

Chapter 50

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

- Sec. 50-1. Obstruction of street, sidewalk or alley.
- Sec. 50-2. Approval of permits.
- Sec. 50-3. Placing dirt, ashes, similar materials upon streets prohibited; exceptions.
- Sec. 50-4. Riding of horses or ponies on sidewalks and sidewalk areas.
- Sec. 50-5. Snow removal.
- Sec. 50-6. Removal of sidewalks.
- Sec. 50-7. Trees, shrubs, vines, hedges.
- Sec. 50-8. Penalty for violation.
- Sec. 50-9. Public tree care.

OCCOQUAN CODE

Sec. 50-1. Obstruction of street, sidewalk or alley.

No person shall place any obstruction on any street or sidewalk; provided that any person desiring to use any part of a street or sidewalk for building material may obtain a permit from the town hall, after approval by the mayor, which permit shall state the mode and character of the obstruction and length of time it shall continue; and further provided that no such permit shall be granted when such obstruction can be reasonably avoided. Any person building near the street line shall be required to erect such overhead scaffolding as may be necessary to protect the public from anything that may fall from the wall or scaffolding of such building. It shall be the duty of the mayor, when approving such permit, to require the party obtaining the permit give such assurance as may be necessary to protect the town from liability from any damage that may result from such obstruction.

(Code 1981, § 5-48)

Sec. 50-2. Approval of permits.

The mayor shall approve or disapprove and establish the conditions for a permit under this chapter pursuant to uniform town standards.

Sec. 50-3. Placing dirt, ashes, similar materials upon streets prohibited; exceptions.

It shall be unlawful for any person to throw or place dirt, ashes, stone, wood or any other material upon any street within the town; provided, that the penalty for violation of this section shall not be imposed upon persons placing building materials upon a street, in connection with construction work, after having obtained a permit 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 and having not permitted the materials to remain there longer than the limited period stipulated in the permit.

(Code 1981, § 5-49)

Sec. 50-4. Riding of horses or ponies on sidewalks and sidewalk areas.

It shall be unlawful for any person to ride or lead any horse or pony on any sidewalk or in any area between any sidewalk and any curb or curb line in the town.

(Code 1981, § 5-50)

Cross reference(s)--Animals, ch. 6.

Sec. 50-5. Removal of snow and ice from sidewalks.

It shall be the duty of the occupant of any property which has a sidewalk of brick, wood, or concrete abutting on such property to have all snow removed from such sidewalk within 12 hours after it has ceased falling; provided that, if snow falls during the night, it shall be removed by 5:00 p.m. on the following day. The same requirements shall exist with respect to ice or sleet on sidewalks, except that ice and sleet, if it cannot be removed without injury to the sidewalk, shall be covered within the time required in this section, with sawdust, ashes or other material which will render the sidewalk safe for

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

travel. When there is no occupant of such property, it shall be the duty of the owner thereof to have such snow, ice and sleet removed or covered as provided in this section. If after such reasonable notice as the town may prescribe the owner or occupant of the property affected by the provisions of this section shall fail to abate or obviate the condition, the town may do so and charge and collect the cost thereof from the owner or occupant of the property affected in any manner provided by law for the collection of Commonwealth or local taxes

(Code 1981, § 5-51; Ord. O-2003-02)

Sec. 50-6. Removal of sidewalks.

No person shall remove any portion of the walkways or sidewalks in the town or in any way interfere with walkways or sidewalks without a permit authorized by the mayor.

(Code 1981, § 5-52)

Sec. 50-7. Trees, shrubs, vines, hedges.

(a) It shall be unlawful for the owners of property within the town to allow tree branches, shrubs, vines or hedges to overhang sidewalks or other public rights-of-way in such a manner as to obstruct the free movement of or endanger pedestrians using such sidewalks.

(b) Where tree branches, shrubs, vines or hedges on such property are found to so obstruct sidewalks or rights-of-way, a town official shall immediately notify the owner of such property to cut such tree branches, shrubs, vines or hedges so as to render any affected sidewalks or rights-of-way free of obstruction.

(c) Such notice shall be in writing and sent by certified mail to the occupant of such property or the owner of the property at the last known address as reflected on the real property tax records of the town. If after diligent inquiry no address can be found for such owner, the notice shall be posted in a conspicuous place on the property.

(d) If such tree branches, shrubs, vines or hedges have not been cut within ten days from the date of mailing or posting of the notice, a town official shall cause the cutting down by the town's agent of such tree branches, shrubs, vines or hedges.

(e) Where tree branches, shrubs, vines or hedges have been cut down on property by a town official, the cost of such cutting shall be billed to the owner of the property. If such bill is not paid, prior to issuance of the next real estate tax bill, it shall be added to the town real estate tax bill on such property and shall be a lien on such property to the same extent and effect as the real estate tax.

(Code 1981, § 5-53; Ord. O-2004-01)

Sec. 50-8. Penalty for violation.

Any person who violates any provision of sections 50-1--50-7 shall be guilty of a class 1 misdemeanor.

OCCOQUAN CODE

Sec. 50-9. Public tree care.

(a) The town manager or designee shall be responsible for the care, preservation, pruning, planting, removal or disposition of trees in parks, along streets and in other public areas. The town manager or designee, in coordination with a Certified Arborist, shall consider, investigate, issue findings, report and make recommendations on any matter or question related to the care, preservation, pruning, planting, removal or disposition of public trees.

(b) The Town shall have the right to plant, prune, maintain and remove trees, plants and shrubs located on Town-owned property as may be necessary to ensure public safety or preserve or enhance the beauty and function of such public spaces.

(c) The town manager may remove or cause or order to be removed any tree located on town property or part thereof which is in an unsafe condition or which, by reason of its nature, is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is affected by any injurious fungus, insect or other pest.

(Ord. O-2017-05)