

- **Sec. 24-4. - Accumulation of trash and cutting of grass and weeds; civil remedy for violation.**

(a) It shall be the duty of every owner of real property in the county to maintain such property at all times free from an accumulation of trash, garbage, refuse, litter, clutter, solid waste, and other substances that might endanger the health or safety of residents of the county. The determination of whether the health or safety of county residents is endangered by an accumulation of solid waste on specific property shall be made by the zoning administrator or their designee. For the purposes of this section, "clutter" includes mechanical equipment (including appliances), household furniture, containers, and similar items that may be detrimental to the well-being of a community when they are left in public view for an extended period or are allowed to accumulate.

(b) Trash, garbage, refuse, litter, clutter, and other debris shall be disposed of in personally owned or privately owned receptacles that are provided for such use and for the use of the persons disposing of such matter or in authorized facilities provided for such purpose and in no other manner not authorized by law.

(c) It shall be the duty of every owner of vacant developed or undeveloped real property to cut all weeds, grasses, and other foreign growth taller than 12 inches from the ground and maintain the plant growth level at 12 inches or less if such real property is not located within the corporate limits of any town and is located in an area zoned under the county zoning ordinance for residential, business, commercial or industrial use, or if the real property is located within the boundaries of a platted subdivision.

(d) The zoning administrator on their own initiative or upon written complaint by any county resident, that conditions exist on any real property in violation of this section, may send a county inspector to investigate conditions existing on real property in the county. Upon a determination by the inspector following the investigation that the owner of any real property in the county is in violation, the zoning administrator or their designee shall mail written notice by certified letter to the owner of record of the property and upon the persons primarily responsible for the breach of duty, if different from the owner. This notice shall state the facts which constitute a violation of this section, and shall direct the persons receiving notice to take such action as may be necessary to rectify such conditions within ten days from the posting date, or be responsible for the penalties imposed by this chapter.

(e) If ten business days after the service of any such notice the notice has not been complied with, then the county may proceed to have such work done by the county's agents or employees as may be necessary to abate any such condition. All expenses resulting therefrom shall be chargeable to and payable by the owner of such property and may be collected by the county by the same legal processes as the county may use to collect taxes and levies, and furthermore, all charges authorized by this section

with whom the owner and lien holder of any such property shall have been assessed and which remain unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in articles 3 and 4 of chapter 39 of title 58.1 of the Code of Virginia, as amended.

(f) Exceptions. The prohibitions in subsection (a) shall not apply to property approved as a junkyard or other similar use which has been issued appropriate legislative and ministerial approvals. The requirement to remove clutter under subsection (a) shall not apply to land zoned for or in active farming operation. The prohibitions in subsection (c) shall not apply to land zoned for farming operations, or in active agriculture, silviculture, or bona fide wildlife management operations.

(g) Civil penalties. The statute allows the ordinance to provide for 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.” The statute also allows for the ordinance to adopt a criminal penalty for repeated violations: “violations shall be a Class 3 misdemeanor in the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a rolling 24-month period.”

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