

TITLE 17
TOWN OF BRIDGEWATER
PLANTINGS AND NEIGHBORHOOD ISSUES
(Formerly “Property Boundaries and Plantings”)

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CHAPTER 1
General

§ 17-1. Trees Near Streets.

- (a) General Rule. All trees or shrubs planted within 12 feet of a Town street or alley must be approved by a permit issued under this section.
- (b) Permit Issuance. Upon application of a landowner, the Zoning Administrator will determine whether a specified tree or shrub—at any point in its expected life span—will (i) create a specific risk to Town infrastructure in or near the street or (ii) unreasonably impair sightlines for motorists on a public street. In the absence of such risk or impairment, the Zoning Administrator shall issue the permit.
- (c) General Permits. The Zoning Administrator may issue general permits for certain classes of plantings, thereby obviating the need for an application under paragraph (b).

LEGISLATIVE INTENT: For example, a General Permit might allow “Deciduous Trees, other than weeping willows, which are planted more than 50 feet from the nearest intersection.”

- (d) Violation. Planting an unpermitted tree or shrub, or maintaining such a tree or shrub, shall constitute a Class 4 misdemeanor, and each day of such maintenance shall be a separate offense. Nevertheless, there shall be no offense under this section until (i) the Town notifies the landowner of the need for a permit and (ii) the landowner fails to apply within 30 days of the notice or, if the landowner does apply, such application is rejected.
- (e) Previous Violations. Trees planted in violation of § 17-1 (due to proximity to a street) prior to October 14, 2014, shall be deemed to have been planted lawfully if they are permitted under paragraph (b) or (c) of this section.

(Enacted October 14, 2014.)

§ 17-2. Trees Near Property Boundaries.

- (a) General Rule. All trees planted within eight feet of a property boundary with another parcel must be approved by a permit issued under this section.

LEGISLATIVE INTENT: Like § 17-1, this section is intended to protect certain Town interests, such as infrastructure installed near lot lines. This section, however, is also based on broader principles of property-owner relations. By providing some regulation of trees planted near property lines, the Town thus endeavors to promote the principles of safety, general welfare, harmony, and convenience.

- (b) Permit Issuance. Upon application of *all* landowners of real property within eight feet of a tree or proposed tree, the Zoning Administrator will consider the issuance of a permit for the tree. The Zoning Administrator will determine whether the specified tree—at any point in its expected life span—will create a specific risk to Town infrastructure. In the absence of such risk, the Zoning Administrator shall issue the permit.

LEGISLATIVE INTENT: If all nearby owners apply for a permit, the neighbor-to-neighbor concerns of this section are largely satisfied, so the Administrator is to focus on straightforward infrastructure concerns.

- (c) General Permits. The Zoning Administrator may issue general permits for certain classes of plantings, thereby obviating the need for an application under paragraph (b).

LEGISLATIVE INTENT: The Council anticipates that general permits will be issued more sparingly under this section than under § 17-1, because of the comparatively broad underpinnings of this section, as described in the note to §17-2(a).

One example of an appropriate general permit might be, “Trees not within a utility easement planted where all properties within eight feet are under common ownership.”

- (d) Violation. Planting an unpermitted tree, or maintaining such a tree shall constitute a Class 4 misdemeanor, and each day of such maintenance shall be a separate offense. Nevertheless, there shall be no offense under this section until 30 days after the Town notifies the landowner of the need for a permit.

- (e) Previous Violations. Trees planted in violation of § 17-1 (due to proximity to a property boundary) prior to October 14, 2014, shall be deemed to have been planted lawfully if they are permitted under paragraph (b) or (c) of this section.

