

PART II CITY CODE

Chapter 19 NUISANCES AND ENVIRONMENTAL CONTROL

ARTICLE I. IN GENERAL

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**Secs. 19-1—19-20. Reserved.**

**ARTICLE II. POSTING OF SIGNS**

**Sec. 19-21. Definitions.**

The following words and phrases, when used in this article, shall have the meanings ascribed to them respectively as follows, unless the context clearly indicates a different meaning:

Fixture. A pole, street light, tree, tree box, tree stake, fire hydrant, fire alarm box, trash receptacle, stand, wire, rope, public bridge, railroad trestle, drinking fountain, life buoy or any other lifesaving equipment, standard serving as a base or support for a directional sign, traffic regulation or control signal, sign or device and any other fixture or structure, whether publicly or privately owned or whether permanently or temporarily placed in, on or over a public way, but shall not include a fixture permanently attached to a building, structure, pole or standard on private property serving as a base or support for a sign and projecting over a part of a public way installed and maintained in accordance with law; provided, that it is used only for advertising the enterprise of the occupant of the premises.

Public way. A street, sidewalk, alley, road, highway, bridge, viaduct, subway, underpass, park, parkway, playfield, playground and any other similar place in the City opened to and used by the public.

Sign. A sign, placard, banner, flag, bulletin and any other device of any kind or description used for advertising, promotional or solicitation purposes or for any other commercial, noncommercial, or political display or visual communication purposes.

(Ord. No. 85-305-283 (3-40), 12-16-85; Ord. No. 86-37-42, 2-24-86)

**Sec. 19-22. Posting of signs or advertising prohibited.**

It shall be unlawful for any person to paint, mark or write on, or post or otherwise affix to or upon a public way or fixture thereon any sign or other form of commercial, noncommercial, or political advertising, promotion, solicitation, communication, or display. It shall furthermore be unlawful for any person, firm, or corporation to cause or, with knowledge, permit such actions to be taken on such person's or firm's or corporation's behalf.

(Ord. No. 85-305-283 (3-41), 12-16-85)

**Sec. 19-23. Exceptions to application.**

(a) This article shall not apply to the following signs:

(1) Regulatory, traffic, or informational signs established or posted by or at the direction of an authorized City department.

(2) Signs required to be posted pursuant to state, local, or federal laws.

(3) Signs permitted by the Virginia Department of Transportation along state-maintained streets; provided that proof of permission must be shown upon request.

(4) Citizens watch signs, as authorized by this article.

(5) Signs not exceeding four (4) square feet in area giving information concerning the location or use of accessory off-street parking facilities or loading and unloading facilities.

(6) Signs permitted by the Council upon proper application for an encroachment or other form of variance from the provisions of this article.

(b) Nothing in this article shall apply to the installation of a plaque, plate, statue, or other commemorative monument or marker, in accordance with a permit issued by the Department of Public Works, with the approval of Council.

(Ord. No. 85-305-283 (3-42), 12-16-85)

**Sec. 19-24. Removal of signs or advertising; collection of costs of removal.**

Any violation of this article is hereby declared to be a nuisance. No person shall have any legal right to the continued presence of a sign in a public way in violation of this article; nor shall there be any legal remedy against any person solely for the removal from a public way of a sign which is in violation of this article. Any person may abate the nuisance created by a violation of this article without liability for doing so. In the event that abatement is made by the City, the reasonable costs incurred in removal may be assessed against any person, firm, or corporation responsible for or benefited by the violation, and such costs shall be collected in the same manner as City taxes. In the event of a willful violation, the City shall be entitled to recover costs, the reasonable value of attorney's fees, and punitive damages in any proceeding which it may bring to enjoin future violations.

(Ord. No. 85-305-283 (3-43), 12-16-85; Ord. No. 92-71-73, § 2, 4-13-92)

**Sec. 19-25. Penalty for violation.**

Any person convicted of a violation of Section 19-22 shall be punished by a fine of not less than ten dollars (\$10.00) and not more than fifty dollars (\$50.00) for each offense, and each individual sign or other form of commercial, noncommercial, or political advertising, promotion, solicitation, communication or display, shall be deemed a separate offense. Each day during which any such violation is continued may be treated for all purposes as a separate offense.

(Ord. No. 85-305-283 (3-44), 12-16-85)

**Sec. 19-26. Citizens community watch signs authorized.**

In any area of the City in which there has been established a citizens community watch or a similar watch wherein citizens residing in an area are organized in cooperation with the Department of Police to combat crime by maintaining surveillance of person and property within such area, the other provisions of this article notwithstanding, the Chief of Police may authorize that signs be placed announcing "Protected by Community Watch," or "Protected by Citizens Neighborhood Watch" or making an announcement of similar content. The signs and sign posts shall be provided by the City and shall conform to standards set forth by the City Traffic Engineer who will be responsible for the installation of such signs subject to the approval of the Chief of Police.