

Chapter 30

HEALTH AND SANITATION*

***Charter reference(s)**--Cleaning of premises, § 17.

Cross reference(s)--Animals, ch. 6; buildings and building regulations, ch. 10; environment, ch. 18; floods, ch. 26; offenses involving health and safety, § 38-116 et seq.

State law reference(s)--Certain local regulations pertaining to food and beverage containers prohibited, Code of Virginia, § 10.1-1425; regulation of well covers, Code of Virginia, § 18.2-318; inspection warrant for inspecting or testing for toxic substances, Code of Virginia, § 19.2-393 et seq.; health, Code of Virginia, tit. 32.1; sanitation in transportation terminals, festivals, fairs, service stations, etc., Code of Virginia, § 32.1-202.

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ARTICLE I. IN GENERAL

Sec. 30-1. Dangerous Conditions

(a) In addition to any other remedies provided by this Code or the Virginia Code, the Town may protect public health, safety and welfare by addressing dangers to health and safety as provided in this subsection (a).

(1) The owners of property in the Town shall, at such time or times as the council may prescribe, remove therefrom any and all trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of the Town. The Town may, whenever the council deems it necessary, after reasonable notice, have such trash, garbage, refuse, litter and other like substances which might endanger the health of other residents of the Town, removed by its own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the Town as taxes are collected. Any tree, bush or other plant which endangers persons or poses a risk of fire or other property damage because of its location and/or condition shall constitute a substance which might endanger the health or safety of residents of the Town for purposes of this subsection (a).

(2) Violations of this subsection (a) shall be subject to a civil penalty of \$50 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall be \$200. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000 in a 12-month period.

(3) The imposition of civil penalties under this subsection (a) shall be in lieu of criminal penalties and shall preclude prosecution of such violation as a misdemeanor. However, such violations shall be a Class 3 misdemeanor in the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period. Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.

(4) Every charge authorized by this subsection (a) or Virginia Code § 15.2-900 with which the owner of any such property has been assessed and that remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1, Code of Virginia. The

Town council may by resolution waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

(b) In addition to any other remedies provided by this Code or the Virginia Code, the Town may protect public health, safety and welfare by addressing dangerous structures as provided in this subsection (b).

(1) The owners of property in the Town shall remove, repair or secure any building, wall or any other structure that might endanger the public health or safety of other residents of the Town at such time or times as the Town council may prescribe by resolution or ordinance.

(2) The Town through its agents or employees may remove, repair or secure any building, wall or any other structure that might endanger the public health or safety of other residents of the Town, if the owner and lien holder of such property have failed to remove, repair, or secure the building, wall or other structure, after the notice provided in this subsection (b) has been sent and the time to act provided in that notice has elapsed.

a. For purposes of this subsection (b), repair may include maintenance work to the exterior of a building to prevent deterioration of the building or adjacent buildings.

b. For purposes of this subsection (b), reasonable notice includes a written notice (i) mailed by certified or registered mail, return receipt requested, sent to the last known address of the property owner and (ii) published once a week for two successive weeks in a newspaper having general circulation in the locality.

c. No action shall be taken to remove, repair, or secure any building, wall, or other structure for at least 30 days following the later of the return of the receipt or newspaper publication, except that the Town may take action to prevent unauthorized access to the building within seven days of such notice if the structure is deemed to pose a significant threat to public safety and such fact is stated in the notice.

(3) If the Town, through its own agents or employees, removes, repairs, or secures any building, wall, or any other structure after complying with the notice provisions of this subsection (b), the cost or expenses thereof shall be chargeable

to and paid by the owners of such property and may be collected by the Town as taxes are collected.

(4) The Town may impose and collect civil penalties, not to exceed a total of \$1,000.00, for violations of this subsection (b).

(5) Every charge authorized by this subsection (b) or Virginia Code § 15.2-900 with which the owner of any such property has been assessed and that remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1, Code of Virginia. The Town council may by resolution waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

(c) In addition to any other remedies provided by this Code or the Virginia Code, the Town may protect public health, safety and welfare by addressing dangerous wharves, piers, pilings, bulkheads, vessels or abandoned, obstructing or hazardous property as provided in this subsection (c).