(Enacted October 14, 2014.) (*The former § 17-2, dealing with trees near sidewalks was repealed on October 14, 2014, as unnecessary in light of amendments to § 17-1.*)

§ 17-3. Undesirable Trees and Shrubs. The following undesirable species of trees and shrubs shall not be planted or set out within the town:

- (a) Ailanthus, tree-of-heaven, or stinkweed (*altissima*);
- (b) Silver maple (*acer saccharinum*);
- (c) Box elder, or ashleaved maple (*acer negundo*); and
- (d) Multiflora rose (*rosa multiflora*).

Any violation of this chapter shall constitute a class four misdemeanor and be punished in accordance with § 1-4 of the Code of the Town of Bridgewater.

§ 17-4. Dead and Diseased Trees. All dead, diseased, or unlawfully planted trees must be removed by the owner of the property on which they stand. If the owner fails to remove such trees, they shall be removed at the direction of the town superintendent. The cost of the removal shall be charged to the land owner and collected in the manner provided for the collection of license taxes in title 2. Any violation of this section shall constitute a class four misdemeanor and be punished in accordance with § 1-4 of the Code of the Town of Bridgewater. (See Code of Virginia, §§ 15.1-839, 15.1-867.)

§ 17-5. Walls, Fences, and Hedges.

- (a) General Rule. All walls, fences, and hedges planted forward of the front elevation of any building must be approved by a permit issued under this section.
- (b) Permit Issuance. Upon application of a landowner, the Zoning Administrator will determine whether the wall, fence, or hedge in question would (i) unreasonably impair sightlines for motorists on a public street or (ii) unreasonably endanger public safety by obstructing the building from public view. In the absence of such risk or impairment, the Zoning Administrator shall issue the permit. The Zoning Administrator shall consult with the Chief of Police in making his determinations under this section.

LEGISLATIVE INTENT: This section is intended to promote public safety in two respects. It prohibits the unreasonable impairment of motorists' sightlines, and while respecting landowners' right to privacy, it recognizes that in some instances, sealing a property from public view may encourage criminal activity in and around the property.

- (c) General Permits. The Zoning Administrator may issue general permits for certain classes of walls, fences, and hedges, thereby obviating the need for an application under paragraph (b).

LEGISLATIVE INTENT: For example, a General Permit might allow “Any fence shorter than 49 inches in height above the ground or any split rail fence of any height.”

- (d) Violation. Installing or maintaining a wall, fence, or hedge without obtaining the permit required by this section, shall constitute a Class 4 misdemeanor, and each day of such maintenance shall be a separate offense. Nevertheless, there shall be no offense under this section until (i) the Town notifies the landowner of the need for a permit and (ii) the landowner fails to apply within 30 days of the notice or, if the landowner does apply, such application is rejected.
- (e) Previous Violations. Walls, fences, or hedges installed in violation of § 17-5 prior to October 14, 2014, are not in violation of this section but continue to be governed by pre-existing law. If such walls, fences, or hedges are granted a permit under this section, however, they shall be deemed compliant with current law and pre-existing law.

(Enacted October 14, 2014.)

§ 17-6. Violations. (Repealed as unnecessary. Reserved.)

§ 17-6.1. Cutting of Grass and Weeds.

- (a) The owners of occupied or vacant property whether developed or undeveloped, shall cut all grass, weeds and/or other foreign growth on the property whenever any significant portion of the grass, weeds and/or other foreign growth on the property exceed 8 inches in height from their base to their most extended growth.
- (b) Upon the failure of the property owner to cut the grass, weeds, and/or other foreign growth as specified in paragraph (a) of this section, the Town (through its agents, contractors, or employees) may cut all of the grass, weeds, and/or other foreign growth on the property at the owner’s expense, after a written Notice of Violation is provided under this paragraph.

The Notice shall contain the provisions of this section; it shall be mailed to the owner at the address shown in the Town’s tax records, and it shall state that the town may cut the grass, weeds, and/or foreign growth unless the property owner does so within seven days from the date the notice is mailed. For purposes of this section, one Notice of Violation per growing season shall constitute adequate and reasonable notice, but the Town may elect to provide additional notices.

