

Sec. _____ Abatement or removal of nuisances by locality; recovery of costs.

1. The Town may maintain an action to compel a responsible party to abate or remove a public nuisance. If the public nuisance presents an imminent and immediate threat to life or property, then the Town may abate or remove such public nuisance and may bring an action against the responsible party to recover the necessary costs incurred the removal.

2. The term “nuisance” refers to the doing of any act or omission to perform any duty, or the permitting of any condition or thing that endangers life or health, obstructs or interferes with the reasonable or comfortable use of public or private property, tends to depreciate the value of the property of others, or in any way renders other persons insecure in the life or the use of property. Whenever the term nuisance is used, it shall mean a public nuisance. A public nuisance includes, but is not limited to, the following: (i) dangerous or unhealthy substances which have escaped, spilled, been released, or which have been allowed to accumulate in or on any place and all unsafe, dangerous; and (ii) unsanitary public or private buildings, walls, or structures which constitute a menace to the health and safety of the occupants thereof or the public.

3. The term “responsible party” includes, but is not limited to, the owner, occupier, or possessor of the premises where the nuisance is located, the owner or agent of the owner of the material which escaped, spilled, or was released, and the owner or agent of the owner who was transporting or otherwise responsible for such material and whose acts or negligence cause of such public nuisance.

Sec. _____ Removal or disposal of trash and clutter; cutting of grass and weeds.

1. The owners of property shall, at such time or times as the Town may prescribe, remove from the property any and all trash, garbage, refuse, litter, clutter, except on land zoned for an agricultural purpose, and other substances that might endanger the health or safety of other residents of such Town. After having given reasonable notice to the property owner, if the problem remains unabated, the Town may have such trash, garbage, refuse, litter, and/or clutter removed by the Town’s own agents or employes. In this event, the costs of removal shall be chargeable to and paid by the owners of such property and may be collected by the Town as taxes are collected.

For purposes of this Section, “clutter” means, but is not limited to, mechanical equipment, household furniture, containers, and similar items that may be detrimental to the well-being of a community when they are left in public view for an extended period of time or are allowed to accumulate.

2. The owners of occupied or vacant developed or undeveloped property within the Town, that has a structure and/or building, shall maintain the grass, weeds, etc., on their property at a height of not greater than twelve (12) inches from the ground. The owners of property that does not include a structure or building shall be required to maintain the grass, weeds, etc., of a height not greater than twelve (12) inches, and the owners shall be required to cut the grass at least twenty-five (25) feet from the edge of the street.

Whenever the Town deems it necessary, after reasonable notice, the Town may have such grass or weeds cut by its agents or employees, in which event the cost and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the Town as taxes are collected. The provisions of this Section shall not be applicable to land for or in active farming operation or zoned for agricultural use.

4. Every charge authorized by this Section with which the owner of a 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 real estate taxes.

5. Violations of this Section shall be subject to a civil penalty, not to exceed fifty dollars (\$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, or the same instance, within twelve (12) months of the first violation shall not exceed two-hundred dollars (\$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 three-thousand dollars (\$3,000.00) in a twelve (12) month period, or, in the case of property that is zoned or utilized for industrial or commercial purposes, no more than six-thousand dollars (\$6,000.00) in a twelve (12) month period.

Sec. _____. Authority to restrict keeping of inoperable motor vehicles, etc., on residential or commercial property; removal of such vehicles.

1. It shall be unlawful for any person to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property zoned for residential or commercial purposes within the Town, any motor vehicle, trailer, or semitrailer, which is inoperable. For owners with more than one inoperable vehicle, only one inoperable vehicle may be kept outside of a fully enclosed building or structure, only if it is shielded or screened from view, either by solid planting or fence.

2. As used in this Section, an “inoperable motor vehicle” can be defined as one of the following: (i) any motor vehicle which is not in operating condition; (ii) any motor vehicle, which for a period of sixty (60) days or longer, has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle; or (iii) any motor vehicle on which there are displayed neither valid license plates nor a valid inspection decal.

