

ORDINANCE NO. 2016-01

PROPERTY MAINTENANCE ORDINANCE OF WYTHE COUNTY, VIRGINIA

A public hearing was held on Tuesday, May 10, 2016, at 7:05 p.m. in the Board Room of the Wythe County Office Building, 340 South Sixth Street, Wytheville, Virginia to consider enacting Ordinance Number 2016-01, entitled, "Property Maintenance Ordinance of Wythe County, 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, 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.

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, unused household appliances or junked furniture, and any substance which might endanger the life, health or safety of any resident of the County. 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 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 County Administration offices.

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 Wythe County 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.

The owner of the parcel shall take all materials to the Wythe-Bland Solid Waste Transfer Station located on Kents Lane, Wytheville, Virginia.

Section 7—Performance of work by county; 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 county 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 a lien against such property on parity with liens for unpaid taxes.

Section 8—Penalty.

If after receipt of the written notice from the county 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 not to exceed 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 not exceed three hundred dollars (\$300.00). Each calendar day during which the same violation is found to have existed shall constitute a separate offence. 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 month period. All fines assessed from violations of this Ordinance shall be paid into the general fund of Wythe County.

Section 9—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 Wythe County on and after passage as provided by law.

Section 10 – Appeal Process

Any aggrieved party may appeal the decision of the Administrator to the appropriate court,

Section 11 - Ordinance Approval.

This ordinance was duly considered following the required public hearing held on Tuesday, May 10, 2016; _____ made a motion to approve this ordinance; the motion was seconded by _____, and this ordinance was adopted by the Board of Supervisors of Wythe County, Virginia. This ordinance shall become effective on 12:01 a.m. on _____, 20___. The Board of Supervisors voted in the following manner:

<u>Name</u>	<u>For</u>	<u>Against</u>	<u>Absent</u>
Joe E. Hale			
Charlie G. Lester			
B.G. Horney, Jr.			
Gary M. Houseman			
Steven T. Willis			
Coy L. McRoberts			
Tim A. Reeves			

I certify that this is a true and correct copy taken from the _____, 20__ minutes of the Wythe County Board of Supervisors meeting.

R. Cellell Dalton, Clerk