- (c) If the Town (through its agents, contractors, or employees) cuts the grass, weeds, and/or foreign growth, its costs and expenses in doing so shall be charged to the property owner. The costs and expenses shall be collected by the Town in the same manner as are real property taxes, and they shall constitute a lien on the property, ranking on a parity with liens for unpaid taxes.
- (d) This section shall have no effect on property zoned A-1 or A-2. Further, no agricultural operation shall violate this section if such operations are conducted in accordance with the existing best management practices and comply with existing laws and regulations of the Commonwealth. The term “agricultural operation” as used in this sub-section is as defined in Code of Virginia § 3.1-22.29(b).
- (e) Violations of this section shall subject the property owners to a civil penalty, according to the following provisions:
 - (i) For purposes of this paragraph (e), a first violation in any growing season occurs upon the mailing of the Notice under paragraph (b). Subsequent violations in the same growing season occur when both (i) the conditions of the property exceed the limit set in paragraph (a) and (ii) the Town takes action under paragraph (b), whether that action be cutting the vegetation or mailing an additional Notice.

LEGISLATIVE INTENT: Given the severity of the civil penalties authorized by this section, it was important to the Council for violations to be established at definite times. For the first violation in a growing season, the notice mailed by the Town constitutes the violation date. For subsequent violations in a growing season, violations arise when the grass becomes too long *and* the Town takes some further action. Typically, the Town would probably choose to have the property mowed, but on other occasions (for safety, cost, or other reasons) the Town might elect to send an additional notice.

- (ii) Each day a violation remains constitutes a separate offense.
- (iii) For the first violation within a 12-month period, the civil penalty shall be \$50 per day.
- (iv) After the condition giving rise to the first Notice has been rectified, a second violation within a 12-month period shall trigger a civil penalty of \$200 per day.
- (v) The maximum cumulative penalty under paragraphs (e)(iii) and (e)(iv) in any 12-month period shall be \$3,000.
- (vi) (Repealed February 9, 2016)

LEGISLATIVE INTENT: The Council’s intent is for civil penalties to be enforced through any lawful mechanism.

(See Va. Code, §§ 3.2-302, 15.2-901)

(Enacted August 12, 1986; Amended July 14, 1988, August 13, 2013, August 12, 2014, February 9, 2016)

CHAPTER 2 ***Green Law***

(Enacted August 11, 1987)

§ 17-7. General Requirements. It shall be unlawful for any owner or tenant of property to construct or enlarge a vehicle use area (as that term is defined by this chapter) without landscaping the area as required by this chapter. Violation of this chapter shall constitute a class 4 misdemeanor, and each day a violation continues shall constitute a separate offense.

§ 17-8. Definitions. As used in this chapter, unless the context otherwise requires, the following words and phrases shall have the following meanings:

- (a) *Earth mounds:* Earth contoured so as to form a mound above the general elevation of the adjacent ground or surface.
- (b) *Ground cover:* Low growing plants, including grasses.
- (c) *Hedges:* Shrubs planted in a manner so as to form a continuous visual screen.
- (d) *Landscaping:* Landscaping shall consist of, but not be limited to, grass, ground covers, shrubs, vines, hedges, trees, and earth mounds.
- (e) *Shrubs:* Low, self-supporting (usually multi-stemmed) woody plants.
- (f) *Trees, decorative:* Self-supporting woody plants of a species which generally have clear trunks of six feet, normally achieve an overall height of twelve feet or more and a minimum spread of ten feet.
- (g) *Trees, shade:* Self-supporting woody plants of a species which generally have clear trunks of six feet, normally achieve an overall height of twenty feet or more, and a minimum spread of twenty feet.
- (h) *Vehicle Use Area:* Any of the following, whether paved or unpaved, provided it comprises at least 750 square feet: (1) parking lots, (2) motor vehicle loading and unloading zones, or (3) other areas designed for the long-term or short-term placing of motor vehicles.
- (i) *Vines:* Climbing or creeping plants which normally require support

§ 17-9. When Landscaping Required. Landscaping shall be required in all new vehicular use areas, including vehicular use areas which pre-date this chapter, but are expanded.

