings that have been used for other purposes shall be used for distributing water.
- 10-127 Protection of water supply. --All concealed water pipes, storage tanks, flushing cisterns, and all exposed pipes or tanks subject to freezing temperatures shall be efficiently protected against freezing.
- 10-128 Relief valves. --There shall be installed on the hot water distributing system a suitable relief valve.
- 10-129 Hydrants; large air-conditioning units. --All hydrants shall be protected from surface water and contamination. Large air conditioning units shall be equipped with press drains or condensate drains.

TITLE 11

RABIES CONTROL

Sec.

11-1	Definitions.
11-2	Dog to be confined to premises.
11-3	Innoculation for rabies required.
11-4	Dog impounded, on violation of Sections 11-2 and 11-3, redemption.
11-5	Certificate of rabies vaccination required for license tag.
11-6	Duty of officials to impound dog suspected of rabies.
11-7	Procedure: when dog has bitten person.
11-8	Same: when animal has been bitten by rabid animal.
11-9	Same: when rabid animal has been killed.
11-10	Enforcement of provisions of the Title.
11-11	Penalties.

- 11-1 Definitions. --For the purpose of this Title:
- (a) "Own" and "Owner" include any person, firm, or corporation having a right of property in a dog, any person, firm or corporation who keeps or harbors a dog or has it in his care, or who acts as its custodian, and any person, firm, or corporation who permits the dog to remain at or about any premises occupied by him.
 - (b) "Confined to his premises" means that such dog shall be kept on the Owner's premises unless in the custody of a responsible person, or in the case of hunting, when such dog is under the control of a responsible person.
 - (c) "Animal" includes, but is not limited to, domestic animals, livestock, birds and fowl.
- 11-2 Dog to be confined to premises. --It shall be unlawful for an owner to permit his dog to run at large within the boundaries of the Town of Vienna, and the owner shall keep his dog confined to his premises.
- 11-3 Innoculation for rabies required. --It shall be unlawful for an owner to keep, harbor, or have in his care, custody, or control a dog four (4) months old or older unless such dog has been vaccinated or inoculated against rabies by a licensed veterinarian within the time prescribed by law with a rabies vaccine approved by the Virginia State Department of Health.
- 11-4 Dog impounded on violation of Sections 11-2 and 11-3; redemption. --It shall be the duty of any of the officials charged with the enforcement of this Title to impound in the County Pound any dog found running at large and not confined to the owner's premises, as provided in Section 11-2, or any dog which has not been vaccinated or inoculated, as provided in Section 11-3. The said dog shall be held in the Pound for a period of not more than five (5) days unless the dog is rabid or suspected of being rabid, in which case the dog shall be held for further observation or destroyed upon the authorization of a licensed veterinarian or any person charged with the enforcement of this Title.
- Any dog so seized and impounded and not rabid or suspected of being rabid may be redeemed by the owner at any time within five (5) days after the impoundment upon:
- (a) Payment of a \$5.00 fee, and
 - (b) Payment of a boarding fee of 50 cents per day, and
 - (c) Purchase of a license tag if unlicensed, and
 - (d) Presentation of a certificate from a licensed veterinarian showing that the dog has been vaccinated or inoculated within the time prescribed by law.
- The redemption fees shall be paid to the Director of Finance for Fairfax County, and the receipt for the said fees, together with the veterinarian's certificate of inoculation or vaccination, shall be presented at the Pound for the dog's release.
- Any dog not redeemed within five (5) days from the date of its seizure shall be destroyed in a humane manner by the Pound Master or his designated agent, or shall be sold to any person who will pay for the cost of impounding, licensing and vaccinating or inoculating. The money so derived shall be credited to the Dog Fund by the Director of Finance.

- 11-5 Certificate of rabies vaccination required for license tag. --No license tag shall be issued for any dog by the Director of Finance unless there is presented to the Director of Finance at the time application is made for the license, a certificate of rabies vaccination or inoculation signed by a licensed veterinarian and certifying that the dog for which the license is to be issued has been vaccinated or inoculated by the said veterinarian within the time prescribed by law prior to the date the tag is issued. The said certificate shall show the date of inoculation, the rabies tag number, the sex and breed of the dog and the name of the owner. The Director of Finance shall note on the said certificate the date of issuance and the number of the license tag, and return said certificate to the applicant.
- 11-6 Duty of officials to impound dog suspected of rabies. --It shall be the duty of any of the officials charged with the enforcement of this Title to impound in the County Pound, at no expense to the owner, any dog showing active signs of rabies or suspected of having rabies, or upon the request of the owner and at his expense, the dog may be placed in the custody of a licensed veterinarian. The dog shall be confined for such period of time as may be necessary to establish a diagnosis. If confinement is impossible or impracticable, such dog shall be destroyed upon the authorization of a licensed veterinarian or any person charged with the enforcement of this Title.
- 11-7 Procedure: when dog has bitten person. --The owner of a dog which has bitten a person, or any person having knowledge of any dog which has bitten a person, shall immediately notify the Police Department of Fairfax County. The Health Officer of Fairfax County, or any person charged with the enforcement of this Title, shall immediately examine said dog, and, in his discretion:
- (a) Impound the said dog in the County Pound for a period of ten (10) days, at no cost to the owner, unless the animal develops active symptoms of rabies, or expires before that time.
 - (b) Place the said dog in the custody of a licensed veterinarian or a licensed veterinary hospital for a period of ten (10) days, if requested by the owner and at the owner's expense.
 - (c) Chain or confine the said dog in a strong enclosure on the owner's premises and isolated from all other animals and persons for a period of ten (10) days.
- The said dog may be released from confinement after the ten (10) day period upon the authorization of a licensed veterinarian or any person charged with the enforcement of this Title.
- 11-8 Procedure: when animal has been bitten by rabid animal. --The owner of any animal known to have been bitten by a rabid animal or rabid dog, or by an animal or dog suspected of being rabid, shall immediately notify the Police Department of Fairfax County. The said animal shall be destroyed immediately or confined at the owner's expense in the Pound, licensed veterinary hospital, or enclosure approved by the Health Officer of Fairfax County, for a period of six (6) months. If the said animal has been vaccinated within the time prescribed by law with a rabies vaccine approved by the Virginia State Department of Health, the said animal shall be revaccinated and confined in a like manner for a period of thirty (30) days.
- 11-9 Procedure: when rabid animal has been killed. --Any person killing an animal that is rabid or suspected of being rabid, or any person having knowledge that an animal has died of rabies, or is suspected of having died of rabies, shall immediately notify the Police Department of Fairfax County of the location of the body of such animal. The head of the animal killed because it was rabid or suspected of being rabid, or which is suspected of having died of rabies, shall be surrendered to any person charged with the enforcement of this Title.
- 11-10 Enforcement of provisions of this Title. --The provisions of this Title shall be enforced by the Health Officer of Fairfax County, or his authorized representative, the Pound Master, the police officers of Fairfax County, the Game Warden, the police of the Town of Vienna, and any other person designated by the Board of County Supervisors.

11-11

Penalties. --Any person, firm, or corporation violating any of the provisions of this Title shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding three hundred (\$300.00) dollars or by imprisonment in the County Jail for a period not exceeding thirty (30) days, or by both such fine and imprisonment.

TITLE 12
SANITATION

Sec.

- 12-1 Approved method of disposal of human excrement required for all occupied premises.
- 12-2 Approved methods enumerated: definitions.
- 12-3 Procedure for installation of a septic tank system; permits for installations and repair of septic tanks.
- 12-4 Details of specifications for septic tank systems.
- 12-5 Subsurface disposal field.
- 12-6 Sand filter trench.
- 12-7 Pit privy.
- 12-8 Correction of violations.
- 12-9 Misuse or neglect of approved device for disposal of human excrement.
- 12-10 Specifications of water and sewage system to be approved by Health Officer before construction started in new subdivisions or developments.
- 12-11 When County permit and fee therefore required prior to installation, repair, or cleaning of septic tanks in Town.
- 12-12 Cleaning of septic tanks, inspection and approval of equipment for; minimum requirements.
- 12-13 Condemnation of septic tanks or pit privies, when required; when owner required to connect to public or private sewer.
- 12-14 Penalties.

TITLE 12

SANITATION

- 12-1 Approved method of disposal of human excrement required for all occupied premises. --It shall be unlawful for the owner of any house used as a human habitation, any warehouse, any public building, or other place where human beings congregate or are employed in the Town of Vienna, to use or occupy; or rent or lease the same for use or occupancy by any person, firm, or corporation unless and until the said 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 hereinafter designated.
- 12-2 Approved methods enumerated; definitions. --For the purpose of this Title "an approved method of disposal of human excrement" shall be deemed to be: (a) a flush toilet connected to an approved public or private sewer; (b) a flush toilet connected to an approved, properly installed septic tank system; or (c) a standard pit privy of concrete or double wood construction. Any house or construction used as a human habitation shall have separate toilet facilities for each family dwelling unit. The terms "install", "repair", "approved", and "standard" as used in this Title shall be construed to mean "in accordance with the specifications and standards established within this Title." The term "Health Department" shall mean the Fairfax County Health Department. The term "Health Officer" shall mean the Fairfax County Health Officer or his authorized representative, the Sanitation Officer.
- 12-3 Procedure for installation of a septic tank system; permits for installations and repair of septic tanks. --(a) It shall be unlawful for any person, firm, or corporation to install or repair, have installed or repaired, allow to be installed or repaired, or contract to install or repair a septic tank system for another person, firm, or corporation without first making application to the Health Officer of the County for a septic tank permit on application forms furnished by the said Health Officer. The application form shall contain clearly the description, location and dimensions of the land or lot on which the septic tank, distribution pipes and sewer pipes are to be installed, the dimensions of the purification field, the type of land (such as loam, clay, gravel, etc.), the direction in which the land drains in relation to reservoirs, springs, and wells, and to be accompanied by a plat 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 said plans are not approved, but the size and location of the lot and the type of soil are suitable for a septic tank system, properly planned, the Health Officer shall clearly outline proper plans for same and grant the permit only according to the plans so outlined by him.
- (b) It shall be unlawful for any septic tank system to be installed or repaired in this Town except upon such a permit. If a public or private sewer is within 300 feet of the building for which the septic tank is to be installed or repaired the owner shall be required to connect to the public or private sewer, if the owner of the latter permits such connection. No septic tank shall be installed or repaired in this Town except upon such permit as hereinbefore required. All materials used herein shall strictly comply with all of the specifications required by this Title, and no septic tank system or any part thereof shall be covered up until it has been inspected and approved as complying with the approved plans by the Health Officer as specified in Section 12-4; and the Health Officer shall not approve the installation of such septic tank system unless so installed, nor permit it to be covered up, unless it complies with the said plans and specifications as hereinafter set forth. All permits automatically become null and void six (6) months after date of issue unless they are renewed in writing by the Health Officer.

12-4

Details of specifications for septic tank systems. --(a) All septic tanks installed or repaired in the Town shall consist of cast iron soil pipe, transite pipe, or Orangeburg pipe, approved septic tank, approved concrete or vitrified clay pipe distributing sewers and drain tile seepage system, consisting of the hereinafter specified materials, and constructed and located as required by the plans and specifications as shown on or accompanying the said permit, and as directed by the Health Officer issuing same.

(b) EXCAVATIONS FOR SEPTIC TANK SYSTEM: All excavations and trenches shall be of sufficient dimensions as to permit sewers, tanks, and other structures of the size shown, specified to be properly placed therein according to the plans and specifications as required by this Title, and to permit the removal of any obstruction within the purification field or trees located closer than ten (10) feet to any part of the septic tank system.

(c) RE-EXCAVATIONS AND THE FILLING AND REFILLING OF TRENCHES: Where unsuitable foundation is encountered at the depth of any excavation shown on the drawings or specified by the Health Officer, further excavation or refilling the excavated spots with such foundation material as may be directed by him is hereby required.

The Health Department shall inspect septic tank construction after completion. Septic tank systems shall be backfilled immediately after inspection and approved by the Health Officer, and care shall be taken not to disturb the pipe, grades, joints, or alignment, by backfilling or otherwise. Heavy machinery (for example, trucks, bulldozers, graders, etc., with weight in excess of three (3) tons) is hereby prohibited from crossing trench lines or septic tanks while used in septic tank installations.

(d) PIPES AND JOINTING MATERIALS; SIZE AND TYPES OF HOUSE SEWER: The house sewer for individual homes shall be constructed of 4" or larger cast iron pipe, transite pipe or Orangeburg pipe or equivalent.

All house sewer pipes shall be laid complete with all jointing materials.

All house sewer cast iron pipe shall be jointed with lead and oakum or similar jointing materials.

All house sewer tile shall be laid accurately and shall have a grade of not less than 4" to the foot, or as otherwise specified by the Health Officer, and approximately 30" from the outside of the house, there shall be a standard cast iron cleanout tie with screw cover, and all right angle bends in the house sewer shall be made with long sweep soil pipe ells. Where septic tanks are located more than 35' from the cleanout, then additional cleanouts are to be provided.

(e) LOCATION, DESIGN, LIQUID CAPACITY AND MATERIALS REQUIRED IN SEPTIC TANK DISPOSAL SYSTEMS:

(1) Location and installation of the sewage disposal system and each part thereof shall be such that, with reasonable maintenance, it will function in a sanitary manner and will not create a nuisance nor endanger the safety of any domestic water supply. In determining a suitable location for the system, consideration shall be given to the size and shape of the lots, slope of natural finished grade, depth of ground, water table, proximity to existing or future water supplies, and possible expansion of the system.

(2) No part of the system shall be located so that it is nearer to any water supply than 50' or so that surface drainings (drainage) from its location may reach any domestic water supply.

(3) The lot size shall be sufficient to permit proper location, installation and operation.

(4) Installations in low, swampy areas with a high water table, and/or which may be subject to flooding are prohibited.

(f) Type of system shall be determined on a basis of location, soil permeability, and ground water level.

(1) The system shall be designed to receive all sanitary sewage from the dwelling.

Basement floor, footing, or roof drainage shall not enter any part of the septic tank system.

Laundry waste from automatic machines and basement floor drainage shall not be discharged into a septic tank system.

(2) The sewage disposal system shall consist of a house sewer and a septic tank system not closer than 5' outside of a foundation wall.

(3) The septic tank system shall consist of a septic tank with effluent discharging into a subsurface disposal field, or into sand filter trenches. Every septic tank shall be provided with a distribution box.

(g) Design of the septic tank shall be rectangular in shape and the length shall not be less than twice nor more than three (3) times the width.

12-4 (cont.)

The liquid depth shall not be less than four (4) feet and the freeboard or airspace shall not be less than one (1) foot.

(h) Liquid capacity of all septic tanks shall be based upon the number of bedrooms contemplated in the building served and shall conform to Table I, herein shown.

TABLE I

SEPTIC TANK CAPACITY AND DIMENSIONS BY NUMBER OF BEDROOMS

Potential Capacity of Home Number of Bedrooms	Gallons	Length	Width	Air Space	Liquid Depth
2 or less	450	6' 0"	2' 6"	1' 0"	4' 0"
3	720	7' 0"	3' 6"	1' 0"	4' 0"
4	1000	8' 0"	4' 0"	1' 0"	4' 0"
5	1250	9' 0"	4' 6"	1' 0"	4' 3"
6	1480	9' 6"	4' 8"	1' 3"	4' 6"
7	1720	10' 0"	5' 0"	1' 3"	4' 8"

(i) Construction of the tank shall be such as to assure its being watertight and prevent the entrance of rainwater or surface drainage.

(1) The tank shall be constructed of sound and durable material not subject to excessive corrosion or decay.

(2) Adequate access to each compartment of the tank for inspection and sludge removal shall be provided by a manhole or removable cover.

(3) Where the top of the tank is located more than 18 inches below the surface of the ground, manholes shall be built up to within 12 to 16 inches of the surface.

(4) Inlet-outlet connections shall be submerged or baffled to assure the least possible disturbance in the tank.

(5) The inlet pipe or baffle shall extend approximately 6 inches below and 6 inches above the water surface, and the outlet shall extend approximately 2 feet below and 6 inches above the water surface.

(6) Satisfactory venting of the tank shall be provided through the inlet and main building stack. The outlet shall be similarly vented to provide proper ventilation of the disposal field or seepage pits back into the septic tank and thence through the main building stack.

(7) Septic tanks shall be of poured-in-place concrete, or precast concrete, or brick wall, or cinder block wall, or properly coated metal.

(8) Concrete septic tanks, poured in place, shall be poured with a mixture of 1-2-3 or 1-2-4 mix, --that is, one part cement, two (2) parts sand, and three (3) or four (4) parts gravel, so as to produce a dense and plastic concrete. Where the excavation is subject to caving or where the water table is objectionably high, outside forms and pumping will be required in order to assure a watertight tank. The walls, top, and bottom of tank are to be not less than 4" thick, as shown on plans; top and manhole cover to be reinforced with reinforcing steel as shown on plans.

(9) Precast concrete tanks shall be of a design as shown on the plan and of a size as stated in the permit, and made with a 1-2-3 mixture, that is, one (1) part cement, two (2) parts sand, and three (3) parts gravel. The walls shall not be less than 2 1/2" in thickness, reinforced with No. 9 steel placed as shown on the plan.

The precast tank may be made in two (2) sections or more with a horizontal half lap joint, cement grouted. The bottom or top and a portion of the side walls shall be poured monolithically.

(10) While brick and cinder block septic tanks are not recommended, yet they may be permitted, provided they can be located with safety in relation to water supplies, and provided further, that the brick and cinder block be laid in a workmanlike manner, with cement mortar, over which a coat of waterproofing shall be applied and the inside plastered with 1" of cement mortar.

(11) Where metal septic tanks are used, they are to be of the same design and with the same fittings as shown on the plans for concrete tanks, provided they are of sufficient thickness and properly coated to prevent rusting.

12-5

Subsurface disposal field. --(a) Location of the disposal field should be in an unobstructed and unshaded area, and the minimum which the disposal field can be located from the following is:

- (1) Any water supply, fifty (50) feet (except as noted below).
- (2) Streams, twenty-five (25) feet.
- (3) Dwellings, ten (10) feet.
- (4) Large trees, ten (10) feet.
- (5) Property lines, ten (10) feet.

Note: When existing wells are involved or exceptionally coarse soil formations are encountered, the 50 foot distance from any water supply shall be increased in accordance with the recommendations of the Health Department.

(b) Distribution box of sufficient size to accommodate the necessary field lateral lines shall be constructed at the head of each disposal field.

(c) Each field lateral line shall be connected separately to the distribution box and shall not be subdivided.

(d) The invert of all outlets shall be level and the inlet invert shall be at least 1" above the outlets.

(e) If the level of the outlet inverts is less than 4" above the floor, distribution baffles as shown in the drawings shall be provided.

Note: If the level of the outlet inverts is from 4 to 6 inches above the floor permitting water retention to act in lieu of a baffle, the baffles will not be required. The level of the outlet inverts should not be more than 6 inches above the floor.

(f) Minimum seepage area (total flat area bottom of trenches) of the disposal field shall be determined by one of the following methods:

(1) Results of actual percolation tests (procedure as described) conducted on the site with required area.

(2) Recommendation of the Health Department based upon experience data or percolation tests, in which case requirements should be stated on a basis of square feet of absorptive area per bedroom rather than lineal feet of tile.

(g) Construction of disposal trenches in filled ground will not be permitted except when acceptable to the Health Department. Construction shall be in accordance with recommendations of the Health Department.

(h) All trenches in a disposal field shall be the same width and length and the following standards shall be required:

- (1) Minimum number of lines per field, 3.
- (2) Maximum length of individual lines, 100 feet.
- (3) Minimum bottom width of trench, 18 inches.
- (4) Maximum depth of cover of tile lines, 20 inches.
- (5) Preferred depth of cover of tile line, 16 inches.
- (6) Grade of tile lines, 2" to 4" per 100 feet.
- (7) Spacing of trenches, at least 6 feet apart.
- (8) Minimum filter material over tile, 2 inches.

(i) Pipe used for the line between the septic tank and distribution box, on all lines within 10 feet of dwellings, under paved areas and on all main laterals from distribution box in fields constructed on sloping ground shall be bell and spigot-type of vitrified clay or concrete with watertight joints. Pipe used under driveways or other areas subject to heavy loads shall be bell and spigot cast iron with leaded joints. Such sections laid in the disposal shall not be considered in determining the effective absorption area.

(j) Field tile used in the disposal field shall not be less than 4 inches in diameter and shall be laid with 1/4 inch joints.

(k) All open joints shall be protected on top by strips of asphalt-treated building paper at least 10 inches long and 3 to 6 inches wide.

(l) All bends used in the disposal field shall have one (1) tight joint at each end on the bend.

(m) Filter material shall be crushed stone, gravel, slag, screened cinder, or similar material having sufficient voids and shall be acceptable to the Health Department.

(n) Such material may vary from 1/4 to 2 1/3 inches in size.

(o) Stone, gravel and slag shall be free of dust, sand or clay, and the cinder shall be free of ashes or excessive fine material.

12-5 (cont.)

(p) Material used on top of the tile shall be sufficiently fine or shall be graded so as to prohibit filtering of the backfill material into the tile lines.

(q) The filter materials shall completely encase the tile.

(r) Grade boards, securely staked in the bottom of the trench shall be provided for all lines except where bell and spigot is used.

(s) The grade boards shall be 1" x 4" and nailed to stakes in the center of trench as shown on the plans, or grade stakes at intervals of not less than 5'. The grade boards are to be given a grade of from 2" to 4" per hundred feet.

12-6

Sand filter trench. --(a) Use of sand filter trenches in lieu of subsurface disposal trenches will be permitted only when topography will permit surface discharge of filtered effluent and when the surface discharge of the effluent is satisfactory to the Health Department.

(b) Distribution box shall be required where sand filter trenches are used.

(c) Design of the sand filter trenches shall be in accordance with the recommendation of the Health Department, but in no case shall the depth of the filter sand be less than 24 inches.

12-7

Pit privy. --It shall be unlawful for any person, firm, or corporation to install a pit privy in the Town of Vienna, except in accordance with the plans and specifications as prescribed by the ordinances of Fairfax County, which shall be furnished by the Health Officer upon application.

12-8

Correction of violations. --If upon any inspection, the Health Officer or his authorized agent shall find any violation of this Title and/or the provisions of the permit issued under it, he shall direct the person, firm, or corporation to whom the permit was issued by written notice to make the necessary corrections, within such reasonable time as shall be specified therein.

12-9

Misuse or neglect of approved device for disposal of human excrement. --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 or cause it to cease to be sanitary.

12-10

Specifications of water and sewage system to be approved by Health Officer before construction started in new subdivisions or developments. --It shall be unlawful for any person, firm, or corporation to start any new subdivision or housing development before furnishing in triplicate plans and specifications of the sewage system or sewage disposal system to be used, together with plans for the anticipated water system to be used in the structure or structures. These plans and specifications must be approved by the Health Officer, or his agent, before construction is started.

