

1 **Ordinance To Amend And Reenact Section 24-37 Of The City Code Of The City Of**  
2 **Hampton, Virginia, Entitled, “Accumulation of Trash, Garbage, Refuse, Litter, and Other**  
3 **Like Substances and Cutting of Grass and Weeds Near Residential or Commercial**  
4 **Structures,” Pertaining to Overgrown Shrubs, Trees, and Other Vegetation**

5 **BE IT ORDAINED** by the Council of the City of Hampton, Virginia that Section 24-37 of the City  
6 Code of the City of Hampton, Virginia, be amended and re-enacted as follows:  
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8 **CHAPTER 24 - OFFENSES—MISCELLANEOUS**

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10 **ARTICLE I. - IN GENERAL**

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14 **Sec. 24-37. – *Unlawful property maintenance conditions.* ~~Accumulations of trash,~~**  
15 **~~garbage, refuse, litter and other like substances and cutting of grass and weeds~~**  
16 **~~near residential or commercial structures.~~**

17 (a) ***Accumulations of trash, garbage, refuse, litter, and other like substances.*** It shall be  
18 unlawful for the owner of any property, or any occupant or other person who is responsible  
19 for the maintenance and upkeep of any property, occupied or vacant, including the area  
20 adjoining such property extending to the curb line or the paved portion of the roadway  
21 and/or the center line of an abutting alley, to permit the accumulation on such property of  
22 trash, garbage, refuse, litter and other like substances, except as may be placed there for  
23 purposes of collection in accordance with chapter 32.1 of this Code. In the event the owner,  
24 occupant or other person responsible for any property shall fail or refuse to remove any  
25 accumulation referred to above, or in the event the property upon which such accumulation  
26 is found is unoccupied, the city manager or his designee shall give written notice to the  
27 owner of such property to clear off and remove from the property all such trash garbage,  
28 refuse, litter and other like substances, within seven (7) days from the date of such notice.  
29 A violation of this subsection shall be punishable as a criminal misdemeanor with a fine of  
30 at least \$100.00 but not more than \$1,000.00 per violation. Each day during which the  
31 condition is ongoing shall constitute a separate offense.

32 (b) ***Cutting of grass and weeds near residential and commercial structures.*** It shall be  
33 unlawful for the owner of any land, or any occupant or other person who is responsible for  
34 the maintenance and upkeep of any land, occupied or vacant, including the area adjoining  
35 such property extending to the curb line or the paved portion of the roadway and or the  
36 center line of an abutting alley, to permit grass, weeds and other foreign growth on such  
37 property to exceed a height of ten (8) inches, within one hundred fifty (150) feet of any  
38 residential or commercial structure, or any structure designed for use in connection  
39 therewith.

40 In the event the owner, occupant or other person responsible for any property shall fail or  
41 refuse to, maintain said grass, weeds and other foreign growth, the city manager or his  
42 designee shall give written notice to the owner of such property to cut or remove said  
43 growth as required by this subsection within seven (7) days from the date of such notice  
44 and to so maintain it. One such written notice per growing season (March 1 through  
45 November 30) shall satisfy the notice requirement above to authorize the city to remove or

46 contract for the removal of any excessive growth of grass, weeds and other foreign growth  
47 for the entire growing season. A violation of this subsection shall be punishable as a  
48 criminal misdemeanor with a fine of at least \$100.00 but not more than \$1,000.00. Each  
49 day during which the condition is ongoing shall constitute a separate offense.

50  
51 **(c) *Cutting of overgrown shrubs, trees, and other such vegetation.*** *It shall be unlawful for*  
52 *the owner of any land, or any occupant or other person who is responsible for the*  
53 *maintenance and upkeep of any land, occupied or vacant, including the area adjoining such*  
54 *property extending to the center line of an abutting alley, to permit overgrown shrubs, trees,*  
55 *and other such vegetation (collectively, for purposes of this section, "overgrowth") to exist in*  
56 *a manner that is in violation of this section. Overgrowth shall include, but not be limited to,*  
57 *noxious weeds, vines, ivy, and any other plant material that may inhibit the growth of native*  
58 *vegetation.*

59 (1) *Overgrowth shall be unlawful if any one or more of the following applies:*

60 (i) *The overgrowth is abandoned, neglected, or not adequately maintained;*

61 (ii) *The overgrowth has caused the primary improvements on the property to*  
62 *be wholly or substantially screened from view from pedestrians standing*  
63 *at ground level upon any right-of-way abutting any property line;*

