

The Town of
**Leesburg,
Virginia**

PRESENTED: June 25, 2024

ORDINANCE NO. 2024-O-015

ADOPTED: June 25, 2024

AN ORDINANCE: AMENDING TOWN CODE:

CHAPTER 2 (ADMINISTRATION), ARTICLE I (IN GENERAL):

SECTION 2-197 (COMPENSATION)

SECTION 2-220 (LEESBURG BOARD OF
ARCHITECTURAL REVIEW)

SECTION 2-226 (LEESBURG PLANNING
COMMISSION)

SECTION 2-232 (LEESBURG RESIDENTIAL TRAFFIC
COMMISSION)

CHAPTER 20 (LICENSES, TAXATION, AND
MISCELLANEOUS REGULATIONS), ARTICLE XII
(PEDDLERS, CANVASSERS AND SOLICITORS)

CHAPTER 22 (NUISANCES), SECTION 22-11 (EXCESSIVE
VEGETATION; OVERGROWTH)

CHAPTER 28 (SOLID WASTE), ARTICLE II (COLLECTION
AND DISPOSAL), SECTION 28-29 (COLLECTION
SCHEDULE)

CHAPTER 30 (STREETS, SIDEWALKS AND OTHER PUBLIC
PLACES), ARTICLE I (IN GENERAL), SECTION 30-6
(REMOVAL OF ENCROACHMENTS)

CHAPTER 32 (TRAFFIC AND VEHICLES), ARTICLE V
(STOPPING, STANDING AND PARKING):

DIVISION 1 (GENERALLY)

SECTION 32-140 (PARKING REGULATIONS OF THE
TOWN MANAGER)

SECTION 32-141 (PARKING PROHIBITED IN SPECIFIC
PLACES; SETTLEMENT OF PARKING VIOLATIONS)

CHAPTER 34.1 (UTILITIES):

ARTICLE I (WATER SYSTEM), DIVISION 2 (USER AND
SERVICE CHARGES), SECTION 34.1-145
(DELINQUENT CHARGES AS LIEN)

ARTICLE II (SEWERS AND SEWAGE DISPOSAL),
DIVISION 2 (SEWER USE CHARGES), SECTION 34.1-
243 (DELINQUENT CHARGES AS LIEN)

APPENDIX B - FEE SCHEDULE

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WHEREAS, the Leesburg Town Council has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, and to review, interpret and amend its ordinances, rules and regulations; and

WHEREAS, the Leesburg Town Council wishes to make technical corrections, address issues identified by staff, conform the Town Code to State Code and current Town operations, clarify or correct inconsistencies and errors, update commission composition, effectuate board and commission compensation changes, and authorize public use of Town electric vehicle charging stations as enabled by State Code; and

WHEREAS, Virginia Code § 15.2-1107 authorizes the Town to provide for the organization, conduct and operation of all commissions and boards of municipal corporations; and

WHEREAS, the Leesburg Town Council wishes to update Planning Commission (“PC”) and Board of Architectural Review (“BAR”) compensation amounts and adjustments and change the composition of the Residential Traffic Commission (“RTC”); and

WHEREAS, Virginia Code § 15.2-928 authorizes the Town to regulate the time and placement for disposal of waste, including yard waste, and Virginia Code § 15.2-901 authorizes the Town to remediate improper disposal of waste at the expense of the owner; and

WHEREAS, Virginia Code § 15.2-2009 authorizes the Town to prevent unlawful obstruction of Town rights-of-way and to require removal of property that is obstructing the right-of-way; and

WHEREAS, Virginia Code § 15.2-967.2 authorizes the Town to locate and operate retail fee-based electric vehicle charging stations on property owned or leased by the Town, and Virginia Code § 46.2-1219.3 authorizes the Town to enact an ordinance regulating parking in

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spaces reserved for charging electric vehicles and to impose civil penalties for violations of such regulations; and

WHEREAS, the Town Council held a public hearing on the proposed amendments to the Town Code following due advertisement in accordance with Virginia Code § 15.2-1427; and

WHEREAS, all prior ordinances and resolutions in conflict herewith are repealed; and

WHEREAS, based upon the foregoing, the Leesburg Town Council has determined that it is necessary, advisable and in the best interests of the Town of Leesburg and its residents to amend its Town Code as set forth below.

THEREFORE, ORDAINED, by the Council of the Town of Leesburg in Virginia as follows:

SECTION I. That Section 2-197(a) of the Town Code of Leesburg, Virginia (or the Town Code), is hereby amended to read as follows:

Sec. 2-197. Compensation.

