

PART II - CODE OF ORDINANCES

Chapter 1 - GENERAL PROVISIONS

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Sec. 1-1. - Designation and citation of Code.

The ordinances embraced in this and the following chapters and sections shall constitute and be designated "The Code of the Town of Vienna, Virginia," and may be so cited. Such ordinances may also be cited as "Vienna Town Code."

(Code 1969, § 1-1)

Sec. 1-2. - Definitions and rules of construction.

In the interpretation and construction of this Code and of all ordinances and resolutions of the Town, the following rules of construction and definitions shall be observed unless otherwise specifically provided or unless they are inconsistent with the manifest intent of the council or the context clearly requires otherwise:

Bond. When a bond is required, an undertaking in writing with such surety, if any, as the council may direct, may be sufficient.

Computation of time. The time within which an act is to be done shall be computed by excluding the first and including the last day; and if the last day is Saturday, Sunday or a legal holiday, that day shall be excluded.

Council. The term "council" or "the council" means the Town Council of the Town of Vienna, Virginia.

County. The term "county" or "the county" means the County of Fairfax in the State of Virginia.

Following. The term "following," when used by way of reference to any section, shall be construed to mean next following that in which such reference is made.

Gender. A word importing the masculine gender only may extend and be applied to females and to corporations as well as males.

State law reference— Similar state law, see Code of Virginia, § 1-216.

In the Town. The phrase "in the Town" means any territory jurisdiction of which for the exercise of its regulatory power has been conferred on the Town by public or private law.

May. The term "may" shall be permissive.

Month. The term "month" means a calendar month.

Number. A word importing the singular number only may extend and be applied to several persons or things, as well as to one person or thing; and a word importing the plural number only may extend and be applied to one person or thing, as well as to several persons or things.

State law reference— Similar state law as to number, Code of Virginia, § 1-227

Oath. The term "oath" includes an affirmation in all cases in which by law an affirmation may be substituted for an oath.

State law reference— Similar state law, see Code of Virginia, § 1-228.

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Occupant or tenant. The term "occupant" or "tenant" applied to a building or land means any person who holds a written or oral lease of or actually occupies the whole or a part of such building or land, either alone or with others.

Official time standard. Whenever particular hours are specified in this Code relating to the time within which any act shall or shall not be performed by any person, the time applicable shall be official standard time or daylight saving time, whichever may be in current use in the Town.

Owner. The term "owner" applied to a building or land includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.

Person. The term "person" includes a firm, partnership, association of persons, corporation, organization or any other group acting as a unit.

State law reference— Definition of person, Code of Virginia, § 1-230.

Preceding. The term "preceding", when used by way of reference to any section, shall be construed to mean next preceding that in which such reference is made.

Property. The term "property" means real, personal or mixed property.

Public place. The term "public place" means the parks and all public lands owned or leased by the Town, and those parts of public places which do not form traveled parts of streets as defined in this section.

Shall. The term "shall" shall be mandatory.

Sidewalk. The term "sidewalk" means any portion of a street between the curbline, or the lateral lines of a roadway where there is no curb, and the adjacent property line intended for the use of pedestrians.

Signature, subscription. The terms "signature" and "subscription" include a mark when the person cannot write, his name being written near it and being witnessed by a person who writes his own name as a witness.

State. The term "state" or "the state" means the State of Virginia.

Street. The term "street" includes avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the Town, and shall mean the entire width thereof between abutting property lines. The term "street" shall be construed to include a sidewalk or footpath unless the contrary is expressed or unless such construction would be inconsistent with the manifest intent of the council.

Swear, sworn. The term "swear" or "sworn" shall be equivalent to the word "affirm" or "affirmed" in all cases in which by law an affirmation may be substituted for an oath.

State law reference— Similar state law, Code of Virginia, § 1-250.

Town. The term "Town" or "the Town" means the Town of Vienna in the County of Fairfax and the State of Virginia.

VAC. The abbreviation "VAC" means Virginia Administrative Code.

Written, in writing. The terms "written" and "in writing" include typewriting, printing on paper, and any other mode of representing words and letters.

(Code 1969, § 1-2)

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Sec. 1-3. - Provisions considered as continuations of existing ordinances.

The provisions appearing in this Code, so far as they are in substance the same as those of the 1962 Ordinances of the Town of Vienna, Virginia, the 1969 Code of Ordinances, and all ordinances adopted subsequent thereto and included herein, shall be considered as continuations thereof and not as new enactments.

(Code 1969, § 1-3)

Sec. 1-4. - Effect of repeal of ordinances.

- (a) The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.
- (b) The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for any offense committed under the ordinance repealed.

