

ORDINANCE NO. 2017- 004-17

**PROPERTY MAINTENANCE ORDINANCE OF ONLEY, VIRGINIA**

A public hearing was held on November 6, 2017, at 6:30 p.m. in the Onley Baptist Church located at 25501 West Main Street in Onley, Virginia to consider enacting Ordinance No. 2017-004 entitled, "Property Maintenance Ordinance of Onley, Virginia" as follows:

**Section 1 - Created.**

Pursuant to the provisions of Sections 15.2-901, 15.2-904 and 15.2-906 of the Code of Virginia (1950) as amended, a property maintenance ordinance is created for the purpose of promoting the health, safety, or general welfare of the public.

**Section 2 - Definitions.**

For the purpose of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (a) *Trash* means all waste materials, refuse, garbage, litter, rubbish and the like, including but not limited to bottles, glass, crockery, cans, scrap metal, paper, plastic, rubber, tires, garbage, construction debris, the remains of burned buildings and mobile homes, the remains of partially dismantled mobile homes, etc..., and unused household appliances or junked furniture, and any substance which might endanger the life, health, or safety of any resident of the County.
- (b) *Refuse* means litter, solid wastes, garbage, trash, rubbish and the like.
- (c) *Construction Debris* means all materials from demolition that are placed on the ground with no intent or ability to recycle.
- (d) *Yard Debris* means branches and shrubs suitable for disposal in a chipper, brush, cuttings and twigs, leaves, grass clippings and miscellaneous organic material resulting from yard maintenance.

**Section 3 - Removal, disposal of trash and garbage.**

It shall be unlawful for the owner of any parcel or property, occupied or vacant, to allow the accumulation of Trash on any parcel or property. The owner of any parcel or property shall maintain all exterior property areas in a clean, safe condition free from the accumulation of trash, garbage, refuse, litter, scrap metal or wood, construction debris, unused household appliances or junked furniture, yard debris, and any substance which might endanger the life, health or safety of any resident of the Town of Onley. The property to be kept free of litter shall include, but not be restricted to, sidewalks, alleys and driveways; yards and grounds; fences, walls and property lines; drainage ditches and catch basins.

**Section 4 - Exemptions.**

The following are exempt from this ordinance:

(a) Farm equipment, farm machinery and farm implements, or remnants of farm equipment, farm machinery and farm implements; and licensed and permitted businesses regularly engaged in the business as an automobile dealer, salvage dealer, scrap processor, or recycler.

**Section 5 - Report of Violation.**

Any person aggrieved by the presence of the accumulation of trash in violation of Section 3 may report such presence to the Onley Town Hall.

**Section 6 - Inspection of site of violation; notice to remove trash.**

Upon a receipt of a report as referred to in Section 5, the enforcement agent shall cause the site of the reported violation to be inspected pursuant to applicable constitutional and statutory provisions. When the enforcement agent has determined from such reports and inspections or otherwise that a violation in fact exists, he shall notify the owner of the parcel or property upon which the violation exists to remove the accumulation of trash, within thirty (30) calendar days of the delivery, mailing or posting of the notice. Such notice shall be in writing, shall be delivered by hand or by certified mail, return receipt requested, to the owner's address as it appears in the records of the Commissioner of Revenue, the Clerk of Circuit Court or the Treasurer, and shall be complied with by such owner.

The owner of the parcel violating this Ordinance, may request additional time to bring his/her/its property into compliance by entering into an agreement with the Town of Onley outlining a plan to resolve the violation or violations on the owner's parcel; the plan shall provide specific actions to be taken on or prior to specific dates and if those actions are not taken on or before the specified dates then the owner shall be in violation of this Ordinance.

**Section 7 - Performance of work by Town; collection of costs.**

If the accumulation of trash is not removed from the owner's parcel or property within the required time as provided for in the notice under Section 6 or if the written notice is undeliverable, the enforcement agent shall cause the trash to be removed, and the abatement costs and expense thereof to be assessed against the owner of such property. The assessment shall be collected by the Town as taxes and levies are collected. Every charge for removal of trash which the owner of any property shall have been assessed and which remains unpaid shall constitute an lien against such property on parity with liens for unpaid taxes.

**Section 8 - Penalty.**

If after receipt of the written notice from the Town or its enforcement agent, the owner of the parcel or property refuses or neglects to abate, correct or eliminate the condition as required, such individual or entity shall be subject to a civil penalty of one-hundred dollars (\$100.00) 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 twelve (12) months of the first violation shall be three-hundred (\$300.00). Each calendar day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of 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. All fines assessed from violations of this Ordinance shall be paid into the general fund of the Town of Onley.

**Section 9 - Appeal Process.**

Any aggrieved party may appeal the decision of the Zoning Administrator to the Board of Zoning Appeals.

**Section 10 - Severability.**

If any section, subsection, clause or other portion of this ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this ordinance.

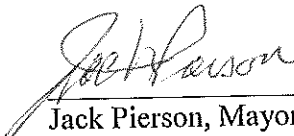
**Section 11 - Effective Date.**

That this Ordinance shall be in full force and effect and shall apply in the Town of Onley on and after the passage as provided by law.

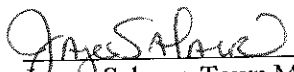
**Section 12 - Ordinance Approval.**

This Ordinance was duly considered following the required public hearing held on November 6, 2017; Melvin T. Bliss made a motion to approve this Ordinance; the motion was seconded by Ned Finney, and this ordinance was adopted by the Onley Town Council. This Ordinance shall become effective on 12:01 a.m. on November 6, 2017. The Town Council voted in the following manner:


|        |            |
|--------|------------|
| Hart   | <u>Yes</u> |
| Zember | <u>Yes</u> |
| Dize   | <u>Yes</u> |
| Rillo  | <u>Yes</u> |
| Bliss  | <u>Yes</u> |
| Finney | <u>Yes</u> |

  
\_\_\_\_\_  
Jack Pierson, Mayor

Attest:

  
\_\_\_\_\_  
Jame Salazar, Town Manager

I certify that the foregoing is a true copy of an ordinance adopted on 6 day of November 2017, by the Onley Town Council.

  
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Jame Salazar, Town Manager