

Ordinance

AN ORDINANCE TO REPEAL AND REENACT ARTICLE III, WEEDS, GENERALLY, OF THE CODE OF THE TOWN OF DUBLIN, VIRGINIA

WHEREAS, the Council for the Town of Dublin, Virginia, finds it in the best interests of the Town, and its citizens, to revisit Article III of the Town Code concerning the removal of grass and weeds from real property located within the Town; and

WHEREAS, Section 15.2-901 of the Code of Virginia authorizes the Town to control the cutting and removal of grass and weeds from real property located within the Town.

NOW, THEREFORE, BE IT ORDAINED by the Council for the Town of Dublin, Virginia, that Article III, WEEDS GENERALLY, of the Code of the Town of Dublin, Virginia, be, and it hereby is, repealed. It is further ORDAINED that Article III, WEEDS GENERALLY, be reenacted as follows:

§ 12-96. Prohibited.

It shall be unlawful for the owner(s) of vacant developed or undeveloped property, as well as property upon which buildings or other improvements are located, to allow weeds, grass, undergrowth or other vegetation, excluding domestic gardens for food and/or ornamentation, to exist on their property in violation of this Article.

§ 12-97. Time for cutting; notice generally.

The Council may fix such times as it deems necessary for the cutting of grass, weeds and foreign growth upon any real property located within the Town.

Effective July 1, 2006, the owner(s), or agent of any owner(s), of real property located within the Town shall cause to be cut and removed from such real property, all grass, weeds, brush and undergrowth thereon, in excess of eight (8) inches in height, through October 2006. Beginning in 2007, and for each year thereafter, the owner(s), or agent of any owner(s), of real property located within the Town shall cause to be cut and removed from such real property, all grass, weeds, brush and undergrowth thereon, in excess of eight (8) inches in height, from April 30 through October 31. Failure to cut and remove said vegetation shall result in any such property being deemed a public nuisance. Any and all owners of such properties shall be jointly and severally liable for the cutting and removal of said vegetation, as well as for any costs and civil penalties imposed in this Article.

§ 12-98. Notice to violators.

In lieu of a general public notice, the Council hereby designates the town manager, or his designee, who may be the building inspector or the chief of police, to provide notice

to any owner(s), or agent of such owner(s), deemed to be in violation of any provision of Article III. Such notice may be in person, or by first class mail to the owner(s) of subject property. Such mailing shall be deemed to have been received by the owner(s) if mailed to the address provided to the treasurer of the Town of Dublin for real estate tax billing purposes, unless an alternate address is designated by the owner(s). Receipt will be deemed to have occurred on the third business day after the day of mailing.

Such owner(s), or agent, shall cause the removal of all vegetation as required by Section 12-97, above, within seven (7) days upon notification in person, and within ten (10) days of the date of mailing if notified by mail.

§ 12-99. Compliance with notice.

No owner(s), or agent, after notice is given by the Town, shall fail or refuse to comply with the terms of this Article.

§ 12-100. Removal by Town; collection of costs.

(a) In the event that the owner(s), or agent of the owner(s), fails to remediate a violation, or fails to come into compliance with Sections 12-96 or 12-97, above, after having been duly notified, the town manager, or his designee, shall cause to be prepared, and filed with the town treasurer, a statement detailing the costs involved in such cutting and removal. Thereafter, the Town shall cut and remove the vegetation and assess the costs thereof to the owner(s).

Said costs incurred by the Town shall constitute a lien against such property ranking on parity with liens for unpaid local taxes and enforceable in the same manner as provided by Title 58.1 of the Code of Virginia, relating to the same.

(b) In addition to the costs assessed against the owner(s) set forth in paragraph (a), above, such owner(s) shall be assessed a civil penalty of \$50.00 for a first violation, and \$200.00 for any subsequent violation within twelve (12) months of the first violation. Each business day, after notice of violation has been given, and during which the same violation is found to continue, shall constitute a separate offense.

§ 12-101. Liability for trespass.

Neither the town manager, nor his designee, who may be the building inspector or chief of police, or any town employee entering upon the property to be found in violation, whether for the purpose of serving notice or cutting or removing any foreign growth prohibited by this Article, shall be liable for civil or criminal trespass.

THIS ORDINANCE IS THEREFORE ADOPTED this 15th day of June, 2006, by recorded vote of the Council of the Town of Dublin, Virginia, as follows:

James D. Shrewsbury Absent

Peggy Hemmings Yes

Dallas Cox Yes

Edith Hampton Yes


Samuel F. Gregory, Jr. Yes

Douglas A. Irvin, Sr. Absent

THE TOWN OF DUBLIN, VIRGINIA

By: 
Benny P. Skeens, Mayor

ATTEST:


William H. Parker
Clerk of Council