(Code 1969, § 1-4)

Sec. 1-5. - Severability of parts of Code.

It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable; and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

(Code 1969, § 1-5)

Sec. 1-6. - Catchlines of sections.

The catchlines of the several sections of this Code are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

(Code 1969, § 1-6)

State law reference— Similar state law applicable to statutes, Code of Virginia, § 1-217.

Sec. 1-7. - General penalty; continuing violation.

Whenever in this Code, or in any ordinance or resolution of the Town, or rule or regulation or order promulgated by any officer or agency of the Town under authority duly vested in him or it, any act is prohibited or is declared to unlawful or a misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or a misdemeanor, and no specific penalty is provided for the violation thereof, the violation of any such provision of this Code, or of such ordinance, resolution, rule, regulation or order, shall be punished by a fine not exceeding \$2,500.00 or by imprisonment in jail for a period not exceeding 12 months, or by both such fine and imprisonment. Each day any such violation shall continue shall constitute, except where otherwise provided, a separate offense.

(Code 1962, § 1-6; Code 1969, § 1-7; Ord. of 10-1990)

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State law reference— Power of council to prescribe fines and other punishment for violation of ordinances, Code of Virginia, § 15.2-1429; penalty for misdemeanor in absence of specific penalty, Code of Virginia, § 18.2-12.

Sec. 1-7.1. - Punishment for conviction of misdemeanor.

Whenever in this Code a misdemeanor is identified or referred to by class, the authorized punishments for conviction of a misdemeanor are:

- (a) For Class 1 misdemeanors, confinement in jail for not more than 12 months and a fine of not more than \$2,500.00, either or both.
- (b) For Class 2 misdemeanors, confinement in jail for not more than six months and a fine of not more than \$1,000.00, either or both.
- (c) For Class 3 misdemeanors, a fine of not more than \$500.00.
- (d) For Class 4 misdemeanors, a fine of not more than \$250.00.

(Code 1969, § 1-7.1; Ord. of 9-10-1991)

Sec. 1-8. - Collection and disposition of fines.

All fines and penalties imposed under this Code or other ordinances of the Town shall be for the use of the Town. Fines may be collected by execution returnable within 30 days after the date of issue. The officer levying such execution shall sell the property upon which a levy has been made at auction, for cash, at some public point within the Town, after advertising the time and place of such sale for ten days by posting notices thereof at three conspicuous places within the Town.

(Code 1962, § 1-3; Code 1969, § 1-8)

Sec. 1-9. - Reserved.

Sec. 1-9.1. - Fee charged for passing bad checks to Town.

Every person who shall utter, publish or pass any check or draft to the Town in payment of taxes or any other sums due which is subsequently returned for insufficient funds or because there is no account, or the account is closed, shall pay to the Town for each such check or draft a fee of \$20.00 in addition to the tax or other sum due and for which the check or draft was uttered, published or passed. Such fees shall be collectible and disposed of as all other fines and penalties.

(Code 1969, § 1-9.1; Ord. of 6-1986)

Sec. 1-10. - Right of entry for purposes of inspection.

Whenever any officer or employee of the Town is required or authorized by statute, the provisions of this Code or any ordinance or resolution, or rules and regulations, or orders issued thereunder, in order to carry out his duties thereunder, to enter any premises or vehicle for the purpose of making an inspection thereof, or anything therein contained, such officer or employee shall have the right to enter any such premises or vehicle at any reasonable time in pursuance of such duties.

(Code 1962, § 1-17; Code 1969, § 1-10)

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Sec. 1-11. - Town seal.

The official seal of the Town shall be a metallic disc 1½ inches in diameter with a barred rim, and with such words and figures engraved thereon as will, when used, reproduce impressions to be described as follows:

With the barred rim at a distance of three-eighths of an inch therefrom shall be a beaded circle; in the space between the rim and the beaded circle shall be the words "The Town of Vienna, Virginia"; and at the bottom thereof shall be the numerals "1890." The numerals at either end shall be separated from the beginning and end of the words by a star at equidistance. Within the beaded circle shall be impressed Virtus, the genius of the commonwealth, dressed as an Amazon, resting on a spear in her right hand, point downward, touching the earth; and holding in her left hand a sheathed sword, or parazonium, pointing upward; her head erect and face upturned; her left foot on the form of Tyranny represented by the prostrate body of a man, with his head to her left, his fallen crown nearby, a broken chain in his left hand, and a scourge in his right. Above the group and within the border conforming therewith shall be the word "Virginia" and in the space below, on a curved line, shall be the motto, "Sic Semper Tyrannis."