- (a) Compensation for the mayor and councilmembers, after July 1, 2013, shall be \$16,200.00 and \$15,600.00 per annum, respectively, payable in equal monthly installments. Compensation for the mayor and councilmembers shall be adjusted in the same manner as the pay rates for the town's employees for any Cost-of-Living Adjustment ("COLA") effective on or after July 1, 2022. Compensation for the members of the Board of Architectural Review and the Planning Commission shall be adjusted in the same manner as the pay rates for the town's employees for any COLA effective on or after July 1, 2025.

* * *

SECTION II. That Section 2-220(c) of the Town Code of Leesburg, Virginia (or the Town Code), is hereby amended to read as follows:

Sec. 2-220. Leesburg Board of Architectural Review.

* * *

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(c) Compensation.

- (1) Compensation of the chair of the Leesburg Board of Architectural Review shall be ~~\$3,750.00~~ **\$7,500.00** per annum, payable in equal monthly installments.
- (2) Compensation of members of the Leesburg Board of Architectural Review, exclusive of the councilmanic appointment, shall be ~~\$3,600.00~~ **\$7,200.00** per annum, payable in equal monthly installments.

SECTION III. That Section 2-226(d) of the Town Code of Leesburg, Virginia (or the Town Code), is hereby amended to read as follows:

Sec. 2-226. Leesburg Planning Commission.

* * *

(d) Compensation.

- (1) Compensation of the chair of the Leesburg Planning Commission shall be ~~\$3,750.00~~ **\$7,500.00** per annum, payable in equal monthly installments.
- (2) Compensation of members of the Leesburg Planning Commission, exclusive of the councilmanic appointment, shall be ~~\$3,600.00~~ **\$7,200.00** per annum, payable in equal monthly installments.
- (3) Members of the Leesburg Planning Commission shall be reimbursed for actual expenses incurred in the exercise of their duties.

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SECTION IV. That Section 2-232(c) of the Town Code of Leesburg, Virginia (or the Town Code), is hereby amended to read as follows:

Sec. 2-232. Leesburg Residential Traffic Commission.

* * *

- (c) Members. In addition to seven appointed members as outlined in division 1 of this article, the Residential Traffic Commission shall have ~~five~~ **four** additional nonvoting members, including one each from the Leesburg Department of Public Works, Leesburg Police Department, Loudoun County Fire and Rescue to be appointed by the Chief of the Combined Fire and Rescue System, **and** Leesburg Planning Commission, ~~and a town planner,~~

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nominated by their respective organizations. The nonvoting members shall receive no compensation for their service on the commission. No person may serve as more than one representative at one time. The town council shall ensure that all town quadrants are represented among town representatives on the commission. All town representatives shall be town residents.

* * *

SECTION V. That the footnote to Chapter 20 (Licenses, Taxation and Miscellaneous Regulations), Article XII (Peddlers, Canvassers and Solicitors) of the Town Code of Leesburg, Virginia (or the Town Code), is hereby amended to read as follows:

ARTICLE XII. PEDDLERS, CANVASSERS AND SOLICITORS^[9]

Footnotes:

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State Law references— Authority to regulate and prohibit peddling, Code of Virginia, §§ 15.2-913, 15.2-1114; collection of fee amounts, Code of Virginia, § 15.2-913.

SECTION VI. That Section 22-11 of the Town Code of Leesburg, Virginia (or the Town Code), is hereby amended to read as follows:

Sec. 22-11. Excessive vegetation; overgrowth.

- (a) It shall be unlawful for the owners of property to permit grass, weeds and other foreign growth to exceed 12 inches on such property or on the area adjoining such property extending to the curb line or the paved portion of the roadway or to the center line of an abutting alley. It shall be unlawful for the owners of any property to permit unsafe trees to remain on the property that would pose a threat to public property and persons on public property.
- (b) Upon notice from the town, a property owner shall within five days cut or trim grass, weeds, unsafe trees, and other foreign growth on such property or any part thereof to a height no greater than 12 inches. In the event the property owner fails to comply with said notice, the town through its agents or employees may elect to cut or trim the grass, weeds, remove or trim unsafe trees to render it safe, and foreign growth, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected as taxes are collected. The town shall not be required to provide more than one written notice per growing season to the owner of record of the subject property.
- (c) Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall

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constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Code of Virginia, title 58.1, ch. 39, arts. 3 and 4 (Code of Virginia, §§ 58.1-3940 et seq., 58.1-3965 et seq.). The town may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed. If the sum due to the town has not been paid within 15 days from receipt of such notice, the town manager shall and is authorized to distrain therefore goods or chattels within the town to collect the sum due, or to treat the unpaid sum as a lien against the property superior to the interests of any owner, lessee or tenant, and next in succession to the town real estate taxes thereon and to add the charges to the amount due for the current town real estate taxes on said property.