§ 17-10. Installation, Maintenance, and Standards. The owner and/or tenant (if any) of property shall be jointly and individually responsible for installing landscaping, according to accepted commercial planting procedures, using plants which are indigenous to the Bridgewater area or to an area having similar climatic conditions, and maintaining such landscaping in a healthy, growing condition so as to present a neat and orderly appearance. The following standards apply:

- (a) *Earth mounds:* Earth mounds shall not exceed a slope of thirty degrees and shall be completely covered with shrubs, grass or other living ground cover. Earth mounds shall not exceed thirty-six inches in height
- (b) *Ground covers:* Ground covers shall be planted in such manner as to present a finished appearance and reasonably complete coverage under normal growing conditions within twelve months after planting.
- (c) *Hedges:* Shrubs used to form hedges shall be a nondeciduous species, shall be a minimum of twenty-four inches in height above grade at the time of planting and shall be spaced and maintained so as to form a continuous visual screen, under normal growing conditions, within one year after planting.
- (d) *Grass:* Grass shall be a species normally grown as permanent lawns in the Bridgewater area. Grass areas may be sodded, plugged, sprigged or seeded, except that solid sod shall be used in swales or other areas subject to erosion.
- (e) *Protection:* All landscaped areas shall be protected from vehicular encroachment with effective wheel stops or curbs.

§ 17-11. Specific Requirements.

- (a) Adjacent to public rights-of-way: Except as provided in § 17-12 the following landscaping shall be provided separating vehicular use areas from any adjacent public street, walk, or right-of-way:
 - 1. A landscaped area at least five feet wide must be provided.
 - 2. One shade, or two decorative trees must be planted within and for each fifty lineal feet or fraction thereof.
 - 3. A wall, earth mound, hedge or other durable landscape screen must be maintained at least thirty inches in height above grade. If a wall or earth mound is used as a screen, one shrub or vine shall be planted abutting the screen within each ten foot section, but the shrubs or vines need not be exactly ten feet apart. Such shrubs or vines shall be planted along the street side of the screen or be of sufficient height at the time of planting to be readily visible over the top of the screen.
 - 4. The remainder of the required landscaped area shall be landscaped with grass, ground cover, or shrubs.
 - 5. All ground between the right-of-way and vehicular use area shall be landscaped.

- (b) Adjacent to contiguous properties: Except as provided in §17-12.1 landscaping shall be provided between vehicular use areas and adjoining property under different ownership as follows:
1. If the adjacent property is not zoned commercial or industrial, there must be a landscaped area at least five feet wide consisting of grass, groundcover, or shrubs and including (1) a wall or solid fence at least four feet high or (2) a hedge at least two feet in height above grade when planted (to grow to four feet within three years) between the common property line and the vehicular use areas. If a wall or fence is used instead of a hedge, one shrub or vine shall be planted abutting each ten foot section of the wall or fence, but the shrubs or vines need not be exactly ten feet apart. The shrubs or vines shall be planted on the opposite side of the wall or fence from the vehicular use area.
 2. In all cases, one shade or two decorative trees must be provided within and for each seventy-five lineal feet or fraction thereof.
- (c) Except as provided in § 17-12 landscaping shall be provided as follows for the interior of vehicular use areas so as to provide relief from broad expanses of pavement and to channelize and define logical areas for pedestrian and vehicular circulation:
1. At least two and one-half percent of the interior gross area shall be landscaped.
 2. Interior landscaped areas shall be placed so as to limit unbroken rows of parking to a maximum of one hundred feet.
 3. Each separate required landscaped area shall contain a minimum of fifty square feet with a minimum interior dimension of five feet and shall include at least one tree.
 4. There shall be not less than one shade or two decorative trees for each one hundred square feet of the required interior landscaped area or fraction thereof.
 5. If these requirements will unreasonably impair the utility of the vehicle use area (in the opinion of the town superintendent), the requirements of paragraphs 2 and 3 of this sub-section may be modified to the extent necessary to allow reasonable use of the vehicular use area.