3. The Town may require, upon reasonable notice, that the owners of property zoned for residential or commercial purposes remove any inoperable motor vehicles, trailers, or semi-trailers that are in violation of this Section. The Town, through its agents or employees, may remove the inoperable motor vehicle whenever the owner of the premises, after reasonable notice has been provided, has failed to do so. In the event the Town removes the inoperable vehicle, after having given such reasonable notice, it may dispose of the vehicle after giving additional notice to the owner of the premises. The cost of the removal and disposal may be charged to

either the owner of the inoperable vehicle or the owner of the premises, and the cost may be collected by the Town as taxes are collected. Every cost authorized by this Section shall constitute a lien against the property from which the inoperable vehicle was removed.

Sec. ____ Authority to require removal, repair, etc., of buildings and other structures.

1. It shall be unlawful to maintain or permit the existence of any dangerous building within the corporate limits of the Town, and it shall be unlawful for the owner, occupant, or person in custody of any dangerous building to permit that the structure or building remain in a dangerous condition which might endanger the public health or safety of other residents of the Town.

For the purpose of this Section, "dangerous building," includes any building, shed, fence, or other manmade structure which is (i) dangerous to the public health or safety because of its conditions and which will cause or aid in the injury to the health of the occupants or the neighboring structures; (ii) shall cause or aid in the spread of disease, or injury to the health of the occupants of it or neighboring structures; (iii) is liable to fire or constitutes a fire hazard; (iv) is liable to cause injury or damage by collapsing; or (v) lacks windows or doors and is available to and frequented by individuals who are not lawful occupants.

2. The Town, through its own agents or employees may remove, repair, or secure any building, wall, or any other structure that might endanger the public health or safety of other residents of such locality, if the owner of such property, after reasonable notice and a reasonable time to do so, has failed to remove, repair, or secure the dangerous building, wall, or other structure. For purposes of this Section, repair may include maintenance work to the exterior of a building to prevent deterioration of the building or adjacent buildings.

For the purposes of this Section, reasonable notice includes a written notice mailed by certified mail, return receipt requested, sent to the last known address of the property owner and published once a week for two successive weeks in a newspaper having general circulation in the Town. No action shall be taken by the Town to remove or repair a dangerous building for at least thirty (30) days following the later of the return of the receipt or the newspaper publication, except that the locality may take action to prevent unauthorized access to the building within seven (7) days of such notice if the structure is deemed to pose a significant threat to public safety.

3. If the Town, through its agents or employees, removes, repairs, or secures any dangerous building or wall, after complying with the notice provisions of this Section, the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the Town as taxes are collected.

4. Every charge authorized by this Section, with which the owner of any such property has been assessed and that remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local real estate taxes and are enforceable in the same manner as provided in Articles 3 and 4 of Chapter 39 of Title 58.1 of the Code of Virginia.

5. Notwithstanding the foregoing, with the written consent of the property owner, the Town may, through its agents or employees, demolish or remove a derelict, nonresidential dangerous building or structure provided that such building or structure is neither located within on

determined to be a contributing property within a state or local historic district, nor individually designated in the Virginia Landmarks Register. The property owner's written consent shall identify whether the property is subject to a first lien evidenced by a recorded deed of trust or mortgage and, if so, shall document the property owner's best reasonable efforts to obtain the consent of the first lienholder. The costs of such demolition or removal shall constitute a lien against such property. In the event the consent of the first lienholder is obtained, such lien shall rank on a parity with liens for unpaid local taxes and be enforceable in the same manner as provided above. In the event the first lienholder's consent is not obtained, such lien shall be subordinate to the first but, otherwise, still recoverable.

6. In addition to the remedies outlined in this Ordinance, the Town may prescribe a civil penalty, not to exceed a total of one-thousand dollars (\$1,000.00), for each violation of this Section.