- (d) Any violations of this section shall be subject to a civil penalty of \$50.00 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall not exceed \$200.00. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000.00 in a 12-month period. The civil penalties are in addition to any costs the property owner incurs as a result of the failure to comply with this section.
- (e) In the event three civil penalties have been previously imposed on the same property owner for the same or similar violation, as described in this section and not arising from the same set of operative facts, within a 24-month period, the fourth violation shall be a class 3 misdemeanor.

State law reference(s)—Authority to require maintaince between private property and public roadway or alley, Code of Virginia, § 15.2-1115.

SECTION VII. That Section 28-29(c) of the Town Code of Leesburg, Virginia (or the Town Code), is hereby amended to read as follows:

Sec. 28-29. Collection schedule.

* * *

(c) Seasonal collections.

- (1) Bulk leaves will be collected by the town collectors from all curbside residential properties beginning the third week of October and ending the last week of December, annually. Leaves must be raked to the curb line by Sunday on the week that they are collected. The schedule for

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pickup will be determined by the town and advertised in local newspapers and will also be posted on the town's website and social media accounts. Bulk leaf collection only applies to curbside residential pickup locations; commercial establishments, condominiums, and apartments are not eligible for curbside leaf collection. Placement of bulk leaves on the curbside of residential properties is prohibited outside of the seasonal collection schedule. Violations of this section shall be subject to the following provisions:

- a. Upon notice from the town, a property owner shall within five days remove the bulk leaves and prepare them for collection in accordance with Sec. 28-29(a). In the event the property owner fails to comply with said notice, the town through its agents or employees may elect to remove such bulk leaves, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected as taxes are collected. The town shall not be required to provide more than one written notice per year to the owner of record of the subject property.
- b. Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Code of Virginia, title 58.1, ch. 39, arts. 3 and 4 (Code of Virginia, §§ 58.1-3940 et seq., 58.1-3965 et seq.). The town may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed. If the sum due to the town has not been paid within 15 days from receipt of such notice, the town manager shall and is authorized to distrain therefore goods or chattels within the town to collect the sum due, or to treat the unpaid sum as a lien against the property superior to the interests of any owner, lessee or tenant, and next in succession to the town real estate taxes thereon and to add the charges to the amount due for the current town real estate taxes on said property.
- c. Any violations of this section shall be subject to a civil penalty of \$50.00 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall not exceed

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\$200.00. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000.00 in a 12-month period. The civil penalties are in addition to any costs the property owner incurs as a result of the failure to comply with this section.

- d. **In the event three civil penalties have been previously imposed on the same property owner for the same or similar violation, as described in this section and not arising from the same set of operative facts, within a 24-month period, the fourth violation shall be a class 3 misdemeanor.**

- (2) Christmas trees will be collected by the town collectors from all curbside residential and commercial properties the second and third weeks of January on the recycling day. Christmas trees placed at the curb line must have all lights, decorations and twine/wires removed and may not be placed in plastic Christmas tree bags.

SECTION VIII. That Section 30-6 of the Town Code of Leesburg, Virginia (or the Town Code), is hereby amended to read as follows:

Sec. 30-6. Removal of encroachments.

In every case of an encroachment upon a street by a building, fence, or other structure, whether permanent or temporary, **or obstruction of the street, sidewalk, or other portion of public right-of-way by personal property,** the owner thereof or the occupant of the property shall remove the same. If such person fails to do so, the town may remove it at the expense of the owner or occupant of the property. **Mobile storage units shall not be placed on, obstruct, or encroach into a street, sidewalk, or other portion of the public right-of-way unless authorized by a right-of-way permit issued by the Department of Public Works and Capital Projects.** Portable basketball goals or other sporting goods and equipment may be placed temporarily along a sidewalk or in the public right-of-way unless the goals, sporting goods or equipment obstruct the vision of drivers of vehicles; reduce passage for pedestrians to less than four feet or the requirements under the Americans with Disabilities Act (ADA), if greater; or block the safe operation of town services including snow removal, paving operations and general street or sidewalk maintenance. For purposes of this section, "temporarily" means that the portable basketball goals or other sporting goods and equipment may not be permanently placed or erected in town right-of-way, including the grassy areas located between sidewalks and curbs and streets.

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State law reference(s)— Authority of town relative to street encroachments, Code of Virginia, § ~~15.2-2000~~ **15.2-2009 et seq.**

SECTION IX. That Section 32-140 of the Town Code of Leesburg, Virginia (or the Town Code), is hereby amended to read as follows:

Sec. 32-140. Parking regulations of town manager.

