

## White Stone Town Ordinances/Offenses-Miscellaneous

**Listed Below Are Some of the Popular & Seasonal Related Offenses**

**For a complete list Of Town Codes & Ordinances Contact The Town Office**

### **Sec. 10.99 General Penalty**

- (a) **Any person who violates any provisions of this code or any other ordinances of the locality for which another penalty is not specifically provided, shall, upon conviction, be guilty of a Class 1 misdemeanor, and punished as set forth in division (B)(1) of this section.**
- (b) **Whenever in this code or any other ordinances of the locality or any rule or regulation promulgated by any officer or agency of the locality, under authority duly vested in that officer or agency, it is provided that a violation of any provision thereof shall constitute a Class 1, 2, 3, or 4 misdemeanor, the violation shall be punished as follows:**
  - (1) **Class 1 misdemeanor: by a fine of not more than \$2,500. and by confinement in jail for not more than 12 months, either or both;**
  - (2) **Class 2 misdemeanor: by a fine of not more than \$1,000. and by confinement in jail for not more than 6 months, either or both**
  - (3) **Class 3 misdemeanor: by fine of not more than \$ 500. ; and**
  - (4) **Class 4 misdemeanor: by fine of not more than \$ 250.**
- (c) **The imposition of any penalty, pursuant to this or any other provision of this code, shall not prohibit the locality from seeking equitable relief in any court of competent jurisdiction, to enjoin the violation of any provision of this code or ordinance of the locality.**
- (d) **Each day any violation of this code or any other ordinance, rule, or regulation referred to in this section shall continue a separate offense, except where otherwise provided.**
- (e) **The penalties imposed under this section shall not exceed those penalties prescribed by state law for like offenses.**

### **Sec. 14-8. Loud, disturbing and unnecessary noise.**

- (a) **The creation and continuation of any loud, disturbing and unnecessary noise within the town is hereby prohibited. It shall be unlawful for any person to cause, make or contribute to creating any loud or disturbing noise of such character, intensity or duration as to be detrimental to the life or health of any individual, or such noise as disturbs the quiet and peace of any citizen.**
- (b) **The playing of any television, radio, phonograph, juke box or musical instrument or sound-making musical device in such manner or with such volume as to annoy or disturb any person, or the playing of such instrument in such manner as to annoy or disturb the quiet, comfort or repose of any person in any dwelling, hotel or other residence is prohibited.**
- © **Any person violating any provision of this section shall be guilty of Class 4 misdemeanor. Cross references- Penalty for Class 4 misdemeanor, sec. 1-8; solicitation of business by public outcry or noise-making devices, sec. 3-4**

**Sec. 14-28. Littering.**

- (a) Any person who shall dump or otherwise dispose of trash, garbage, refuse, litter or other unsightly matter on a public street or highway, right of way, property adjacent to such street or highway or right-of-way, or on private property without the written consent of the owner thereof or his agents, or who deposits accumulated household trash or garbage in the trash receptacles provided by the Town of White Stone, shall be guilty of a Class 1 misdemeanor.
- (b) When a person is arrested for a violation of this section, and the matter alleged to have been dumped or disposed of has been ejected from a motor vehicle, the arresting officer may comply with the provisions of section 12-3 of this Code in making such arrest.
- (c) When the violation of the provisions of this section has been observed by any person, and the matter dumped or disposed of has been ejected from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting such trash, garbage, refuse, litter or other unsightly matter. Such presumption shall be rebuttable by competent evidence.  
**Cross reference-** Deposit of hazardous materials on streets, sec. 16-13  
**State law reference-** Similar provisions and authority for above section, Code of Virginia, sec. 33.1-346.