(Code 1962, § 1-8; Code 1969, § 1-11)

Sec. 1-12. - Schedule of planning and zoning fees.

Following is the Town's schedule of planning and zoning fees:

THE TOWN OF VIENNA—SCHEDULE OF PLANNING AND ZONING FEES:

CHANGES IN ZONING:	\$2,000.00
SUBDIVISIONS:	
Preliminary Plats	\$700.00 plus \$30.00 per lot
Revised Preliminary Plats	\$300.00
Final Plats	\$250.00 plus \$30.00 per lot
Revised Final Plats or Reapproval of Expired Final Plats	\$300.00
Public Improvement Completion Time Extension Requests	\$300.00
SITE PLAN REVIEW:	
Site Plans (including Revised Site Plans, Wall Waivers, Landscape Plans, and Modifications of Requirements)	\$1,800.00 plus \$30.00 for each 1,000 square feet of gross floor area of new construction

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Re-approval of expired Site, Landscape Plans, or Modifications of Requirements	\$300.00
As-built Plan Review (per occurrence)	\$400.00
BOARD OF ZONING APPEALS:	
Appeals, Variances or Zoning Map Interpretations	\$300.00
Conditional Use Permits	\$400.00
BOARD OF ARCHITECTURAL REVIEW:	
New Development Review	\$200.00
Existing Development Review (Includes Revised Landscape Plans)	\$100.00
WINDOVER HEIGHTS BOARD OF REVIEW:	
Appeals to Town Council from decision of WHBR	\$250.00
OCCUPANCY PERMITS:	\$50.00
SIGN PERMITS:	
Permanent Sign	\$75.00
Temporary Signs	\$75.00 plus \$25.00 sign bond
Temporary Political Signs	\$25.00 plus \$25.00 sign bond
FENCE PERMITS:	\$30.00
RESIDENTIAL BUILDING PERMITS:	\$40.00 minimum fee, plus five cents
(Zones RS-16, RS-12.5, RS-10, RM-2 and RTH)	(\$0.05) per square foot of the area of new construction

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COMMERCIAL BUILDING PERMITS:	\$80.00 minimum fee, plus ten cents
(Zones T, C-1, C-1A, C-1B, C-2, C-M, CMP and PR)	(\$0.10) per square foot of the area of new construction
DRIVEWAY PERMITS:	\$40.00 for each permit
ZONING ADMINISTRATOR INTERPRETATION/DETERMINATION LETTER:	\$250.00 fee per letter
BOUNDARY LINE ADJUSTMENT OR EASEMENT PLAT:	\$150.00 fee per occurrence
PORTABLE STORAGE CONTAINER:	\$25.00 fee per occurrence

(Code 1969, § 1-12; Ord. of 6-16-2003; Ord. of 11-7-2005; Ord. of 8-20-2007; Ord. of 1-2009; Ord. of 6-6-2011(1), § 1)

Sec. 1-13. - Schedule of public works fees.

Following is the Town's schedule of public works fees:

TOWN OF VIENNA SCHEDULE OF PUBLIC WORKS FEES:

STREET CUT AND RIGHT-OF-WAY PERMITS:	
Base Permit and Inspection Fee	\$45.00
Plus Utility Lines or Crossings	\$20.00 for first 100' and \$5.00 for each additional 100'
Lane Closure or Dumpster in R/W	\$45.00
Defect Re-inspection	\$45.00 per occurrence
60-Day Permit Extensions	\$45.00 per occurrence
Street Cut Bond	\$1,685.00
EROSION AND SILTATION CONTROL PLANS:	

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E & S Permit Review and Inspection Fee	\$100.00
Erosion and Siltation Bond	\$2,000.00
RESIDENTIAL WATER AND SEWER FEES:	
Sewer Availability Res. S.F.	\$7,745.00
Sewer Availability Res. all else	\$6,170.00
Front Footage	\$800.00
Sewer Tap Inspection	\$100.00
Water Availability Res. S.F.	\$3,875.00
Water Availability Res. all else	\$3,875.00
Local Facilities	\$3,172.00
Water Tap Inspection	\$100.00
Emergency Repairs/after hours	\$1,000.00
Night Work Inspection	\$100.00
WATER METER PURCHASE CHARGE:	
5/8"	\$850.00
1"	\$1,180.00
1½"	\$2,205.00
2"	\$3,190.00
3"	\$4,355.00

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4"	\$6,375.00
HYDRANT METER DEPOSITS:	
5/8"	\$250.00
3"	\$1,000.00
Fire Flow Tests	\$140.00
Fire Hydrant Replacement Fee	\$500.00
ALLEY OR RIGHT-OF-WAY VACATION REQUEST	\$100.00

