

TOWN OF ONLEY, VIRGINIA
ORDINANCE REGULATING THE ABATEMENT AND REMOVAL OF
NUISANCES
Ordinance No. 004-10
February 8, 2011

WHEREAS, the Town Council of the Town of Onley desires 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, covering, and removal of offensive, unwholesome, unsanitary or unhealthy substances within the Town of Onley, and

WHEREAS, under the authority of § 15.2 – 1115 of the Code of Virginia, the Town of Onley may enact ordinances for abatement or removal of all nuisances, including, but not limited to the removal of snow from sidewalks, the covering or removal of offensive, unwholesome, unsanitary or unhealthy substances allowed to accumulate in or on any place or premises, the filling in to the street level, fencing or protection by other means of the portion of any lot adjacent to a street where the difference in level between the lot and the street constitutes a danger to life and limb and the raising or draining of grounds subject to be covered by stagnant water;

BE IT THEREFORE ORDAINED, by the Town Council of the Town of Onley that the following provisions be enacted regulating the abatement and removal of nuisances within the Town of Onley.

***State law reference:**

Locality may provide for abatement or removal of nuisances, Code of Virginia, § 15.2 – 1115.

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, § 15.2-1115.

Sec. 2. Abatement or removal generally.

The town council or its designee shall compel the abatement or removal of all nuisances, including, but not limited to, the removal of snow, debris, dirt, refuse, grass, weeds from sidewalks, curbs, and the same as blows into the streets; the covering or removal of offensive, unwholesome, unsanitary or unhealthy substances allowed to accumulate in or on any place or premises; and/or the filling in to the street level, fencing or protection by other means of the portion of any lot adjacent to a street where the difference in level between the lot and the street constitutes a danger to life and limb and the raising or draining of grounds.

Sec. 3. Notice to remove.

If, after such reasonable notice as the council may prescribe, the owner or occupant of the property or premises affected by the provisions of this Ordinance shall fail to abate or obviate the condition or nuisance, the town may do so and charge and collect the cost thereof from the owner or occupant of the property affected in any manner provided by law for the collection of state or local taxes.

Sec. 4. Removal by town.


If, after the service of notice pursuant to this ordinance, the directive thereof has not been complied with within the prescribed time, the official 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.

Sec. 5. Penalty.

Except as otherwise provided in this Code or other ordinances of the town, it shall be unlawful and a class 4 misdemeanor for any person to cause, create, allow, permit or maintain, upon any premises in the town in his possession or under his control, any public nuisance, or any condition which is injurious to the public health or morals or which endangers the life or property of others.

Sec. 6. Effective date.

This ordinance shall become effective upon passage this 7th date of February, 2011.


Billye D. Custis, Mayor