



City of Hampton, Virginia

Ordinance - Coded

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: 13-0136

Enactment Number: 13-0006

Ordinance To Amend And Reenact Chapter 24, Section 24-37 Of The Code Of The City Of Hampton Entitled "Accumulations Of Refuse Or Weeds Near Residential Or Commercial Structures." to Impose Increased Fees

BE IT ORDAINED by the City Council of Hampton, Virginia, that the Code of the City of Hampton, Virginia, be amended and re-enacted to read as follows:

Sec. 24-37. - Accumulations of trash, garbage, refuse, litter and other like substances and cutting of grass and weeds near residential or commercial structures.

- (a) It shall be unlawful for the owner of any land, or any occupant or other person who is responsible for the maintenance and upkeep of any land, occupied or vacant, including the area adjoining such property extending to the curb line or the paved portion of the roadway and/or the center line of an abutting alley, to permit the accumulation on such land of trash, garbage, refuse, litter and other like substances, except as may be placed there for purposes of collection in accordance with Chapter 32.1 of this Code. In the event the owner, occupant or other person responsible for any land shall fail or refuse to remove any accumulation referred to above, or in the event the land upon which such accumulation is found is unoccupied, the city manager or his designee shall give written notice to the owner of such land to clear off and remove from the land all such trash, garbage, refuse, litter and other like substances, within seven (7) days from the date of such notice. A violation of this subsection shall be punishable by a fine of at least \$100.00 but not more than \$1000.00 per violation.
- (b) It shall be unlawful for the owner of any land, or any occupant or other person who is responsible for the maintenance and upkeep of any land, occupied or vacant including the area adjoining such property extending to the curb line or the paved portion of the roadway and or the center line of an abutting alley, to permit grass, weeds and other foreign growth on such property to exceed a height of ten (10) inches, within one hundred fifty (150) feet of any residential or commercial structure, or any structure designed for use in connection therewith.

In the event the owner, occupant or other person responsible for any land shall fail or refuse to maintain said grass, weeds and other foreign growth, the City Manager or his designee shall give written notice to the owner of

such land to cut or remove said growth as required by this subsection within seven (7) days from the date of such notice and to so maintain it. One such written notice per growing season (March 1 through November 30) shall satisfy the notice requirement above to authorize the city to remove or contract for the removal of any excessive growth of grass, weeds and other foreign growth for the entire growing season. A violation of this subsection shall be punishable by a fine of at least \$100.00 but not more than \$1000.00 per violation.

The requirements of this subsection shall have no application in the following areas of the city:

- (1) Areas required to be vegetated by the Special Public Interest-Chesapeake Bay Preservation District of the Zoning Ordinance of the City of Hampton.
 - (2) Vegetated wetlands, as defined in the Wetlands Ordinance (Chapter 41.1 of this Code)
 - (3) Coastal primary sand dunes;
 - (4) State-designated Wildlife Habitat Areas;
 - (5) Banks of detention ponds, streams, and other bodies of water, natural or manmade;
 - (6) Banks of drainage easements;
 - (7) Woodlands. For the purpose of this exemption, the term "woodlands" shall include productive and nonproductive forest lands and other areas which are used primarily to promote and preserve the growth of trees and seedlings and land covered to the extent that the operation thereon of a tractor with weed cutting apparatus is not practicable; and
 - (8) Any other area required to be vegetated by reason of the application of the City Zoning Ordinance, Subdivision Ordinance, Site Plan Ordinance, Stormwater Management Ordinance, or any other ordinance or provision of law.
- (c) Construction sites shall be maintained in such a manner as to contain trash and/or construction-related debris on the buildable portion of the site. The failure of the person responsible for or in charge of construction sites to contain trash and/or construction-related debris shall result in the issuance of a notice to correct the violation within twenty-four (24) hours. Failure to obey the terms of the notice regarding construction trash or debris shall be punishable by a fine of at least \$100.00 but not more than \$1000.00 per violation.
- (d) In case the notice referred to in paragraph (a) or (b) above cannot reasonably be served on the owner, or when such notice is mailed to the

owner's last known address as shown in the Office of the Assessor, and such owner fails to comply with such notice within seven (7) days of the date of such notice, the land may be cleared off, cut, or cleaned by the city and the necessary expenses of such clearing, cutting, and removal shall be chargeable to such owner. The city manager shall certify such expenses to the city treasurer. Such expenses, when so certified, together with a one hundred fifty dollar (\$150.00) service charge, shall be collected by the treasurer pursuant to the same procedures and in the same manner as real estate taxes and shall be a real estate tax lien upon such land.

(e) If a violation of (a), (b) or (c) above is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with this section.

Adopted at the regular meeting of the City Council of the City of Hampton, Virginia held on May 8, 2013. Effective date July 1, 2013.

Signed by _____ **Date** _____
Molly Joseph Ward, Mayor

Attested by _____ **Date** _____
Katherine K. Glass, CMC
Clerk of the Council