

ORDINANCE NO. 22-03

ORDINANCE NO. 22-03 PROHIBITS TALL GRASS AND WEEDS AND REQUIRES THE REMOVAL OF GARBAGE, TRASH REFUSE AND CLUTTER; IT AUTHORIZES THE CUTTING OF TALL GRASS AND WEEDS AND REMOVAL GARBAGE, TRASH, REFUSE AND CLUTTER BY THE TOWN AFTER NOTICE TO THE PROPERTY OWNER; THE PROPERTY OWNER IS RESPONSIBLE FOR THE COST AND EXPENSE AND SUCH MAY BE COLLECTED AS TAXES ARE COLLECTED OR RECORDED AS A LIEN AGAINST THE PROPERTY. ORDINANCE NO. 22-03 IS AUTHORIZED BY THE GRANT OF AUTHORITY CONTAINED IN VA. CODE § 15.2-901.

BE IT ORDAINED by the Urbanna Town Council that Chapter 6, “Garbage, Refuse and Weeds,” be amended to read in its entirety as follow:

“Section 6-1. Prohibited disposal of garbage, trash, etc.

It shall be unlawful for any person to dispose of any garbage, trash, junk or waste of any kind or description upon any street, sidewalk or public place in the town other than at a public dumping ground designated as such by the town council, or upon the property of another without the knowledge and consent of the owner or occupant of such property, or in any well, cistem spring or watercourse within the town.

Section 6-2. Duty of owners, etc., of premises-To remove prohibited wastes, etc.

It shall be unlawful for owners, occupants and persons in charge of lots and premises within the town not to remove therefrom any and all trash, garbage, refuse, litter and other substances and liquids which might endanger the health or safety of persons or constitute a menace toward starting or spreading fire, or afford a breeding place for insects, rodents or reptiles.

Section 6-3. ~~Maximum height of weeds, grass, etc.~~ Removal of trash, clutter, cutting of grass and weeds.

~~It shall be unlawful for any owner, lessee or occupant, or the agent, representative or employee of any owner, lessee or occupant, having control of any lot or parcel of land within the town, whether developed or undeveloped subdivided or not subdivided, to allow, permit or maintain any growth of weeds, grass or other natural growth thereon which exceeds an average of twelve (12) inches from the general level of the ground. Bona fide agricultural land, wooded parcels of land, marsh land and land not visible from any public street or private right of way are exempt from this section.~~

- A. It shall be unlawful for a property owner to have trash, garbage, refuse, litter, clutter, except on land zoned for or in active farming operation, and other substances that might endanger the health or safety of other residents of the Town on his/her property. For purposes of this section, "clutter" includes 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 or are allowed to accumulate. Clutter is further defined miscellaneous items, including but not limited to trash, appliances or furniture that are scattered in and about a yard and/or on a porch; a disordered collection of items in a yard or on a porch or up against an accessory structure; items that collect water, are rusted, inoperable or no longer usable. Examples of clutter are:





B. Trash, garbage, refuse, litter, clutter, except on land zoned for or in active farming operation, and other debris shall be disposed of in personally owned or privately owned receptacles that are provided for such use and for the use of the persons disposing of such matter or in authorized facilities provided for such purpose and in no other manner not authorized by law.

C. Upon notice from the Town by letter to a property owner, mailed by first class mail, to the property address and any such other address provided by the property owner for the purpose of receiving tax bills, the property owner shall promptly remove any and all trash, garbage, refuse, litter, clutter, except on land

zoned for or in active farming operation, and other substances that might endanger the health or safety of other residents of the Town.

D. If a property owner does not promptly remove any and all trash, garbage, refuse, litter, clutter and other substances that might endanger the health or safety of other residents of the Town within seven (7) days of the date of the notice, the Town may have such trash, garbage, refuse, litter, clutter and other like substances, removed by its own agents or employees, in which event the cost and/or expenses shall be chargeable to and paid by the property owner and may be collected as taxes are collected.

E. The owners of occupied or vacant developed or undeveloped property, including such property upon which buildings or other improvements are located, shall keep the grass, weeds and other foreign growth, including running bamboo, on the property, or any part thereof, cut. No grass, weeds and other foreign growth, including running bamboo shall exceed twelve (12) inches in height.

F. Upon one notice per growing season, by letter from the Town, to a property owner, mailed by first class mail to the property address and any such other address provided by the property owner for the purpose of receiving tax bills, the property owner shall promptly cut the grass, weeds and other foreign growth, including running bamboo, on the property, or any part thereof remove any and all trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of the Town.

G. If a property owner does not promptly cut the grass, weeds and other foreign growth, including running bamboo, on the property, or any part thereof remove any and all trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of the Town within seven (7) days of the date of the notice, the Town may have such grass, weeds and other foreign growth, including running bamboo, on the property, or any part thereof, cut and removed by its own agents or employees, in which event the cost and/or expenses shall be chargeable to and paid by the property owner and may be collected as taxes are collected.

H. 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 real estate taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia, 1950, as amended. At the option of the Town of Urbanna, a lien may be waived in order to facilitate the sale of the property 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.

Section 6-4. Clearance of sidewalk or street and overhanging shrubs or trees.

It shall be unlawful for any owner, lessee or occupant, or agent, representative or employee of any owner, lessee or occupant, having control of any lot or parcel of land within the town to allow or permit any part of any shrub or tree to overhang any sidewalk at a height of less than eight (8) feet or to overhang any street or alley at a height of less than fourteen (14) feet.

Section 6-5. Reserved.

Section. 6-6. Same-Lien created for charges incurred by town.

Every charge authorized by this chapter with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property.”

This Ordinance shall take effect upon adoption.