12-11

When County permit and fee therefore required prior to installation, repair, or cleaning of septic tanks in Town. --Any person, firm, or corporation contracting to install, repair, or clean septic tanks in Vienna, Virginia, for another person, firm, or corporation shall first pay the annual fee required by Fairfax County and obtain a license or permit according to the ordinances of Fairfax County.

12-12

Cleaning of septic tanks, inspection and approval of equipment for; minimum requirements. --No person, firm, or corporation shall engage in the business of cleaning septic tanks unless and until the equipment to be used by such person, firm, or corporation in connection with the operation of such business complies with the following standards and has been inspected and approved in writing by the Health Department.

Such inspection and approval by the Health Department shall be a prerequisite to the obtaining of the license or permit required in Sec. 12-11 hereof or to any renewal thereof; provided, however, that the following minimum requirements shall be met:

(a) The tank into which the septic tank sludge is pumped or delivered and carried shall be fully enclosed and watertight.

(b) All inlets and outlets to such tank shall be fully enclosed and provided with watertight valves.

(c) Suction and discharge hose shall be watertight and provision shall be made for carrying such hose in a manner that will prevent any leakage therefrom.

(d) All exposed surfaces shall be painted and maintained in a sanitary condition by frequent washings.

12-12 (cont.)

(e) The name and address of the person, firm, or corporation owning or operating such equipment shall be painted thereon in letters at least four (4) inches high.

(f) It shall be unlawful to dispose of the sludge and other material removed from septic tanks except by depositing it under the surface of the ground in such manner that it will not be exposed to the atmosphere or endanger the source of domestic water supplies, or by depositing it into a public sewage system or sewage treatment plant, at such designated locations and under such conditions as may be promulgated by the owners or operators thereof. In any event the sludge or other material shall be carefully deposited and the surfaces of the ground, manholes, tanks, etc. into which the deposit is made shall be maintained in a sanitary condition. Any covering of such surfaces with sludge or other material shall be promptly removed.

12-13

Condemnation of septic tanks or pit privies, when required; when owner required to connect to public or private sewer. -- Whenever it appears to the Health Officer, or his agent, that any septic tank or septic tank system or pit privy is in such condition as to endanger the life, health, or safety of any person, whether such condition be the result of defective original construction, deterioration, decay, or other causes, the Health Officer shall condemn the septic tank system or pit privy and forbid further use of same until it is repaired and approved as required herein; PROVIDED, HOWEVER, that if the building which the condemned septic tank or septic tank system serves is within 300 feet of a public or private sewer, the owner of said septic tank or septic tank system shall be required to connect to the public or private sewer, if the owner of the latter permits such connections.

12-14

Penalties. -- Any person, firm, or corporation who shall neglect, fail, or refuse to comply with the provisions of this Title, any permit issued hereunder, or the written notice within the time specified in such notice as provided herein, shall be guilty of a misdemeanor, and shall be fined not less than ten (\$10.00) dollars nor more than twenty-five (\$25.00) dollars, and each day's continuance to so violate this Title or any parts thereof shall constitute a separate offense.

TITLE 13
SUBDIVISIONS

Chapter 1	General Provisions.	Sections 13-1 to 13-7
Chapter 2	Procedure.	Sections 13-8 to 13-15
Chapter 3	General Requirements and Minimum Standards of Design for the Subdivision of Land.	Section 13-16
Chapter 4	The Preliminary Layout and Final Subdivision Plats.	Sections 13-17 to 13-20
Chapter 5	Improvements Required.	Sections 13-21 to 13-25

TITLE 13
SUBDIVISIONS

Chapter 1

General Provisions

Sec.

13-1	Definitions.
13-2	Preparation and submission of plats.
13-3	Plats to be prepared by surveyor or civil engineer; data to be shown.
13-4	Certification and recording.
13-5	Amount of fee; to whom payable.
13-5, 1	Fees for inspection.
13-5, 2	Permits required.
13-6	Variances.
13-7	Penalties.

13-1 Definitions. --The following words, for the purposes of this Title, shall have the meanings respectively ascribed to them in this section:

"A subdivision" is a division of a lot, tract, or parcel of land into two (2) or more lots or other divisions 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 (2) acres or more not involving any new street or easement of access shall be exempt.

"Plat" shall include the terms: map, plan, plot, replat, or replot.

"Lot" shall mean a portion of a subdivision intended for transfer of ownership or for building development for a single building and its accessory buildings.

"Building Setback" shall mean the distance that a building must be set back from the lot line or boundary.

"Street" shall mean a strip of land subject to vehicular or pedestrian traffic and providing direct or indirect means of access to property, including but not limited to road, lane, drive, trail, court, place, terrace, alley, avenue, highway, boulevard, or any other thoroughfare.

"Public Street" shall mean an existing street or a platted street dedicated for the use of the general public, graded and paved or to be graded and paved, in order that every person has the right to pass and to use it at all times, for all purposes of travel, transportation, or parking to which it is adapted and devoted.

"Street Width" shall mean the shortest distance between the lines which delineate the right-of-way of a street.

"Local Thoroughfare" shall mean a public street primarily designed to serve as access to abutting property, and to provide secondary through traffic movement.

"Local Street" shall mean a public street primarily designed to serve as access to abutting property and not intended to provide for through traffic movement.

"Cul-de-sac" shall mean a local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

"Alley" shall mean a minor public street, primarily designed to serve as access to the side or rear of those properties having principal frontage on some other street.

"Easement" shall mean a grant by a property owner of the use of land for a specific purpose or purposes.

"Service Drive" shall mean a public street, generally paralleling and contiguous to a main traveled way, primarily designed to promote safety by eliminating promiscuous ingress and egress to the right-of-way and providing safe and orderly points of access at fairly uniformly spaced intervals.

- 13-2 Preparation and submission of plats. --Any owner or any proprietor of any tract of land situated within the corporate limits of the Town of Vienna, Virginia 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 Circuit Court of Fairfax County. No such plat of subdivision shall be recorded unless and until it shall have been submitted and approved by the Council in accordance with the regulations set forth in this Title and so certified by the Mayor or other agent designated by the Council.
- 13-3 Plats to be prepared by surveyor or civil engineer; data to be shown. --Every such plat shall be prepared by a surveyor or civil engineer duly licensed by the State of Virginia, who shall endorse upon each such plat a certificate signed by him setting forth the source of the title of the owner 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 (1) source of title, the outlines of the several tracts shall be indicated upon such plat.
- 13-4 Certification and recording. --Every such plat, or the deed of dedication to which such plat is attached, shall contain in addition to the surveyor's or civil engineer's 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, and shall be duly acknowledged before some officer authorized to make acknowledgements of deeds, and when thus executed and acknowledged, shall be filed and recorded in the office of the Clerk of the Circuit Court of Fairfax County and indexed under the names of the owners of the lands signing such statement and under the name of the said subdivision.
- 13-5 Amount of fee; to whom payable. --A fee of ten (\$10.00) dollars shall be paid for the examination and approval of plats and shall be collected by the Treasurer of the Town of Vienna, Virginia for deposit to the credit of the General Fund.
By Council resolution of December 7, 1959, the above section was modified, as follows: The fee for reviewing Record Plats and engineering plans and profiles shall be \$10.00 per lot, to be paid at the time of filing.
- 13-5.1 Fees for inspection. --All inspection fees will be computed to the nearest dollar and will be based on the "schedule of fees" available at the Town Treasurer's Office.
- (a) Roads:
Fees for inspection of roads in the Town of Vienna will be limited to the following categories:
NEW CONSTRUCTION without curb and gutter--\$.15 per linear foot.
NEW CONSTRUCTION with curb and gutter--\$.20 per linear foot.
REPAVING AND BACKFILLING--15% of original inspection fee for new work or in accordance with the new construction category applicable.
Fees must be paid before a permit to begin construction will be issued.
By Council resolution of December 7, 1959, the above subsection was modified, as follows: The inspection and performance fee for road cuts in existing roads or streets for utility laterals:
- | | |
|--------------------------------------|---------|
| Base permit | \$5.00 |
| Cash bond (to be held for 12 months) | \$50.00 |
- (b) Water, Sewer, and Storm Sewer:
Fees for inspection of new sanitary or storm sewer and water distribution systems will be paid at a flat rate of \$.02 per linear foot for each such installation. Fees must be paid before a permit to begin construction will be issued.
All water, sewer, and storm sewer systems, new or repaired, not left exposed for inspection will be opened at the contractors expense.

By Council resolution of December 7, 1959, the above subsection was modified, as follows: For new developments, the inspection fee shall be 1.5¢ per lineal foot for each of the following: Water mains, sewer mains, curbs and gutters, roads and streets.

- 13-5.2 Permits required. --No road, water system, sewer, or storm sewer system construction shall be commenced until application has been made and the proper permit has been obtained from the Department of Public Works.
- 13-6 Variations. --Where a subdivider can show that a provision of this Title would cause an unnecessary hardship if strictly adhered to, and where, because of topographical or other conditions peculiar to the site, in the opinion of the Council a departure may be made without destroying the intent of such provision, the Council may authorize a variance. Any variance thus authorized is required to be entered in writing in the minutes of the Council and the reason on which the departure was justified set forth.
- 13-7 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 Title shall be guilty of a misdemeanor, punishable by a fine of not less than ten (\$10.00) dollars and not more than two hundred and fifty (\$250.00) dollars and each day after the first during which such violation shall continue shall constitute a separate violation.

TITLE 13
SUBDIVISIONS

Chapter 2

Procedure

Sec.

- 13-8 Application in writing; copies of preliminary layout.
 13-9 Submission of preliminary layout.
 13-10 Discussion and changes; performance bond.
 13-11 Submission of final plats; copies.
 13-12 Approval; time allowed.
 13-13 Approval; when effective as to requirements.
 13-14 Approval; when effective as to posting bond.
 13-15 Time limit for recording.
- 13-8 Application in writing; copies of preliminary layout. --Whenever any subdivision of land is proposed, and before any permit for the erection of a structure shall be granted, the subdivider or his agent shall apply in writing to the Council for approval of his subdivision plat and submit to the Council three (3) copies of the layout.
- 13-9 Submission of preliminary layout. --The subdivider shall submit his preliminary layout in conformity with Sections 13-17 and 13-18 of this Title.
- 13-10 Discussion and changes; performance bond. --After reaching a tentative conclusion, the Council may discuss the preliminary layout with the subdivider at a meeting of the Council. After discussion the Council shall communicate within thirty (30) days in writing to the developer: (1) specific changes that are required in the preliminary layout; (2) the character and extent of public improvements that will have to be made in keeping with the public health, safety, morals, and general welfare; and (3) the amount of construction or improvement or the amount of performance bond which it will require as a prerequisite to approval of the final subdivision plat.
- 13-11 Submission of final plats; copies. --The subdivider shall within six (6) months after official notification by the Council in respect to the preliminary layout file with the Council the final subdivision plat in accordance with Sections 13-19 and 13-20. There shall be submitted to the Council three (3) copies on a scale of not more than 100 feet to the inch in addition to the original.
- 13-12 Approval; time allowed. --The Council shall, within forty-five (45) days from the date of submission of the final plat, approve, modify, or disapprove such plat, and failure to act within forty-five (45) days shall be deemed approval.
- 13-13 Approval; when effective as to requirements. --Approval of the plat shall not be finally effective until the subdivider has complied thereon with the general requirements and minimum requirements of design in accordance with Chapter 3 of this Title and with the improvements as required by Chapter 5 of this Title to the satisfaction of the Council and so certified on said plat by the Mayor or other agent designated by the Council.
- 13-14 Approval; when effective as to posting bond; amount of bond; certification as to reasonableness of estimate by Director of Public Works; Mayor and Clerk may approve final plats after such certification. --Approval of the plat shall not be finally effective until the subdivider has furnished the Town with a bond to guarantee satisfactory installation of the improvements, or parts thereof, set forth in Chapter 5 of this Title.
 It is the determination of the Council that the amount of the bond to be posted shall be the estimated value of all improvements required plus ten (10) percent for price escalation resulting from normal cost increases between the time of approval and the initiation of construction on a subdivision.
 The estimated value of all improvements required shall be certified as to reasonableness of said estimate by the Director of Public Works.
 The Mayor and the Clerk may sign approved final plats of subdivisions upon presentation of the above certification.
 Council resolution of May 4, 1959, particularly specified that the above provisions were also to be considered subject to Section 13-6.

13-15

Time limit for recording. --Unless the owner of the subdivision shall have said plat recorded in the office of the Clerk of the Circuit Court of Fairfax County within sixty (60) days after its final approval by the Council and before any lots are sold in said subdivision, the approval of the plan of said subdivision shall be deemed to have been withdrawn and said plat shall be marked "Void" and returned to the subdivider.

TITLE 13
SUBDIVISIONS

Chapter 3

General Requirements and Minimum Standards
of Design for the Subdivision of Land

13-16

Minimum requirements. --The following shall be considered minimum requirements and shall be varied only for specific reasons, stated of record by the Council:

(a) **SUBDIVISION NAMES:** The names of new subdivisions shall not be duplicated or too closely approximate the names of existing subdivisions.

(b) **STREET NAMES:** Names of new streets shall not duplicate existing or platted street names unless the new street is a continuation of or in alignment with the existing or platted street.

(c) **BUILDING SITES:** Shall have frontage on existing or recorded public streets.

(d) **EASEMENTS:** Where required, easements or widths appropriate to the purpose intended shall be provided.

(e) **STREET LAYOUT:**

(1) Streets shall be provided to give access to adjoining acreage and to connect with the principal streets in adjoining subdivisions.

(2) Cul-de-sac streets shall be provided with a turn-around with a minimum right-of-way radius of 50 feet.

(3) Blocks in general shall not be longer than 1,000 feet between street intersections unless warranted by some unusual condition.

(4) Reserve strips protecting the use of dead-end and boundary streets will be permitted on condition that such reserve strips shall become null and void, and thereby automatically dedicated for public street purposes, when land abutting thereon is dedicated for public street purposes.

(f) **STREET WIDTHS:**

(1) Alleys 20 feet

(2) Service Drives..... 32 feet

(3) Local Streets..... 50 feet

(4) Local Thoroughfares .. 60 feet

(5) When a subdivision abuts one (1) side of any street which has been included in the State System of Secondary Highways, the subdivider shall not be required to dedicate more than one half (1/2) of any right-of-way necessary to make said street comply with the minimum width fixed for same, and shall not be responsible for grading or surfacing such street.

(g) Service Drives may be required by the Council whenever in their opinion such drives are necessary to promote safety.

(h) On streets that are required to have a right-of-way width of fifty (50) feet or more, grades shall not exceed eight (8) percent. On streets permitted to have a right-of-way width of less than fifty (50) feet, grades shall not exceed twelve (12) percent.

(i) Where a deflection angle of more than 10 degrees in the alignment of a street occurs, a curve of reasonably long radius shall be introduced. On streets fifty (50) feet or more in width the center line radius of curvature shall not be less than three hundred (300) feet.

(j) Intersections of streets shall be at an angle as nearly 90 degrees as possible, and shall not be less than 60 degrees.

(k) Alleys shall be provided in the rear of lots to be used for business purposes.

(l) The size and shape of residential lots shall be as the Council deems appropriate for the type of building development contemplated, provided, however, that lots for residential purposes wherein both sewer and water connections are provided shall be a minimum of 60 feet average width and they shall contain a minimum of 10,000 square feet. Size, width, and area shall in no case be less than that specified for the location in any zoning regulations.

(m) If neither a sewer nor water connection is provided, the lot shall contain at least twenty thousand (20,000) square feet and the installation of a water system and a sewage disposal method shall be approved by the Council.

13-16 (cont.)

(n) Corner lots shall be increased in size whenever necessary so as to provide that any structure to be placed thereon shall conform to the building and setback lines of both streets.

(o) In case a tract is subdivided into larger parcels than ordinary building lots, such parcels shall be so arranged as to allow the opening of future streets and logical further subdivision.

(p) Due consideration shall be given by all subdividers and by the Council to sites for schools and other public uses.

(q) Except where alleys are permitted, the Council may require easements up to eight (8) feet in width for poles, wires, conduits, storm and sanitary sewers, gas, water, and heat mains, and other public utilities along all rear lines and side lot lines. Easements may be a greater width for the extension of existing or planned utilities.

(r) A boundary traverse shall be run and all other surveyed dimensions shown on the plat shall be to an accuracy of 1 part to 5,000.

(s) Building setbacks shall in all cases conform to those established in any zoning regulations.

TITLE 13
SUBDIVISIONS

Chapter 4

The Preliminary Layout and Final Subdivision Plats

- 13-17 Preliminary layout; copies.
- 13-18 Same; required data.
- 13-19 Final subdivision plats; tracing.
- 13-20 Same; required data.
-
- 13-17 Preliminary layout; copies. --The subdivider shall present to the Council three (3) copies of a preliminary layout at a scale of not more than 100 feet to the inch.
- 13-18 Same; required data. --The preliminary layout shall include the following:
- (a) Proposed subdivision name or identifying title and a description of its location.
 - (b) Name and address of record owner, subdivider, and designer of preliminary layout.
 - (c) Location of property lines, existing easements, buildings, water courses, existing sewers and water mains, culverts, drains, and other essential features.
 - (d) The names of all subdivisions immediately adjacent and the names of owners of record of adjacent property.
 - (e) Location, names, and present widths of existing and proposed streets, highways, easements, building lines, alleys, parks, and other public open spaces.
 - (f) All parcels of land proposed to be dedicated for public use and the conditions of such dedication.
 - (g) Any proposed changes in the use, height, or area, under any zoning regulations applicable to the area.
 - (h) Date, true north point, and scale.
 - (i) Deed description and map of survey of the tract boundary made and certified by a licensed surveyor and/or engineer.
 - (j) Connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply.
 - (k) Provisions for collecting and discharging surface drainage and preliminary designs for any bridges or culverts which may be required.
 - (l) The proposed lot lines with dimensions and suggested location of buildings.
 - (m) The location of sidewalks, sanitary sewers, storm drains, water mains, curbs and gutters and the sizes and types thereof, and the location of manholes and basins and underground conduits.
 - (n) Contours at vertical intervals of not more than five (5) feet when required by the Council.
- 13-19 Final subdivision plats; tracing. --The subdivision plat submitted for approval and subsequent recording shall be clearly and legibly drawn in ink upon tracing cloth at a scale of not more than one hundred (100) feet to the inch.
- 13-20 Same; required data. --The subdivision plat shall show the following:
- (a) Proposed subdivision name or identifying title, location, address of record owner and subdivider, and name of the licensed professional surveyor or engineer;
 - (b) Street lines, pedestrian ways, lots, reservations, easements, and areas to be dedicated to public use;
 - (c) Sufficient acceptable data for the Council to determine readily the location, bearing, and length of every street line, lot line, and boundary line and to reproduce them on the ground. Reference should be made to known or permanent monuments and, where practicable, to the state system of plane coordinates;
 - (d) The boundaries of the property, location, graphic scale, and true north point;
 - (e) Every such plat shall show all lands which the owner proposes to dedicate for public use together with the covenants, if any, as to the use thereof;
 - (f) All permanent reference monuments shown by an "X" on the plat;
 - (g) Contours at vertical intervals of not more than five (5) feet when required by the Council.

TITLE 13
SUBDIVISIONS

Chapter 5

Improvements Required

Sec.

- 13-21 Physical improvements: (a) monuments; (b) grading and surface treatment of streets; (c) drainage; (d) street signs; (e) sidewalks and gutters; (f) water and sewer; (g) responsibility for damages to Town facilities, and for keeping access roads open.
- 13-22 Plans and specifications for improvements.
- 13-23 Inspection during installation of improvements.
- 13-24 Approval of installation of improvements.
- 13-25 Acceptance of improvements by Town.

- 13-21 Physical improvements: (a) monuments; (b) grading and surface treatment of streets; (c) drainage; (d) street signs; (e) sidewalks and gutters; (f) water and sewer; (g) responsibility for damages to Town facilities, and for keeping access roads open. --(a) Monuments shall be placed in the ground at all corner and angle points in the center lines of the subdivision and at all points of angles and curvature in the right-of-way lines of all streets within the subdivision. At designated points in the outer lines of the subdivision and at least two (2) points in each block said monuments shall be stone or concrete not less than 4 inches above the finished grade. In all other locations said monuments shall be iron pipe not less than 1/2 inch or more than 1 inch in diameter. The top of all stone and concrete monuments shall be set no less than 1 inch or more than 4 inches above the finished grade of the ground surface at their respective locations.
- (b) Streets shall be graded and surfaced and surface treated to widths as follows:

	<u>Graded</u>	<u>Surfaced</u>	<u>Surface Treated</u>
(1) Alleys	20'	20'	20'
(2) Service Drives	32'	26'	26'
(3) Local Streets	50'	36'	36'
(4) Local Thoroughfares	60'	36'	36'

Streets shall be graded for the entire width of the right of way. The distance from back of curb to back of curb shall be at least 36' on 50' rights of way and 36' on 60' rights of way. The hard surface shall extend from curb to curb or gutter to gutter.

Subgrade shall be shaped to the cross-section of the finished road.

First course as described below shall not be commenced until at least sixth (60) days after completion of the base course and until tests of the base course indicate a density of ninety-five (95) percent. Paving shall not be applied without prior approval of the Town of Vienna Road Inspector.

The bituminous surface treatment shall be comprised of three (3) layers of stone and three (3) applications of bituminous material as follows:

First treatment 5/10 gals. bituminous material (RC-2 or RT-2) and forty (40) lbs. #9 stone per sq. yd.

Second treatment 5/10 gals. bituminous material (RC-3 or RT-3) and forty (40) lbs. #9 stone per sq. yd.

Third treatment 3/10 gals. bituminous material (RC-4 or RT-4) and forty (40) lbs. #11 stone per sq. yd.

Bituminous materials and stone for the surface course and base course shall comply with the current requirements of the Virginia Department of Highways for such application.

The period of applying bituminous material surface treatment shall be from the first day of May until the fifteenth day of October of each year. Bituminous surface treatment may also be applied at such other periods as may be designated by the Road Inspector of the Town of Vienna.

After the first course is completed and before acceptance by the Town of Vienna of a surfaced street, there shall be deposited with the Town of Vienna an amount sufficient to complete second and third surface treatments plus an amount equal to 15¢ per lineal foot of street (measured along the street center line) for maintenance purposes.

13-21 (cont.)

(c) A drainage system shall be provided for by means of culverts under roadways, lead and outlet-ditches and any other structures that are necessary to provide adequate drainage of both natural and storm water for all streets and adjoining properties.

(d) Street signs shall be installed at all street intersections.

