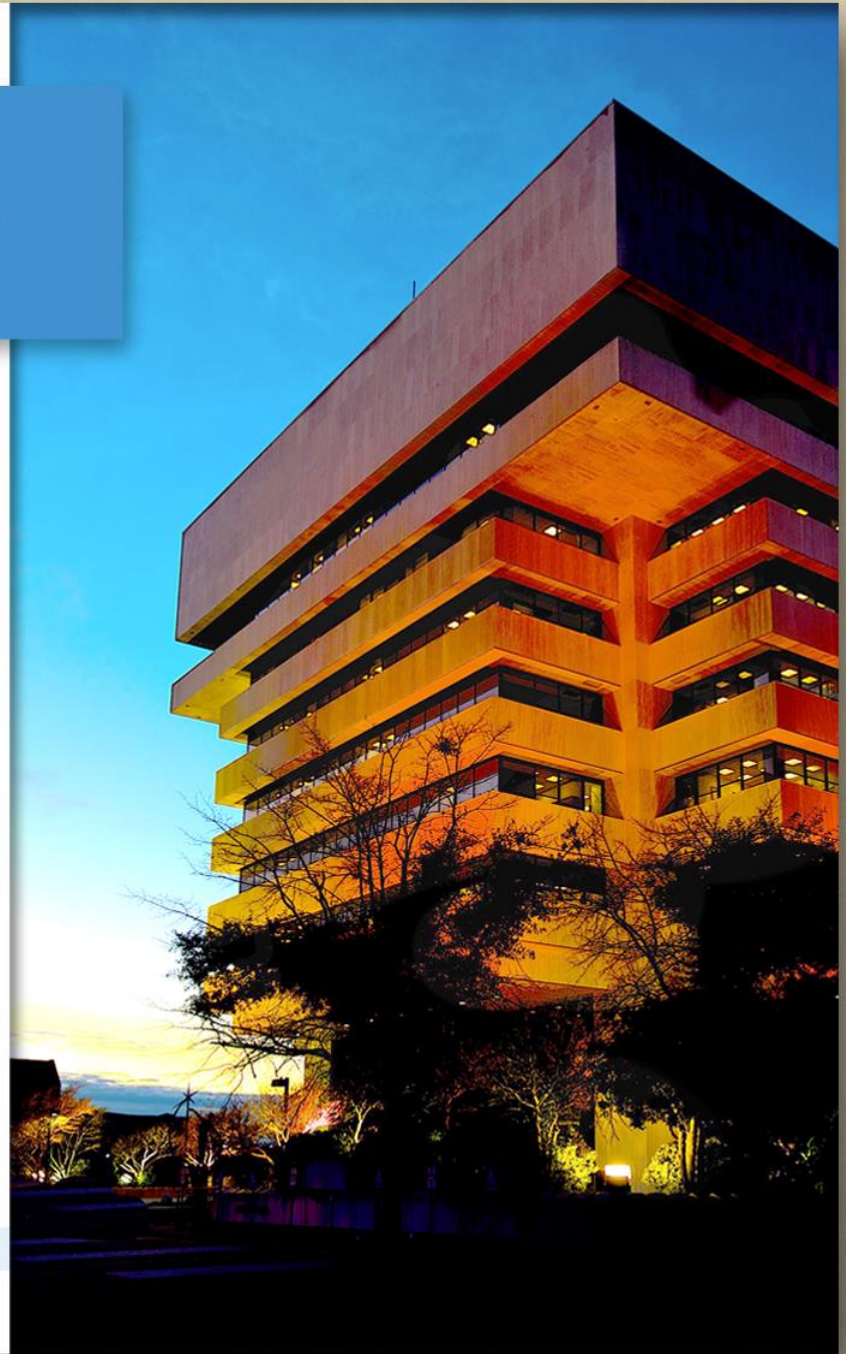


HAMPTON VA


City Code Amendment #21-0159 Clutter



Purpose

- Given the new State Code Authority to regulate clutter, we are tasked with updating our city code ordinance to reflect this new regulation.

Agenda

1. State Code Authority
 2. Proposed clutter language
 3. Enforcement
 4. Abatement
 5. Examples
 6. Challenges
 7. Proposed Ordinance Change
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State Code Authority

- The General Assembly passed legislation during the last session giving localities the authority to regulate the removal of clutter from properties.
- Under Va. Code § 15.2-901, a locality may require that:
“The owners of property therein shall...remove therefrom any and all trash, garbage, refuse, litter, *clutter*..., and other substances that might endanger the health or safety of other residents; or may...after reasonable notice, have such trash, garbage, refuse, litter, *clutter*..., and other like substances that might endanger the health of other residents of the locality, removed by its own agents or employees.”

State Code Authority

- For purposes of § 15.2-901 “clutter” includes:
 - Mechanical equipment, 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.
- Interpretation
 - Clutter is mechanical equipment, household furniture, containers, or any other items of the same general character or substantially similar to this group of items.
 - Left in public view for extended period
 - 30 days or more

Debris vs. Clutter

- Currently enforce debris on properties
 - **Debris** – trash, refuse, litter, broken or unusable items
- New authority allows us to enforce items not considered debris
 - **Clutter** – items that are usable, but stored outside and may be detrimental to the well-being of a community

Proposed Clutter Language

Sec. 24-31 – Unlawful property maintenance conditions

(a)(1) Clutter

- Must be stored within a fully enclosed building or structure, or completely screened by a solid, rigid, six-foot opaque fence composed of standard fencing materials.
- The placing, draping or securing of a tarpaulin or other non-rigid cover over and around clutter shall not be sufficient to comply with the requirements of this section.
- Clutter deemed as a hazard to the health or safety of other residents shall not be permitted.

Compliance

- Options
 - Remove clutter from property
 - Store in fully enclosed building or structure
 - Store behind opaque fence that screens from view
- Time Frame
 - 30 days

Enforcement

- Inspector finds that a violation of the City Code Ordinance 24-37(a)(1) exists
- Owner of record would receive a notice of violation
- If violation is not corrected within the specified time period of thirty (30) days:
 - Inspector will request a summons for court
 - For subsequent violations we have the option to use contractor for abatement

Examples




Examples



Examples



Challenges

- First in state to put regulations in place
 - The City is required to use the state's definition of clutter, which has not yet been interpreted by the courts
 - Enforcement practices may need to be adjusted in the future
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Proposed Ordinance Amendment

- To amend the current City Code Ordinance 24-37 to include the new clutter regulation.

Recommendations

Staff recommends **approval** of:
City Code Amendment #21-0159