



City of Hampton, Virginia

Ordinance - Coded

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

File Number: 15-0300

Enactment Number: 15-0023

Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by Amending Chapter 24, Section 24-37; providing that property under development is exempted from the requirement that the owner keep grass and weeds under ten inches.

BE IT ORDAINED by the City Council of the City of Hampton, Virginia, that Chapter 24 of the City Code of the City of Hampton, Virginia be amended to read as follows:

CHAPTER 24 – OFFENSES MISCELLANEOUS

ARTICLE 1 – IN GENERAL

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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 property, or any occupant or other person who is responsible for the maintenance and upkeep of any property, 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 property 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 property shall fail or refuse to remove any accumulation referred to above, or in the event the property upon which such accumulation is found is unoccupied, the city manager or his designee shall give written notice to the owner of such property to clear off and remove from the property 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 as a criminal misdemeanor with a fine of at least \$100.00 but not more than \$1,000.00 per violation. Each day during which the condition is ongoing shall constitute a separate offense.

(b)

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In the event the owner, occupant or other person responsible for any property 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 property 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 as a criminal misdemeanor with a fine of at least \$100.00 but not more than \$1,000.00. Each day during which the condition is ongoing shall constitute a separate offense.

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;
 - (8) Property that is currently under development, from the date duly approved land disturbance begins until a certificate of occupancy is issued; except that if work is discontinued for more than 14 consecutive days, the property is no longer exempt from these requirements; and
 - (9) 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 24 hours. Failure to obey the terms of the notice regarding construction trash or debris shall be punishable as a criminal misdemeanor with a fine of at least \$100.00 but not more than \$1,000.00 per violation. Each day during which the condition is ongoing shall constitute a separate offense.

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Adopted at the regular meeting of the City Council of the City of Hampton, Virginia held on October 14, 2015.

Signed by _____
George E. Wallace, Mayor

Date _____

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

Date _____