(e) Sidewalks and gutters shall be provided on both sides of all local thoroughfares and local streets and shall be constructed of a 1:2:4 concrete. Sidewalks shall have a minimum width of 4 feet and a minimum depth of 4 inches. That portion of concrete driveways passing over sidewalks or street rights of way must be constructed with reinforcing wire mesh not less than 4" x 4", No. 4. Concrete shall be poured in alternate square blocks with a 1 inch pre-molded bituminous expansion joint at intervals not greater than 50 feet and at junction points of curbs. Gutters shall be constructed in sections not more than 10 feet long with a 1/2 inch pre-molded bituminous expansion joint at intervals not greater than 20 feet and at all tangent points of curves. A pre-molded bituminous joint shall be provided at the junction of valley gutters. Curbs and gutters on unstable ground shall have expansion strips and dowel sleeves.

(f) A water and sewer system connected to the Town water and sewer system, and approved by the Council, shall be provided in all subdivisions.

(g) Damages to existing facilities in the Town system which are directly attributable to the negligence of the subdivider, contractor, or builder shall be repaired at their expense. Subdividers, builders, and contractors shall also be responsible for keeping all roads used as access to the area of construction or development free from dust and mud.

13-22 Plans and specifications for improvements. --Two (2) blue, black or sepia line prints of the plans and specifications for all of the required physical improvements to be installed in a subdivision, as prepared by a surveyor or engineer duly authorized by the Commonwealth of Virginia to prepare such plans and specifications shall be submitted to the Council for approval. If approved, one (1) copy bearing such approval shall be returned to the subdivider.

13-23 Inspection during installation of improvements. --Periodic inspections during the installation of the physical improvements shall be made to insure conformity with the approved plans and specifications. The subdivider shall notify the proper administrative officers when each phase of the installation is completed and ready for inspection.

13-24 Approval of installation of improvements. --Upon completion of installation of the required improvements the administrative officers charged with the responsibility for each of the various types of improvements shall issue certificates of approval therefore to the subdivider or his agent, and such certificates shall operate as evidence for the release of any agreement or bond which may have been furnished for the guarantee of satisfactory installation of such improvements or parts thereof.

13-25 Acceptance of improvements by Town. --The installation of improvements in subdivisions as herein required shall in no case serve to bind the Town to accept such improvements for the maintenance, repair, or operation thereof, but such acceptance shall be subject to the existing regulations concerning the acceptance of each type of improvements.

TITLE 14
WEEDS AND DEBRIS

Sec.

14-1	Definitions.
14-2	Where prohibited; generally.
14-3	Same; when constituting traffic hazard or menace to public safety.
14-4	Same; when constituting fire hazard.
14-5	Report of violation.
14-6	Inspection of site of violation; notice to cut or remove.
14-7	Procedure when notice to cut or remove is not complied with.
14-8	Procedure when owner is unknown, or cannot be found.
14-9	Procedure when owner is nonresident of the Town.
14-10	Initiation of action by sanitation officer.
14-11	Burning weeds.
14-12	Keeping streets free of weeds.
14-13	Penalties.

14-1

Definitions.

(a) **BLOCK.** The word "block" as used in this Title shall be taken to mean the land in an area usually designated as a town block bounded by two (2) or more streets in the town.

(b) **DEBRIS.** The word "debris" as used in this Title shall be held to include cuttings of weeds, as herein defined, trash, junk, discarded motor vehicles, standing water which is detrimental to the health, comfort, or general welfare of the inhabitants of the Town, compost heaps that are maintained in an unsanitary condition, or any other material which may provide a hiding place for snakes or rats, or anything or any condition which may be a fire menace, breeding place for mosquitos, or which gives off obnoxious or offensive odors.

(c) **OWNER.** The word "owner" as used in this Title shall be taken to include persons holding title to any land or lot in the Town; lessees, tenants, and principal occupants of any land or lot in the Town or agents of persons holding titles to such lands or lots, having care, custody, control, or management of the land or lot; and fiduciaries holding title to or having the care, custody, control or management of land or lots in the Town for others.

(d) **WEEDS.** The word "weeds" as used in this Title shall be held to include wild or uncontrolled growth or vegetation of every kind standing on land.

14-2

Where prohibited; generally. --It shall be unlawful for any owner of any land or lot in the Town to permit weeds to stand more than fifteen (15) inches in height, or any debris to remain upon such land or lot, or to remain upon any portion of the sidewalk or street or public right of way adjacent to such land.

14-3

Same; when constituting a traffic hazard or menace to public safety. --It shall be unlawful for the owner of any land or lot in the Town to permit any weeds or debris to remain upon such land or lot, or to remain upon any portion of the sidewalk or street or area between the property line of such land or lot and a line in the street adjacent thereto having no curb which line is parallel to the property line and ten (10) feet distant therefrom, or to remain between the property line and the middle of an alley adjacent to the property line of such land or lot, in such location, size, and condition as to constitute an obstruction or hindrance to the safe movement of vehicular and pedestrian traffic upon the streets and alleys of the Town or as to constitute a menace to public safety.

14-4

Same; when constituting fire hazard. --It shall be unlawful for the owner of any land or lot within the Town to permit any weeds or debris to remain upon such land or lot in such quantity and condition as to constitute a fire hazard.

- 14-5 Report of violation. --Any person aggrieved by the presence of weeds or debris in violation of the four (4) preceding sections of this Title may report such presence of weeds and debris to the Sanitation Officer, which report shall be in writing and signed by the person aggrieved.
- 14-6 Inspection of site of violation; notice to cut or remove. --Upon receipt of a report as referred to in the preceding section, the Sanitation Officer shall cause the site of the reported violation to be inspected. When the Sanitation Officer has determined that a violation in fact exists, he shall, except as provided in Sections 14-8 and 14-9 of this Title, notify the owner of the land or lot upon which the violation exists or the owner of the land or lot adjacent to the street, sidewalk, alley, or area upon which the violation exists, to cut or remove or cause to be cut or removed the weeds or debris complained of within such time as is specified in the notice. Such notice shall be in writing and delivered or mailed to the last known address of the owner. It shall be unlawful for any person to fail to comply with such notice.
- 14-7 Procedure when notice to cut or remove is not complied with. --Should the owner fail, refuse, or neglect to comply with the notice referred to in the preceding section within the time specified therein the Sanitation Officer shall obtain a summons requiring the owner to appear before the Municipal Court of the Town of Vienna within five (5) days thereafter to show cause why an order requiring compliance with the foregoing section should not be issued. The Sanitation Officer shall appear to be examined as a witness relative to the matter.
- If a violation is found by the court to exist, such court shall enter an order requiring the defendant within a time specified to cut and remove or cause to be cut and removed the offending weeds or debris.
- 14-8 Procedure when owner is unknown or cannot be found. --If the owner of the land or lot is unknown or cannot be found, the notice referred to in Section 14-6 of this Title shall be dispensed with, and the Sanitation Officer shall cause the offending weeds and debris to be cut or removed at the cost of the Town and shall transmit to the Town collector a memorandum of such cost, adding thereto twenty (20%) percent for the use of Town tools. The Town collector, upon receipt of such memorandum, shall add such total costs to the first bill for taxes on the land assessed against such owner and shall collect the cost with the taxes assessed in the same manner and by the same process as is prescribed for the collection of taxes.
- 14-9 Procedure when owner is nonresident of the Town. --If the owner of the land is a nonresident of the Town the notice referred to in Section 14-6 of this Title shall be given if the address of such owner is known. Should such owner fail to comply with such notice within the time specified therein, the Sanitation Officer shall proceed as provided in the preceding section. If the address of such owner is unknown, such notice shall be dispensed with and the Sanitation Officer shall proceed as provided in the preceding section.
- 14-10 Initiation of action by Sanitation Officer. --The Sanitation Officer shall initiate action against any owner of land when a violation of Sections 14-2, 14-3, and 14-4 of this Title exists by following the procedure set out in this Title.

- 14-11 Burning weeds. --Any owner of land required to remove weeds under the provision of this Title may remove the same by burning under the supervision of the Town fire department. Prior to such burning, such owner shall agree in writing with the Town upon such form as shall be prescribed by the Sanitation Officer, to indemnify, reimburse, and save the Town and its agents, officers, and employees harmless from all damages that may result directly or indirectly to persons and property from the burning of weeds.
- 14-12 Keeping streets free of weeds. --Except as otherwise provided in this Title, it shall be the duty of the officers or employees of the Town, designated by the Town Council, to keep the streets of the Town free from weeds.
- 14-13 Penalties. --Any person violating any provision of this Title shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not more than fifty (\$50.00) dollars nor less than five (\$5.00) dollars for each offense or not more than thirty (30) days in jail, or both. Each day such violation continues after due notification shall constitute a separate offense.

TITLE 15

ZONING

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TITLE 15
ZONING

Chapter 1. Section 15-1

Definitions of Terms.

15-1.1

Definitions of terms.--For the purpose of this Title, certain words and phrases used herein are defined as follows:

The words "used for" include "designed for" and vice versa; words used in the present tense include the future; words in the singular number include the plural number and vice versa; the word "building" includes the word "structure", the word "dwelling" includes the word "residence", the word "lot" includes the word "plot" and the word "shall" is mandatory and not directory.

ALLEY: A public way less than thirty (30) feet in width designated as an alley on a record plat or dedicated as such in a deed.

BASEMENT: A story partly or wholly underground. For purposes of height measurement a basement shall be counted as a story where more than one-half (1/2) of its height is above the average level of the adjoining ground.

BILLBOARD: Any sign or advertisement used as an outdoor display for the purpose of making anything known, about something not attached to or which is remote from said display.

BOARDING HOUSE: A building other than a hotel where for compensation, meals, or lodging and meals, are provided for three (3) or more, but not exceeding nine (9) guests.

BUILDING: Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels. When divided by walls without openings each portion or section of such building shall be regarded as a separate building.

BUILDING, ACCESSORY: A subordinate building or a portion of the main building, the use of which is incidental to that of the principal use of the main building or land. An accessory use is one which is incidental to the main use of the premises. No accessory building shall be used for dwelling purposes other than by domestic servants employed entirely on the premises.

BUILDING, PRINCIPAL: A building in which is conducted the main or principal use of the lot on which said building is located.

BUILDING HEIGHT: The vertical distance measured from the adjoining curb grade to the highest point of the roof surface, if a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge for a gable, hip or gambrel roof. Where buildings are set back from the street line, the height of the building shall be measured from the average elevation of the finished grade along the front of the building.

BUILDING LINE: A line parallel to the center line of the street which establishes the minimum horizontal distance between the center line of the street and the permissible location of the nearest portion of any building.

BUILDING, UNIT GROUP: Two (2) or more buildings (other than dwellings) grouped upon a lot and held under a single ownership, such as universities, hospitals and institutions.

COMMISSION, ZONING AND PLANNING: The Zoning and Planning Commission consists of the five (5) members appointed by the Circuit Court of Fairfax County as the Zoning Commission of the Town of Vienna and further designated by the Mayor as the Planning Commission of the Town of Vienna.

COURT: An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bounded on two (2) or more sides by such building or buildings.

CURB GRADE: The elevation of the established curb in front of the building measured at the center of such front. Where no curb grade has been established, the zoning administrator shall establish such curb grade or its equivalent for the purpose of this Title.

DWELLING: A building designed as the living quarters for one (1) or more families.

DWELLING UNIT: One (1) or more rooms in a dwelling designed for occupancy by one (1) family for living purposes and having cooking facilities.

DWELLING, ONE-FAMILY: A detached building designed exclusively for occupancy by one (1) family.

DWELLING, TWO-FAMILY: A building containing two (2) dwelling units, arranged one (1) above the other or side by side.

DWELLING, MULTIPLE-FAMILY: (Apartment House) A building or portion thereof, designed for occupancy by three (3) or more families living independently of each other. The term does not include hotel, tourist camp, cabin or court, trailer camp, motel or similar premises.

DWELLING ROW: One (1) of a series of three (3) or more attached one-family dwellings separated from one another by a single partition wall without openings extended from basement to roof.

FAMILY: One (1) or more persons living together and occupying a single housekeeping unit, which may include not to exceed two (2) lodgers or boarders.

GARAGE, PRIVATE: A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles by the occupants of the premises, and in which no business, occupation, or service for profit is in any way conducted except that one of the vehicles may be a commercial one (1) of not more than 1/4 of a ton capacity.

GARAGE, PUBLIC: A building other than a private garage where automobiles are parked, stored, cared for or equipped.

GUEST HOUSE: Living quarters within a detached accessory building located on the same premises with the principal building, for use by temporary guests of the occupants of the premises; such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.

GUEST ROOM: A room which is designed or intended for occupancy by one (1) or more guests, but in which no provision is made for cooking, and not including dormitories for sleeping purposes only.

15-1.1 (cont.)

HOME OCCUPATION: A customary use of a dwelling and premises by the inhabitants thereof not involving (1) emission of unpleasant sound beyond the premises, (2) outside display, (3) advertising, (4) sales of a commodity on the premises, and (5) the use of more than twenty-five (25) percent of the livable floor area of the dwelling exclusive of the basement. No person is employed other than a member of the immediate family residing on the premises.

HOTEL: Any building or portion thereof which contains guest rooms which are designed or intended to be used, let or hired out for occupancy and which together are intended to provide for accommodations for compensation to ten (10) or more individuals at any given time.

HOTEL, APARTMENT: A building or portion thereof designed for or containing both individual guest rooms or suites of rooms and dwelling units.

JUNK YARD: Any land or building used for abandonment, storage, keeping, collecting, processing, or baling of paper, rags, scrap metals, and other scrap or discarded materials including dismantled automobiles or other vehicles.

LOT: Land occupied or to be occupied by use, building, or unit group of buildings, and accessory buildings, together with such yards and area as required by this Title, and having its principal frontage upon a public street accepted by the Town of Vienna.

LOT AREA: The total horizontal area within the lot lines of a lot. No alley, public way, public land, or area proposed for future street purposes is included within the net area of a lot.

LOT CORNER: A lot situated at the intersection of two (2) or more streets, having an angle of intersection of not more than 135 degrees.

LOT DEPTHS: The horizontal distance between the front and rear lot lines, measured along the median between the two (2) side lot lines.

LOT, FRONT OF: The front of a lot shall be considered to be that side of the lot which fronts on a street. In case of a corner lot, the shortest side fronting on the street shall be considered to be the front of the lot or when sides fronting the streets are of equal lengths, the lot shall be considered to front on that street having the longest frontages of lots within the same block.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: The lines bounding a lot as defined herein.

LOT, THROUGH: A lot having frontage on two (2) parallel or approximately parallel streets.

LOT WIDTH: The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

NONCONFORMING BUILDING: A building or structure or portion thereof lawfully existing prior to the effective date of this Title which was designed, erected, or structurally altered for a use that does not conform to the use regulation of this Title pertaining to the district in which it is located.

NONCONFORMING USE: A use which lawfully occupied a building or land prior to the effective date of this Title and which does not conform with the use regulations of this Title pertaining to the district in which it is located.

PARKING AREA, PRIVATE: An open area, other than a street or alley, used for the parking of the automobiles of occupants of a dwelling.

PARKING AREA, PUBLIC OR CUSTOMER: An open area, other than a private parking area, street or alley, used for the parking of automobiles and available for public or quasipublic use.

PARKING SPACE, AUTOMOBILE: Space within a building or a private or public parking area for the parking of one (1) automobile.

PUBLIC: Any land-use property or structure officially a part of the Town of Vienna, Virginia.

ROOMING HOUSE: A dwelling in which, as a home occupation and for compensation, lodging only is furnished to three (3) or more, but not more than nine (9) guests. Such dwelling shall contain not more than five (5) guest rooms.

SEMPUBLIC: Any nonprofit land-use, property or structure of an institutional or civic nature including community buildings not owned and/or operated by a public agency.

SIGN: Any words, numerals, figures, devices, designs, or trade marks by which anything is made known, such as are used to designate an individual, a firm, profession, business, or a commodity and which are visible from any public street. (This definition shall not include temporary merchandise signs within store windows.)

STORY: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between such floor and ceiling next above it.

STREET: A public thoroughfare thirty (30) feet or more wide which affords the principal means of access to abutting property.

STREET LINE: A dividing line between a lot, tract, or parcel of land and a contiguous street.

STREET WIDTH: The horizontal distance between the side lines of a street, measured at right angles to the side lines.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof.

STRUCTURE: Anything constructed or erected which requires location on the ground or attached to something having a location on the ground but not including a tent or vehicle. Customary garden accessories such as fences, trellises, grapevine supports, etc. are not included in this definition of structure.

TOURIST CAMP: Land used or intended to be used, let or rented for occupancy by campers traveling by automobile or otherwise, or for occupancy by or of trailers, tents or movable or temporary dwellings, rooms or sleeping quarters of any kind; the parking or supporting by a foundation of two (2) or more trailers will be termed a Tourist Camp.

TOURIST COURT: A group of attached or detached buildings which are provided for transient guests including auto courts, motels and motor lodges.

TOURIST HOME: A dwelling in which boarding or rooming, or both are offered to the traveling public for compensation, open to transient guests, in contra-distinction to a boarding house or rooming house.

TRAILER: A residence, house car, camp car, or any portable or mobile vehicle on wheels, skids, or rollers, not structurally anchored to a foundation, either self-propelled, or propelled by an attached vehicle, animal, person, or other propelling apparatus which is used or may be used for residential, commercial, hauling, or storage purposes, and herein referred to a trailer.

TRAILER CAMP: Same as "Tourist Camp."

USE: The purpose for which land or a building is arranged, designed or intended or for which either land or a building is or may be occupied or maintained.

YARD: An open space on the same lot with a principal building or group of principal buildings which open space lies between the building or outer building of a group and the nearest lot or street line.

15-1.1 (cont.)

YARD, FRONT: A yard extending across the full width of the lot, between the nearest principal building and the front lot line. The depth of the required front yard shall be measured horizontally from the nearest part of the principal building to the nearest point of the front lot line.

YARD, REAR: A yard extending across the full width of the lot between the nearest rear principal building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest part of a principal building toward the nearest point of the rear lot line.

YARD, SIDE: A yard between a principal building and the side lot line, extending from the front yard, or front lot line, where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side line toward the nearest part of the principal building.

ZONE: Area within which certain uses of land and buildings are permitted and certain others are prohibited, yards and other open spaces are required, lot areas, building height limits, and other requirements are established, all of the foregoing being identical for the zone in which they apply.

ZONING ADMINISTRATOR: The Town official designated by the Vienna Town Council to administer this Title, as provided herein.

ZONING MAP: The "Official Zoning Map for Vienna, Virginia", approved May 29, 1959 (It will be out of date with the new zones, won't it?), together with all amendments thereto subsequently adopted.

TITLE 15

ZONING

Chapter 2. Section 15-2

Zone Categories and Boundaries; Zoning MapSec.

15-2.1 Categories of zones,
 15-2.11 Zone boundaries, how determined,
 15-2.2 Zoning Map.

15-2.1 Categories of zones. --For the purpose of this Title, the Town of Vienna is hereby divided into categories of ten (10) zones, as follows:

RS-16 Zone: One-family detached residential.
 RS-12.5 Zone: One-family detached residential.
 RS-10 Zone: One-family detached residential.
 RM-2 Zone: Multi-family, low density.
 C-1 Zone: Local commercial.
 C-1A Zone: Special commercial.
 C-2 Zone: General commercial.
 CMP Zone: Industrial Park Zone.
 CM Zone: Limited Industrial.
 M Zone: Industrial.

15-2.11 Zone boundaries, how determined. --Where uncertainty exists as to the boundaries of any of the zones established in Sec. 15-2.1 and as shown on the Zoning Map, the following rules shall apply:

- (1) Zone boundaries are intended to follow street, alley, lot, or property lines, unless such zone boundary lines are fixed by dimensions, as shown on said Zoning Map.
- (2) Where some boundaries are so indicated that they approximately follow lot lines and are not more than ten (10) feet distant therefrom, such lot lines shall be such boundaries.

15-2.2 Zoning Map. --The locations and boundaries of the zones shall be as shown on a map entitled, "Town of Vienna, Virginia, Zoning Map", dated 5/29/59 which map is incorporated herein by reference.

TITLE 15

ZONING

Chapter 3, Section 15-3

General Provisions

- 15-3. 1 Regulations as to uses, height, and area, in general. --In interpreting and applying this Title, the requirements contained herein are declared to be the minimum requirements for the protection of the health, morals, safety, and welfare of the inhabitants of the Town of Vienna. Except as hereinafter provided, the following general regulations shall apply:
- 15-3. 11 Uses. --(1) No building or structure shall be erected, reconstructed, structurally altered, enlarged, or moved, nor shall any land or building be used or designed to be used for any purpose other than is permitted in the zone in which such a building or land is located.
(2) Every building hereafter erected shall be located on a lot as herein defined; and, except as herein provided, there shall be no more than one (1) principal building on one (1) lot.
- 15-3. 12 Height. --No building or structure shall be erected, reconstructed, or structurally altered to exceed in height the limit hereinafter designated for the zone in which such building or structure is located.
- 15-3. 13 Area. --(1) No building or structure shall be erected, reconstructed, structurally altered, enlarged, or removed, nor shall any open space surrounding any building be encroached upon or reduced in any manner except in conformity with all area and building location regulations hereinafter designated for the zone in which such building or open space is located.
(2) No yard or other space provided about any building for the purpose of complying with the provisions of this Title shall be considered as providing a yard or open space for any other building, and no yard or other open space on one (1) lot shall be considered as providing a yard or open space for a building on any other lot.
(3) No lot or parcel of land, with or without buildings at the time this Title became effective shall be subdivided, resubdivided, or reduced in any manner below the minimum lot width and lot area required by this Title.

TITLE 15

ZONING

Chapter 4

Special Provisions

Article 1. RS-16, Zone, Single-family, Sections 15-4.1 to 15-4.6

Sec.

- 15-4.1 Uses permitted.
- 15-4.11 Conditional Uses.
- 15-4.12 Transitional Uses.
- 15-4.13 Uses Prohibited.
- 15-4.2 Area Requirements.
- 15-4.21 Lot Area.
- 15-4.22 Lot Width.
- 15-4.23 Yard Requirements.
- 15-4.231 Front Yard.
- 15-4.232 Side Yard.
- 15-4.233 Rear Yard.
- 15-4.24 Lot Coverage.
- 15-4.3 Height Limit.
- 15-4.4 Accessory Building and Private Parking Area requirements.
- 15-4.5 Offstreet parking Area.
- 15-4.6 Name Plates and Signs.

Article 2. RS-12.5 Zone, Single-family, Sections 15.5.1 to 15-5.6

- 15-5.1 Uses Permitted.
- 15-5.11 Conditional Uses.
- 15-5.12 Transitional Uses.
- 15-5.13 Uses Prohibited.
- 15-5.2 Area Requirements.
- 15-5.21 Lot Area.
- 15-5.22 Lot Width.
- 15-5.23 Yard Requirements.
- 15-5.231 Front Yard.
- 15-5.232 Side Yard.
- 15-5.233 Rear Yard.
- 15-5.24 Lot Coverage.
- 15-5.3 Height Limit.
- 15-5.4 Accessory Building and Private Parking Area Requirements.
- 15-5.5 Offstreet Parking Area.
- 15-5.6 Name Plates and Signs.