STORMWATER MANAGEMENT FEES – INITIAL PERMIT ISSUANCE:	Total Fee ¹	Portion Paid to DEQ ²
Basic Stormwater Review and Inspection (sites with land disturbance equal to or greater than 2,500 SF and less than 1 acre not within Chesapeake Bay Preservation Areas and not subject to General Permit coverage)	\$275	\$0
Chesapeake Bay Preservation Act Land Disturbing Activity (sites with land disturbance equal to or greater than 2,500 SF and less than 1 acre within Chesapeake Bay Preservation Areas but not subject to General Permit coverage)	\$290	\$0
General/Stormwater Management – Small Activity (areas within common plans of development or sale with land disturbance acreage less than 1 acre)	\$290	\$81
General/Stormwater Management – Small Activity (sites or areas within common plans of development or sale with land disturbance acreage equal or greater than 1 acre and less than 5 acres)	\$2,700	\$756
General/Stormwater Management – Large Activity (sites or areas	\$3,400	\$952

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within common plans of development or sale with land disturbance acreage equal or greater than 5 acres and less than 10 acres)		
General/Stormwater Management – Large Activity (sites or areas within common plans of development or sale with land disturbance acreage equal or greater than 10 acres and less than 50 acres)	\$4,500	\$1,260
General/Stormwater Management – Large Activity (sites or areas within common plans of development or sale with land disturbance acreage equal or greater than 50 acres and less than 100 acres)	\$6,100	\$1,708
General/Stormwater Management – Large Activity (sites or areas within common plans of development or sale with land disturbance acreage equal or greater than 100 acres)	\$9,600	\$2,688
STORMWATER MANAGEMENT FEES – MODIFICATIONS OR TRANSFERS:	Total Fee	
General/Stormwater Management – Small Activity (areas within common plans of development or sale with land disturbance acreage less than 1 acre)	\$20	
General/Stormwater Management – Small Activity (sites or areas within common plans of development or sale with land disturbance acreage equal or greater than 1 acre and less than 5 acres)	\$200	
General/Stormwater Management – Large Activity (sites or areas within common plans of development or sale with land disturbance acreage equal or greater than 5 acres and less than 10 acres)	\$250	
General/Stormwater Management – Large Activity (sites or areas within common plans of development or sale with land disturbance acreage equal or greater than 10 acres and less than 50 acres)	\$300	
General/Stormwater Management – Large Activity (sites or areas within common plans of development or sale with land disturbance acreage equal or greater than 50 acres and less than 100 acres)	\$450	
General/Stormwater Management – Large Activity (sites or areas	\$700	

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within common plans of development or sale with land disturbance acreage equal or greater than 100 acres)	
STORMWATER MANAGEMENT FEES – PERMIT MAINTENANCE:	Total Fee
Chesapeake Bay Preservation Act Land Disturbing Activity (sites with land disturbance equal to or greater than 2,500 SF and less than 1 acre within Chesapeake Bay Preservation Areas but not subject to General Permit coverage)	\$50
General/Stormwater Management – Small Activity (areas within common plans of development or sale with land disturbance acreage less than 1 acre)	\$50
General/Stormwater Management – Small Activity (sites or areas within common plans of development or sale with land disturbance acreage equal or greater than 1 acre and less than 5 acres)	\$400
General/Stormwater Management – Large Activity (sites or areas within common plans of development or sale with land disturbance acreage equal or greater than 5 acres and less than 10 acres)	\$500
General/Stormwater Management – Large Activity (sites or areas within common plans of development or sale with land disturbance acreage equal or greater than 10 acres and less than 50 acres)	\$650
General/Stormwater Management – Large Activity (sites or areas within common plans of development or sale with land disturbance acreage equal or greater than 50 acres and less than 100 acres)	\$900
General/Stormwater Management – Large Activity (sites or areas within common plans of development or sale with land disturbance acreage equal or greater than 100 acres)	\$1,400

¹Reference Sec.23-24 for additional details on the applicability of stormwater management fees.

²This is the portion of the total fee that is paid to the Virginia Department of Environmental Quality (DEQ). If the project is completely administered by DEQ such as may be the case for a state or federal project or projects covered by individual state permits, the entire applicant fee shall be paid to DEQ.

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(Code 1969, § 1-13; Ord. of 6-2009; Ord. of 6-6-2011(1), § 1; Ord. of 11-19-2012, § 1)

FOOTNOTE(S):

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State Law reference— Local ordinances incorporating state law by reference, Code of Virginia, § 1-220; codification and recodification of ordinances, Code of Virginia, § 15.2-1433. [\(Back\)](#)