Chapter 17

STREETS, SIDEWALKS AND PUBLIC PLACES

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ARTICLE I. IN GENERAL

Sec. 17-1. Streets not having been accepted by town council not to be improved at town expense.

It shall be unlawful for any person to grade, pave, light, clean or otherwise improve, at the expense of the town, any street that shall be dedicated to the public by the owner of private property, unless such street shall have been accepted by the town council and, under its direction, has been laid out by a duly designated representative of the town council
(Code 1975, § 15-1)

State law reference-Grading streets, etc., Code of Virginia, § 15.1-368.

Sec. 17-2. Grade, alignment, etc., of streets, sidewalks, curbs and pavements.

(a) When a street line, grade of centerline or curb of any street or sidewalk is established by the town council or by town officer duly designated for such purpose, such grade and alignment shall be official, and no person shall change such grade or alignment so fixed.

(b) The situation, range, height, width and pitch of the curbstones and pavements shall be determined and established by the town council of by a town officer duly designated for such purpose and shall be complied with.
(Code 1975, § 15-2)

State law reference-Ramps on curbs of certain streets, Code of Virginia, § 15.1-381.

Sec. 17-3. Prohibited removal of dirt, etc., from streets, sidewalks and public places.

It shall be unlawful for any person, not having proper authority so to do, to dig up or remove any dirt, gravel or other material from any street, sidewalk or public place.
(Code 1975, § 15-3)

Sec. 17-4. Encroachments – Prohibitions generally; enforcement by town.

It shall be unlawful for any person to encroach upon any street, sidewalk or public place by the erection thereon of any porch, veranda, portico, steps, building, fence or other structure. Any such encroachment shall be deemed an obstruction and shall be deemed an obstruction and shall be removed by the owner or occupant of the premises where such encroachment may occur, within ten days after notice from the town requiring the encroachment be removed. Any person violating this section shall be subject to a fine not exceeding $25.00 for each day such encroachment is allowed to continue after expiration of the notice to remove the encroachment. On the failure of such person to remove it after such notice the town shall cause it to be removed and all reasonable charges therefor, with costs, shall be collected of the owner or occupant by the same process by which taxes are collected or by any other means authorized by law.
(Code 1975, § 15-4)

State law reference-Encroachment over streets, Code of Virginia, § 15.1-376 et seq.

Sec. 17-5. Same – When permitted by license, permit or special permit.

It shall be unlawful for any person to use or to set off for use any portion of any street, sidewalk of public place within the town for the sale or display of any merchandise or other product; for the rendering of any service; for the holding of any carnival or other such attraction; or for any purpose other than use by the general public as intended by the dedication, ordinance, deed or other instrument by which such street, sidewalk or public place was established and laid out, except pursuant to a license or permit issued pursuant to this Code or other ordinance or resolution of the town council or except pursuant to a special permit issued by the town council for a limited period of time not exceeding one month. Permits under this section may be granted or denied by the town council as in its sound discretion may be deemed in the best interests of the town.
(Code 1975, § 15-5)

Cross reference-Licenses and occupation taxes, ch. 9.

State law reference-Temporary use of streets for other than public purposes, Code of Virginia, § 15.1-14.

Sec. 17-6. Buildings not to discharge or drip water onto sidewalks, construction of building gutters.

(a) All buildings and structures built along or close to the building line shall be provided with gutters so that there will be no drip upon the sidewalk. All down-pourings from gutters shall be so constructed as to discharge such water under the sidewalks, in conduits meeting town specifications.

(b) It shall be unlawful for any person to permit water from the spouting or gutter of the roof of any building owned by him to escape on any of the sidewalks of the town by reason of defective spouting or guttering.
(Code 1975, § 15-6)

Cross reference-Buildings, ch. 4.

Sec. 17-7. Obstruction of culverts and drains.

It shall be unlawful for any person to change, obstruct or interfere with in any manner the culverts or drains of the streets, or leading from any street in the town, without permission of the town council.
(Code 1975, § 15-7)

Sec. 17-8. Defacing utility poles/posting advertising matter on structure or vehicles.

(a) It shall be unlawful and a class 4 misdemeanor for any person to place or attach or to have placed or attached any bill, poster, circular, notice, advertisement or plaque upon any building, post, wall fence, or other structure or vehicle in the town on or adjacent to and within four feet of any street, sidewalk, or publicly owned property without first obtaining the consent of the owner of such private property.