Article 3. RS-10 Zone, Single-family, Sections 15-6.1 to 15-6.6

- 15-6.1 Uses Permitted.
- 15-6.11 Conditional Uses.
- 15-6.12 Transitional Uses.
- 15-6.13 Uses Prohibited.
- 15-6.2 Area Requirements.
- 15-6.21 Lot Area.
- 15-6.22 Lot Width.
- 15-6.23 Yard Requirements.
- 15-6.231 Front Yard.
- 15-6.232 Side Yard.
- 15-6.233 Rear Yard.
- 15-6.24 Lot Coverage.
- 15-6.3 Height Limit.
- 15-6.4 Accessory Building and Private Parking Area Requirements.
- 15-6.5 Offstreet Parking Area.
- 15-6.6 Name Plates and Signs.

Article 4. RM-2 Zone, Multi-family, Sections 15-7.1 to 15-7.6

- 15-7.1 Uses Permitted.
- 15-7.11 Conditional Uses.
- 15-7.12 Transitional Uses.
- 15-7.13 Uses Prohibited.
- 15-7.2 Area Requirements.
- 15-7.21 Lot Area.
- 15-7.22 Lot Width.
- 15-7.23 Yard Requirements.
- 15-7.231 Front Yard.
- 15-7.232 Side Yard.
- 15-7.233 Rear Yard.
- 15-7.234 Court Requirements.
- 15-7.235 Apartment Projects.
- 15-7.24 Lot Coverage.
- 15-7.3 Height Limit.
- 15-7.4 Accessory Building and Parking Area Requirements.
- 15-7.5 Offstreet Parking Area.
- 15-7.6 Name Plates and Signs.

Article 5. C-1 Zone, Local Commercial, Sections 15-8.1 to 15-8.7

- 15-8.1 Uses Permitted.
- 15-8.11 Same.
- 15-8.12 Same.
- 15-8.13 Same.
- 15-8.14 Same; exceptions.
- 15-8.15 Same.
- 15-8.2 Conditional Uses.
- 15-8.3 Area Requirements.
- 15-8.31 Yard Requirements.
- 15-8.311 Front Yard.
- 15-8.312 Side Yard.
- 15-8.313 Rear Yard.
- 15-8.4 Height Limit.
- 15-8.5 Accessory Building and Private Parking Area Requirements.
- 15-8.6 Offstreet Parking Area.
- 15-8.7 Name Plates and Signs.

Article 6. C-1A Zone, Special Commercial, Sections 15-8A.1 to 15-8A.7

- 15-8A.1 Uses Permitted.
- 15-8A.11 Same.
- 15-8A.12 Same.
- 15-8A.13 Same; exceptions.
- 15-8A.14 Same.
- 15-8A.2 Conditional Uses.
- 15-8A.3 Area Requirements.
- 15-8A.31 Yard Requirements.
- 15-8A.311 Front Yard.
- 15-8A.312 Side Yard.
- 15-8A.313 Rear Yard.
- 15-8A.4 Height Limit
- 15-8A.5 Accessory Building and Private Parking Area Requirements.
- 15-8A.6 Offstreet Parking.
- 15-8A.7 Name Plates and Signs.

Article 7. C-2 Zone, General Commercial, Sections 15-9.1 to 15-9.7

- 15-9.1 Uses Permitted.
- 15-9.11 Same.
- 15-9.12 Same.
- 15-9.13 Same; exceptions.
- 15-9.14 Same.
- 15-9.2 Conditional Uses.
- 15-9.3 Area Requirements.
- 15-9.31 Yard Requirements.
- 15-9.311 Front Yard.
- 15-9.312 Side Yard.
- 15-9.313 Rear Yard.
- 15-9.4 Height Limit.
- 15-9.5 Accessory Building and Private Parking Area Requirements.
- 15-9.6 Offstreet Parking Area.
- 15-9.7 Name Plates and Signs.

Article 8. CMP Zone, Industrial Park, Sections 15-9A to 15-9A.2a

- 15-9A Regulations; Purpose of CMP Zone.
- 15-9A.1 Uses Permitted.
- 15-9A.2 Conditional Uses.
- 15-9A.21 Uses Prohibited.
- 15-9A.3 Area Requirements.
- 15-9A.31 Required Yards and Landscaped Areas.
- 15-9A.311 Landscaping.
- 15-9A.312 Planting Screens.
- 15-9A.32 Frontage.
- 15-9A.33 Lot Coverage.
- 15-9A.34 Spacing Between Buildings.
- 15-9A.4 Height Limit.
- 15-9A.5 Outside Storage.
- 15-9A.6 Offstreet Parking Requirements.
- 15-9A.61 Loading Berth Requirements.
- 15-9A.611 Access Roads to Loading Berths.
- 15-9A.612 Loading on Rail Lines.
- 15-9A.613 Hours Prohibited for Loading.
- 15-9A.7 Signs.
- 15-9A.71 Lighting of Free-Standing Signs.
- 15-9A.8 Screening.
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- 15-9A.9 Street Rights-of-Way.
- 15-9A.10 General Intent.
- 15-9A.101 Limitations upon External Effects.
- 15-9A.102 Plans for Abatement to Be Presented.
- 15-9A.103 Tests for Non-Adherence to Standards.
- 15-9A.1a Application and Site Plan Approval.
- 15-9A.1a1 Application.
- 15-9A.1a2 Other Information Required.
- 15-9A.1a3 Private Covenants Included in Plan.
- 15-9A.1a4 Plan of Development, Requirements for Approval of.
- 15-9A.1a5 When Issuance of Permit Authorized.
- 15-9A.196 Change in use.
- 15-9A.2a Performance Standards. (This section immediately follows chart.*)

Article 9. CM Zone, Limited Industrial, Sections 15-10.1 to 15.10.7

- 15-10.1 Uses Permitted.
- 15-10.11 Same.
- 15-10.12 Same.
- 15-10.13 Same; exceptions.
- 15-10.14 Same.
- 15-10.2 Conditional Uses.
- 15-10.3 Area Requirements.
- 15-10.31 Yard Requirements.
- 15-10.311 Front Yard.
- 15-10.312 Side Yard.
- 15-10.313 Rear Yard.
- 15-10.4 Height Limit.
- 15-10.5 Accessory Building and Private Parking Area Requirements.
- 15-10.6 Offstreet Parking Area.
- 15-10.7 Name Plates and Signs.

Article 10. M Zone, Industrial, Sections 15-11.1 to 15-11.7

- 15-11.1 Uses Permitted.
- 15-11.11 Same.
- 15-11.12 Same.
- 15-11.13 Same; exceptions.
- 15-11.14 Same.
- 15-11.2 Conditional Uses.
- 15-11.21 Uses Prohibited.
- 15-11.3 Area Requirements.
- 15-11.31 Yard Requirements.
- 15-11.311 Front Yard.
- 15-11.312 Side Yard.
- 15-11.313 Rear Yard.
- 15-11.4 Height Limit.
- 15-11.5 Accessory Building and Private Parking Area Requirements.
- 15-11.6 Offstreet Parking Area.
- 15-11.7 Name Plates and Signs.

Section 15-9A.2aPerformance Standards. --

All uses in a CMP Zone shall operate in conformance with the limitations set forth in each subsection below:

1. Vibration. No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or at any point beyond the lot line; nor shall any vibration produced exceed 0.002g peak measured at or beyond the lot line using either seismic or electronic vibration measuring equipment.

2. Noise. All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness. In no event shall the sound-pressure level of noise radiated continuously from a facility at nighttime exceed at the lot line the values given in Table 1 (set out hereafter) in any octave band of frequency. However, where the lot line adjoins or lies within twenty-five (25) feet of the boundary of a residence district the sound-pressure levels of noise radiated at nighttime shall not exceed at the lot line the values given in Table 11 (set out hereafter) in any octave band of frequency. The sound-pressure level shall be measured with a Sound Level Meter and an Octave Band Analyzer that conform to specifications published by the American Standards Association. (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, Z24.3-1944, American Standards Association, Inc., New York, N. Y., and American Standard Specification for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds, Z24.10-1953, American Standards, Inc., New York, N. Y. Shall be used).

TABLE 1

Maximum permissible sound-pressure levels at the lot line for noise radiated continuously from a facility between the hours of 9 P. M. and 7 A. M.

Frequency Band Cycles Per Second	Sound Pressure Level Decibels re 0.0002 dyne/cm ²
20-75	69
75-150	60
150-300	56
300-600	51
600-1,200	42
1,200-2,400	40
2,400-4,800	38
4,800-10,000	35

If the noise is not smooth and continuous and is not radiated between the hours of 9 P. M. and 7 A. M., one or more of the corrections in Table 111 below shall be added to or subtracted from each of the decibel levels given above in Table 1.

TABLE 11

Maximum permissible sound-pressure levels at a lot line for noise radiated continuously from a facility between the hours of 9 P.M. and 7 A.M., where the lot line adjoins or lies within twenty-five (25) feet of the boundary of a residence district.

Frequency Band Cycles Per Second	Sound Pressure Level Decibels re 0.0002 dyne/cm ²
20-75	65
75-150	50
150-300	43
300-600	38
600-1,200	33
1,200-2,400	30
2,400-4,800	28
4,800-10,000	26

If the noise is not smooth and continuous and is not radiated between the hours of 9 P.M. and 7 A.M., one or more of the corrections in Table 111 below shall be added to or subtracted from each of the decibel levels given above in Table 11.

TABLE 111

Type of Operation in Character of Noise	Correction in Decibels
Daytime operation only	plus 5
Noise source operates less than 20% of any one-hour period	plus 5*
Noise source operates less than 5% of any one-hour period	plus 10*
Noise source operates less than 1% of any one-hour period	plus 15*
Noise of impulsive character (hammering, etc.)	minus 5
Noise of periodic character (hum, screech, etc.)	minus 5

*Apply one of these corrections only.

3. Air Pollution, Smoke, Dust, Fumes, Particulate Matter.

a. Definitions.

(1) Particulate Matter. Material which is suspended in or discharged into the atmosphere in finely divided form as a liquid or solid including smoke, dust, fumes or mist.

(2) Process Weight Per Hour. The total weight of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process

weight, but liquid and gaseous fuels and combustion air will not. "The Process Weight Per Hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

(3) Combustion Contaminants. Particulate matter, sulfur, carbon, or their compounds discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.

(4) Atmosphere. The air that envelopes or surrounds the earth. Where air pollutants are emitted into a building not designed specifically as a piece of air pollution control equipment, such emission into the building shall be considered an emission into the atmosphere.

(5) Standard Conditions. A gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute. Results of all analyses and tests shall be calculated or reported at this gas temperature and pressure.

b. Smoke. There shall not be discharged into the atmosphere from any source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:

(1) As dark or darker in shade than that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or its equivalent, or

(2) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in Paragraph 3 (b) (1) of this standard.

c. Combustion Contaminants. There shall not be discharged into the atmosphere from any single source of emission combustion contaminants (excluding condensed steam) in any state or combination thereof exceeding at the point of discharge 0.3 grains per cubic foot of gas calculated to twelve (12) percent carbon dioxide (CO₂) at standard conditions.

MAXIMUM ALLOWABLE DISCHARGE PER HOUR

Process Weight Per hour, LB.	Allowable Discharge Per hour, LB.	Process Weight Per hour, LB.	Allowable Discharge Per hour, LB.
50	0.24	3,300	5.36
100	0.46	3,400	5.44
150	0.66	3,500	5.52
200	0.852	3,600	5.61
250	1.03	3,700	5.69
300	1.20	3,800	5.77
350	1.35	3,900	5.85
400	1.50	4,000	5.93
450	1.63	4,100	6.01
500	1.77	4,200	6.08
550	1.89	4,300	6.15
600	2.01	4,400	6.22
650	2.12	4,500	6.30
700	2.24	4,600	6.37
750	2.34	4,700	6.45
800	2.43	4,800	6.52
850	2.53	4,900	6.60
900	2.62	5,000	6.67
950	2.72	5,500	7.03
1000	2.80	6,000	7.37
1100	2.97	6,500	7.71
1200	3.12	7,000	8.05
1300	3.26	7,500	8.39
1400	3.40	8,000	8.71
1500	3.54	8,500	9.03
1600	3.66	9,000	9.36
1700	3.79	9,500	9.67
1800	3.91	10,000	10.00
1900	4.03	11,000	10.63
2000	4.14	12,000	11.28
2100	4.24	13,000	11.89
2200	4.34	14,000	12.50
2300	4.44	15,000	13.13
2400	4.55	16,000	13.74
2500	4.64	17,000	14.36
2600	4.74	18,000	14.97
2700	4.84	19,000	15.58
2800	4.92	20,000	16.19
2900	5.02	30,000	22.22
3000	5.10	40,000	28.3
3100	5.18	50,000	34.3
3200	5.27	60,000	40.0

TABLE (cont'd)

Where process weight falls between figures stated, values of allowable discharge per hour shall be interpolated.

Process weight is defined as total weight of raw materials entering process (not weight of finished product). Solid fuels charged are considered as part of process weight but liquid and gaseous fuels and combustion air are not. In continuous operation average rate of feed is used.

In batch operation total batch weight divided by operating time of a batch cycle determines process weight per hour.

d. Particulate Matter.

(1) There shall not be discharged in any one hour from any sources whatsoever, except as provided in 3(c) above, particulate matter, excluding condensed steam, in total quantities in excess of the amount shown in the preceding table.

(2) When the process weight is in excess of sixty thousand pounds per hour, there shall not be discharged in any one hour from any source whatsoever dust or fumes in excess of .066 per cent of the hourly process weight.

e. Threshold Values. There shall not be discharged into the atmosphere any contaminant for which threshold limit values are listed for working atmospheres by the American Conference of Governmental Industrial Hygienists in such quantity that the concentration of the contaminant at ground level at any point beyond the boundary of the property shall at any time exceed the threshold limit.

f. Exceptions. Paragraphs (b), (c), (d), and (e) do not apply to:

(1) Fire set by any officer, employee or fireman in the course of his official duty, for the purpose of weed abatement, the prevention of fire hazard, or the instruction of public employees in the methods of fire fighting or research relating to the prevention and control of fires.

(2) Agricultural operations in the growing of crops or raising of fowl or animals.

4. Odors.

a. There shall not be discharged or permitted to escape into the atmosphere, odors which shall be offensive to the public or which endanger public comfort, repose, health or safety.

b. The intensity of offensive odors shall be determined at the property line adjacent to the source in the manner described in "Air Pollution Abatement Manual", Chapter 5, Table 111; Manufacturing Chemists' Assn., Washington, D.C., 1951.

5. Electromagnetic Radiation: The following standards shall apply:

a. General: It shall be unlawful to operate, or cause to be operated, any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection,

topographical survey, personal pleasure, or any other use directly or indirectly associated with these purposes which does not comply with the then current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation, except that for all governmental communications facilities, governmental agencies and government owned plants, the regulations of the Interdepartment Radio Advisory Committee shall take precedence over the regulations of the Federal Communications Commission, regarding such sources of electromagnetic radiation. Further, said operation in compliance with the Federal Communications Commission or the Interdepartment Radio Advisory Committee regulations shall be unlawful if such radiation causes an abnormal degradation in performance of other electromagnetic radiators or electromagnetic receptors of quality and proper design because of proximity, primary field, blanketing, spurious reradiation, harmonic content, modulation or energy conducted by power or telephone lines. The determination of "abnormal degradation in performance" and "of quality and proper design" shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers, and the Electronic Industries Association. In case of any conflict between the latest standards and principles of the above groups, the following precedence in the interpretation of the standards and principles shall apply: (1) American Institute of Electrical Engineers, (2) Institute of Radio Engineers, and (3) Electronic Industries Association.

Recognizing the special nature of many of the operations which will be conducted because of the research and educational activities, it shall be unlawful for any person, firm or corporation to operate or cause to be operated, to maintain or cause to be maintained any planned or intentional source of electromagnetic energy, the radiated power from which exceeds 1000 watts, without the express approval of the Town of Vienna. Further, it is required that any person, firm or corporation intending to operate or cause to be operated, to maintain or cause to be maintained any planned or intentional source of electromagnetic energy, the radiated power from which exceeds 10 watts, shall file, at least 30 days prior to such operation, a description of the radiating device and the operating characteristics thereof with the Town of Vienna.

b. Electromagnetic Interference. For the purpose of these regulations,

electromagnetic interference shall be defined as electromagnetic disturbances which are generated by the use of electrical equipment other than planned and intentional sources of electromagnetic energy which interfere with the proper operation of electromagnetic receptors of quality and proper design. It shall be unlawful to operate or to cause to be operated any source of electromagnetic interference, the radiation or transmission from which exceeds the maximum values tabulated below:

RADIATED

Section of Electromagnetic Spectrum (from-to)	Primary Intended Service	Maximum Field Strength at Edge of Property Containing Interference Source
10 Kilocycles - 100 kc.	Communications Service	500 microvolts/meter
100 Kc. - 535 Kc.	Navigational Aids	300 microvolts/meter
535 Kc. - 1605 Kc.	AM Broadcasting	200 microvolts/meter
1605 Kc. - 44 Megacycles	Various Communications Service	200 microvolts/meter
44 Mc. - 88 Mc.	VHF Television Airport Control	150 microvolts/meter
88 Mc. - 174 Mc.	FM Broadcasting	200 microvolts/meter
174 Mc.-216 Mc.	VHF Television	150 microvolts/meter
216 Mc. - 580 Mc.	Navigational Aids Citizens Radio	250 microvolts/meter
580 Mc. - 920 Mc.	UHF Television	300 microvolts/meter
920 Mc. - 30,000 Mc.	Various	500 microvolts/meter

BY TRANSMISSION OR CONDUCTION

Section of Electro-magnetic Spectrum (from-to)	Primary Intended Service	Maximum Voltage Measured Line to Line or Line to Ground Where Power or Telephone Lines Cross Edge of Property Containing Interference Source
10 Kilocycles - 100 Kc.	Communications Services	2.5 Millivolts
100 Kc. - 535 Kc.	Navigational Aids	1.5 Millivolts
535 Kc. - 1605 Kc.	AM Broadcasting	1.0 Millivolts
1605 Kc. - 44 Megacycles	Various Communica-tions Services	0.5 Millivolts
44 Mc. - 88 Mc.	VHF Television	0.25 Millivolts
88 Mc. - 174 Mc.	FM Broadcasting Airport Control	1.5 Millivolts
174 Mc. - 216 Mc.	VHF Television	0.15 Millivolts
216 Mc. - 580 Mc.	Navigational Aids Citizens Radio	5.0 Millivolts
580 Mc. - 920 Mc.	UHF Television	20.0 Millivolts
920 Mc. - 30,000 Mc.	Various	150 Millivolts

c. Method of Measurement: For the purpose of determining the level of radiated electromagnetic interference, standard field strength measuring techniques shall be employed. The maximum value of the tabulation shall be considered as having been exceeded if at any frequency in the section of the spectrum being measured, the measured field strength exceeds the maximum value tabulated for this spectrum section.

For purposes of determining the level of electromagnetic interference transmitted or conducted by power or telephone lines, a suitable, tunable, peak reading, radio frequency voltmeter shall be used. This instrument shall by means of appropriate isolation coupling, be alternately connected from line to line and from line to ground during the measurement. The maximum value of the tabulation shall be considered as having been exceeded if at any frequency in the section of the spectrum being measured, the measured peak voltage exceeds the maximum value tabulated for this spectrum section.

6. Fire and Explosion. All activities and all storage of flammable and explosive materials at any point shall be provided with adequate safety and fire fighting devices in accordance with the Fire Prevention Code of Fairfax County.

7. Radioactive Materials. The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes, shall be in conformance with the regulations of the Atomic Energy Commission as set forth in Title 10, Chapter one, Part 20 - Standards for Protection Against Radiation, as amended; and all applicable regulations of the State of Virginia.

8. Glare and Heat. No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, so as to be visible at the lot line shall be permitted. These regulations shall not apply to signs or floodlighting or parking areas otherwise permitted by this ordinance. There shall be no emission or transmission of heat or heated air so as to be discernible at the lot line.

9. Non-Radioactive Liquid or Solid Wastes. There shall be no discharge at any point into any public or private sewage disposal system or stream, or into the ground, of any liquid or solid materials except in accordance with the regulations of the Town of Vienna, the County of Fairfax, Virginia and the Water Board of the State of Virginia as applicable.

TITLE 15

ZONING

Chapter 5. Section 15-12

Offstreet Parking AreasSec.

- 15-12.1 Plot plan for parking area required.
- 15-12.11 Area required for one (1) parking space.
- 15-12.12 Effect of space allocation for parking on or within building.
- 15-12.2 Schedule requirements.
- 15-12.21 Location of parking facilities.
- 15-12.3 Loading space.
- 15-12.4 Improvements to parking area and loading space.
- 15-12.41 Transitional parking areas.
- 15-12.42 Effect of non-availability of parking area.
- 15-12.1 Plot plan for parking area required. --No application for a building permit, use permit, or occupancy permit for a commercial or an industrial building or use in any commercial or industrial zone shall be approved, unless there is included with the plan for such building, improvement, or use, a plot plan showing the required open space designated as an Automobile Parking Compound for offstreet parking purposes in accordance with the following schedule together with the exact location and detail drawings of any fence which may be required by other sections of this Title, and no use permit or occupancy permit shall be issued unless the required facilities and fence, if required, have been provided in accordance with those shown on the approved plan.
- 15-12.11 Area required for one parking space. --For purposes of computation under this Title, one (1) automobile parking space shall be two hundred (200) square feet in area, exclusive of adequate interior ingress and egress driveways.
- 15-12.12 Effect of space allocation for parking on or within buildings.--All garage or other space allocated for the parking of vehicles within buildings or in basements or open space on the roofs of buildings, shall be considered part of the required offstreet parking requirements.
- 15-12.2 Schedule requirements. --Offstreet parking space shall be provided as follows:
- (1) For residential uses: (a) Each family unit of any residential building shall be provided on the same lot therewith not less than one (1) permanently constructed and maintained offstreet parking space. Such offstreet parking space shall be connected to a public street by a permanently constructed and maintained driveway.
 - (b) For one-family and two-family dwellings, each such parking space shall be not less than ten (10) feet wide and twenty (20) feet long.
 - (c) For multiple-family dwellings, there shall be one (1) parking space per dwelling unit.
 - (2) Each boardinghouse, rooming house, guest house, or other place accommodating transient guests shall adhere to the offstreet parking requirements for one-family and two-family dwellings as specified above, except there shall be not less than one (1) permanently constructed and maintained offstreet parking space for each two (2) guest rooms contained therein.
 - (3) For professional and real estate offices in RM-2 zones, there shall be one (1) parking space for each two hundred (200) square feet of area devoted to such use.
 - (4) For clubs or comparable uses, there shall be one (1) parking space for every three hundred (300) square feet of gross floor area in any building used for such a purpose.
 - (5) For school auditoriums (public and private) and general auditoriums, theaters, and similar places of assembly, there shall be

15-12.2 (cont.)

at least one (1) parking space for every four (4) seats in such facility or structure. For churches or other places of worship there shall be one (1) parking space for every eight (8) seats provided in the main sanctuary.

