

Ordinance #002-25
Property Maintenance Ordinance
Town of Onley, Virginia

A public hearing was held on November 3, 2025, at 6:00pm in the Onley Town Office located at 25308 Lankford Highway, Onley, Virginia, to consider enacting Ordinance No. 002-25 entitled, “Property Maintenance Ordinance, Town of Onley, Virginia” as follows:

Section 1. Purpose

The Town Council of the Town of Onley finds that the accumulation of trash, garbage, yard debris, grass, weeds, and other foreign growth presents a risk to public health, safety, and welfare. This Ordinance is enacted pursuant to Virginia Code §§ 15.2-901, 15.2-904, and 15.2-906 to promote the health, safety, and welfare of Onley residents and regulate property maintenance.

Section 2. Definitions

For purposes of this Ordinance:

- (a) **Trash** – 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, construction debris, the remains of burned or partially dismantled buildings or mobile homes, unused household appliances, and junked furniture.
- (b) **Refuse** – Litter, solid waste, garbage, trash, or rubbish.
- (c) **Construction Debris** – Materials from demolition or construction placed on the ground with no intent or ability to recycle.
- (d) **Yard Debris** – Branches, shrubs, brush, cuttings, twigs, leaves, grass clippings, and other organic material from yard maintenance.
- (e) **Foreign Growth** – Weeds, vines, or other plants that are overgrown or uncontrolled on property.

Section 3. General Duty to Maintain Property

All property owners, occupants, or persons in charge of real property shall:

1. Maintain exterior property areas in a clean, safe condition free from trash, refuse, litter, scrap metal, construction debris, unused appliances, junk furniture, and yard debris.

2. Cut or remove grass, weeds, or other foreign growth to prevent breeding or harboring places for insects, reptiles, rodents, or other hazards. Grass or weeds exceeding **seven (7) inches** shall constitute prima facie evidence of a violation.

Section 4. Exemptions

This Ordinance does not apply to:

- (a) Farm equipment, farm machinery, or farm implements.
- (b) Licensed and permitted businesses engaged as automobile dealers, salvage dealers, scrap processors, or recyclers.
- (c) Existing wooded lots and hedgerows.

Section 5. Reporting Violations

Any resident may report violations of this Ordinance to the Onley Town Office. Reports should include a description of the violation, property location, and, if available, photographs.

Section 6. Inspections and Notice

Upon complaint or observation, the Town's Zoning Administrator shall inspect the property. If a violation exists, the property owner shall receive written notice via certified mail or hand delivery specifying the violation and directing compliance within thirty (30) days following the receipt of written notice.

- **Grass and weed violations are governed exclusively by Section 7.**
- All other property maintenance violations (trash, debris, unsafe structures, etc.) shall follow the notice and enforcement process outlined in Sections 6, 8, and 10.

Section 7. Grass and Weed Violations

(a) First Violation (within 12 months):

1. The Town shall send written notice by certified mail or hand delivery.
2. The owner has ten (10) calendar days to correct the violation.
3. If not corrected, the Town shall cut the grass or weeds at a cost of **\$100 per hour**, plus a **\$50 civil fine per lot**.
4. If Town employees are unable to safely or effectively cut the grass or weeds, the Town shall hire a contractor. The property owner is responsible for the \$50 fine per lot plus the contractor's actual costs.

(b) Second or Subsequent Violations (within 12 months):

1. The Town shall post a notice on the property (front door of a residence or a posted sign on vacant lots).
2. The owner has ten (10) calendar days to correct the violation.

3. If not corrected, the Town shall cut the grass or weeds at a cost of **\$100 per hour**, plus a **\$150 civil fine per lot**.
4. If Town employees are unable to safely or effectively cut the grass or weeds, the Town shall hire a contractor. The property owner is responsible for the \$150 fine per lot plus the contractor's actual costs.

Section 8. Unsafe Structures and Other Violations (Excluding Grass/Weeds)

In accordance with Virginia Code § 15.2-906:

1. The Town may require the removal, repair, or securing of any building, wall, or structure that poses a threat to public health or safety. The property owner will be notified of violation by certified mail or hand delivery.
2. Property owners shall have thirty (30) days from notice to correct the violation.
3. If the owner fails to comply, the Town may remove, repair, or secure the structure using Town employees or contractors.
4. All costs, including labor, equipment, administrative fees, and contractor charges, shall be billed to the property owner.
5. Failure to pay shall result in the costs being collected as taxes are collected.

Section 9. Abatement Costs and Liens

If the Town performs work to correct a violation, all associated costs shall be assessed against the property owner. Unpaid charges shall constitute a lien on the property and may be collected as taxes and levies are collected.

Section 10. Civil Penalties

1. **First violation (excluding grass/weeds):** \$100.
2. **Subsequent violations (not arising from the same facts within 12 months):** \$300.
3. Each calendar day a violation continues constitutes a separate offense.
4. Total penalties for violations arising from the same facts shall not exceed **\$3,000 in a 12-month period**.
5. Grass and weed violations are subject exclusively to Section 7.
6. All fines are payable to the Town's General Fund.

Section 11. Appeals

1. **Property Maintenance Violations** – Any aggrieved party may appeal a notice, fine, or enforcement action under this ordinance to the **Onley Town Council** within thirty (30) days of receipt of notice.
2. **Zoning Determinations** – Any matter that is determined by an approval or denial by the zoning administrator may be appealed to the Board of Zoning Appeals for a period of 30 days following the denial of any zoning request. The decision becomes final after the

expiration of the 30-day period. Appeals are permitted pursuant to VA CODE ANN. §15.2-2311.

3. If the matter is appealed, the cost of filing an appeal is \$500.00. Additional information may be obtained regarding the filing of an appeal at <https://townofonley.org> under the 2022 Zoning Ordinance, pages 57-61. The filing fee for appeals is **\$500.00**.

Section 12. Severability

If any provision of this Ordinance is declared invalid or unconstitutional, the remaining provisions shall remain in full force and effect.

Section 13. Effective Date

This Ordinance shall take effect immediately upon adoption by the Town Council of Onley, Virginia.

Section 14. Repeal of Prior Ordinances

Ordinance No. 003-22 (2022) is hereby repealed.

I certify that the foregoing is a true copy of an ordinance adopted on the 3rd day of November 2025, by the Onley Town Council.



Henry E. Finney, Mayor

Attest:



Jamye L. Salazar, Clerk

VOTE:

yes Bloxom

yes Campbell

yes Corbin

yes Ferguson

yes Lang

yes Zember