

WEEDS AND DEBRIS

Chapter 118**WEEDS AND DEBRIS**

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[HISTORY: Adopted by the Council of the Town of Middleburg Ch. 5, Art. III, Sec. 29, of the 1961 Code. Section 118-2 amended at time of adoption of Code. Amended in its entirety 09/13/12.]

§ 118-1 Purpose; Legislative Authority

This Chapter is enacted for the purpose of securing and promoting the health, safety and general welfare of the people of the Town, as allowed under Virginia Code Section 15.2-901.

§ 118-2 Prohibited growth

The owner of any undeveloped or developed property, whether occupied or vacant, shall not permit grass, weeds or other foreign growth on such property or any part thereon to exceed ten (10) inches in height, excluding ornamental grasses, flowers, trees or shrubs or for plantings associated with a bio-pond as shown on a landscaping plan as approved by the Streetscape Committee.

§ 118-3 Accumulation of trash and debris

It shall be unlawful for any owner or occupant of property located within the corporate limits of the town to allow garbage, ashes, trash, rubbish or any other refuse to accumulate on such premises in an offensive or unsanitary manner.

§ 118-4 Abatement

Upon determining that an owner or occupant of a property is creating, maintaining or permitting growth on the property in violation of Section 118-2 and/or the accumulation of trash and debris in violation of Section 118-3 of this Chapter, the Town Administrator, or designee, shall issue written notice to the owner of said property requiring the cutting of the growth and/or the removal of the debris within fourteen (14) calendar days. Such notice shall be sent by certified mail to the last known address of the owner or occupant.

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§ 118-5 Failure to comply; costs of removal by Town

If the owner of the property notified under Section 118-3 fails, refuses or neglects to comply with the notice within the time allowed, the Town Administrator, or designee, shall cause the growth to be cut or the debris removed by its agents or employees, with all costs and expenses being charged to the property owner. Every charge authorized by this Chapter with which the property owner has been assessed shall be collected in the same manner as taxes are collected.

§ 118-6 Collection of Unpaid Charges; Liens

Every charge authorized by this Chapter with which the property owner has been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes; and, shall be enforceable in the same manner as provided in Virginia Code Sections 58.1-3940 and 58.1-3965, et seq. In the event of the sale of said property, the Town Treasurer may waive such lien in order to facilitate the sale of the property. Such waiver shall only occur if the purchaser is unrelated by blood or marriage to the owner and has no business association with the owner. In the event the lien is waived under this provision, the lien shall remain a personal obligation of the property owner at the time the lien was imposed.

§ 118-7 Violations

- A. Violations of this Chapter shall be punishable as identified below. Each business day in which the same violation is found to exist shall constitute a separate offense. In no event shall the fines for a series of specified violations arising from the same set of operative facts result in civil penalties exceeding a total of three thousand dollars (\$3,000) in a twelve month period.
1. First violation, including violations arising from the same set of operative facts: Civil penalty not to exceed fifty dollars (\$50)
 2. Subsequent violations, not arising from the same set of operative facts, within twelve months of the first violation: Civil penalty not to exceed two hundred dollars (\$200).
- B. In the event that three civil penalties have been imposed on the same property owner for the same or similar violations, not arising from the same set of operative facts, within a twenty-four month period, the violations shall be a Class 3 misdemeanor; and, shall be punishable as allowed under the State Code. Whenever a subsequent violation is classified as a criminal offense, it shall preclude the imposition of civil penalties for the same violation.