- (6) For hospitals and welfare institutions there shall be at least one (1) parking space for each eight hundred (800) square feet of gross floor area of the building.
- (7) For commercial buildings there shall be at least one (1) parking space for every two hundred (200) square feet of gross floor area on the first floor, and at least one (1) parking space for every three hundred (300) square feet of upper floor area. Where such area adjoins a lot in a residential zone or extends into a residential zone as a transitional use, a six (6) foot ornamental fence or masonry wall shall be erected and maintained at least five (5) feet from the side of such lot and suitable landscaping shall be planted in the space between the parking lot wall and the adjoining property or street line. Provided, however, that (a) such wall shall not extend into the front yard required on the lot on which it is located, that (b) any lights used to illuminate said parking area shall be so arranged and hooded as to confine all direct light rays entirely within the boundary lines of the parking area.
- (8) For bowling alleys, there shall be three (3) parking spaces for every alley. For theaters, there shall be two (2) parking spaces for every five (5) seats. For indoor skating arenas, there shall be one (1) parking space for every one hundred (100) square feet.
- (9) For industrial buildings, there shall be at least one (1) parking space for every three employees in said building.

15-12.21 Location of parking facilities. --There shall be no parking between the building line and the street line except as provided in Sec. 15-8.311. All automobile parking compounds for commercial and industrial use shall be located on the site or conveniently near, and in no case more than four hundred (400) feet from the principal building or use to which such parking facilities are appurtenant.

15-12.3 Loading space. --Every hospital, institution, commercial, or industrial building hereafter erected shall provide indoor or outdoor space for the loading and unloading of goods and materials. Such space shall be at least twenty-five (25) feet in depth; such space if located within a building shall be at least fifteen (15) feet in height; such space also shall have a width of at least fifteen (15) feet for every fifty (50) feet or fraction thereof of building width.

15-12.4 Improvements to parking area and loading space. --Every parcel of land hereafter used as a private or public parking area, automobile sales area, or loading space shall be developed as follows.

- (1) Such an area shall be paved with an asphalt or concrete surfacing, shall have appropriate bumper guards where needed, shall have vehicular entrances and exits, and shall be properly enclosed with an ornamental fence or wall, having a height of not less than two (2) feet. Such fence or wall shall be maintained in good condition, and shall be in compliance with front yard and side yard requirements.
- (2) Where such an area adjoins a lot in a residential zone, or extends into a residential zone as a transitional use, a six (6) foot ornamental fence or masonry wall shall be erected and maintained at least five (5) feet from the side of such lot, and suitable landscaping shall be planted in the space between the parking lot wall and the adjoining property or street line. Provided, however, that (a) such wall shall not extend into the front yard required on the lot on which it is located, that (b) any lights used to illuminate said parking area shall be so arranged and hooded as to confine all direct light rays entirely within the boundary lines of the parking area.

15-12.41 Transitional parking areas,

- (1) When such area is a transitional parking area, the following, in addition to the requirements of Section 15-12.4, shall apply:
 - (a) No commercial enterprise of any kind shall be established on said parking area.
 - (b) No fee shall be charged for parking thereon.
 - (c) No signs of any kind shall be erected, except those necessary for the orderly parking thereon.
- (2) Additional protective conditions may be required in connection with the transitional use of residential land for offstreet parking when, in the judgment of the Zoning and Planning Commission, such are deemed necessary for the protection, convenience, and quiet of surrounding residential properties.

15-12.42 Effect of non-availability of parking area, --At any time that a required parking area shall cease to be available for such use, the occupancy or use permit for the principal use to which such parking area is appurtenant shall be revoked and declared null and void, until such time as other acceptable offstreet parking space is provided.

TITLE 15

ZONING

Chapter 6. Section 15-13

Accessory Buildings and Private Parking Areas.Sec.

- 15-13.1 One-story accessory building, where to be located.
- 15-13.2 Two-story accessory building, where to be located.
- 15-13.3 Accessory building, area allowed; private parking area, where to be located.
- 15-13.4 Accessory building or private parking area on corner lot, where to be located.
- 15-13.5 Double garage, when allowed.
- 15-13.6 Accessory buildings or private parking areas for dwellings in commercial or industrial zones, requirements for.
- 15-13.7 Private garage, when not considered an accessory building.
- 15-13.8 Trailer not an accessory building.
- 15-13.1 One-story accessory building, where to be located. --An accessory building not exceeding one (1) story or fourteen (14) feet in height in the rear yard, or a private area in the rear yard shall not be closer than five (5) feet to any alley line, and not less than one (1) foot from any side or rear lot line.
- 15-13.2 Two-story accessory building, where to be located. --A two-story accessory building is permitted provided that no part of it shall occupy a required rear yard, or be located nearer than ten (10) feet to any lot line.
- 15-13.3 Accessory building, area allowed; private parking area, where to be located. --An accessory building may occupy not more than thirty (30%) percent of the area of a required rear yard; a private parking area may occupy any part of a required rear yard provided that in all residential zones where any portion of such accessory building or parking area is located in the rear of a main building, it shall be not less than ten (10) feet therefrom and not less than five (5) feet therefrom if so located in the rear yard that no portion thereof is directly in the rear of a main building.
- 15-13.4 Accessory building or private parking area on corner lot; where to be located. --No accessory building or private parking area on a corner lot shall be constructed beyond the building line of any adjoining lot, nor be located nearer than five (5) feet to the side line of such adjoining lot.
- 15-13.5 Double garage, when allowed. --A double garage with fire or masonry wall along a common property line dividing the two (2) stalls, may be constructed provided the garage is of masonry construction and the wall along the common property line extends through the roof.
- 15-13.6 Accessory building or private parking areas for dwellings in commercial or industrial zones, requirements for. --The location of accessory buildings or parking areas for dwellings erected in commercial or industrial zones shall be the same as required above.
- 15-13.7 Private garage, when not considered an accessory building. --A private automobile garage having any part of a wall in common with a dwelling is considered a part of a principal building and not an accessory building.
- 15-13.8 Trailer not an accessory building. --A trailer is not considered an accessory building.

TITLE 15

ZONING

Chapter 7. Section 15-14

Supplemental Regulations and Exceptions

Article 1

Supplemental Regulations

Sec.

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Article 2

Exceptions

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15-14.239	Bay windows, eaves, and other architectural features, how far may project into required yard space.
15-14.240	Fire escapes.
15-14.241	Walls, when setback and yard requirements do not apply.

Article 1

15-14.1	<u>Use.</u> --The regulations specified elsewhere in this Title shall be subject to the following Supplemental Regulations as to use:
15-14.11	<u>One-family dwelling in a less restricted zone.</u> --Any one-family dwelling erected in a less restricted zone insofar as such is permitted shall conform to all regulations in the RS-10 Zone.

- 15-14. 111 Multi-family dwelling in commercial or industrial zone. --Any multi-family dwelling erected in any commercial or industrial zone insofar as such is permitted shall conform to all regulations applying in the RM-2 Zone.
- 15-14. 112 Building used partly for dwelling and partly for commercial purpose. --Any building hereafter erected and used partly for dwelling and partly for commercial purposes shall comply with the lot area requirements for the RM-2 Zone. (See Sec. 15-14.233.)
- 15-14. 113 Row dwellings and guest houses. --Row dwellings and guest houses as herein defined are prohibited.
- 15-14. 114 Trailers. --The use of a trailer for living purposes is hereby prohibited.
- 15-14. 115 Overnight parking of commercial vehicle in residential zone. --The overnight parking of a commercial vehicle in a residential zone is hereby prohibited except that one commercial vehicle of one-half (1/2) ton capacity or less may be parked or stored in any approved enclosed garage or accessory building on any lot or plot.
- 15-14. 116 Annexed areas, how classified. --Any area annexed to the Town of Vienna after the effective date of this Title shall, immediately upon such annexation, be classified as an "RS-16" Zone until a zoning map for said area has been adopted by the Town Council. The Zoning and Planning Commission shall recommend to the Town Council appropriate zoning for the annexed area within three (3) months after the effective date of such annexation.
- 15-14. 117 Requirements as to fences in residential zones. --In any residential zone any fence along the side yard from the rear line of lot to the rear line of dwelling may be six (6) feet high but shall be fifteen (15%) percent open. Any fence along the front of the property or along the side lines of the dwelling to the front line of the property shall be not more than four (4) feet high and shall be fifteen (15%) percent open.
- 15-14. 118 Alley required between residential and non-residential zones. --A twenty (20) foot alley shall be required between residential and commercial or industrial zones.
- 15-14. 12 Height. --The regulations specified elsewhere in this Title shall be subject to the following Supplemental Regulations as to height:
- 15-14. 121 Public buildings. --Public buildings may be erected to a height not over sixty (60) feet provided the front, rear, and side yards shall be increased one (1) foot for each one (1) foot by which such building exceeds the height limit established for the zone in which such building is erected.
- 15-14. 13 Area. --The regulations specified elsewhere in this Title shall be subject to the following Supplemental Regulations as to area:
- 15-14. 131 Display of merchandise. --No merchandise shall be displayed nor retail business conducted between the street line and the building line.
- 15-14. 132 When basement living quarters may be maintained. --No basement living quarters shall be maintained in any dwelling where the floor grade is more than two (2) feet below the surrounding yard grade, except where the entire exterior wall area of one (1) of the longer sides of the basement is above the ground level of the yard.
- 15-14. 133 Obstruction to vision at corner, residential zone, prohibited. --On any corner lot in a residential zone there shall be no planting, structure, fences, shrubbery, or obstruction to vision more than three (3) feet above the curb level within twenty-five (25) feet of the intersection of any two (2) street lines.
- 15-14. 134 Obstruction at corner, commercial zone, prohibited. --On any corner lot in a commercial zone no building or obstruction shall be permitted within eight (8) feet of the intersection of any two (2) street lines.
- 15-14. 135 Gasoline stations-locations of pumps and driveways. --Gasoline pumps shall be erected at least ten (10) feet behind the building line. When a gasoline service station occupies a corner lot, the ingress and egress driveways shall be located at least twenty (20) feet from the intersection of the front and side street lines of the lot. Any driveway serving a gasoline service station shall not exceed twenty-five (25) feet in width.
- 15-14. 136 Side yard requirements, commercial or industrial buildings. --Each commercial or industrial building hereafter erected with any side wall containing windows or other openings which does not side on a street or alley, shall provide along such wall a side yard of not less than five (5) feet and one (1) foot additional for each story above the first story.
- 15-14. 137 Yard requirements, buildings other than dwellings; distances between main buildings. --For "unit group buildings" other than dwellings, the front, side, and rear yards along the lot lines shall be the same as required for the zone in which the property is located; and the minimum distances between the main buildings within the side area shall be equivalent to the sum of the two (2) required front, side, or rear yards, or a combination of two (2) of the above yards, according to the arrangement and relationship of the buildings.

Article 2

- 15-14.2 Use. --The regulations specified elsewhere in this Title shall be subject to the following exceptions as to use:
- 15-14.21 Use exceptions enumerated. --The only use exceptions are: (a) existing nonconforming uses permitted by Section 15-16, and (b) uses permitted under changes and amendments to this Title as provided by Section 15-18.
- 15-14.22 Height. --The regulations specified elsewhere in this Title shall be subject to the following exceptions as to height:
- 15-14.221 When additional story is permitted. --On any lot, sloping downhill from the street, which has an average ground slope or that proportion of the lot to be occupied by the principal buildings of twenty-five (25%) percent or more an additional story may be permitted.
- 15-14.222 Penthouses and other roof structures above permitted height limits, when allowed. --Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, wireless masts, water tanks, silos, or similar structures may be erected above the height limits herein described, but no penthouse or roof structure, or any space above the height limit shall be allowed for the purpose of providing additional floor space.
- 15-14.23 Area. --The regulations specified elsewhere in this Title shall be subject to the following exceptions as to area:
- 15-14.231 Yard regulations, when application thereof to be determined by Board of Zoning Appeals. --Where the yard regulations cannot reasonably be complied with or where the application of such regulations cannot be determined on lots of peculiar shape, location, or terrain, the application of such regulations may be determined by the Board of Zoning Appeals, as provided in Sec. 15-20.
- 15-14.232 Front yard requirements, residential zones, for lot lying between two (2) lots with dwellings thereon. --In any residence zone any lot lying between two (2) lots immediately adjacent thereto and having dwellings erected upon them at the time of enactment of this Title, shall have a front yard equal in depth at least to the average depth of front yards of the lots immediately adjacent thereto, provided no front yard shall be less than fifteen (15) feet in depth and no front yard shall be required to be more than forty (40) feet in depth.
- 15-14.233 Front and side yard requirements, when waived; exception. --The front and side yard requirements shall be waived for dwellings, boarding or rooming houses, erected above the ground floor of a building when said ground floor is designed exclusively for commercial or industrial purposes, except as provided in Section 15-14.136.
- 15-14.234 Computation of rear yard depth when yard opens onto alley. --In computing the depth of a rear yard where such yard opens onto an alley, one-half (1/2) the width of such alley may be assumed to be a portion of the required rear yard.
- 15-14.235 Loading space in rear yard. --A required loading space may occupy required rear yard or any part thereof.
- 15-14.236 Computation of lot area when lot abuts alley. --In computing the lot area of a lot the rear of which abuts an alley, one-half (1/2) the width of such alley may be assumed to be a portion of the lot.
- 15-14.237 How far terrace and carport may project into side yard. --A paved terrace, carport, or porte cochere may project into a required side yard for a distance not to exceed five (5) feet; provided, however, that any yard on the side street of a corner lot shall not be reduced to less than ten (10) feet in width.
- 15-14.238 Porches, projection into required yard area prohibited. --Any one-story or two-story enclosed or unenclosed porch shall be considered a part of the building in the determination of the size of any yard and shall not project into any required front, side, or rear yard.
- 15-14.239 Bay windows, eaves, and other architectural features, how far may project into required yard space. --The space in any required yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, eaves, bay windows, and other architectural features, provided such features shall not project more than four (4) feet into any required yard.
- 15-14.240 Fire escapes. --Open fire escapes may extend into any required yard not more than four (4) feet.
- 15-14.241 Walls, when setback and yard requirements do not apply. --The setback and yard requirements of this Title shall not apply to any retaining wall which is less than five (5) feet high, nor to any solid masonry wall which is less than three (3) feet high.

TITLE 15

ZONING

Chapter 8. Section 15-15

Name Plates and Signs

Article 1. General Provisions.

Sec.

15-15.1	Permit required.
15-15.11	Who issues permits.
15-15.111	Amount of fee.
15-15.112	Area of signs, computation of.
15-15.12	Plan of sign to accompany application for permit.
15-15.13	Signs on roof prohibited.
15-15.14	Billboards prohibited.
15-15.15	Moving, rotating, etc. signs prohibited.
15-15.16	Awnings and canopies.
15-15.17	Signs for nonconforming buildings.
15-15.18	Exceptions not allowed.
15-15.19	Signs erected previous to this ordinance, alterations prohibited unless in compliance with this Title.

Article 2. Residential Zones.

15-15.2	Name plate for each dwelling unit allowed.
15-15.21	Sign permitted for buildings other than dwellings.
15-15.22	Bulletin boards.
15-15.23	For sale and for rent signs.
15-15.24	Special provisions relating to RM-2 (multi-family) zones.
15-15.25	Signs not attached to wall of building, setback requirement.
15-15.26	Temporary signs.

Article 3. Commercial and Industrial Zones.

15-15.3	Permitted name plates and signs.
15-15.31	Computation of permitted sign area.
15-15.32	Exterior signs; contents and location of.
15-15.321	Same; further requirements as to location.
15-15.322	Same; when may be attached to rear wall.
15-15.323	Same; specifications for when attached to canopies and when attached less than 18 inches from top of display window and above roof line.
15-15.33	Free-standing suspended signs.

Article 1

General Provisions

15-15.1	<u>Permit required.</u> --A permit is required to erect, repair, repaper, repaint, alter in any major respect, or move any sign over one and one half (1 1/2) square feet in area, except signs advertising real estate for sale or rent.
15-15.11	<u>Who issues permits.</u> --Sign permits shall be issued by the Zoning Administrator upon approval of the Zoning and Planning Commission.
15-15.111	<u>Amount of fee.</u> --A fee of one (\$1.00) dollar shall be charged for the processing of each sign permit.
15-15.112	<u>Area of signs, computation of.</u> --The area of signs shall include the entire face of the sign and any wall-work incidental to its decoration and, in the case of an open sign made up of individual letters, figures, or designs, the space between and around such letters, figures, and designs.

- 15-15.12 Plan of sign to accompany application for permit. --Each application shall be accompanied by plans showing the area of the sign; the size, character, and color of letters and design proposed; the method of illumination, if any; the exact location proposed for such sign, and in the case of suspended or projecting signs, the method of fastening such sign to its supporting structure.
- 15-15.13 Signs on roof prohibited. --Signs of any type shall not be erected upon the roof of any building.
- 15-15.14 Billboards prohibited. --Billboards are hereby prohibited in the Town of Vienna.
- 15-15.15 Moving, rotating, etc., signs prohibited. --Signs which involve motion or rotation of any part or display flashing or intermittent lights, are prohibited.
- 15-15.16 Awnings and canopies. --No part of any awning shall be less than seven (7) feet above the sidewalk level, nor shall any awning be less than one (1) foot to the curb line. Architectural canopies may project forty-two (42) inches above any building.
- 15-15.17 Signs for nonconforming buildings. --Signs for nonconforming buildings shall not exceed forty (40) square feet in area, nor be illuminated in any way. Such a sign shall be attached flat against a wall of the building and parallel with its horizontal dimensions.
- 15-15.18 Exceptions not allowed. --No name plate or sign shall be permitted in any residential, commercial, or industrial zone of any character other than as specified in this Title.
- 15-15.19 Signs erected previous to this Title, alterations prohibited unless in compliance with this Title. --No sign erected before the adoption of this Title shall be repaired, repapered, repainted, altered in any major respect, or moved unless it be brought under compliance with the provisions of this Title.

Article 2

Residential Zones

- 15-15.2 Name plate for each dwelling unit allowed. --One (1) name plate for each dwelling unit shall be permitted not exceeding one and one half (1 1/2) square feet in area. Such sign may be at but not project over any street line.
- 15-15.21 Sign permitted for buildings other than dwellings. --One (1) identification sign not exceeding twelve (12) square feet in area for buildings other than dwellings, is permitted provided that a name plate or identification sign shall be attached to and parallel with the front wall of the building.

- 15-15.22 Bulletin boards. --One (1) white-lighted bulletin board is permitted, not exceeding eighteen (18) square feet in area.
- 15-15.23 For sale or for rent signs. --An unlighted sign or signs will be permitted to advertise property for sale or for rent provided such sign or signs are located on the property to which they pertain and provided the total area of such sign or signs does not exceed twelve (12) feet.
- 15-15.24 Special provisions relating to RM-2 (multi-family) zones. --The following signs are also permitted in the RM-2 zone:
- (1) One (1) identification sign not to exceed three (3) square feet for boarding and rooming houses.
 - (2) One (1) white lighted identification sign (excluding illuminated signs of the flashing or animated types) not to exceed twelve (12) square feet for multiple dwellings and principal offices of professions.
- 15-15.25 Signs not attached to wall of building, setback requirement. --All signs, except otherwise provided herein under Article 2 of this Chapter that are not attached to the wall of a building shall be set back fifteen (15) feet from the street line.
- 15-15.26 Temporary signs. --A temporary real estate sign and signs of a public and semipublic nature not exceeding fifty (50) square feet in area may be erected upon issuance of a temporary six (6) months' renewable permit. Such sign shall not be illuminated, nor shall it be less than two hundred (200) feet from any dwelling. No such temporary permit shall be granted unless a twenty-five (\$25.00) dollar bond has been posted. All temporary real estate signs and public and semipublic signs shall be dismantled within five (5) days after expiration date of temporary permit.

Article 3

Commercial and Industrial Zones

- 15-15.3 Permitted name plates and signs. --All name plates and signs permitted in Article 2 of this Chapter are permitted in commercial and industrial zones.
- 15-15.31 Computation of permitted sign area. --A total limit of two (2) square feet of sign area is permitted for each lineal foot of commercial or industrial building frontage.
- 15-15.32 Exterior signs; contents and location of. --Any exterior sign shall pertain only to a use conducted within the building and shall front the principal street, a parking area on the rear portion of the lot, or in the case of a corner building, on that portion of the side street wall within fifty (50) feet of the principal street. In no case shall a sign project above the roof line or be displayed on a rear wall of a building so that it is visible in a residential zone except as permitted in Section 15-15.322 and Section 15-15.323.
- 15-15.321 Same; further requirements as to location. --All exterior signs attached to a building shall be flat against the building and parallel with its horizontal dimension.
- 15-15.322 Same; when may be attached to rear wall. --An exterior identification sign not to exceed twelve (12) square feet or four (4) feet in length may be attached to the rear wall of a building provided that such sign is flat against the building and parallel with its horizontal dimension, that it is not lighted, and that the building has a rear entrance for its customers.
- 15-15.323 Same; specifications for, when attached to canopies and when attached less than eighteen (18) inches from top of display window and above roof line. --All exterior signs attached to canopies which are structurally a part of the building and all exterior signs attached flat against a building with less than eighteen (18) inches distance between the top of the display window and above the roof line may project three (3) feet above the roof line but not exceed four and one-half (4 1/2) feet in total height, provided such signs shall be of open wire mesh or open letter construction, and provided further that the rear of such signs shall be opaquely shielded and hooded from any immediately adjoining residential zones. The back of signs attached to a canopy shall not extend behind (NOTE: Should this be "beyond"?) a line eighteen (18) inches back from and parallel with the outermost edge of the top of the canopy.
- 15-15.33 Free-standing suspended signs. --Signs not attached to any building shall not project over the building line and the bottom of such signs shall not be less than nine (9) feet above the finished grade at its base. Such signs shall not be more than thirty-five (35) square feet in area. One (1) such free-standing suspended sign shall be permitted per building or building unit.

TITLE 15

ZONING

Chapter 9. Section 15-16

Nonconforming Buildings and Uses

Sec.