**Sec. 14-28. (a) Littering.** Of the Code of the Town of White Stone, Virginia, is Amended to read as follows: March 2<sup>nd</sup> 2006

**Sec. 14-28. (a), Littering**

- (a) Any person who shall dump or otherwise dispose of trash, garbage, refuse, litter or other unsightly matter on a public street or highway, right of way, property adjacent such street or highway or right-of-way, or on private property without the written consent of the owner thereof or his agent, **or who deposits accumulated trash or garbage in or around the trash receptacles provided by the Town of White Stone**, shall be guilty of a Class 1 misdemeanor.

**Sec. 14-29. Accumulation of refuse, weeds, etc., on private property.**

Whenever it shall come to the attention of the mayor that there exists on any premises within the town weeds, brush, trash, refuse or other matter, which is unsanitary or provides a breeding place or harborage for mosquitoes, flies or other insects, rats or mice, or creates a fire hazard, it shall be the duty of the mayor to notify the owner or occupant to cause the removal of such weeds, brush, refuse or other matter, and if the same is not removed within (10) days from the mailing of such notice, such owner or occupant shall be guilty of a Class 4 misdemeanor. After the expiration of such ten (10) days, each additional day during which such weeds, brush, refuse or other matter shall not be removed shall be considered a separate offense.

- (a) In the event such weeds, brush, trash, refuse or other matter have not been removed within fifteen (15) days after the mailing of the notice provided for in subsection (a) above, the town may enter upon such property and remove such weeds, brush, trash, refuse or other matter at the expense of the occupant thereof, or if the same be unoccupied, at the expense of the owner thereof, and shall have the authority and power to collect such expense by the ordinary civil process of the court.

**Cross reference-** Penalty for Class 4 misdemeanor, sec 1-8.

**State law reference-** Authority for above section, Code of Virginia, Sec. 15.1-11, 15.1-867.

**Sec. 14-36. Loitering.**

- (a) It shall be unlawful for any person to loiter, lounge or sleep in or upon any street, park or public place, or to obstruct the access to any public building or part thereof, or to obstruct the passage through or upon any public street, alley, bridge, parking lot, park or other public place in such a manner as to threaten the safety of themselves or other persons lawfully attempting to enter, use or pass through such public ways and places or as to provoke intentionally a breach of the

- peace.
- (b) It shall be unlawful for any person to loiter, lounge or sleep on or upon the parking lot, driveway or quasipublic place in front of or adjacent to any building which is a business establishment during the hours for which specific publicly displayed notice has been given, all as required in this section. Notice to the public of the hours within which this subsection is applicable shall be sufficient when such notice contains the words “ No Loitering” a statement of the hours of such restrictions, and references to this section. Such notice must be displayed prominently and be legible to the general public.
  - (c) For the purposes of this section, the term “loiter” shall encompass. But shall not necessarily be limited to, one or more of the following acts;
    - (1) Obstruction of the free, unhampered passage of pedestrians or vehicles
    - (2) Molesting or interfering with any person lawfully upon any street, park or other public place.
  - (d) For the purpose of this section, the term “other public place” shall be deemed to include the quasipublic area in front of or adjacent to any store, shop, restaurant, luncheonette or other building which is a place of business and shall include also any parking lot or other vacant private property not owned or under the domination of the person charged with a violation of this section.
  - (e) The violation of this section shall be punishable as a Class 1 misdemeanor.  
**Cross-reference-** Penalty for Class 1 misdemeanor sec. 1-8  
State law reference-Prohibiting loitering. Code of Virginia sec. 15.2-926

**Sec. 14-4. Prohibited “trick or treat” activities.**

- (a) It shall be unlawful for any person over the age of twelve (12) years to engage, within the town, in the activity commonly known as “trick or treat” or any other activity of similar character or nature under any name whatsoever . Nothing in this section shall be construed as prohibiting any parent, guardian or other responsible person, having lawfully in his custody a child twelve (12) years old or younger, from accompanying such child who is playing “trick or treat” for the purpose of caring for, looking after or protecting such child.
- (b) It shall be unlawful for any person to engage, within the town, in the activity commonly known as “trick or treat” or any other activity of similar character or nature under any name whatsoever after 9:00 pm.
- (c) A violation of any provision of this section shall constitute a Class 4 misdemeanor.  
**Cross reference-** Penalty for Class 4 misdemeanor, sec. 1-8.