(1) The owners of property in the Town shall, at such time or times as the Town Council may prescribe, remove, repair or secure any vessel which has been abandoned or any wharf, pier, piling, bulkhead or any other structure or vessel which might endanger the public health or safety of other persons, or which might constitute an obstruction or hazard to the lawful use of the waters within or adjoining such locality. If such property is deemed to be abandoned, the Town Council may designate and empower an official to ascertain the lawful owner of such property and to have the owner repair, remove or secure such property.

(2) The Town, through its own agents or employees, may remove, repair or secure any vessel which has been abandoned or any wharf, pier, piling, bulkhead, or other structure or vessel which might endanger the public health or safety of other persons or which might constitute a hazard or obstruction to the lawful use of the waters within the Town, if the owner of such property, after reasonable notice and reasonable time to do so, has failed to remove, repair or secure such wharf, pier, piling, bulkhead or other structure or vessel.

(3) If the Town, through its own agents or employees, removes, repairs

or secures any wharf, pier, piling, bulkhead or other structure or vessel after complying with the notice provisions of this subsection (c), the cost or expenses thereof shall be chargeable to and paid by the owners of such property and to the extent applicable may be collected by the locality as taxes are collected.

(4) If the identity or whereabouts of the lawful owner is unknown or not able to be ascertained after a reasonable search and after lawful notice has been made to the last known address of any known owner, the Town, through its own agents or employees, may repair such wharf, pier, piling, bulkhead or other structure or vessel or remove such property after giving notice by publication once each week for two weeks in a newspaper of general circulation in the area where such property is located.

(5) Every charge authorized by this subsection (c) with which the owner of any such property has been assessed and which remains unpaid, to the extent applicable, shall constitute a lien against the owner's real property, and such lien shall be recorded in the judgment lien docket book in the Prince William County circuit court. Such lien may also be reduced to a personal judgment against the owner.

(d) Nothing in this section shall affect the Town's ability to abate or remove dangerous conditions pursuant to a declared national, state, or local emergency.

(O-2014-01, §30-1)

Secs. 30-2 – 30-30. Reserved.

ARTICLE II. REFUSE; VEGETATION

Sec. 30-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Garbage means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Private collectors means persons engaged in the collection and transportation of refuse from residential, commercial, industrial, institutional or other establishments for compensation.

Refuse means all putrescible and nonputrescible solid wastes of the town, including trash, garbage, ashes, rubbish, street cleanings and solid wastes generated from manufacturing, industrial, commercial and agricultural activities and any other business or profession.

Storage area means an enclosed area on private property of commercial, industrial, institutional or other establishment used for the storage of refuse.

Town collectors means persons contracted by the town engaged in the collection and transporting of refuse.

(Code 1981, § 5-46.1(B))

Cross reference(s)--Definitions generally, § 1-2.

Sec. 30-32. Refuse storage--Collection and disposal.

(a) *Purpose.* The purpose of this article is to provide regulations for the sanitary and effective storage, collection and disposal of refuse in the town.

(b) *Authority to administer.* The zoning administrator is delegated authority to administer this article and to issue supplementary rules and regulations that are in support of and not in conflict with the provisions of this article. Such supplemental rules and regulations shall have the same force and effect as if fully set forth in this article.

(Code 1981, § 5-46.1(A), (C))

Sec. 30-33. Same--Standards and regulations.

(a) Residential refuse.

- (1) *Storage.* Except as otherwise permitted by the Town Manager, residential refuse shall be stored in watertight metal or non-breakable plastic containers equipped with handles and tightfitting covers. The size and characteristics of containers shall be subject to reasonable regulation by the Town Manager, consistent with the Town's current contract for trash pick-up. Containers and storage areas for residential refuse shall be emptied regularly and cleaned sufficiently often to keep them free of obnoxious odors and vermin.

- (2) Exceptions. The following are exceptions to the provisions of this section:
- a. Tree trimmings with a maximum diameter of 1 1/2 inches, bushes and brush must be tied securely in bundles not more than four feet in length.
 - b. Refuse collected during the spring cleanup that is too large or bulky for containers may be placed next to the containers.
 - c. Ashes shall only be disposed of when cold, and shall only be placed in metal containers.
- (3) Placement. All residential refuse shall be placed at the curb line not earlier than 4:00 p.m. of the day preceding pickup and not later than 6:00 a.m. on the day of pickup. Containers must be tightly covered. Plastic bags must be securely tied. Refuse shall not be placed on the sidewalk or on any portion of a street right-of-way where it will interfere with pedestrian traffic. Containers shall be removed from the curb line as soon as possible after trash pickup and shall be stored in the rear of the building or in a screened or enclosed trash receptacle storage area.