- 15-16. 1 In general.
- 15-16. 11 Repairs to nonconforming buildings.
- 15-16. 12 Additions or enlargements to nonconforming buildings.
- 15-16. 13 Additions or enlargements to buildings not conforming to height or area regulations.
- 15-16. 14 Moving of nonconforming buildings.
- 15-16. 15 Restoration and occupancy of nonconforming buildings damaged or partially destroyed.
- 15-16. 151 Same; when damage exceeds 50% of value.
- 15-16. 16 Effect of vacancy of nonconforming building.
- 15-16. 17 Nonconforming buildings intended for use permitted only in nonresidential zones.
- 15-16. 18 Nonconformance caused by government action or dedication.
- 15-16. 2 Nonconforming use of buildings; continuation of.
- 15-16. 21 Same; change of use.
- 15-16. 22 Expansion prohibited.
- 15-16. 221 Discontinuance of nonconforming uses, when effective.
- 15-16. 3 Nonconforming use of land, continuation of.
- 15-16. 4 Nonconformance because of reclassification of zones.
- 15-16. 41 When nonconforming use may continue even though location is reclassified.
- 15-16. 1 In general. --Any nonconforming building or structure may be maintained except as otherwise provided in this Chapter.
- 15-16. 11 Repairs to nonconforming buildings. --Repairs may be made to a nonconforming building or structure, provided that no structural alteration shall be made except as may be required by law or ordinance.
- 15-16. 12 Additions or enlargements to nonconforming buildings. --A nonconforming building or structure shall not be added to or enlarged in any manner unless such building or structure, including such additions and enlargements, is made to conform to all the regulations of the zone in which located.
- 15-16. 13 Additions or enlargements to buildings not conforming to height or area regulations. --A building or structure which does not comply with the height or area regulations shall not be added to or enlarged in any manner unless such addition or enlargement conforms to all the regulations of the zone in which it is located.
- 15-16. 14 Moving of nonconforming buildings. --No nonconforming building or structure shall be moved in whole or in part to any other location on the lot unless every portion of such building or structure is made to conform to all the regulations of the zone in which it is located.
- 15-16. 15 Restoration and occupancy of nonconforming buildings damaged or partially destroyed. --Any nonconforming building or structure which is damaged or partially destroyed by fire, flood, wind, earthquake, or other calamity or Act of God or the public enemy, to the extent of not more than fifty (50%) percent of its value exclusive of foundations at that time, may be restored and the occupancy or use of such building, structure or part thereof, which existed at the time of such partial destruction, may be continued or resumed, provided that such restoration is started within a period of one (1) year and is diligently prosecuted to completion.
- 15-16. 151 Same, when damage exceeds 50% of value. --In the event such damage or destruction exceeds fifty (50%) percent of the value exclusive of foundations of such nonconforming building or structure, no repairs or reconstruction

15-16.151 (cont.)

shall be made unless every portion of such building or structure is made to conform to all regulations for new buildings in the zone in which it is located.

- 15-16.16 Effect of vacancy of nonconforming building. --A non-conforming building or structure or portion thereof, which in or here after becomes vacant and remains unoccupied for a continuous period of one (1) year shall not thereafter be occupied except by a use which conforms to the use regulations of the zone in which it is located.
- 15-16.17 Nonconforming buildings intended for use permitted only in nonresidential zones. --In all residential zones, every nonconforming building or structure which was designed, arranged, or intended for a use permitted only in the commercial and industrial zones, shall be completely removed, altered and converted to a conforming building, structure, and use when such buildings or structures have reached, or may hereafter reach the ages hereinafter specified, computed from the date and building permit therefore was issued; in the case of masonry constructed buildings or structures, twelve (12) years, in the case of frame or wood constructed buildings or structures ten (10) years. Provided, however, that this regulation (15-16.17) shall not become operative until five (5) years from the effective date of this Title. (NOTE: can the date indicated in this last proviso now be 6-1-64? That would be 5 years from the effective date of the ordinance I am working from: 6-1-59), and provided, further, this section shall not operate to invalidate any portion of Section 15-16.41.
- 15-16.18 Nonconformance caused by government action or dedication. --The provisions of this Title shall not apply to those cases where the requirement (s) of the Title cannot be complied with solely by reason of either the lawful action of a Federal, State, or Local Government in acquiring land for roads or other public purposes, or the dedication of land by the owner thereof which is duly accepted by the appropriate Government for public benefit and use; provided, however, that such requirement (s) of this Title had been, or could have been, met prior to such Government action or dedication, and provided further that no action taken by an owner or lessee subsequent to such Government action or such dedication shall aggravate or increase any nonconformance caused by such action or dedication.
- 15-16.2 Nonconforming use of buildings; continuation of. --The nonconforming use of a building or structure existing at the time this Title became effective may be continued, except as otherwise provided in this Title.
- 15-16.21 Same; change of use. --The use of a nonconforming building or structure may be changed to a use of the same or more restricted classification, but where the use is hereafter changed to a use of a more restricted classification it shall not thereafter be changed to a use of a less restricted classification .
- 15-16.22 Expansion prohibited. --A nonconforming use of a conforming building or structure (i. e., commercial use in a dwelling, etc.) shall not be expanded or extended into any other portion of such conforming building or structure nor changed except to a conforming use. If such a nonconforming use of a portion there of is discontinued or changed to a conforming use, any future use of such building, structure, or portion thereof shall be in conformity with the regulations of the zone in which such building or structure is located.
- 15-16.221 Discontinuance of nonconforming uses, when effective. --All nonconforming uses of conforming buildings or structures which became nonconforming by reason of any previous ordinance shall be discontinued not later than three (3) years from the effective date of such previous ordinance; all nonconforming uses of conforming buildings or structures which become such by reason of this Title shall be discontinued not later than three (3) years from the effective date of this Title; provided, however, that this action shall not operate to invalidate any portion of Section 15-16.41.
- 15-16.3 Nonconforming use of land, continuation of. --The nonconforming use of land existing as of September 6, 1955, may be continued for a period of not more than three (3) years therefrom provided (a) that no such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property, and (b) that if such nonconforming use of land or any portion thereof is discontinued or changed, any future use of such land shall be in conformity with the provisions of this Title; provided, however,

15-16.3 (cont.)

that nonconforming use of land in annexed territory may be continued for a period of not more than three (3) years from the effective date of this Title, provided (a) that no such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property, and (b) that if such nonconforming use of land or any portion thereof is discontinued or changed, any future use of such land shall be in conformity with the provisions of this Title.

15-16.4

Nonconformance because of reclassification of zones. --The foregoing provisions of this Chapter shall also apply to buildings, structures, land, or uses which hereafter become nonconforming due to any reclassification of zones under this Title or any subsequent change in the regulations of this Title, provided, however, that where a period of years is specified in this Chapter, for the removal of nonconforming buildings, structures, or uses, said period shall be computed from the date of such reclassification or change.

15-16.41

When nonconforming use may continue even though location is reclassified. -- Any nonconforming commercial use in a zone heretofore classified or designated by an officially adopted Zoning Ordinance of the Town of Vienna, or by the County of Fairfax in annexed territory, as part of a commercial zone and which use is in operation as of the date this Title takes effect may continue in operation on its present location even though such location is reclassified to become part of a residential zone as a result of the adoption of this Title, and such use may continue in such location as long as, but not longer than, the then operators continue the existing use as of the date this Title is adopted and the buildings and structures existing as of the date this Title is adopted remain without significant enlargement or alteration.

TITLE 15

ZONING

Chapter 10. Section 15-17

Use PermitsSec.

- 15-17.1 Enumeration of uses for which permits are required.
- 15-17.2 When use permit application must accompany building permit application; disposition of use permit application.
- 15-17.21 Fee.
- 15-17.22 Advertisement.
- 15-17.23 Public hearing.
- 15-17.24 Report and recommendation of Zoning and Planning Commission.
- 15-17.25 Issuance subject to certain conditions.
- 15-17.3 Permit void after 6 months if operation not commenced.
- 15-17.1 Enumeration of uses for which permits are required, --A properly approved and issued use permit is required by this Chapter for any of the following uses:
- (a) Airports, airparks, and airfields (private).
 - (b) Amusement enterprises, if conducted wholly within an enclosed building in C-1A and C-2 zones.
 - (c) Auditoriums and Halls in C-1A and C-2 zones.
 - (d) Auto sales in C-1A and C-2 zones.
 - (e) Bowling alley in C-1 zone.
 - (f) Carpenter or general wood-working shop (excluding outdoor storage) in C-1A and C-2 zones.
 - (g) Cemeteries.
 - (h) Colleges and Schools (Private, Elementary and High) of a non-commercial nature.
 - (i) Farm or Gardening Implement, Sales and Service in C-1A and C-2 zones.
 - (j) Feed and grain sales and storage in C-1A and C-2 zones.
 - (k) Funeral Home.
 - (l) Golf courses, country clubs, private clubs, including community buildings and similar recreational uses not owned and/or operated by a public agency (does not include golf driving range).
 - (m) Hospitals or sanitariums, except animal hospitals, clinics and hospitals or sanitariums for contagious, mental, or drug or liquor addict-cases.
 - (n) Institutional home and institutions of an educational or philanthropic nature, except those of a correctional nature or for mental cases.
 - (o) Nursery and Kindergarten Schools (private).
 - (p) Office building exceeding six (6) stories and 75 feet above ground level in C-1A and C-2 zones.
 - (q) Pet shop in C-2 zone.
 - (r) Principal office of a physician, professional, real estate in a RM-2 zone.
 - (s) Public buildings and uses.
 - (t) Public parks, playgrounds, and other recreational uses.
 - (u) Public parking area in transitional use.
 - (v) Public utilities and services.
 - (w) Theater, indoor in C-1 zone.
 - (x) Taxi-stand in C-1A zone.

- 15-17.2 When use permit application must accompany building permit application; disposition of use permit application. --Written application for a use permit shall accompany an application for a building permit, whenever the proposed building or structure will be or may be used for a purpose for which a use permit is required by this Title. The application shall be transmitted forthwith upon submission to the Zoning and Planning Commission which shall forward such application with recommendations to the Town Council.
- 15-17.21 Fee. --Every application for a use permit shall be accompanied by a check or cash payment to the Town of Vienna of thirty (\$30.00) dollars which shall be applied to the cost of advertising and other expenses incidental to reviewing, publishing, and reporting the fact.
- 15-17.22 Advertisement. --Each application for a use permit shall be advertised for two (2) consecutive weeks in a newspaper of general circulation, mailed in the vicinity of the Town of Vienna, and notice of such application shall be posted on a placard for two (2) consecutive weeks on the property to which it pertains. This period of two (2) weeks for advertising and posting shall begin after submission of an application and end prior to any public hearing thereon.
- 15-17.23 Public hearing. --The Town Council shall hold a duly advertised public hearing on each application for a use permit. This hearing shall be held within two (2) months after the date on which the application was submitted, on a night designated by the Town Council.
- 15-17.24 Report and recommendation of Zoning and Planning Commission. --The Zoning and Planning Commission shall prepare and submit to the Town Council a report, including recommendations of the Commission, on each application for a use permit. This report shall be submitted to the Council prior to the public hearing on the application.
- 15-17.25 Issuance subject to certain conditions. --The Town Council may authorize the issuance of a use permit in response to an application therefore; provided the use for which the permit is sought will not (1) affect adversely the health or safety or persons residing or working in the neighborhood of the proposed use, (2) will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood, and (3) will be in accord with the purposes of the master plans of the Town of Vienna. In granting any use permit the Town Council shall designate such conditions in connection therewith as will, in its opinion, assure that the use will conform to the foregoing requirements and that it will continue to do so.
- 15-17.3 Permit void after 6 months if operation not commenced. --Any use permit shall become void six (6) months after issuance if construction or operation related thereto has not commenced.

TITLE 15

ZONING

Chapter 11, Section 15-18

Changes and AmendmentsSec.

- 15-18.1 Procedure; fee.
- 15-18.2 Posting.
- 15-18.3 Reapplication.
- 15-18.4 Protest against proposed change.
- 15-18.5 Bases for determination.
- 15-18.1 Procedure; fee. -- (a) The Vienna Town Council may, from time to time, on its own motion or on petition of the owners of property proposed for a change of zoning, after public notice and hearing, amend, supplement, or change the requirements and zones herein established. Every application by a property owner for such amendment, supplement, or change shall be filed in writing thirty (30) days before any action shall be taken by the Council, and said application shall be accompanied by a check or cash payment of fifty (\$50.00) dollars, which shall be applied to the cost of advertising and expense incidental to reviewing, publishing, and reporting the facts. The Town Clerk shall cause the notice of such amendment, supplement, or change to be advertised as required by law.
- (b) Such application shall likewise be referred to the Zoning and Planning Commission upon receipt by the Town Clerk. The Commission shall furnish the Council its recommendations on the proposed zoning changes before the public hearing.
- 15-18.2 Posting. --In addition to published notice, as required by law, further notice of any proposed change of zoning shall be given by the Zoning Administrator, by posting the property for which a change of zoning has been requested, and also the surrounding area within a five hundred (500) foot radius of said property with not less than eight (8) placards showing the designation of the property to be rezoned, together with the time and place of hearing.
- 15-18.3 Reapplication. --No application for any change to the same or a lesser restricted classification of zoning of the same lot, plot, parcel, or portion thereof, shall be considered by the Town Council and the Planning Commission within twelve (12) months of the final action of the Town Council upon the prior application. This provision, however, shall not impair the right of the Town Council to propose a change of zoning on its own motion.
- 15-18.4 Protest against proposed change. --In case of a protest against any such amendment or change signed by twenty (20%) percent, or more, of any one of the following groups: (1) the owners of lots included within the area of the proposed change, or (2) the owners of lots abutting the area included in such proposed change, or (3) the owners of lots directly opposite the area included in such proposed change, where such area abuts upon a street, then such amendment or change shall not become effective except by the favorable vote of five-sixths (5/6) of all the Town Council.
- 15-18.5 Bases for determination. --In determining what, if any, amendments to this Title are to be adopted, the Town Council shall give due consideration to the proper relationship of such amendments to the entire Comprehensive Zoning Plans and Ordinances for Vienna, it being the intent to retain the integrity and validity of the zoning districts herein described, and to avoid spot zoning changes in the Zoning Map.

TITLE 15

ZONING

Chapter 12. Section 15-19

Administrative and EnforcementSec.

- 15-19.1 Building permits, when required, in general; where fee paid; administration by Zoning Administrator.
- 15-19.11 Application for building permit, requirements.
- 15-19.111 Building permit not to be issued where land subject to flooding or erosion.
- 15-19.12 Certificate of Occupancy, when required.
- 15-19.121 Occupancy use and change of use prohibited until Certificate of Occupancy obtained.
- 15-19.122 Certificate of Occupancy, procedure for obtaining.
- 15-19.123 Certificate of Occupancy, procedure for obtaining when change of use involved.
- 15-19.124 Fee.
- 15-19.125 Certificate of Occupancy, statements required therein; records and copies.
- 15-19.13 Application for building permit and Certificate of Occupancy unacceptable unless all required information furnished.
- 15-19.14 Building permit and Certificate of Occupancy void after 6 months if operation not commenced.
- 15-19.2 Enforcement by Zoning Administrator.
- 15-19.21 Violation to act without permit when one required; false statement in material matter voids permit.
- 15-19.211 Noncompliance with Title 15 constitutes violation.
- 15-19.22 Penalties.
- 15-19.1 Building permits, when required, in general; where fee paid; administration by Zoning Administrator. --No excavation shall be commenced, no wall, fence, structure, premises, or land used, building or part thereof shall be built, constructed or altered, nor shall any building be moved, nor shall any sign be erected, repaired, or repainted, until application has been made and the proper permit has been obtained from the Zoning Administrator, in accordance with the provisions of this Title, and said permit has been posted at the building site in plain view from the street. The fee for a building permit shall be paid to the Town of Vienna, Virginia. Except as provided otherwise herein, the provisions of this Title shall be administered by the Zoning Administrator.
- 15-19.11 Application for building permit, requirements. --All applications for building permits shall be accompanied by accurate plot plans in triplicate, showing the following:
- (a) The lot upon which the building is proposed to be erected; lot dimensions, lot and block numbers, and subdivision's name, if any.
 - (b) Name and width and abutting street or streets.
 - (c) Location, dimensions, and use of existing buildings and other structures on the lot or lots.
 - (d) Location, dimensions, and proposed use of buildings and other structures for which a permit is requested.
 - (e) Front, side, and rear yard dimensions.
 - (f) North direction arrow.
 - (g) Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Title.
- 15-19.111 Building permit not to be issued where land subject to flooding or erosion. --No permit shall be issued for the erection of any permanent structure intended for residential use, nor shall any structure be erected on land in such proximity and relative elevation to any open stream or drainage channel where such land is subject to periodic or recurring flooding from storm water, or subject to the danger of erosion.

- 15-19.12 Certificate of Occupancy, when required. --A Certificate of Occupancy shall be required for any of the following, except that no Certificate of Occupancy shall be required for a one-family detached dwelling.
- (a) Occupancy and use of a building hereafter erected or structurally altered;
 - (b) Change in use of an existing building to a use of a different zone classification.
 - (c) Any change in ownership of a commercial or industrial use.
 - (d) Change of occupancy and use of land to a use of a different classification.
 - (e) Any change in the use of a nonconforming use.
- 15-19.121 Occupancy use and change of use prohibited until Certificate of Occupancy obtained. --No occupancy use or change of use shall take place until a Certificate of Occupancy shall have been issued by the Zoning Administrator in accordance with the provisions set forth in this Title.
- 15-19.122 Certificate of Occupancy, procedure for obtaining. --Written application for a Certificate of Occupancy for a new building or for an existing building or for an existing building which has been altered shall be made at the same time as the application for the building permit for such building. Each application for a Certificate of Occupancy shall be filed with the Zoning Administrator. Upon completion of the erection or alteration of a building or part thereof in conformity with the provisions of this Title and in accordance with the pertinent building permit and application for Certificate of Occupancy, the applicant for such certificate may request of the Zoning Administrator that the certificate be issued. The Zoning Administrator shall issue the Certificate of Occupancy within ten (10) days of the receipt of the written request for issuance thereof providing there has been full compliance with the provisions of this Title in the erection or alteration of the pertinent building or structure or part thereof.
- 15-19.123 Certificate of Occupancy, procedure for obtaining when change of use involved. --Written application for a Certificate of Occupancy for a change in the use of land, or of a building, or for a change in a nonconforming use, as herein provided, shall be made to the Zoning Administrator. The same procedure is required as specified in Sections 15-19.121, 15-19.122, and 15-19.124, except no building permit is involved.
- 15-19.124 Fee. --The fee for a Certificate of Occupancy shall be one (\$1.00) dollar, to be paid to the Town of Vienna, Virginia.
- 15-19.125 Certificates of Occupancy, statements required therein; records and copies. --Every Certificate of Occupancy shall state that the building or the proposed use of a building or land complies with all the provisions of law and of all Town ordinances and regulations. A record of all Certificates of Occupancy shall be kept on file in the Town Hall and copies shall be furnished, on request, to any person having proprietary or tenancy interest in the building or land affected.
- 15-19.13 Application for building permit and Certificate of Occupancy unacceptable unless all required information furnished. --No application for a building permit or Certificate of Occupancy shall be accepted by the Zoning Administrator unless all of the information required has been furnished by the applicant.
- 15-19.14 Building permit and Certificate of Occupancy void after 6 months if operation not commenced. --Construction or operation shall be commenced within six (6) months of date of issuance or said building permit or Certificate of Occupancy become void.
- 15-19.2 Enforcement by Zoning Administrator. --The provisions of this Title shall be enforced by the Zoning Administrator, who shall in no case grant any permit for the construction or alteration of any building if the building, as proposed to be constructed or altered, would be in violation of any of the provisions of this Title.
- 15-19.21 Violation to act without permit when one (1) required; false statement in material matter voids permit. --It shall constitute a violation of this Title for any person, firm, or corporation, whether owner, agent, or occupant to do any of the things for which a permit is required by this Title without having obtained the said permit; and any permit issued upon a false statement of any fact which is material to the issuance thereof, shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Zoning Administrator, he shall forthwith revoke the permit upon concurrence of the Zoning and Planning Commission by notice in writing to be delivered to the holder of the void permit upon the premises where the violation has occurred, or if such holder be not found there, by posting the said notice of revocation in some conspicuous place upon the

said premises. Any such person, firm, or corporation who shall proceed thereafter with such work or use without having obtained a new permit in accordance with this Title, shall be deemed guilty of violation thereof.

- 15-19.211 Noncompliance with Title 15 constitutes violation. --It shall constitute a violation of this Title for any person, firm, or corporation, whether owner, agent, or occupant, to disobey, neglect, or refuse to comply with or resist the enforcement of any of the provisions of this Title. Each day upon which the said violation shall continue shall constitute a separate violation.
- 15-19.22 Penalties. --Any person, firm, or corporation who violates any of the provisions of this Title shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten (\$10.00) dollars, and not more than one hundred (\$100.00) dollars, if the offense be not wilful, or not more than two hundred and fifty (\$250.00) dollars if the offense be wilful, nor more than thirty (30) days in the county jail, if the offense be wilful.

TITLE 15

ZONING

Chapter 13. Section 15-20

Board of Zoning AppealsSec.

- 15-20.1 Membership.
- 15-20.2 Jurisdiction; as to variance. (See note at Section.)
- 15-20.21 Same; in appeals involving refusal of building, use, or occupancy permits, and other adverse decisions of Zoning Administrator.
- 15-20.22 Same; actions Board may take on decision appealed.
- 15-20.23 Same; power to interpret provisions of this Title.
- 15-20.24 Same; may adopt and amend rules of procedure.
- 15-20.3 Who may appeal.
- 15-20.31 Application for variance; procedure (NOTE: See Note at Section)
- 15-20.32 Application for appeal; procedure; fee; applicant may be required to pay for recording of proceedings; advertisement of variance application (NOTE: this last seems to belong in 15-20.31) (NOTE: See note at section).
- 15-20.33 Evidence to be furnished at public hearings. (NOTE: See note at section)
- 15-20.34 Number of votes necessary to reverse decisions appealed.
- 15-20.35 Variation made by Board to be accompanied by finding of fact.
- 15-20.4 Limitations of authority.
- 15-20.41 Further limitations of authority.
- 15-20.42 Variance granted by Board invalid after 6 months unless certain conditions fulfilled.
- 15-20.1 Membership. --There shall be an Appeals Board consisting of five (5) members appointed by the Circuit Court upon recommendation of the Town Council for a term of three (3) years and removable for cause by the appointing authority.
- 15-20.2 Jurisdiction; as to variance. --The Appeals Board is authorized to grant variances from the strict application of these regulations, except as specified in Sections 15-20.4 and 15-20.41, when by reason of exceptional narrowness, shallowness or shape of specific parcels of property at the time of the original enactment of the provisions of this Title or amendments thereto or by reason of exceptional topographical conditions or other extraordinary situations or conditions of specific parcels of property, where the strict application of these regulations or amendments thereto would result in peculiar and unusual practical difficulties to, or exceptional undue hardship upon, the owner of said property; provided that such relief or variances can be granted without substantial impairment of the intent, purpose and integrity of the Comprehensive Plan. (See appendix 2). (NOTE: This is to be referred to as "incorporated by reference" in appendix 2. Is this the Master Plan?) I will need proper name. See also note in comments re 15-19.22.
- 15-20.21 Same; in appeals involving refusal of building, use, or occupancy permits, and other adverse decisions of Zoning Administrator. --The Appeals Board is authorized to hear and decide upon appeals where it is alleged by appellants that there is error in any refusal of building, use, or occupancy permits or in any other order, requirement, decision, or determination made by the Zoning Administrator, when passing upon an application for a building or other permit, or by any other officer or body in the administration of this Title.
- 15-20.22 Same; actions Board may take on decisions appealed. --The Appeals Board may, in conformity with this Title, reverse, affirm, or modify, wholly or in part, any decision upon which an appeal is made.
- 15-20.23 Same; power to interpret provisions of this Title. --Upon appeal from a decision of the Zoning Administrator, or upon request of any official body, the Appeals Board shall have power to decide any questions involving the interpretation of any provisions of this Title.
- 15-20.24 Same; may adopt and amend rules of procedure. --The Board of Appeals is hereby empowered to adopt, and from time to time, amend or supplement rules of procedure not inconsistent with the provisions of this Title.
- 15-20.3 Who may appeal. --Appeals to the Appeals Board may be taken by any person aggrieved or by any officer or department of the Town affected by any decision of the Zoning Administrator.