(b) It shall be unlawful and a class 4 misdemeanor for any person to deface any

telegraph, telephone, or other utility pole by posting bill thereon, putting up signs thereon, driving nails therein or by wrapping around it wire or any other material.

(c) No temporary sign or other advertising matter as set forth in subparagraph (a) and (b) above, shall exceed two square feet in size.

(d) It shall be unlawful and a class 4 misdemeanor for any person, without first having obtained a written permit from the town manager, to attach any wire, insulator, rope, sign, poster, hand bill or any other thing or substance on any tree growing in any public area, park, or public right of way.

(e) It shall be unlawful and a class 4 misdemeanor for any person who displays the signs or advertising matter outline within this section to fail to remove the temporary advertising matter within 24 hours after the advertised event has concluded.
(Ord. of 2-5-93)

Sec. 17-9. Awnings, banners, signs, etc., overhanging streets and sidewalks.

(a) No person shall erect, install or maintain any awning, or any banner, emblem, poster, sign or advertising matter, across any street, sidewalk or public place except pursuant to a written permit so to do granted by the town council.

(b) No awning shall be permitted to hang over any street. All awnings extending over any sidewalk or public place shall be securely fastened to the building and shall be at least nine feet above the level of the pavement or ground.

(c) No sign, banner, emblem, poster or advertising matter shall be permitted to hang over any street. All signs, banners, emblems, posters and advertising matter attached to a building and hanging over a sidewalk or public place shall be securely attached to the building and at a height of not less than nine feet above the level of the ground or pavement.
(Code 1975, § 15-9)

Sec. 17-10. Responsibility of owners, occupants and persons in charge of premises to remove snow from sidewalks.

It shall be unlawful for the occupant of any building or for the owner or person in charge of any unoccupied building or vacant lot which abuts upon any street or public place where there is a paved footway or sidewalk to permit snow to remain along the front or side of such premises longer than six hours after the snow has ceased to fall, except that if the snow shall cease to fall in the nighttime, it shall be cleared away before noon the following day. If any such occupant. Owner or person in charge, as the case may be, fails or refuses to clean off the snow in accordance with this section it shall be the duty of the chief of police to cause such pavement or sidewalk to be cleaned at the expense of such occupant or owner. The cost thereof shall be collected in the manner in which fines are collected or in any other manner authorized by law, and such reimbursement to the town shall not constitute a bar to prosecution of the offender for a violation of this section.
(Code 1975, § 5-10)

Cross reference-Emergency now plan, § 10-96 et seq; police, ch. 15.

Sec. 17-11. Builders rubbish to be removed from streets.

Every person who may be building or repairing any house or other structure shall cause all the rubbish occasioned thereby, which may be cast into the street or upon the sidewalk, to be removed therefrom before sunset the next day. All rubbish not so removed shall be subject to removal by the town, at the expense of the owner of the property upon which such rubbish originated, in the same manner as provided in section 17-10 for the removal by the town of snow on sidewalks.
(Code 1975, § 15-11)

Sec. 17-12. Reserved

Editor's note-An ordinance adopted 9-6-1994, amended this chapter by repealing §17-12, destruction of trees, shrubs, et., and enacting new provisions as art. V §§ 17-130-17-139, trees on public property. Formerly, § 17-12 derived from § 15-12 of the 1975 Code.

ARTICLE II. SIDEWALK AND DRIVEWAY CONSTRUCTION AND REPAIR*

Sec. 17-41. Work to be done at expense of owner or occupants of abutting lots.

Every owner or occupant of any lot, lots or parts of a lot abutting existing streets or future streets, as the same are approved for subdivision or construction within the corporate limits of the town, shall construct sidewalks on the designated portion of the public right-of-way in conformity with the standards and specifications therefor adopted by town council and as prescribed and approved by the town manager at the expense of such owner or occupant after notice, as provided in this article. Any driveways that are or are to be located upon any portion of the public right-of-way shall be constructed at the expense of the owner or occupant in accordance with the standards and specifications adopted by town council and as approved by the town manager after notice as hereinafter provided.
(Code 1975, §15-13; Ord of 6-5-90, §15-13; Ord of 9-4-90(2), §15-13)

Sec. 17-42. Notification of owners and occupants.