**DIVISION 2. AUTHORITY TO CONTROL DANGEROUS OR VICIOUS DOGS\***

**On June 10<sup>th</sup> 2003, the Town Council of White Stone at its monthly meeting adopted Lancaster County’s amended ordinance regulating Dangerous or Vicious dogs. By adopting this county ordinance the town authorizes the Lancaster County Animal Control officer to enforce the County’s animal control laws on dangerous and vicious dogs in the incorporated town of White Stone. The Town of White Stone reminds residence and owners of dogs that you are required to purchase the annual Lancaster County dog licenses at the Court House in Lancaster.**

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**\*Editor's note:** An ordinance adopted July 25, 2002 did not specifically amend the Code; hence, inclusion as §§ 10-55--10-60 was at the discretion of the editor.

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### **Sec. 10-55. Definitions.**

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

*Dangerous dog* means a canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal, or killed a companion animal; and however, when a dog attacks or bites another dog, the attacking or biting dog shall not be deemed dangerous:

- (i) If no serious physical injury as determined by a licensed veterinarian has occurred to the other dog as a result of the attack or bite, or
- (ii) Both dogs are owned by the same person.

No dog shall be found to be a dangerous dog as a result of biting, attacking or inflicting injury on another dog while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event.

*Vicious dog* means a canine or canine crossbreed that has:

- (i) Killed a person;
- (ii) Inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or
- (iii) Continued to exhibit the behavior which resulted in a previous finding by a court that it is a dangerous dog, provided that its owner has been given notice of that finding.

(Ord. of 7-25-02; Ord. of 5-29-03)

### **Sec. 10-56. Provisions.**

The Lancaster County Animal Control Officer may determine, after investigation, whether a dog is a dangerous dog. If the animal control officer determines that a dog is a dangerous dog, he may order the animal's owner to comply with the provisions of the division. If the animal's owner disagrees with the animal control officer's determination, he may appeal the determination to the general district court for a trial on the merits. The animal control officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of this division. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of § 3.1-796.119, Code of Virginia, 1950, as amended.

(Ord. of 7-25-02; Ord. of 5-29-03)

**Sec. 10-57. Exceptions.**

No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed, nor shall the Lancaster County Board of Supervisors prohibit the ownership of a particular breed of canine or canine crossbreed. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was:

- (i) Committing, at the time, a crime upon the premises occupied by the animal's owner or custodian,
- (ii) Committing, at the time, a willful trespass or other tort upon the premises occupied by the animal's owner or custodian, or
- (iii) Provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog or a vicious dog. No animal which, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, or its owner or owner's property, shall be found to be a dangerous dog or a vicious dog.

(Ord. of 7-25-02; Ord. of 5-29-03)

**Sec. 10-58. Registration and control of dangerous dogs.**

(a) The owner of any animal found to be a dangerous dog shall, within ten days of such finding, obtain a dangerous dog registration certificate from the Lancaster County Animal Control Officer for a fee of \$50.00 in addition to other fees that may be authorized by law. The Lancaster County Animal Control Officer shall also provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this subdivision shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained.

(b) All certificates or renewals thereof required to be obtained under this section shall only be issued to persons 18 years of age or older who present satisfactory evidence:

- (i) Of the animal's current rabies vaccination, if applicable, and
- (ii) That the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed.

In addition, owners who apply for certificates or renewals thereof under this

section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that:

- (i) Their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property and
  - (ii) The animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation.
- (c) While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.
- (d) If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.
- (e) After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of same, notify the local animal control authority if the animal:
- (i) Is loose or unconfined;
  - (ii) Bites a person or attacks another animal;
  - (iii) Is sold, given away, or dies; or
  - (iv) Has been moved to a different address.

