AN ORDINANCE FOR THE TOWN OF STANARDSVILLE TO PROVIDE FOR ABATEMENT OR REMOVAL OF NUISANCES

Whereas, the accumulation of any and all trash, garbage, refuse, litter, clutter or other noxious substances, or the overgrowth of any and all grass, weeds or other vegetation can constitute a nuisance which might endanger the health, safety or welfare of the Town or Town residents;

NOW BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF STANARDSVILLE, VIRGINIA, AS FOLLOWS:

1. Removal or Disposal of Trash

A. Duty of Property Owners. It shall be the duty of all owners of real property located within the Town to keep such property free of any and all trash, garbage, refuse, litter, clutter or other noxious substances which might endanger the health or safety of other residents of the Town. the health, safety or welfare of the Town or Town residents.

B. Disposal of Trash. Residents of the Town shall dispose of trash, garbage, refuse, litter and other debris in personally owned or privately owned receptacles that are designed and provided for such use, and in no other manner not authorized by law. Trash receptacles shall be kept on private property at least 5' away from property lines and shall not be placed along a street more than 24 hours before the scheduled day of pick-up by a trash collection service.

C. Removal of Trash. Whenever the owner of any property permits the accumulation of trash, garbage, refuse, litter or other substances which might endanger the health, safety or welfare of the Town or Town residents, the Town Administrator may, as agent for the Town Council, may notify the owner in writing that such trash, garbage, refuse, litter or other substances must be removed within a reasonable time period. If the owner does not remove such trash, garbage, refuse, litter or other substances within the time period specified, the Town Administrator may have such materials removed by designated agents or employees of the Town.

2. Cutting of Grass and Weeds

A. Duty to Keep Grass, Weeds and Other Vegetation Cut and Trimmed. The owner of occupied, vacant or undeveloped property located within the Town, including property upon which buildings or other improvements are located, shall keep the grass, weeds or other vegetation on such property or any part thereof cut and trimmed. Grass shall be kept mown so as not to exceed 6" in height. Weeks, shrubs and bushes shall be kept trimmed so as not to encroach upon or obstruct any sidewalk, street, alley, or accessway relied upon to reach an adjacent property.

B. Cutting of Grass, Weeds and Other Vegetation. If a property owner fails to maintain the grass, weeds or vegetation on their property in a cut and trim condition, the Town Administrator,

as agent for the Town Council, may notify the owner in writing that such grass, weeds or vegetation must be cut or trimmed within a time period specified. If the owner fails to do so, the Town Administrator may have such grass, weeds or vegetation cut, trimmed and removed from the property by designated agents or employees of the Town. One written notice per year to the owner of record of the subject property shall be considered reasonable notice and no further subsequent notices will be required prior to action by the Town Administrator.

3. Civil Penalties

A. Civil Penalty. Violations of this ordinance shall be subject to a civil penalty, not to exceed $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 within 12 months of the first violation shall not exceed $100.00 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 $3,000 in a 12-month period or, in the case of property that is zoned or utilized for industrial or commercial purposes, $6,000 in a 12-month period. Any civil fines levied shall be in addition to any costs incurred by the Town for abatement of any nuisance and charged to a property owner.

B. Notice of Penalty. The Town Administrator, after having provided written notice to a property owner to remove trash, garbage, refuse, litter or other substances, or to cut and trim such grass, weeds or vegetation, finds that such action has not been taken by the property owner within the reasonable time period set forth in the written notice, then the Town Administrator may assess a civil penalty as provided for against the owner by notifying the owner in writing of such penalty. Any civil penalty thus assessed shall be due payable to the Town of Stanardsville within 30 days.

4. Charges and Penalties to Constitute Lien Against Property

A. Costs Charged to Property Owner. Whenever, after notice to a property owner and the expiration of the time period provided in such notice for the property owner to take action, designated agents or employees of the Town have taken action to remove trash, garbage, refuse, litter or other substances from a property, or to have grass, weeds or vegetation cut, trimmed and removed from the property, the cost and expenses incurred by the Town in taking such action shall be chargeable to and paid by the owner of such property and may be collected by the locality as taxes are collected.

B. Lien Against Property. Any costs, charges or penalties authorized by this ordinance that have been assessed against the owner of any property which remain unpaid shall constitute a lien against such property, with the same priority as unpaid taxes and shall be enforceable in accordance with Articles 3 and 4 of chapter 39 of Title 58.1 of the Code of Virginia.

C. Waiver of Lien. The Town Council may, at its discretion, choose to waive such liens in order to facilitate the sale of property to a purchaser who is unrelated to the owner and 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.

5. Administration and Enforcement

A. Authority to Administer and Enforce. The Town Administrator, or where no Town Administrator has been appointed, the Town Clerk or other official or agent designated by Town Council shall have the full authority to administer, implement and enforce this ordinance and its provisions.

WHEREOF, the undersigned hereby certifies the following:

This Ordinance was approved and adopted by the Town Council of the Town of Stanardsville on the _____ day of _____ 2024.

By: _____
Michael Payne, Mayor

Date: _____

ATTEST:

By: _____
Michael Wolkowicz, Town Clerk

Date: _____

RECORD OF VOTE:

Council Member	Present	Aye	Nay	Abstain
Richard N. Early	___	___	___	___
Kevin A. Kelley	___	___	___	___
Doris R. Swenson	___	___	___	___
_____	___	___	___	___
Tie breaker only:				
Michael Payne, Mayor	___	___	___	___