§ 17-12. Impairment of Visibility. No landscaping, tree, fence, wall or similar item shall be maintained in the vicinity of any corner, street, intersection, or any area used by motor vehicles, if it obstructs visibility, extends into sight lines, or is a traffic hazard (in the opinion of the town superintendent).

Chapter 3
Short-Term Rentals

§ 17-301. *Short-Term Rentals*

(a) *Definitions.* Except where the context clearly indicates a different meaning, the following words and phrases, when used in this section shall, for the purposes of this article, have the meanings ascribed to them below:

- Proprietor means the owner of a Short-Term Rental or a person charged by the owner with the management of the STR.
- "STR Operator" means the Proprietor of any dwelling, lodging, or sleeping accommodations offered as a Short-Term Rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity, except the term does not apply to those exempted by paragraph (b) below.

Legislative Intent: Paragraph (b) draws from Va. Code 15.2-983 *verbatim*, and by its own terms applies only to registration. Section 15.2-983, however, also makes plain that the exemption extends to all of the obligations of this section, so for clarity, the Town has simply included the exemption in the definition.

In plain terms, an exempt entity is exempt for all purposes of this section.

- “Short-Term Rental,” or “STR,” means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy, except the term does not apply to operations exempted by paragraph (b) below.
- (b) *Exemptions.* This section does not require a person to register if such person is (i) licensed by the Real Estate Board or is a property owner who is represented by a real estate licensee; (ii) registered pursuant to the Virginia Real Estate Time-Share Act (§ 55-360 *et seq.*); (iii) licensed or registered with the Department of Health, related to the provision of room or space for lodging; or (iv) licensed or registered with the Town, related to the rental or management of real property, including licensed real estate professionals, hotels, motels, campgrounds, and bed and breakfast establishments.
- (c) *Registration.* Every STR Operator shall register his STR’s with the Town. All STR’s shall have separate registrations. The registration shall be on a form approved by the Treasurer, and shall provide the complete name, address, and email address of the STR Operator, along with the address of each STR operated by him within the Town.

Registrations require a fee of \$25 and shall expire on February 28 of each year.

- (d) *Failure to Register.* Any STR Operator who fails to register as required by paragraph (c) above, shall pay a penalty of \$500 per STR. Further, until such STR Operator pays the penalty and registers such property, he may not continue to offer such property for short-term rental. Upon repeated violations of paragraph (c) as it relates to a specific property, a STR Operator may be prohibited from registering and offering that property for short-term rental.

Without limiting the foregoing, no STR shall be operated or advertised unless there be a valid registration on file for it.

- (e) *Compliance Issues.* The Town Manager shall prohibit an STR Operator from offering a specific property for short-term rental upon a finding of at least four violations of state and local law or regulations, as they relate to the specific property.

An STR Operator, prohibited from offering an STR under this paragraph may apply for reinstatement 18 months after the issuance of the prohibition order. The Town Manager shall consider such application and shall grant it if and only if he finds that changes have been made which will significantly reduce the likelihood of future violations.

An STR Operator, aggrieved by a decision of the Town Manager under this paragraph may make a written appeal to the Council within ten days of receiving the Manager's decision.

(Added January 8, 2019.)

Legislative Intent: The Council has not undertaken to compile the various types of violations which could trigger this paragraph (e), but it calls upon STR Operators to take special note of the provisions of §§ 19-505 (dealing with the transient occupancy tax), 1-54 (dealing with noise), 12-6 (dealing with curbside trash collection), and 4-25 (dealing with parking). Without limiting the breadth of paragraph (e), violations of these provisions could trigger the prohibition.