- 15-20.31 Application for variance; procedure. --Each application for a variance from the provisions of this Title shall be in writing and shall be accompanied by appropriate documentation. Said application shall be submitted to the Appeals Board which shall cause a public hearing to be held and the property in question to be posted with a placard stating the date of hearing and the nature of the variance requested. (NOTE: Apparently last sentence of next section should be deleted there and incorporated here.)
- 15-20.32 Application for appeal; procedure; fee; applicant may be required to pay for recording of proceedings; advertisement of variance application. --Every application for an appeal shall be accompanied by a check or cash payment of thirty (\$30.00) dollars, which shall be applied to the cost of advertising and expense incidental to reviewing and publishing the facts. In addition the Board may require the applicant to pay for the recording of the proceedings. An application for a variance shall be advertised for two (2) weeks in a newspaper of general circulation. (NOTE: Last sentence seems to apply to previous Section. Wording isn't very clear to me as to whether a public hearing is required for appeal, although meaning is pretty clear. Especially in view of fact that next section calls for hearings but note it only cites previous section: (15-20.31).
- 15-20.33 Evidence to be furnished at public hearings. --At the public hearings specified in Section (NOTE: See above - apparently should be "specified in Sections 15-20.31 and 15-20.32," but it now reads "specified in Section 15-20.31". If hearings are required only for variances, that's ok otherwise it will call for reference to Section 15-20.31 and 15-20.32.) the applicant shall present a statement and adequate evidence, in such form as the Appeals Board may require. For assistance in reaching decisions relative to any appeal or other matter under consideration, the Zoning and Planning Commission shall furnish technical service, advice, data, or factual evidence requested by the Appeals Board.
- 15-20.34 Number of votes necessary to reverse decision appealed. --The concurring vote of three (3) members of the Appeals Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant upon any matter upon which it is required to pass under this Title or to effect any variation in this Title.
- 15-20.35 Variation made by Board to be accompanied by finding of fact. --Every variation made by the Appeals Board after a duly advertised hearing shall be accompanied by a finding of fact specifying the reasons for making such variation. All decisions shall be a matter of public record.
- 15-20.4 Limitations of authority. --Nothing contained in these regulations shall be deemed to authorize the Appeals Board to reverse or modify any refusal of a permit or any other order, requirement, decision, or determination which conforms to the provisions of this Title and which, therefore, is not erroneous, nor to authorize the Appeals Board to validate or ratify or legalize any violation of law or any of the regulations of this Title.
- 15-20.41 Further limitations of authority. --The Board shall not amend any of these regulations or the Zoning Map, as provided for in Chapter 11, Title 15, directly or by variance as to permitted use, nor shall such power or authority be vested in the Appeals Board.
- 15-20.42 Variance granted by Board invalid after 6 months unless certain conditions fulfilled. --Any variance granted by the Appeals Board to permit the erection or alteration of a building or structure shall be valid only six (6) months, unless a building permit for such erection or alteration is obtained within this period and the erection or alteration is started and proceeds to completion in accordance with the terms of the decision.

TITLE 15

ZONING

Chapter 14. Section 15-21

InterpretationSec.

- 15-21.1 Provisions of this Title control when more restrictive than other existing laws.
- 15-21.2 Deed restrictions greater than required by this Title not superseded by this Title.
- 15-21.3 Permits approved prior to adoption of this Title governed by regulations in effect at time of adoption; void after 6 months of issuance unless operation commenced.
- 15-21.1 Provisions of this Title control when more restrictive than other existing laws. -- Where this Title imposes a greater restriction upon the use of the buildings or premises, or upon the height of the buildings, or requires larger yards, courts, or other open spaces than are required by other existing provisions of law or ordinance, the provisions of this Title shall control.
- 15-21.2 Deed restrictions greater than required by this Title not superseded by this Title. -- Where private building restrictions in recorded deeds are greater than those required by this Title, they are not superseded by the provisions of this Title.
- 15-21.3 Permits approved prior to adoption of this Title governed by regulations in effect at time of adoption; void after 6 months from issuance unless operation commenced. -- Any permit approved prior to the official adoption of this Title and Official Zoning Map shall adhere to the regulations of the Zoning Ordinance adopted September 6, 1955 provided that after six (6) months from the issuance of any such permit, unless construction or operation related thereto has commenced, it shall be void. (NOTE: This should be the date the latest Zoning Ordinance before the one I'm doing, shouldn't it?)

VIENNA TOWN CHARTER

CHAPTER 221 - An act to amend and reenact Sections 2, 3, 4, 6, 7, 9 and 16 of Chapter 456 of the Acts of Assembly of 1956, approved March 30, 1956, being the charter of the Town of Vienna in Fairfax County, relating, respectively, to the territorial limits, administration and government of the town, provisions for certain town officers, duties, functions and powers of the mayor, powers and duties of the council, and assessments for taxation and to repeal Section 14, relating to conditions under which town contracts may be let.

Approved March 9, 1960.

Be it enacted by the General Assembly of Virginia:

1. That Sections 2, 3, 4, 6, 7, 9 and 16 of Chapter 456 of the Acts of Assembly of 1956, approved March 30, 1956, be amended and reenacted as follows:

Sec. 1. The inhabitants of the territory comprised within the present limits of the Town of Vienna, as such limitations are now, or may be hereafter altered and established by law, shall constitute and continue a body politic and corporate to be known and designated as the Town of Vienna, and as such, shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely, as though such powers were specifically enumerated herein, and no enumeration of particular powers by this Charter shall be held to be exclusive, and shall have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation; and the Town of Vienna, as such, shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance.

Sec. 2. The territory embraced within the *town of Vienna is *that territory in the county of Fairfax, *Virginia, as established in Chapter 456 of the Acts of Assembly of 1956 as modified by the final order of the Circuit Court of Fairfax County, Virginia, recorded in the Common Law Order Book No. 39, page 99.

Sec. 3. The administration and government of the town is vested in a council composed of a mayor and six councilmen, all of whom shall be electors of the town.

(a) *On the second Tuesday in June, 1960, there shall be held a town election at which there shall be elected by the qualified electors of the town at large, six councilmen and a mayor. The three councilman candidates receiving the highest number of votes shall serve for terms of three years and the three candidates receiving the next highest number of votes shall serve for terms of two years.

In the town election to be held on the second Tuesday in June, nineteen hundred sixty-two, and in every year thereafter, three councilmen shall be elected for terms of two years each.

The term of office for the mayor shall continue to be for a period of two years. Terms of office for both the Mayor and all councilmen shall begin on the first day of September next following his or their election.

The council shall be a continuing body, and no measures pending before such body, or any contract or obligation incurred, shall abate or be discontinued by reason of the expiration of the term of office or removal of any of its members.

(b) Vacancies in the council shall be filled within *forty-five days, for the unexpired term, by a majority vote of the remaining members; subject, however, to the mayor's right of veto, and the right of a two-thirds majority of the remaining members of said council to override said veto by a polled vote as provided by the Constitution of the Commonwealth of Virginia; provided, however, that where a vacancy

shall occur more than eighteen months prior to expiration of the term, such vacancy shall be filled by a majority vote of the remaining members only until a successor shall have been chosen by the qualified electors of the town and shall have qualified as provided by law. In the town election to be held on the second Tuesday in June next following the occurrence of such vacancy there shall be elected by the qualified electors of the town a member of the council to fill each such vacancy for the unexpired term. The term of office of any councilman so elected shall begin on the first of July next following his election.

Sec. 4. The Council shall appoint a clerk, a treasurer, a town sergeant and such other officers and employees including policemen as the council may deem necessary or proper, all of whom shall hold office at and during the pleasure of the council, subject to the power of the mayor to dismiss or suspend them as provided in Section 6 hereof, and said officers and employees shall qualify as prescribed by law, and shall execute such bonds as may be prescribed by resolution of the council; and the council shall have power to fill any vacancy in any of such offices. Upon the failure of any Council, after being qualified to appoint such officers and employees all of such officers and employees then in office shall so continue in office until removed by that or a succeeding council. The same person may be appointed to fill two offices at the discretion of the council.

Sec. 5. Elections in the Town of Vienna shall be conducted pursuant to, and in accord with, Sections 24-23, 24-56, 24-170, 24-171, 24-172, 24-173, 24-174, and 24-175 inclusive of the Code of Virginia, except insofar as same are amended by subsection (a) of this section of the Charter.

(a) The mayor shall issue to those elected certificates of election, which shall be countersigned by the town clerk. Tie votes shall be decided by lot, and contests shall be tried and finally determined by the mayor, pursuant to such regulations, as the council may adopt.

Sec. 6. The mayor shall be the chief executive officer of the town and it shall be his duty to see that the laws and ordinances thereof are fully executed, and he shall preside over the meetings of the council, appoint all necessary committees or departments for the proper dispatch of the business of the town. However, the mayor, as a member of the council, shall vote only in case of a tie; in addition to his constitutional power of veto. The mayor shall see that the duties of the various officers and all employees including policemen, whether elected or appointed, are faithfully performed. He shall have power to investigate their acts, have access to all books and documents in their office and may examine them on oath, and dismiss or suspend them from office, subject to the right of the council to reinstate such officers * and employees, including policemen, by a majority of the council present and voting.

In case of the absence or inability of the mayor to act, the president pro tempore of the council, to be chosen by a majority of the council present at a regular meeting, shall possess the same powers, and discharge the same duties during such absence or inability.

In case a vacancy should occur in the office of mayor, same shall be filled by any qualified voter for the unexpired term by a majority vote of the council.

The council of said town is hereby authorized to fix the salary of the mayor, members of the council, and all appointed officers and employees of said town, at a sum not to exceed any limitations placed by the laws and Constitution of the State of Virginia; provided, that the salary of the mayor shall not be fixed at an amount greater than one thousand dollars a year and the salary of each member of council shall not be fixed at an amount greater than six hundred dollars a year.

Sec. 7. *The town court shall be known as the Municipal Court of the town of Vienna, and shall have original jurisdiction in the trial of all cases involving the violation of town ordinances, and in the collection of taxes or assessments, or other forms

of debt owing to the town.

Jurisdiction of the said Court in civil matters shall be as provided in Section 16.1-77 of the Code of Virginia, and in criminal matters as provided in Section 16.1-124 of the Code of Virginia.

There shall also be appointed not more than three justices of the peace for the town of Vienna, to serve at the pleasure of said council, who shall be conservators of the peace, and shall have the power and authority to set and accept bonds, issue warrants and summon witnesses involving violations of town ordinances, but all such warrants and process shall be returnable before the Municipal Court. The compensation of such justices of the peace shall be the fees which are fixed by law for such justices.

Sec. 8. The council shall by ordinance fix the time of their stated meetings, and they shall meet at least once a month. Special meetings may be called at any time by the mayor or by four members of the council, provided that all members are duly notified a reasonable period of time prior to such meeting, and no business shall be transacted at a special meeting thereof, except that for which it shall be called, unless all members of the council be present.

Four members of the council, and the mayor, or five members of the council shall constitute a quorum for the transaction of business. No vote taken at any meeting shall be reconsidered or rescinded at any subsequent special meeting unless at such special meeting there be as many members of the council present as were present when such vote was taken.

The council shall have all powers and authority that are now or may hereafter be granted to councils of towns by the general laws of this State and by this act, and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of this State to town councils, but not herein specified.

Sec. 9. The council shall have the power to control and manage the fiscal and municipal affairs of the town and all property, real and personal, belonging to said town, and to make such ordinances, orders, and resolutions relating to the same as it may deem necessary. And it shall have the further power to purchase, hold, sell and convey all real and personal property, within or without, the corporate limits, necessary for its use and purposes.

(a) The council shall have power and authority to acquire, or otherwise obtain control of or establish, maintain, operate, extend and enlarge waterworks, sewage disposal plants, gasworks, electric plants, and other public utilities within or without the limits of the town; and to acquire within or without the limits of the town by purchase, condemnation, but insofar as such power of condemnation is exercised as to lands of a public service corporation, Section 25-233 shall be applicable, or otherwise, whatever land may be necessary for acquiring, locating, establishing, maintaining, operating, extending and enlarging said waterworks, sewage disposal plants, electric plants and other utilities, and the rights of way, rails, pipes, poles, conduits and wires connected therewith or any of the fixtures or appurtenances thereof; promulgate and enforce reasonable rates, rules and regulations for use of same, any or all of which rates, rules and regulations the council may alter at any time without notice.

(b) In the event the fees, rents, or charges, charged for the use and services of the public water system or sewage disposal system, by, or in connection with, any real estate shall not be paid when due, interest shall at the time begin to accrue thereon at the rate of one percent per month. Such fees, rents, and charges, and the interest due thereon may be recovered by the town of Vienna by action at law, or suit in equity, and shall constitute a lien against the property, ranking on a parity with liens for unpaid town or county taxes.

(c) The council shall have the power and authority to require the owners or occupants of the real estate within the corporate limits of the town which may front or abut on the line of any sewer or water pipe line or conduit to make connections therewith, and to use such sewer pipes and conduits and water furnished by the town under such ordinances and regulations as the council may deem necessary to secure the proper service thereof and to improve and secure good sanitary conditions; and shall have the power to enforce the observance of all such ordinances and regulations by the imposition and collection of fines and penalties, to be collected as other fines and penalties under the provisions of this act.

(d) The council shall have the authority if it so chooses, to delegate in writing to a duly appointed town manager such of its powers and duties as are not forbidden by State law to be delegated, and may withdraw any such delegation of power or duties at its discretion; the mayor shall have like authority in relation to his powers and duties.

Sec. 10. The council, within the limits of the constitution of this State and in accordance with the provisions of the general laws thereof, may, in the name of, and for the use of the town, contract loans or cause to be issued certificates of debt, notes or bonds.

Sec. 11. The council shall have the power to negotiate temporary loans, in anticipation of taxes, for the purpose of paying current expenses of the town; such loans to be evidenced by bonds or notes bearing interest at not exceeding six per centum per annum; such bonds or notes shall be payable within one year from the date of issue out of the current revenue of the year in which same are issued. No such temporary loan shall in the aggregate exceed seventy-five per cent of the previous year's income. In the issuance of bonds and notes the town shall be subject to the limitations as to amount contained in Section 127 of the Constitution of the Commonwealth of Virginia only, and within said limitation may issue notes to raise capital in anticipation of a bond issue to redeem same, provided said notes are redeemed by a bond issue within five years from date.

Sec. 12. Sinking Fund Provision.

(a) There shall be set apart annually from the revenues of the town a sinking fund sufficient in amount to pay the outstanding indebtedness of the town, as it matures, which by its terms, is payable in not less than one year, and the council may, in its discretion annually from time to time, set aside such additional sinking fund as may be deemed proper, and invest all of the sinking fund as hereinafter set forth.

(b) All sinking funds shall be used exclusively in the payment or purchase and redemption of the outstanding bonds of the town, and when such sinking funds are not required or may not within a reasonable time be required for payment of any bond of the town, or cannot be used to advantage in the purchase and redemption of any bonds of the town, which may be outstanding, the same shall be securely invested in interest bearing municipal, state or government bonds, or invested in any securities approved by the general laws of the state for the investment of such funds, or deposited in a bank on a reasonable rate of interest. Such sinking fund may be used in the payment or purchase and redemption of all bonds of the town at the discretion of the council.

Sec. 13. All bonds, and other evidences of indebtedness of the town shall be signed by the mayor and countersigned by the town clerk, and to all bonds the clerk of the town shall affix the corporate seal of the town and attest the same.

Sec. 14. REPEALED

Sec. 15. The town is empowered to levy and collect taxes, on all subjects of taxation except as restrained by the Constitution or by general law heretofore or hereafter adopted, provided that it shall impose no taxes on the bonds of the said town; and provided further that such levy shall not be increased beyond the rate of two (\$2.00) dollars on the one hundred (\$100.00) dollar assessed valuation of real and personal property (except as permitted by State law for increases beyond charter limitations) without the affirmative vote of the majority of citizens voting, as determined by a referendum held for this purpose.

Sec. 16. The assessment of real and personal property in the town for the purpose of municipal taxation shall be the same as the assessment for the purpose of county taxation, but where the treasurer for the town knows of property that has been omitted by the commissioner or revenue of the county from his books, the treasurer of the town may by the same proceedings as are provided for county commissioners of revenue in similar cases assess such omitted property, real or personal, for town taxation.

Where the treasurer for the town knows of property that has been erroneously assessed in the town of Vienna by the Commissioner of Revenue of the County of Fairfax from his books, the treasurer of the town may by the same proceedings as are provided for county commissioners of revenue in similar cases release such erroneous assessments from the town of Vienna tax rolls.

Sec. 17. All ordinances now in force in the town of Vienna, not inconsistent with this act, shall be and remain in force until altered, amended or repealed by the council.

Sec. 18. The present elected officers of the town shall be and remain in office until expiration of their several terms, and until their successors have been duly elected and qualified.

Sec. 19. If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid such judgment shall not affect, impair or invalidate the remainder of the act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which said judgment shall have been rendered.

2. That Section 14 of Chapter 456 of the Acts of Assembly of 1956, approved March 30, 1956, is repealed.

3. An emergency exists and this act is in force from its passage.

A TRUE COPY TESTE

S/ P. Griffith Dodson
Clerk of the House of Delegates and
Keeper of the Rolls of the State

NOTE - In the above copy of the Vienna Town Charter as it now exists, those portions amended by House Bill 312, approved March 9, 1960, are underlined.

Certified to be a true copy of the Vienna Town Charter as contained in Chapter 456 of the Acts of Assembly of 1956 and Chapter 221 of the Acts of Assembly of 1960.

Appendix 2

The following, which are included in the minutes of the Town Council, and/or on file in the office of the Clerk, are incorporated herein as fully as if set out at length:

1. The bond obligations of the Town.
2. The ordinances, resolutions, rules, and regulations governing personnel, job classification, compensation, and retirement.
3. The Official Zoning Map for Vienna, Virginia, approved _____, together with all amendments thereto subsequently adopted.
4. The Basic Building Code of Building Officials Conference of America, 1955 edition, as modified by Title 3 of this Code.
5. The Fire Prevention Code, edition of 1956, as amended, recommended by the National Board of Fire Underwriters.
6. The Comprehensive Plan (MASTER PLAN?) SEE NOTES RE TITLE 15, 15-20.2 and 15-18.5.
7. See notes for Title 9.

Appendix 3

MANUAL

OF THE

TOWN OF VIENNA POLICE DEPARTMENT

MAYOR - Guy M. Wilson

COUNCILMEN

Gerald C. Cowden
Thomas R. Chittenden
John J. Ford
Alvin W. Norcross
Henry R. Pellegrino
L. Dean Wallace

TOWN MANAGER

L. B. Cresswell
Maj. Gen. USMC (Ret)

CHIEF OF POLICE

James B. Pruitt

CHAPTER 1

General Rules

Section 1. It shall be the duty of every member of the force to thoroughly familiarize himself with such chapter or chapters of the Vienna Police manual as deal specifically with the duties of the rank or grade of such member within five days from the date of issuance of such manual, and to thoroughly familiarize himself with all sections of such manual within thirty days of the issuance thereof.

Section 2. Notwithstanding the assignment of specific duties and responsibilities to members of the Vienna police force by the provisions of this manual, all members of the force shall perform all such other duties as may be required of them by competent authority.

Section 3. In carrying out the functions of the department, namely, the preservation of peace, the protection of life and property, the prevention of crime, and the arrest of violators of the law, all members of the force and employees of the Department shall direct and coordinate their efforts in such manner as will tend to establish and maintain the highest standard of efficiency.

Section 4. Members of the force are held to be always on duty, although periodically relieved from the routine performance of it; are always subject to orders from the proper authorities and to call from citizens, and the fact that they may be technically off duty shall not be held as relieving them from the responsibility of taking proper police action in any matter coming to their attention requiring such action.

Section 5. Members of the force shall promptly obey any order emanating from any superior officer. Should any such order conflict with a previous order from any other superior officer, or with any departmental order, or provisions of the manual, the member of the force to whom such order is given shall respectfully call attention to such conflict of orders, and if the officer giving the order does not change same so as to obviate such conflict, his order shall stand and the responsibility shall be his, and the person obeying same will not be held in any way responsible for disobedience of any orders theretofore issued.

Section 6. When a member of the force is appointed for permanent or special duty, he shall immediately report his correct residence address, telephone number and marital status to the Chief of Police, and shall report any change in such address, telephone number and marital status within twenty-four (24) hours after making such change. Every member of the force shall be required to have a telephone at his residence address.

CHAPTER 1

Section 7. On the occurrence of a disturbance it is the duty of the police to restore order and disperse the crowd by moderate efforts or persuasion, if possible. If such efforts fail, force must be used and the principals arrested.

Section 8. Members of the force shall display coolness and firmness at all times and shall act in concert and protect each other in times of peril. Any shrinking from responsibility or danger will be deemed gross neglect of duty, for which penalty is removal from the force.

Section 9. Every member of the force shall be held responsible for the proper performance of the duties assigned him and for strict adherence on his part to the rules and regulations adopted from time to time for the government of the police department, and it will not be received as an excuse or justification for anything he may do contrary to the rules and regulations, or for anything he may omit to do, that he followed the advice or suggestion of any other person, whether connected with the police force or not, except when an officer of higher rank may take upon himself the responsibility of issuing direct and positive orders.

Section 10. For any serious neglect of duty or violation of the rules of the department an officer may temporarily suspend from duty any subordinate, and for similar causes the Chief of Police may be suspended by the Town Manager. When a member of the force is suspended, a report will be made to the Chief of Police through proper channel, who, if he approves of same, will make recommendations to the Town Manager.

Section 11. Gambling in any form by any member of the force in a station is strictly prohibited; nor shall any members of the force frequent buildings or premises known as or suspected of being gaming resorts except in line of duty.