(Ord. of 7-25-02; Ord. of 5-29-03)

### **Sec. 10-59. Penalties.**

The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of this division shall be guilty of a Class 1 misdemeanor.

(Ord. of 7-25-02; Ord. of 5-29-03)

### **Sec. 10-60. Fees.**

All fees collected pursuant to the division, less the costs incurred by the animal control authority in producing and distributing the certificates and tags required by the division, shall be paid into a special dedicated fund in the treasury of Lancaster County for the purpose of paying the expenses of any training course required under § 3.1-796.104:1, Code of Virginia.

(Ord. of 7-25-02; Ord. of 5-29-03)

**Sec. 10-61. Certificates or renewals.**

(a) All certificates or renewals thereof required to be obtained under this section shall only be issued to persons 18 years of age or older who present satisfactory evidence that the animal has been neutered or spayed.

(b) All certificates or renewals thereof required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of at least \$50,000.00, that covers animal bites.

(Ord. of 5-29-03)

**Sec. 10-62. Dog injuring or killing other companion animals.**

The owner of any companion animal that is injured or killed by a dog shall be entitled to recover damages consistent with the provisions of § 3.1-796.127, of the Code of Virginia, from the owner of such dog in an appropriate action at law if:

(i) The injury occurred on the premises of the companion animal's owner, and

(ii) The owner of the offending dog did not have the permission of the companion animal's owner for the dog to be on the premises at the time of the attack.

(Ord. of 5-29-03)

Secs. 10-63--10-65. Reserved.

**Animals-Dogs**

**Sec. 90.20 County License Tax.**

It shall be unlawful for any person in town to conceal or harbor any dog for which the current license tax imposed by the country has not been paid.

(1984 Code, sec. 5-30 ) Penalty, see sec. 90.99

**Statutory reference:** Dog license and license tax, see Va. Code sec. 29-213.9 et seq.

**Ordinance To Regulate Signs, Monuments and Sculptures**

**For the complete Sign Ordinance Contact The Town Zoning Administrator or The Town Manager**

**GENERAL PROVISIONS:**

- A. The purpose of this Article is to regulate exterior signs, interior signs placed for exterior view , monuments and sculptures so as to protect property values, to protect character of the community, to protect against danger in travel and transportation. To improve and protect the public health, safety , convenience and general welfare, and to further the stated purposes and intent of the Town Code.
- B. Excluded from this regulation are:
  - 1. Signs of duly constituted public body, including, but not limited to traffic or similar regulatory devices, street or road names, or legal.

2. Memorial tablets, signs. Headstones within a cemetery.
3. Signs directing traffic on private property including supports, gateposts and columns, but bearing no advertising matter, not to exceed six square feet and not more than seven feet above the grade, and not obstructing view by drivers,.
4. Signs placed by a public utility showing the location of underground facilities.
5. Flags and flag poles, the flags not exceeding forty square feet.
6. Seasonal displays and decorations, for events such as religious holidays and the Fourth Of July not advertising a product, service or entertainment.
7. Signs which denote religious, charitable, fraternal, sororal, military or service organizations located within the Town not exceeding nine square feet and not exceeding eight feet in height.

C. Signs

Any sign board, structure or thing, with or without text, intended to advertise or promote a product, service or entertainment, or intended to identify or promote a location for the sale of a product, service or entertainment, shall be deemed to be a sign under this Article and shall be governed by the sections of this Town Code regulating signs.

D. Monuments And Sculptures

Any sculpture or monument, affixed to the ground, which is not a building, fence, recreational equipment, bush or plant, or furniture, and which is not deemed to be a sign as used herein, **by the Town Council or its duly appointed agent**. Shall be a permitted use in the Town., provided that any such item shall be located at a **location approved by the Town Council**. By way of illustration, a sculpture may be required to be set back sufficiently from the edge of adjacent roads to minimize distraction to traffic.