Any notice to construct, reconstruct or repair any sidewalk or drive way to the owner or occupant shall be sufficient if sent by United States mail, by registered or certified letter, postage prepaid to such owner or occupant at his last known address or posted by the town sergeant in a conspicuous place on the property. The return receipt of the registered or certified letter or the town's sergeant's proof of service of posting shall be good and sufficient notice to the owner or occupant.
(Code 1975, § 15-14; Ord. of 6-5-90, § 15-14)
***State law reference**-Assessments for local improvements, Code of Virginia,§15.1-239 et seq.

Sec. 17-43. Procedure upon failure to comply.

If the owner or occupant, or either of them shall neglect or refuse to construct, reconstruct or repair the sidewalk or driveway when and as required, after notice as provided in this article,

the town council shall have the same constructed, reconstructed, or repaired at the cost and expense of the owner and occupant or either of them and may recover such cost and expense including reasonable attorney's fees by an action at law in any court of competent jurisdiction.
(Code 1975, § 15-15, Ord. of 6-5-90, § 15-15)

Sec. 17-44. Repair of existing sidewalks and driveways.

Sidewalks or driveways on any portion of the public right-of-way of the town on June 5, 1990 shall be reconstructed or repaired if they are found to be in a deteriorated state or they do not meet established standards, specifications or for any reason are hazardous to the safety of the public, at the cost and expense of the owner or occupant after notice as provided in this article, and the owner and the town shall equally share the costs thereof.
(Code 1975, § 15-16; Ord. of 6-5-90, § 15-16)

Sec. 17-45. Standards, specifications and materials.

All footways, sidewalks and driveways shall be constructed and repaired in conformity with standards and specifications established by the town. Each notice given by the town pursuant to section 17-44 shall set out such standards and specifications, and materials to be used, or shall make reference as to where such information is on file within the town and is available to the public for inspection and use during all regular business hours.
(Code 1975, § 15-17)

Sec. 17-46. Permit to construct, reconstruct or repair sidewalk or driveway.

It shall be unlawful for any person to construct, reconstruct or repair any sidewalk or driveway, any portion of which is in a public right-of-way, without first obtaining a permit to do so in compliance with section 17-67.
(Ord. of 6-5-90, §15-17-1)

Secs. 17-47 – 17-65. Reserved.

ARTICLE III. EXCAVATIONS*

Sec. 17-66. Permit – Required

It shall be unlawful for any person to dig up or make an excavation in or under any public street, sidewalk, park or other public place or within six feet thereof, except pursuant to a permit so to do issued by the town manager.
(Code 1975, § 15-18)
***State law references**-Well or pit to be filled before abandonment, Code of Virginia, §18.2-316: Underground Utility Damage Prevent Act, Code of Virginia, §56-265.14 et seq.
Sec. 17-67. Same-Application.

Each application for an excavation permit shall be in writing and shall state the location of the place to be excavated and the area thereof; the type of paving, if any; the purpose to be served; the manner in which the proposed work is to be done; the manner in which the surface is

to be restored; the contractor or other person who is to do the work; the expected dates of beginning and termination of the work; the barriers, lights and other safety precautions to be provided for the protection of persons, property and animals during the course of the work until its completion; and such other information as may reasonably be required by the town. (Code 1975, § 15-18)

Sec. 17-68. Same-Issuance or denial; conditions of permits; bond or cash deposit may be required.

(a) Each application for an excavation permit shall be considered by the town manager without delay. Those which appear to be for a legitimate and reasonable purpose; which provide for the safety of persons, property and animals during the progress of the work; which provide for the restoration of the surface to as good or better conditions than it was before commencement of the work; which provide that the work shall be completed in a reasonable prior of time, and that the site of excavation shall be left in a tidy condition; and which do not impose undue inconvenience or hardship on the town or any segment of the population thereof shall be approved and permits issued therefor. Applications which do not meet the foregoing requirements shall be disapproved, for reasons to be indorsed thereon by the town manager, and permits therefor shall be denied.

(b) In issuing any excavation permit, the town manager may incorporate therein such terms and conditions as he may deem appropriate for the protection of the town, its inhabitants and property and for the convenience of the public. Such conditions may include, among other things not herein mentioned, provisions for the orderly flow of vehicular and pedestrian traffic at the place of the excavation and the immediate vicinity thereof, and it shall be unlawful for any person to violate or fail to comply with such terms and conditions or with any or the provisions of his application for permit as approved.