(b) Non-residential refuse.

- (1) Each non-residential establishment shall be equipped with adequate refuse containers or storage areas. All containers, except those for storage of bulky refuse, shall be vermin-proof and waterproof, of noncorrosive material and equipped with tight lids, which shall be kept closed at all times except when filling or emptying the container.
- (2) Containers and storage areas for non-residential refuse shall be emptied regularly and cleaned sufficiently often to keep them free of obnoxious odors and vermin.
- (3) All storage areas for non-residential refuse shall be enclosed by adequate walls or opaque fencing and shall be well drained and fully accessible to collection equipment and to public health inspection. These areas shall protect refuse from dispersal by wind or otherwise, and must be kept free of litter and refuse overflow.

(c) Prohibited activities.

- (1) It shall be unlawful to place refuse in any street, alley, or public or private place except in accordance with this section.
- (2) It shall be unlawful to accumulate refuse on either residential or non-residential properties, except in approved containers or storage areas.
- (3) It shall be unlawful to place any refuse in a manner where it may be scattered by the elements.
- (4) It shall be unlawful to permit private containers to remain on public streets at times other than those described in subsection (a)(3) of this section.

(Code 1981, § 5-46.2)

Sec. 30-34. Property to be free of refuse.

(a) The town council finds that the proliferation of refuse and litter, including but not limited to food- and beverage-related trash and litter, unused or abandoned machinery or appliances, within the town constitutes a threat to the health, welfare and safety of the community, degrades the appearance of the community and reduces the value of surrounding properties.

(b) Owners of property within the town shall keep such property free of refuse, litter, unused or abandoned machinery or appliances, and other substances that might endanger the health, safety and welfare of residents of the town.

(Code 1981, § 5-44.1)

State law reference(s)--Removal of trash, Code of Virginia, § 15.2-901.

Sec. 30-35. Removal.

(a) When substances of the nature set forth in section 30-34 are found upon property within the town, the zoning administrator shall immediately notify the owner of such property to remove such substance. Such notification shall be by registered or certified letter sent to the owner at his last known address. If after diligent inquiry no

address can be found for such owner, the letter shall be posted in a conspicuous place on the property.

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(b) If the substances have not been removed from the property by the owner within ten days from the date the letter has been mailed, or the notice posted, the zoning administrator shall cause the removal by town forces or the town's agent of such substances from such property forthwith.

(c) Where substances have been removed from property by the zoning administrator pursuant to the provisions of this section, the cost of such removal shall be chargeable to and paid by the owner of the property and may be collected by the town as taxes and levies are collected. Every charge authorized by this section with which the owner and lienholder of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a priority with liens for unpaid local taxes and enforceable in the same manner as provided in Code of Virginia, §§ 58.1-3940 et seq. and 58.1-3965 et seq.

(Code 1981, § 5-44.2)

Sec. 30-36. Grass, weeds and other foreign growth.

(a) Where grass, weeds or other foreign growth in excess of 12 inches in height is found upon property, the zoning administrator shall immediately notify the owner of such property to cut such grass, weeds or other foreign substances down to a height not to exceed three inches. Notification shall be made by the same procedure as set forth in section 30-35.

(b) If the grass, weeds or other foreign growth have not been cut down within ten days from the date of the letter or posting, the zoning administrator shall cause the cutting down by the town, or the town's agent, of such grass, weeds or other foreign growth forthwith.

(c) Where grass, weeds or other foreign growth have been cut down on property by the zoning administrator pursuant to the provisions of this section, the cost of such cutting shall be chargeable to and paid by the owner of the property and may be collected by the town as taxes and levies are collected.

(Code 1981, § 5-45)

Sec. 30-37. Penalty for violation of article.

Any person who violates any provision of this article by doing a prohibited act, or failing to perform a required act or failing to perform permitted acts in the prescribed manner, shall be deemed guilty of a class 3 misdemeanor.

(Code 1981, § 5-47)