Section 12. Members of the force shall not be concerned, directly or indirectly, in making any compromise or arrangement, between suspected violators of the law and persons who are alleged to have suffered by their acts.

Section 13. Members of the force shall not communicate, verbally or in writing, directly or indirectly, in any manner or form, any information which may enable persons guilty of criminal or quasi-criminal acts to escape arrest or punishment, or dispose of or secrete any money or other valuables the proceeds of crime, or to destroy any evidence which would establish guilt.

Section 14. Members of the force shall not, except by permission of a superior officer, communicate to anyone but a member of the force any information respecting orders he has received, or about his contemplated movements.

Chapter 1

Section 15. Members of the force shall not, directly or indirectly, seek publicity through the public press.

Section 16. Members of the force shall not serve civil processes; nor shall they render assistance in civil cases. They shall, however, prevent breaches of the peace and quell disturbances growing out of such matters.

Section 17. Members of the force shall not smoke, nor carry unlighted cigars, pipes, or cigarettes in their mouths while in uniform if on detail at any public or private assembly, while directing traffic, or while engaged in conversation with citizens or superior officers.

Section 18. (a) Members of the Force shall not wear their badges when off active duty, but shall carry them in such a manner as to permit ready display when necessary.

(b) Regular members of the Force, when off duty any place in the Town of Vienna, except in their residences, shall carry their badges and service revolvers at all times.

(c) When off duty and not in full uniform, regular members of the Force shall wear their service revolvers in such a manner as to conceal them from view.

(d) Provided, however, that members of the Force admitted to hospitals for treatment while in an off-duty status shall leave their service revolvers in a safe place at home or surrender them to an official of this Department for safekeeping during their hospital confinement and, provided further, that members of the Force admitted to hospitals for treatment during the course of a tour of duty shall surrender their service revolvers to an official of this Department for safekeeping during their hospital confinements.

Section 19. Members of the force shall not testify in civil cases unless legally summoned to do so.

Section 20. Members of the force shall not interfere with the cases of other members, except by consent of such other members or the Chief of Police.

Section 21. Regular members of the force shall not be connected with any military body other than the Army, Air Force, Navy, Marine or Coast Guard Reserve Corps.

Section 22. Members of the force shall not engage in political or religious discussions to the detriment of discipline.

Section 23. Members of the force shall not swing or toy with their batons.

Section 24. Members of the force shall not have their hands in their pockets while in uniform.

Section 25. Members of the force shall not engage in any line of business where such action will in any manner, directly or indirectly, interfere with the proper and efficient performance of police duty, nor shall members of the force engage in competitive bidding to furnish either labor or materials or both, or in such manner as to constitute unfair competition with the normal civilian market for either labor or materials..

Section 26. Members of the force shall not perform at any time for wage, salary, fee, gift, or other compensations, any work or service of any character for any person, firm, or corporation other than that required by their official position in the police department where such work will, directly or indirectly, interfere with the proper and efficient performance of police duty, nor shall members of the force engage in competitive bidding to furnish either labor or materials or both, or, in such manner as to constitute unfair competition with the normal civilian market for either labor or materials.

Section 27. Members of the force shall not play cards or games in the station house on Sundays, nor at any time when actually on duty.

Section 28. Members of the force shall not use their revolvers except:

- (a) To defend themselves from death or serious injury.
- (b) To defend another person unlawfully attacked from death or serious injury.
- (c) To effect the arrest or to prevent the escape, when every other means for effecting the arrest has been exhausted, of a convicted felon or of a person who has committed a felony in the policeman's presence or whose guilt is clear, or when a felony has been committed and the policeman has reasonable grounds to believe the person he is attempting to apprehend committed the felony.
- (d) To kill a dangerous animal, or to kill an animal so badly injured that humanity requires its removal from further suffering.

A policeman who fires a revolver in a public place takes many risks and must do so in such a manner as will not jeopardize the lives of innocent persons.

Section 29. Roll call will be held in the station at 7:45 A.M., 3:45 P.M., and 11:45 P.M., and/or such other times as designated by their superior officers. Members of the force shall be punctual in reporting for roll call and in reporting for duty.

Section 30. Members of the force shall at all times maintain decorum and command of temper; shall be patient and discreet, and shall not use harsh, violent, profane or insolent language, and be courteous and considerate under all circumstances.

Section 31. When members of the force sever their connections with the department they shall deliver to the Chief of Police their revolver, badge, and cap plates at the expiration of their last active tour of duty. They shall also return to the Chief of Police all government property issued to them. All articles of uniform must be in a clean and sanitary condition.

Section 32. Members of the force shall report to their immediate superior any violation, which is within their own personal knowledge, of the rules of the Vienna Police Department by any other member of the force, the penalty for which may be dismissal from the force. Violations of this nature by an officer of superior rank shall be reported directly to the Chief of Police. All personnel are hereby cautioned

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and directed to refrain from repeating malicious gossip and rumors which are in effect damaging to the character or reputation of the force or any member thereof.

Section 33. Members of the force shall familiarize themselves with the statutes, laws, and regulations in force in the Town of Vienna, and failure to do so, or to take action respecting violations of such statutes, laws, and regulations coming to their attention or about which they have knowledge will be deemed neglect of duty.

Section 34. Members of the force shall not belong to any political club or organization or be a delegate or representative to any political or partisan convention or take an active part in behalf of any candidate for political office.

Section 35. Members of the force shall not solicit or make contribution in money or other thing, directly or indirectly, on any pretext, to any persons, committee, or association for political purposes, nor shall they engage in any plan or scheme for raising money for any such organization or individual.

Section 36. Members of the force shall not engage in any contest or solicit votes for presents or prizes offered to member of the department for securing or receiving votes nor engage directly or indirectly in the sale of tickets or the soliciting of advertisements or business of any character or promoting same except by permission of the Town Manager.

Section 37. Superior officers shall not receive presents from subordinates, nor shall subscriptions be solicited or made for presents by members of the force to other members without the consent and approval of the Chief of Police.

Section 38. Members of the force shall make full reports to the station of all criminal offenses, complaints, accidents, injuries to persons, damage to property, persons found sick in public places, persons removed to any hospital or doctor's office by or at the direction of any member of the department for examination or treatment, missing persons or any other type of report not specifically set forth herein or required by this manual but which is required by any other police department order on any matter coming to their attention. It shall be the responsibility of the first officer who arrives on the scene or location to make the required report unless a superior officer or department orders direct otherwise. All reports shall be complete in detail and submitted promptly.

Section 39. In cases where arrests for the commission of crimes are made on the spot, without any previous report having been made, a report will be filed in the same manner and form as though no arrest had been made and shall include the fact that the case has been cleared by arrest. Such reports to be complete in detail and made promptly.

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Section 40. Personal injuries on public space and damage to Town of Vienna property. All reports made by police officers relating to this section shall clearly state the source of the information contained therein. PERSONAL INJURIES ON PUBLIC SPACE - In all cases involving falls of persons on public space or any other cases resulting in personal injury to persons on public space, the police officer witnessing or hearing of such an accident shall, if a witness, immediately mark the point of the fall or incident or if he hears of the accident, shall obtain the name and address of the injured party and determine from the injured party if possible all the circumstances including the precise location of the fall or incident, and forthwith mark the same, shall take photographs and measurements when necessary, and shall determine the names and addresses of all witnesses who have information regarding the circumstances. Whether the officer has completed his investigation or not, he shall cause the Director of Public Works to be notified immediately during office hours or at any event not later than the morning following the accident. In emergencies requiring immediate attention by the Department of Public Works, during times other than regular office hours, the Superintendent of Public Works shall be notified. Upon completion of his investigation, the officer shall promptly make a full report through channels to the Director of Public Works.

DAMAGE TO TOWN OF VIENNA PROPERTY - All accidents involving damage to Town property or involving Town vehicles, shall be promptly reported to the Chief of Police, with full details including names and addresses of witnesses.

Section 41. Members of the force shall be vigilant in observing the condition of streets, sidewalks, alleys, or other parcels of ground in the Town of Vienna; and shall promptly report to the station any defects in, obstructions on, or other conditions likely to cause injury to persons or damage to property. They shall, if necessary, take prompt action to barricade the same during the day, and to see that such places are properly lighted at night.

Section 42. Members of the force shall not allow any excavation in public space or the construction of any building, stand, fence, or structure of any kind, without proper permit therefore.

Section 43. Members of the force shall promptly report the existence of leaking water pipes on any premises to the occupant thereof or to the agent or owner. If unable to locate either, or if it is on public space, it shall be reported, through the station, to the Department of Public Works.

Section 44. Any member of the force who loses his badge or other equipment or insignia through carelessness in failing to properly secure or attach same, or who, having lost any part of his equipment, fails to report such fact promptly, in writing, to the Chief of Police, shall be deemed guilty of neglect of duty.

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Section 45. All rewards received by members of the force shall be promptly turned over to the Chief of Police, together with a detailed report of the circumstances under which received and by whom paid.

Section 46. Members of the force and employees of the department shall not intentionally come in contact with persons suffering from diphtheria, scarlet fever, smallpox, or other contagious diseases, or with those in attendance on such persons, except by authorization of the Chief of Police.

Section 47. When a member of the force has come in direct contact with a patient having a contagious disease, or has been exposed to contagion, he shall at once notify the Chief of Police and comply with instructions.

Section 48. Members of the force shall be vigilant in the matter of locating persons suffering from malignant, infectious, or epidemical diseases, reporting such cases promptly to the health department through the station.

Section 49. In all cases of accident or illness requiring an officer's attention, members of the force shall render prompt assistance, taking such action as may be necessary in the premises.

Section 50. Members of the force shall not, by threat or recommendation, or in any other manner, directly or indirectly, use their office for the purpose of influencing the lawful business, profession, or occupation of any person or persons.

Section 51. When a member of the force discovers a fire he shall first, make every effort to arouse the occupants of the premises and in order to better accomplish this end, he should seek all possible aid from persons available at the scene. He shall then sound an alarm of fire by radio or telephone to the board or headquarters, whichever means is more readily available. He shall prevent interference with the firemen by pedestrians or traffic, and make a report at the station of all facts and circumstances. If the fire is of suspicious origin he shall notify the fire marshall and make a thorough investigation with a view to prosecution.

Section 52. Members of the force on patrol duty shall, when they hear fire apparatus, immediately communicate with the station and ascertain the location of the fire and shall comply with the instructions issued them at the time of their inquiry.

It is the duty of police at fires to clear the immediate area of traffic and spectators and to prevent persons from crowding or standing near entrances to the burning building and to facilitate in every way the activities of the Fire Department. All persons, except firemen, shall be kept out of the building until the occupant has resumed possession. Persons bearing fire actuary passes, or employees of the gas or electric company may be permitted to enter such premises in connection with their official duties, but representatives of the press shall be excluded from the

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premises although they may, if identified properly, operate within fire lines. In the case of fires in unoccupied or closed premises the police shall notify the occupant, owner, or agent thereof. It is very important that the contents of the building be protected against larceny by those who might take advantage of the confusion existent at the scenes of fires.

Section 53. Any member of the force who finds a dead body or learns of a case where death has ensued without a physician having been in attendance, shall immediately notify the Fairfax County Police Detective Bureau and the station and receive instructions relative to further proceedings. The officer on the scene shall note all particulars, not disturb or permit the disturbance of the body or surroundings and shall allow no unauthorized person within the premises or near the point where the body is found until such time as the Fairfax County Police have arrived and taken charge. He shall not handle or permit the handling of weapons, glassware, furniture, or other smooth surfaced objects. He shall maintain the possible crime scene in exactly the same condition as discovered by him. He shall carefully preserve all fingerprints, handprints, footprints, and tireprints. He shall take the names of persons who may have knowledge of the occurrence, and if necessary detain any individual whose statement might be needed in establishing any fact in connection with the case and shall arrest any person against whom there exists a reasonable suspicion of guilt supported by facts, circumstances, or credible information and shall make a complete report at the station of all facts and details connected with the case.

Section 54. Members of the force while on duty shall devote their whole time and attention to the business of the department.

Section 55. Members of the force shall give their names and badge numbers to persons who request them.

Section 56. Except by permission of the Chief of Police, no information contained in the files of the police department, or information concerning the status of any matter or of any case under investigation, or concerning contemplated changes in either the policy or personnel of the department shall be given to any one not a member of the department, nor shall members of the force deliver addresses at public gatherings concerning the department except by direction of the Chief of Police. Members of the force, when requested by the press, shall furnish such appropriate information as is consistent with the public welfare and with the need in certain cases for investigative security concerning complaints on hand; and shall not directly or indirectly give any other information to the press except by direction of the Chief of Police.

CHAPTER 1.

Section 57. It shall be the duty of every member of the force to report in writing to the Chief of Police any injury to his person or any damage to government property in his charge whether such injury to person or damage to property occurs when such member of the force is on or off duty, such report to be in detail and to give the names and addresses of all witnesses. Where a member of the force is injured to such an extent that he is physically unable to make such report, same will be made by his immediate superior officer.

Section 58. Annually, each member of the force shall be required to report for pistol target practice and will be further required to qualify under such rules as the Chief of Police may prescribe.

Members of the force who qualify will be provided with and authorized to wear on their uniform in a manner prescribed by the Chief of Police a marksmanship insignia to show their classification.

Section 59. The flag will be raised at the Town Hall at 8:00 A. M. and lowered at 4:00 P. M., and shall be placed at half mast upon notification by proper authorities. In rainy and stormy weather old flags in good condition should be used if available; in fair weather, clean bright flags should always be used.

Section 60. When authorized messages are received directing a notification of banks, business places, or individuals, concerning a matter of interest to the department, officers assigned shall be prompt and thorough in the delivery of such messages, and when inquiry indicates that the officer has failed or neglected to carry out such instructions, he shall be deemed guilty of neglect of duty and punished accordingly. Supervising officers will make frequent check to determine whether such messages are receiving proper attention, and will institute appropriate disciplinary measures in cases of failure or neglect.

Section 61. Members of the force shall, when they use their revolvers, batons, or blackjacks, make a complete report of same to the Chief of Police who shall make a thorough investigation of the case and where necessary, forward report to the Town Manager with recommendation.

Section 62. Whenever a member of the force is called to the scene of a rape, robbery, serious assault, housebreaking, or other high crime, he shall take immediate steps to prevent any disturbance of the crime scene or visible or latent evidence such as fingerprints, footprints, bloodstains, documents, etc., pending the arrival of investigating officers.

He shall prevent the entrance of any unauthorized person or persons, question all witnesses who may have knowledge of the circumstances and obtain their names and addresses, and convey all information at hand to the investigating officers immediately upon their arrival. Where it is evident the crime is of a serious nature, he shall immediately notify the officer in charge of the station and the Fairfax County Detective Bureau. He shall make a full report of all facts at the station.

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Section 63. Members of the force shall serve all warrants promptly and in the case of assault or threat warrants or other warrants for serious offenses shall, when such warrants are given them for service, make careful inquiry as to the whereabouts of the defendant; where he is employed, etc., and shall immediately take such action as is necessary for the prompt service of the warrant. If it is necessary to send a lookout, obtain proper description and send such lookout. Members of the force are reminded that proper handling of such warrants of the force are reminded that proper handling of such warrants could possibly result in the saving of some person's life and failure to properly and immediately act in such cases will be deemed gross neglect of duty.

Section 64. When questioned by superior officers in connection with matters relating to the official business of the police department, it is the duty of subordinates to respond to such questions as are asked. Refusal to respond to such questioning is in itself a violation of the rules of the department and subject to disciplinary penalties. In any case where a subordinate declines or refuses to answer proper questions relating to his official duties, it will be the duty of the superior officer to make a complete report of the circumstances together with a recommendation for appropriate disciplinary action based on the refusal of the subordinate to make a statement as directed. This in addition to any other charges against the offender which the circumstances may warrant.

Section 65. When a member of the force takes a weapon alleged to have been used in the commission of a crime, he shall mark the same in such a manner as will enable him to identify it afterwards, and the return sent to the Fairfax County Detective Bureau with the weapon shall contain a description of such marks. Where property is found in the possession of prisoners, recovered from pawnshops or secondhand dealers, or otherwise recovered by a member of the force, and is claimed to be the proceeds of crime, such property shall be marked in a like manner. All marks required by this section shall be clearly legible to any person having occasion to examine the same when it is introduced as evidence.

Section 66. Members of the force who find abandoned vehicles on public space shall, before turning such vehicles into the property yard or other storage place as abandoned property, make a thorough investigation to determine ownership. Such investigations to include a canvas of the immediate vicinity in which the vehicle is found and a check of the license number, if any, with the records of the Division of Motor Vehicles. The impounding officer shall place a tag on the vehicle indicating time, date reason, officer's name and location from which impounded; shall take valuable property from the vehicle, similarly tag same, and remove to the station for safe keeping; and shall make a full report with all available information to the station. Where an impounded vehicle has been in the custody of the police department for 24 hours, and is not claimed within that time, the officer impounding the vehicle shall check against the listing of stolen vehicles.

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Section 67. Members of the force who desire an interview with the Town Manager, Mayor, or Member of the Town Council on police matters or concerning the Police Department, or any member thereof, shall make request to the Chief of Police stating briefly the reason for the request and the Chief of Police shall transmit the request to the official indicated for his approval or disapproval. This section shall not be construed as restricting any member of the force from requesting an interview with any of the officials mentioned.

Section 68. No member of the force shall participate in as an individual or be a member of any committee or group, the function of which office, committee, or group in any way affects or may affect the discipline, operation, or administration of the Department.

REPORT ON RECODIFICATION
OF
TOWN OF VIENNA ORDINANCES

Submitted is a proposed recodification of the ordinances of the Town of Vienna, Attachment #A.

Along with this report and the proposed Code will be found individual notes explanatory of individual titles, where considered necessary, (Attachments #C to #O), and a statement containing general comments and suggestions, (Attachment #B, B-1). Had every addition and omission, every rearrangement and change in the language of the recodified ordinances been listed, a volume comparable in size to the proposed Code itself could probably have been written. As the only sensible course, therefore, the individual notes are limited to brief statements of what was considered required explanation, together with such comments and recommendations as were deemed desirable.

PLAN

I understand recodification to mean to rearrange, reclassify, renumber, and bring up to date, but not to revise as such, which would be an invasion of the legislative power. In general, that was my approach to the project. However, in a number of instances, which are specifically pointed out in the attached explanatory notes, complete rewriting was believed necessary -- for instance, Title 2, (the former Chapter 2), which was practically all changed by the new Charter.

Arrangement and Numbering

It seemed logical to follow as closely as practicable the system of arrangement and numbering suggested by the Advisory Legislative Council (which was also followed by the Virginia Code Commission). Therefore, the material was divided into titles, alphabetically arranged except for the first one, which is "General Provisions". The titles were divided, where it seemed necessary, into chapters, and some of the longer or more complex titles subdivided further into articles.

In the text of the proposed Code, at the beginning of each title, is a list of the chapters, if any, included in that title, which list shows only the numbers of the sections included in each chapter listed. At the beginning of each chapter, (or title, if no chapters are included), is a list of the numbers and catchlines -- catchlines were supplied in numerous instances -- of the sections and of the articles, if any, included in that chapter. These frontal analyses will provide a convenient method of quickly ascertaining the contents of each title and chapter, and of locating particular ordinances.

The sections in each title were numbered consecutively from 1, the numbers for the individual sections consisting only of the number of the title and the number of the section within the title, connected with a hyphen. Thus, the first section of the first title is 1-1, the second section is 1-2, and so on. The first section of the second title is 2-1, etc. It is intended that sections which it becomes necessary to insert will be handled by the use of decimals; that is, an ordinance which should logically be inserted between 1-1 and 1-2 would be numbered 1-2.1. Some variation from this numbering and arranging system was considered desirable in Title 15, Zoning, in view of the length and complexity of that title. It is also intended that whenever an ordinance is repealed the number remain, followed by the statement "Reserved" or "Reserved for future use", thus avoiding renumbering of whole titles.

While indexing is not considered to be a part of recodification, but to be a separate, distinct, and continuing activity, a general index has been provided, in the belief that without one the usefulness of the Code would be impaired.

Ordinances on special subjects, which were heretofore called "codes", such as the "Motor Vehicle Code", and the "Criminal Code", have in the proposed compilation been termed laws, regulations, or ordinances, so that if the Code now submitted is adopted, the only "Code" existent in Vienna will be "The Code of Vienna".

Clauses declaring the provisions of ordinances to be separable or severable in relation to their validity or constitutionality, which only declare the existence of a principle deemed to be inherent in a Code, have been omitted.

Some resolutions appeared properly to be ordinances of a general and permanent nature; wherever that occurred they have been included in the proper title.

Attention is particularly invited to Appendix 2, wherein are enumerated matters incorporated by reference.

As to the date the proposed Code, if adopted, becomes effective, it is suggested that it would not do to have a Code of Vienna in full force and effect before copies thereof can be made available to the public. Therefore, it is recommended that provision be made for it to become effective at as early a date as will allow time for a complete copy to be placed in the hands of the Council, other Town officials, and the general public.

I have endeavored throughout to correct errors, to eliminate duplications and redundancies, to reconcile conflicts and inconsistencies where it has been possible to do so without departure from the legislative intent, and to remove ambiguities and clarify obscure passages where the intent of the Council could be determined with sufficient certainty. Efforts have been made to improve the language of the ordinances where it seemed sufficiently important and where it could be done without alteration of the meaning. Again, except as indicated in the third paragraph of this report, I have been at great pains to avoid making any change in substance.

My primary purpose, of course, has been to supply the need for a complete, accurate and usable statement of the ordinances of Vienna. It has been kept in mind, however, that another purpose might also be served. It will be apparent that a good many of the ordinances need revision. The first step in revision is the complete and accurate statement of the law to be revised. If I have done my job adequately, this necessary first step has been accomplished. I hope the proposed Code will serve both the primary purpose, and as well provide a good basis for partial revisions to be made from time to time.

Respectfully submitted,

MARY LOUISE CONDON
Attorney at Law

24 January 1961

Attachments: Proposed Code, Attachment #A
General statement, #B, and #B-1
Explanatory notes, #s C, D, E, F, G, H, I, I-1, I-2, J, K, L,
M, M-1, N, N-1, and O.

Appendix 5

Table of Numbers Assigned Special Subjects Previous to
Adoption of this Code

Chapter 1.	General Provisions.
Chapter 2.	Town Government, Officers, and Taxes.
Chapter 3.	Criminal Code.
Chapter 4.	Motor Vehicle Code.
Chapter 5.	Motor Vehicle License Taxes.
Chapter 6.	Plumbing.
Chapter 7.	Sanitation.
Chapter 8.	Weeds and Debris.
Chapter 9.	Rabies Control.
Chapter 10.	Subdivisions.
Chapter 11.	License Taxes.
Chapter 12.	Zoning.
Chapter 13.	Fire Prevention.
Chapter 14.	Uniform System of Numbering Houses and Buildings.
Chapter 15.	Building Code.
Chapter 16.	Fireworks.