(c) The town manager may, as a condition precedent to the issuance of an excavation permit, require the applicant therefor to give bond, payable to the town, with corporate surety, conditioned upon compliance with the provisIons of this article and the terms and conditions of the permit and the application therefor as approved, and to save the town harmless from all claims, judgments and decrees which may result from defective or negligent work done under the permit or failure to comply therewith. The amount of such bond shall be as determined by the town manager or town engineer in the exercise of sound discretion; provided, that in lieu of such bond a cast deposit may be made with the town treasurer.

Sec. 17-69. Supervison of work; release of bonds and refunding of cash deposits.

(a) All work done pursuant to permits issued under this article shall be subject to the general supervision of and inspection by, the town manager, who shall have authority to require compliance with the terms and conditions of all permits and approved applications for permits.

(b) Bonds given and cash deposits made pursuant to this article shall be released and refunded, respectively, following inspection by the town manager upon completion of the work

and his certification that the work has been done, the surface restored and the site left in a tidy condition in accord with the provisions of the permit and approved application therefor.
(Code 1975, §15-21)

Sec. 17-70. Non-liability of town.

Nothing in this article shall be construed so as to impose any liability upon the town for any act or omission of the holder of a permit or of any person acting pursuant to authority of such permit; nor shall inspection and approval by the town of any work done pursuant to a permit be construed as imposing any liability upon the town for any defective work, negligence or unauthorized act or omission of a permit holder or any other person acting pursuant to authority of such permit.
(Code 1975, §15-22)

Sec. 17-71. Streets which are part of state highway system.

No permit shall be issued under this article for any excavation in or under a street which is a part of the state highway system except upon display to the town manager of a state permit or other authorization so to do. Any provision of this article which may be incompatible or in conflict with state law shall not be applicable as to streets which are a part of the state highway system.
(Code 1975, §15-23)

Secs. 17-72 – 17-90. Reserved.

ARTICLE IV, DEMONSTATIONS AND PARADES*

DIVISION 1. GENERALLY

Sec. 17-91. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Demonstation means a group of four or more persons assembled together and acting in concert to call attention of the public to their opposition to, support of or position with respect to any social or cultural subject, cause or organization, or to solicit funds therefor; but nothing in this article shall be construed to apply to persons lawfully engaged in picketing in an orderly manner.

Parade means any assembly, march or other procession of four or more persons assembled and formed to exhibit themselves with some circumstances of show to the public.
(Ord. of 10-1-91(2), §15-42)

Cross reference-Definition and rules of construction generally, § 1-2.

Sec. 17-92. Purpose of article.

The town council finds it necessary for the public convenience to ensure the free and orderly flow of vehicular and pedestrian traffic and for the preservation of public order to require citizens to first obtain a town permit prior to conducting a parade or demonstration within the town limits in public places.
(Ord. of 10-1-91(2), §14-30)

Sec. 17-93. Weapons; vicious animals.

(a) No person parading or demonstrating pursuant to a permit issued under the provisions of this article shall carry any dangerous weapon which the town police chief deems to constitute a threat to the maintenance of law and order and the preservation of the public peace. This exclusion does not include displays by members of color guards, drill teams, lodges or other persons by whom the display of weapons upon the occasion of such parade or demonstration would not constitute a threat to the maintenance of law and order and the preservation of the public peace.

(b) No person parading or demonstrating pursuant to a permit issued under the provisions of this article shall allow any vicious or apparently vicious animal to be involved in or accompany such parade or demonstration.
(Ord. of 10-1-91(2), §15-37)

***Cross references**-Animals, ch.3; police, ch 15.

State law reference-Authority of town to permit the temporary use of streets for other than public purposes, Code of Virginia, § 15.1-14(9).

Sec. 17-94. Dispersal of riots and unlawful assemblies; arrested persons who disobey command to disperse.

Parades and demonstrations held pursuant to a permit issued under the provisions of this article which become, or which reasonably appear to present an imminent threat of becoming a riot or unlawful assembly shall be dispersed by the town police or by any law enforcement officer who may be present. It shall be unlawful for persons who are commanded to disperse by any law enforcement officer to fail to promptly obey such a command and to fail to peacefully disengage themselves from such parade or demonstration and leave the scene.
(Ord. of 10-1-91(2), §15-38).