64 (iii) *The overgrowth obstructs the view of address numerals;*

65 (iv) *The overgrowth obstructs access to emergency escape and rescue*  
66 *opening points, as defined by the Virginia Uniform Statewide Building*  
67 *Code, or path of travel from any street to the primary entrance of any*  
68 *primary or accessory structure;*

69 (v) *The overgrowth is growing into or on primary to accessory structures in a*  
70 *manner that is detrimental to the structure or has caused damaged to a*  
71 *structure;*

72 (vi) *The overgrowth is likely to result in rodent harborage on the property; or*

73 (vii) *The overgrowth constitutes any other public health, safety, welfare, or fire*  
74 *hazard.*

75 *In the event the owner, occupant or other person responsible for any property shall fail or*  
76 *refuse to remove or maintain the unlawful overgrowth, the city manager or his designee*  
77 *shall give written notice to the owner of such property to remove or maintain the overgrowth*  
78 *as required by this subsection within thirty (30) days from the date of such notice and to so*  
79 *maintain it in compliance with this subsection. Such written notice shall satisfy the notice*  
80 *requirement above to authorize the city to remove or contract for the removal of any*  
81 *unlawful overgrowth. A violation of this subsection shall be punishable as a criminal*  
82 *misdemeanor with a fine of at least \$100.00 but not more than \$1,000.00. Each day during*  
83 *which the condition is ongoing shall constitute a separate offense.*

84  
85 **(d) *Exceptions.*** *The requirements of this subsections (b) & (c) above shall have no*  
86 *application in the following areas of the city:*

87 (1) *Areas required to be vegetated by the ~~Special Public Interest~~—Chesapeake Bay*  
88 *Preservation District- **Overlay District** of the Zoning Ordinance of the City of Hampton;*

- 89 (2) Vegetated wetlands, as defined in the wetlands ordinance (Chapter 41.1 of this  
90 Code);
- 91 (3) Coastal primary sand dunes;
- 92 (4) State-designated Wildlife Habitat Areas;
- 93 (5) Banks of detention ponds, streams, and other bodies of water, natural or manmade;
- 94 (6) Banks of drainage easements;
- 95 (7) Woodlands. For the purpose of this exemption, the term "woodlands" shall include  
96 productive and nonproductive forest lands and other areas which are used primarily to  
97 promote and preserve the growth of trees and seedlings and land covered to the extent  
98 that the operation thereon of a tractor with weed cutting apparatus is not practicable;
- 99 (8) Property that is currently under development, from the date duly approved land  
100 disturbance begins until a certificate of occupancy is issued; except that if work is  
101 discontinued for more than 14 consecutive days, the property is no longer exempt from  
102 these requirements; and
- 103 (9) Any other area required to be vegetated by reason of the application of the city zoning  
104 ordinance, subdivision ordinance, site plan ordinance, stormwater management  
105 ordinance, or any other ordinance or provision of law.

106 (e) Construction sites shall be maintained in such a manner as to contain trash and/or  
107 construction-related debris on the buildable portion of the site. The failure of the person  
108 responsible for or in charge of construction sites to contain trash and/or construction-related  
109 debris shall result in the issuance of a notice to correct the violation within 24 hours. Failure  
110 to obey the terms of the notice regarding construction trash or debris shall be punishable as  
111 a criminal misdemeanor with a fine of at least \$100.00 but not more than \$1,000.00 per  
112 violation. Each day during which the condition is ongoing shall constitute a separate  
113 offense.

114 (f) In case the notice referred to in paragraph ~~(a) or (b)~~ (a), (b), or (c) above cannot reasonably  
115 be served on the owner, or when such notice is mailed to the owner's last known address  
116 as shown in the office of the assessor, and such owner fails to comply *with such notice*  
117 *within seven (7) days for violations of section (a) or (b), or thirty (30) days for violations of*  
118 *section (c)*, the land may be cleared off, cut, or cleaned by the city and the necessary  
119 expenses of such clearing, cutting, and removal shall be chargeable to such owner. The  
120 city manager shall certify such expenses to the city treasurer. Such expenses, when so  
121 certified, together with a one hundred fifty dollar (\$150.00) service charge, shall be  
122 collected by the treasurer pursuant to the same procedures and in the same manner as real  
123 estate taxes and shall be a real estate tax lien upon such land.

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

127 **Cross reference**— Penalty for Class 1 misdemeanor, § 1-11; solid waste, Ch. 32.

128 **State Law reference**— Authority for above section, Code of Virginia, §§ 15.2-901, 15.2-1115.

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