- (a) The town manager may designate the time, place and manner in which vehicles may be allowed to park on town street and in town lots, and may make and enforce such additional rules and regulations as parking conditions may require; provided, however, that paid parking zones shall be as established by the town council. The location within the paid parking zone of parking meters, pay stations, or signage containing instructions for accessing a parking payment application shall be at a location designated by the town manager, in accordance with town code section 32-174.
- (b) When any parking regulation is established pursuant to this section, the town manager shall cause to be erected appropriate signs or markers so that an ordinarily observant person will be aware of such regulation.
- (c) When any regulation is made pursuant to this section and when appropriate signs or markers have been erected as required by this section, it shall be unlawful for any person to violate any such regulation.
- (d) The town manager may designate the location(s) for town-owned electric vehicle charging stations, and may select the payment mechanism or application for the payment of user fees for electric vehicle charging station services that will be collected directly from the customer at the point of sale as permitted by Sec. 32-152.

State law reference(s)—Authority to regulate parking, Code of Virginia, § ~~46.2-1229 et seq.~~ **46.2-1219.3, 46.2-1220**

SECTION X. That Section 32-141 of the Town Code of Leesburg, Virginia (or the Town Code), is hereby amended to read as follows:

Sec. 32-141. Parking prohibited in specific places; settlement of parking violations.

- (a) No person shall park a vehicle or permit it to stand, whether attended or unattended, except in compliance with the directions of a police officer or traffic-control device, in any of the places or in the manner described in the following provisions. The fine for a violation of this section is as follows:
 - (1) In excess of any time limit established at the location: \$20.00;
 - (2) Parking on or so as to block a sidewalk: \$40.00;

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- (3) Parking so as to block a public or private driveway or alley: \$40.00;
- (4) Parking on a crosswalk or within 20 feet of a crosswalk at an intersection: \$40.00;
- (5) Parking within 30 feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway: \$40.00;
- (6) Parking on a yellow curb or in a marked safety zone, as defined by Code of Virginia § 46.2-100: \$40.00;
- (7) Parking within 15 feet of the entrance to any fire or rescue station; or on the side of a street opposite the entrance to any fire or rescue station; or within 75 feet of the entrance when properly signposted: \$50.00;
- (8) Parking or stopping on any street so as to obstruct traffic: \$40.00;
- (9) Parking on the roadway side of any vehicle parked at the curb-edge of a street (double-parking): \$40.00;
- (10) Parking upon any bridge or other elevated structure upon a street or highway, or within a tunnel: \$40.00;
- (11) Parking in a no parking (prohibited) zone: \$40.00;
- (12) Parking across or on any line or marking painted on the street or in the town parking facility by the town to designate a vehicular parking space: \$20.00;
- (13) Parking in a public parking lot without authorization of the owner: \$30.00;
- (14) Parking in a fire lane or within 15 feet of a fire hydrant: \$50.00;
- (15) Parking a vehicle in violation of section 32-143: \$40.00;
- (16) Parking on a street without the license plates displayed: \$40.00;
- (17) Parking an inoperable vehicle on a public street: \$40.00;
- (18) Parking on the wrong side of the street (left wheel to curb): \$40.00;
- (19) Parking within a parking space, including the hatch-marked area immediately adjacent to the parking space, reserved by appropriate signs for persons with disabilities on a public or private property, unless such vehicle displays a disabled parking license plate, organizational removable windshield placard issued pursuant to Code of Virginia § 46.2-1241, or DV disabled parking license plate issued under Code of Virginia § 45.2-739(B), and such person has a disability that limits or impairs his ability to walk or such person is transporting a person with a disability that limits his/her ability to walk or such person is transporting a person with a disability that limits his/her ability to walk: \$300.00.

For purposes of this section, "inoperable vehicle" shall mean any motor vehicle on a public street that:

- a. Is not in operating condition;
- b. Does not display valid state license plates; or
- c. Does not display a valid state inspection decal.