Sec. 17-95. Insults, etc., paraders and demonstrators prohibited.

No person shall hinder, molest, insult or harass any parade or demonstrator lawfully parading or demonstrating pursuant to a permit issued under the provisions of this article.
(Ord. of 10-1-91(2), §15-39)

Sec. 17-96. Paraders and demonstrators addressing spectators or bystanders in manner calculated or intending to provoke breach of peace.

It shall be unlawful for a participant parading or demonstrating pursuant to a permit issued under the provisions of this article to address spectators or bystanders using abusive,

threatening or other such language reasonably calculated or having a tendency to provoke such spectators, bystanders or others to a breach of the peace.
(Ord. of 10-1-91(2), §15-40)

Secs. 17-97 0 17-115. Reserved

DIVISION 2. PERMIT

Sec. 17-116. Required; exceptions

It shall be unlawful for any person to sponsor, organize, direct, lead or participate in any parade or demonstration upon any street, sidewalk or other public place within the town unless a town permit has been granted to hold such parade or demonstration; provided, that this article shall not apply to convoys or processions of any component of the armed forces of the United States or this state nor to any funeral procession.
(Ord. of 10-1-91(2), §15-31)

Sec. 17-117. Application for permit.

Any person intending to sponsor, organize, direct or lead a parade or demonstration upon any street, sidewalk or upon or in any public place within the town shall file an application for a parade or demonstration permit with the town manager. The completed permit and fee must be filed at least 60 days prior to the proposed date for the parade o demonstration. The applicant must also pay a permit application fee of $300.00. Any person applying for a permit may request that this fee be waived on the grounds that the applicant is indigent; this waiver shall be granted if the town manager finds substantial evidence to support such grounds. Whenever conflicting applications are filed, preference shall be given to the person of those persons whose application was filed first. The application for a parade and demonstration permit shall set forth:

(1) The date and hour for the assembling of the participants in such parade or demonstration, the expected duration and the expected number of participants.
(2) The streets, sidewalks and public places upon which the parade or demonstration is to take place.
(3) Whether the parade or demonstration will be conducted on foot or with animals or vehicles, or any combination thereof, and the number of persons, vehicles and animals involved.
(4) The names and addresses of the actual sponsors of the parade or demonstration, and if an organization, the names and addresses of all officers of the local branch of such organization.
(5) The name and address of the person who shall be in charge of such parade or demonstration and who shall be responsible for the conduct and for compliance with all applicable provisions of law, including this Code and other town ordinances, by participants in the parade or demonstration.
(6) Suggested means of security and control
(7) Whether firearms of any type will be present or part of the parade of demonstration.
(8) The date of approval and attached proof of such approval by the state department of transportation for the parade or demonstration.

(9) Such other information as the town police chief in consultation with the town manager reasonably may require.

(Ord. of 10-1-91(2), § 15-32)

Sec. 17-118. Required signature on application for permit.

Each applicant for a parade of demonstration permit shall be signed and sworn to by at least one person, who shall be the person named in the application as the one who shall be in charge of such parade or demonstration and shall be responsible for the conduct and for compliance with all applicable provisions of law, including this Code and other town ordinances, by participants in such parade or demonstration.

(Ord. of 10-1-91(2), §15.33)

Sec. 17-119. Consideration of application for permit; granting or denial of permit; appeals.

(a) Within five business days after the filing of a completed and properly signed and sworn application and permit application fee for a parade or demonstration permit, the town manager shall consider such application and take action on the permit request. The town manager shall make such determination in consultation with the town police chief. The town manager and police chief shall consider the following factors in granting or denying the permit:

(1) The proposed time of the parade and/or demonstration and its effect on public safety and public order.
(2) The proposed place of the parade or the demonstration, with its effect on public safety and public order.
(3) The manner of the parade and demonstration, with its effect on public safety and public order.
(4) Additional considerations of public convenience and the use of town streets, sidewalks and other public places.

(b) When a permit is denied based upon the above criteria, an alternative public place or time shall be offered, if any is available. Any proposed alternative public place or time offered is subject to approval by the state department of transportation, such approval being a prerequisite to any permit approval. Nothing in this section shall be construed to prohibit the contemporaneous application for, and consideration of, a permit for a spontaneous political demonstration in response to current events.

