

TOWN OF ONLEY, VIRGINIA
ORDINANCE REGULATING THE ACCUMULATION OF TRASH, GARBAGE,
ETC.; GRASS, WEEDS AND OTHER FOREIGN GROWTH

Ordinance No. 004-06
August 2006

WHEREAS, the Town Council of the Town of Onley desire to promote the public safety, health, and welfare of the residents of the Town of Onley, and

WHEREAS, it is declared to be in the public interest to regulate and restrict the accumulation of trash, garbage, grass, weeds, and foreign growth within the Town of Onley,

WHEREAS, under the authority of § 15.2 – 901 of the Code of Virginia, the Town of Onley may enact ordinances for removal or disposal of trash, cutting of grass and weeds, and may establish a penalty for violations of such ordinances; and

WHEREAS, the Town Council of the Town of Onley hereby repeals an ordinance of February 2, 1981 entitled, “Trash, Weed, etc. Ordinance for the Town of Onley, Virginia”, p. 73-74 and repeals an unnamed ordinance dated September 4, 1958, p. 12, also addressing weeds and grass;

BE IT THEREFORE ORDAINED, by the Town Council of the Town of Onley that the following provisions be enacted regulating and restricting the accumulation of trash, garbage, grass weeds, and foreign growth within the Town of Onley.

***State law reference:**

Locality may provide for removal or disposal of trash, cutting of grass and weeds, Code of Virginia, § 15.2 – 901.

Sec. 1. Enabling authority.

Sec. 2. General duty to remove.

Sec. 3. Notice to remove.

Sec. 4. Removal by town.

Sec. 5. Penalty.

Sec. 6. Effective date.

Sec. 1. Authority for ordinance.

This ordinance is enacted pursuant to authority contained in Code of Virginia, § 15.2-901.

Sec. 2. General duty to remove.

(a) No putrescible waste shall be permitted to remain on any premises in the town for a period exceeding one week. It shall be the duty of each owner, occupant or person in

charge of any real property in the town to maintain such property at all times free from any accumulation of trash, litter, refuse, rubbish or other waste matter, whether liquid or solid, which might endanger the health or safety of residents of the town or otherwise constitute a nuisance, and shall cut or remove grass, weeds and other foreign growth on such property as often as may be necessary to prevent breeding and harboring places for insects, reptiles and rodents and prevent nuisances and other hazards to the health or safety of residents of the town.

(b) The growth of grass, weeds and the like in excess of seven inches in height shall be *prima facie* evidence of a violation of this section.

Sec. 3. Notice to remove.

(a) The town council or its designee may at any time, and upon complaint by any responsible person that conditions exist on any property in violation of this ordinance, shall investigate conditions existing on such property. Upon determination, following investigation, that the owner, occupant or person in charge of the property is in violation of this ordinance, the council or its designee shall give reasonable notice to the owner of record of such property and to the person primarily responsible, if different from the owner and if known, stating the facts which constitute the violation and directing such person to take such action as may be necessary to rectify the conditions within ten days.

(b) The notice required by this section shall be by certified or registered mail to the last known address, or by hand delivery by any police officer or other person designated by the council, to the owner of the property, the person violating this ordinance or the person responsible for such violation. The notice shall be substantially in the following form:

**NOTICE TO REMOVE TRASH, GARBAGE, REFUSE, LITTER
AND OTHER SUBSTANCES
CUT GRASS, WEEDS AND FOREIGN GROWTH**

To: _____ (owner of property)

At: _____ (location of property)

Pursuant to Code of Virginia, § 15.2-901, and Ordinance No. 004-06 of the Town of Onley you are hereby notified to remove, within ten days of the date of this notice, all trash, garbage, refuse, litter and other substances that endanger the health or safety of other residents of the town; and upon your failure so to do the town, its agents or employees, will remove such trash, garbage, refuse, litter and other like substances, and 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 and levies are collected.

You are hereby notified to cut the grass, weeds and other foreign growth on your property within ten days of the date of this notice; and upon your failure so to do the town, its agents or employees, will cut such grass, weeds and other foreign growth, and 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 and levies are collected.

Sec. 4. Removal by town.

(a) If, after the service of notice pursuant to this ordinance, the directive thereof has not been complied with within the prescribed time, the officer giving the notice shall proceed to have such work done as may be necessary to abate any condition which might endanger the health or safety of residents of the town or otherwise constitute a nuisance, and all expenses resulting therefrom shall be chargeable to and paid by the owner of the property and may be collected by the town as taxes and levies are collected. All charges not so collected shall constitute a lien against the property.

(b) Where the owner or other person primarily responsible continues to fail to perform his duty as prescribed by this ordinance, the town may proceed under this section and additional notices shall not be required.

(c) Work done by the town pursuant to this section shall be done at the rate of pay fixed by the council and the council may, by resolution from time to time, amend and alter the rate to conform with the cost to the town for the work.

Sec. 5. Penalty.

Any person violating the provisions of this ordinance shall be subject to a civil penalty, not to exceed \$50 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 \$200. 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.

Sec. 6. Effective date.

This ordinance shall repeal ordinances of September 4, 1958 (unnamed) and February 2, 1981 entitled, "Trash, Weed, etc. Ordinance for the Town of Onley, Virginia". Further, this ordinance shall become effective upon passage.


John Willis Kellam, Mayor

Attest:


Elizabeth Bell, Town Clerk

I certify that the foregoing is a true copy of an ordinance adopted on 9/6/06 by the Onley Town Council.


Elizabeth Bell, Town Clerk