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- (20) Parking in front of a mailbox that the vehicle owner does not own: \$40.00;
 - (21) Parking perpendicular to any curb whether on a roadway or dead-end cul-de-sac, where not marked as an official parking space: \$40.00; and
 - (22) Parking more than 18 inches off the curb or edge of the street: \$40.00; and
 - (23) Parking in a space reserved for charging an electric or plug-in hybrid vehicle in violation of Sec. 32-152: \$25.00.
- (b) Except as otherwise provided, any person accused of parking a vehicle in violation of a provision of this article or a regulation adopted under this article may settle and compromise the claim against him for such illegal parking by paying to the town the sum indicated in the fine schedule in subsection (d) of this section. Should any person accused fail to settle the citation for illegal parking within 15 calendar days of receipt, said penalty shall increase to double the original fine. If the citation remains unsettled after 30 calendar days, from the day of violation, a summons may be issued for the accused to appear in county general district court. This fine schedule does not restrict the fine a judge may impose if there is a court hearing.
- (c) Any person wishing to contest a parking citation shall notify the town in writing on the appropriate form, within 15 days of receipt of the citation, and the town shall certify the contest to the county general district court.
- (d) Reserved.
- (e) The town ~~shall~~may cause a complaint, summons, or warrant to be issued to persons with delinquent parking citations. Any action to collect such unpaid parking citation penalties shall be commenced within three years of the date upon which such penalty became delinquent.

State Law reference— General parking prohibitions, Code of Virginia, § 46.2-1239; enforcement of local parking provisions, Code of Virginia, § 46.2-~~1225~~1220.

SECTION XI. That Chapter 32 (Traffic and Vehicles), Article V (Stopping, Standing and Parking), Division 1 (Generally) of the Town Code of Leesburg, Virginia (or the Town Code), is hereby amended by adding a section to be numbered 32-152, which said section reads as follows:

Sec. 32-152. Parking and charging of a vehicle at a town-owned electric vehicle charging station.

- (a) Any person may park and charge an electric motor or plug-in hybrid vehicle at a town-owned electric vehicle charging station when the charging station is not in use by a vehicle operated by the town.

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- (b) Town Council shall set the fees for public use of town-owned electric vehicle charging services, which fees shall apply at all electric vehicle charging stations owned and operated by the Town that are available for use by the public. Payment of such user fees for electric vehicle charging station services will be collected directly from the customer at the point of sale through such payment mechanism or application as the town manager may designate from time to time.
- (c) In addition to the user fees set forth in subsection (b) hereof, vehicles not owned or operated by the town shall be charged a dwell time fee of \$2.00 per 30 minutes, capped at \$25.00 per session, which fees shall accrue when the vehicle's battery is fully charged and a 15-minute grace period has expired. Any dwelling fee charged in accordance with this subsection shall be in lieu of the civil penalty specified in subsection.
- (d) It shall constitute a traffic infraction for any person to park in a parking space adjacent to an electric vehicle charging station that is clearly marked as reserved for charging plug-in electric motor vehicles, unless the vehicle so parked (i) is a plug-in electric motor vehicle or a plug-in hybrid vehicle, and (ii) is in the process of charging. A violation of this subsection is subject to a civil penalty of \$25.00.
- (e) Violation of this ordinance may result in the removal of the vehicle from the charging station under the direction of law-enforcement personnel.

State Law reference(s)— Authority of town to charge a fee to the public for use of a Town-owned vehicle charging station, Code of Virginia, § 15.2-967.2; Authority of town to impose civil penalties for improper parking in spaces reserved for charging electric vehicles, Code of Virginia § 46.2-1219.3.

SECTION XII. That Section 34.1-145(b) of the Town Code of Leesburg, Virginia (or the Town Code), is hereby amended to read as follows:

Sec. 34.1-145. Delinquent Charges as Lien.

* * *

- (b) The ~~finance director~~ **director of finance** shall certify to the clerk of the appropriate court for the county the amount of delinquent water charges, penalties and interest together with the fee to be paid for each entry on the judgment records by the clerk.

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SECTION XIII. That Section 34.1- 243(b) of the Town Code of Leesburg, Virginia (or the Town Code) is hereby amended to read as follows:

Sec. 34.1-243. Delinquent Charges as Lien.

* * *

(b) The ~~finance director~~ **director of finance** shall certify to the clerk of the appropriate court for the county for the amount of delinquent sewer charges, penalties and interest together with the fee to be paid for each entry on the judgment records by the clerk.

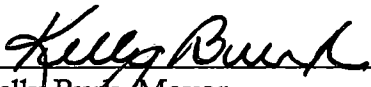
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SECTION XIV. That Appendix B – Fee Schedule of the Town Code of Leesburg, Virginia (or the Town Code) is hereby amended by adding a section to be numbered 32-152, which said section reads as follows:

Sec. 32-152 Electric Vehicle Charging Fee: \$0.20 per kWh with a dwell time fee of \$2.00 per 30 minutes, capped at \$25.00 per session, after a vehicle is fully charged.

SECTION XV. This ordinance shall be in effect upon its passage.

PASSED this 25th day of June 2024.



Kelly Burk, Mayor
Town of Leesburg

ATTEST:



Clerk of Council