(c) No parade or demonstration shall be held on any town street, sidewalk or other public place prior to 1:00 p.m. on a Sunday.

(d) To the maximum extent permitted by law, the approval of any location for a parade or demonstration shall allow for the protection from interference with security and the conduct of normal activities at public or private buildings, and the right to privacy at other buildings and shall protect orderly traffic flow on public streets and sidewalks from obstruction or undue congestion.

(e) Any decision of the town manager made pursuant to this article shall be appealable to the town council upon filing a written notice by the applicant for the permit with the town clerk within two business days after receipt of notification by the applicant of the denial. Such appeal shall be heard de novo at the next regularly scheduled town council meeting.
(Ord. of 10-1-91(2), §15-34)

Sec. 17-120. Conditions of permit and required compliance.

(a) In granting a permit pursuant to this article the town administrator in consultation with the police chief may include such prohibitions, conditions, restrictions and limitations as are deemed required under the general police powers of the town to safeguard the public convenience, the free and orderly flow of vehicular and pedestrian traffic, and the preservation of public order and safety. It shall be unlawful for any person or group of persons covered by the permit to violate or fail to comply with any of the prohibitions, conditions, restrictions, or limitations.

(b) The provisions of this article shall be deemed a part of each parade or demonstration permit, whether or not so stated in the permit.
(Ord. of 10-1-91(2), §15-35)

Sec. 17-121. Public liability and property damage insurance coverage.

(a) Prior to the granting of a permit pursuant to this article, and as a condition precendent for the granting of such permit for the temporary use of the streets, sidewalks or other public places in the town, the town manager may require that the person names in the application as the one responsible for the conduct of the parade or demonstration to furnish a public liability and property insurance contract insuring the town, the residents, and members of the general public from any personal injury, death or damages to property resulting from the parade or demonstration on public property.

(b) Any such public liability and property damage insurance contract may require approval as to form and substance by the town attorney.
(Ord. of 10-1-91(2), §15-36)

Secs. 17-122 – 17-129. Reserved.

ARTICLE V. TREES ON PUBLIC PROPERTY*

Sec. 17-130. Violation of article.

Unless otherwise specifically provided, a violation of any provision of this article shall constitute a class 4 misdemeanor.
(Ord. of 9-6-94(2))

Sec. 131. Issuance and expiration of permits required by article.

All permits required by this article shall be issued from the town manager's office, under the direction, authority and control of the tree commission, and shall expire at such time as may be designated therein.
(Ord. of 9-6-94(2)

Sec. 17-132. Permit to plant.

It shall be unlawful for any person to plant any tree on town land alongside any street, within any public park, public place or public grounds of the town without first having obtained a written permit therefor from the tree commission, setting forth the variety thereof and the location where the same may be planted, and without in all respects complying with the conditions and terms of such permit.
(Ord. of 9-6-94(2))

Sec. 17-133. Permit for spraying, trimming, etc.

It shall be unlawful for any person, except such as may be working under the direction of the tree commission, to spray or otherwise treat, remove, destroy, break, cut or trim any living

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***State law reference**-destruction of trees, shrubs, etc., Code of Virginia, §18.2-140.

tree, or any part thereof, growing on any public way, park, public place or public ground without first having obtained a written permit from the tree commission.

To the extent that the town has granted cable television franchises, telephone company franchises, power company franchises, or any other utility franchise which specifically provides or allows for spraying, treating, removing, destroying, breaking, cutting or trimming trees, the terms of the franchise shall take precedence over the terms of this article.
(Ord. of 9-6-94(2))

Sec. 17-134. Tree commission created.

(a) There is hereby created a Tree Commission, to be composed of three (3) qualified voters of the Town of Stephens City elected by the Town Council and one additional member of the Commission who does not have to be a qualified voter of the Town but shall serve in an advisory capacity. One of the initial Commission members shall serve for a term of one year. The remaining members shall serve for an initial term of two years and three years, respectively. This shall allow for staggered terms in office. All future members shall serve for a term of four (4) years or until successors take office.
(2/7/95)

(b) Vacancies occurring on the tree commission otherwise, to include the expiration of terms, shall be filled for the unexpired term by the election of the town council.

