

**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 Sections 15.2-901, 15.2-904, and 15.2-906 of the Code of Virginia to promote the public safety, health, 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 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, junked furniture, and yard debris.
2. Cut or remove grass, weeds, or other foreign growth to prevent breeding and harboring places for insects, reptiles, rodents, or other public 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 shall include a description of the violation, property location, and, if available, photographs.

### **Section 6. Inspection and Notice for Trash, Yard Debris, or Other Violations**

Upon a complaint or observation, the Town's enforcement agent shall inspect the property. If a violation exists, the property owner will receive written notice via certified mail or hand delivery specifying the violation and directing compliance within thirty (30) days. The owner may request additional time through a written plan approved by the Town.

### **Section 7. Grass and Weed Violation Enforcement**

#### **1. First Violation (within 12 months)**

- The Town shall send a certified letter notifying the property owner of the grass/weed violation.
- The owner has ten (10) calendar days to correct the violation.
- If not corrected within ten (10) days, the Town shall cut the grass or weeds at a cost of \$100 per hour, plus a \$50 civil fine **per lot**.

#### **2. Second or Subsequent Violations (within 12 months)**

- The Town will post a notice on the front door of the residence, or a posted sign on vacant lots, announcing a ten (10) day compliance period.
- If uncorrected, the Town shall cut the grass or weeds at a cost of \$100 per hour, plus a \$150 civil fine **per lot**.
- **If the property is in such disrepair that Town employees are unable to safely or effectively cut the grass or weeds, the Town shall hire an outside contractor to perform the work. The property owner shall be responsible for the \$100 civil fine per lot plus the total cost charged by the contractor for cutting the property.**

### **Section 8. Enforcement of Unsafe Structures and Other Violations (Excluding Grass/Weeds)**

- In accordance with Virginia Code § 15.2-906, the Town may require the removal, repair, or securing of any building, wall, or other structure that poses a threat to public health or safety.
- The Town shall provide the property owner with **reasonable notice** to correct the condition.
- If the owner fails to comply within thirty (30) days, the Town may remove, repair, or secure the structure using Town employees or contractors.
- **All costs incurred by the Town for such actions shall be charged to the property owner and may be collected as taxes are collected.**
- Property owners may appeal notices or fines to the Town Council **within thirty (30) days of receipt of notice.**
- Grass and weed violations are governed separately under Section 7.
- The Town may pursue all remedies allowed by law to collect fines, fees, or costs associated with enforcement of this ordinance.

### **Section 9. Abatement Costs and Liens**

If the Town performs work to correct any violation, the cost of removal or maintenance 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**

- First violation: \$100 (except as noted in Section 7 for grass/weed).
- Subsequent violations not arising from the same facts within twelve (12) months: \$300.
- Each calendar day a violation continues constitutes a separate offense.
- Total penalties for violations arising from the same facts may not exceed \$3,000 in a 12-month period.
- All fines are payable to the Town's general fund.

### **Section 11. Appeal Process**

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

### **Section 12. Severability**

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

### **Section 13. Effective Date**

This Ordinance shall be in full force and effect 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 3<sup>rd</sup> 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