(c) All members of the tree commission shall serve without compensation.
(Ord. of 9-6-94(2))

Sec. 17-135. Organization; election of officers; quorum.

The members of the tree commission shall, immediately after their appointment, meet and organize. They shall elect a chairman and such other officers as they deem necessary. A majority of the members of the commission shall constitute a quorum for the transaction of business.
(Ord. of 9-6-94(2))

Sec. 17-136. Powers

The tree commission shall have charge and control of the trees now standing or hereinafter planted on public property along town streets, within town public parks, public places and public grounds of the town. It shall have the power to control the planting, trimming and removal of such trees and to issue permits therefor. In areas under the jurisdiction of another town board or agency, such as the historic preservation commission, these powers shall be exercised by the tree commission only after consultation with such other board or agency. The tree commission shall seek the recommendations and direction of individuals with knowledge of tree surgery, such as state and federal forest department personnel.
(Ord. of 9-6-94(2))

Sec. 17-137. Recommendations to council

The tree commission shall, from time to time, recommend to the council such amendments to this article as may be necessary for the proper preservation and protection of trees and the improvement of public grounds.
(Ord. of 9-6-94(2))

Sec. 17-138. Expenditures.

The tree commission may not obligate the town to expend public funds for tree planting, removal or trimming above and beyond those funds specifically appropriated each year in a line item for the tree commission within the town budget.
(Ord. of 9-6-94(2))

Sec. 17-139. Appeal

Any citizen or landowner of the town that does not agree with a decision of the tree commission may appeal the decision to the full town council. The decision of the town council is a final decision.

In order to appeal a decision of the tree commission to the council, an appeal must be filed in writing to the town manager within seven calendar days from the date of the denial of the permit. The appeal will be considered by the town council at the next regularly scheduled council meeting.
(Ord. of 9-6-94(2)).

ARTICLE VI. PARKS AND RECREATION COMMISSION

Sec. 17-140. Parks and Recreation Commission.

There is hereby created a Parks and Recreation Commission for the Town of Stephens City. The Commission shall be composed of five members as follows;

(a) Five members of the commission shall be appointed by the Common Council of the Town of Stephens City, Virginia for terms of four years each. One of the initial Commission members shall serve for a terms of one year. Another one of the initial Commission members shall serve for a term of two years, A third member of the initial Commission shall serve for a term of three years. This shall allow for staggered terms in office. All future members shall serve for a term of four years or until their successors take office.

(b) Vacancies occurring on the Parks and Recreation Commission shall be filled for the unexpired terms by appointment by the Town Council. All members of the Commission shall serve without compensation.

Sec. 17-141. Organization: Election of Officers; Quorum.

The members of the Parks and Recreation Commission shall assemble within thirty days following their appointment to meet and organize. They shall annually elect a Chairman and such other Officers as they deem necessary. A majority of the members of the Commission shall constitute a quorum for the transaction of business.

Sec. 17-142. General Powers and Duties.

The Parks and Recreation Commission shall advise Town Council concerning the organization and promotion of programs of recreational and cultural activities for the improvement of leisure time for the citizens of the Town of Stephens City, Virginia in a constructive and wholesome manner. The Commission shall also make recommendations to Council regarding capital improvement programs and maintenance programs related to the recreational facilities of the Town.

At least once per year, the Commission shall confer with Town civic, business, fraternal, educational, social and religious organizations that are based in the Town to discuss Parks and Recreation activities to receive input and advise on such topics which are within the Commission's jurisdiction.

The Parks and Recreation Commission will coordinate its recommendations, as is necessary with the Town Tree Commission and Historic Preservation Commission.

Sec. 17-143. Finances and Reports.

The Parks and Recreation Commission shall devise and recommend ways and means to the Town Council to procure funds necessary for the maintenance of recreation facilities and the implementation of programs within the Town. The Commission may solicit or receive any gifts or bequests of money or other personal or real property or any donations for the operation of the Parks facilities and Parks programs. Any such gifts or bequests of land shall be titled in the name of the Town of Stephens City, Virginia. The Commission shall recommend to the town Council procedures to supervise all such grants and gifts and shall make a full report at least annually to Council on the matters under its jurisdiction. The Commission shall not contract for nor incur any obligations or liabilities in the name of the Town of Stephens City.

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