

City of Martinsville, Virginia

Ordinance No. 2024-1

BE IT ORDAINED by the Council of the City of Martinsville, Virginia, in Regular Session held February 27, 2024 that Sections 13-37, 15.5-21 and 15.5-22 of the Code of the City of Martinsville be amended to hereafter read as follows:

Sec. 13-37. Excessive growth of grass, weeds, etc., on vacant property.

- (a) It shall be the duty of the owner of any parcel of land in the city to cut or cause to be cut all grass, weeds or like vegetative growth so that such growth at no time exceeds a height of eighteen (18) inches above the ground unless such growth, due to unusual physical characteristics of the property is deemed by the director of public works to not create a potential threat to public health or safety; and it shall be the duty of the owner of any legally established lot situated in the city fronting a city-maintained public street to cut thereon any weeds, brush, grass or like vegetative growth if an occupied building or residence is situated on an adjacent lot, subject to the following:
- (1) All grass, weeds or like vegetative growth shall be cut so that no such growth exceeds at any time a height of ten (10) inches above ground for a depth of eighty (80) feet from the street line measured at ninety (90) degrees with the street line; and
 - (2) Such vegetative growth shall be cut as often as necessary to comply with the standards stated herein, which shall be no less frequent than two (2) times per year between May 15 and June 15; and between August 1 and September 1.

The director of public works may grant a variance from these requirements if, in his opinion, steep slopes or terrain make it impractical to cut such vegetative growth as described above provided that the intent of these requirements is complied with. Should the owner of any such property fail or refuse to abide by this requirement, the director of public works shall give a written notice to such owner requiring him to cut or have cut such grass, weeds or vegetative growth within fifteen (15) days after the date of the notice.

- (b) The notice referred to in subsection (a) above shall be given to the owner by personally serving a copy of such notice on the owner or his agent or by mailing a copy to the owner at his last known post office address by registered or certified mail, return receipt requested, or if the owner or his address is unknown, by publication of such notice in a newspaper of general circulation in the city once per week for two (2) successive weeks. A copy of such notice sent to the owner by registered or certified mail at the address of such owner listed on the land books of the city shall be deemed sufficient and equivalent to notice having been received by the owner, regardless of whether such copy is returned undelivered or not.
- (c) Upon the failure or refusal of the owner, after serving of the notice pursuant to this section, to cut or cause to be cut the grass, weeds or vegetative growth within the time provided, the director of public works may have the necessary work done by city employees or city agents under contract. All of the actual costs and expenses of such work, plus the cost of serving the notice, shall be chargeable to and paid by the owner of the property. Any bill sent to the owner which is not paid within thirty (30) days shall be transmitted to the city treasurer, who shall include such bill in the next regular real estate tax bill sent to the owner. Every such charge with which the owner has been assessed and which remains unpaid after the deadline for the payment of the next installment of real estate taxes shall constitute a lien against such property; provided, however, that such lien shall be recorded in the same manner as liens for real estate taxes are recorded. It shall be the duty of the city treasurer to assure the proper recording of any such lien.
- (d) The failure or refusal of any property owner to comply with the terms of any notice to cut grass, weeds or other growth served pursuant to this section shall constitute a Class 4 misdemeanor. In any prosecution, there shall be a rebuttable presumption that any growth exceeding three (3) feet in height creates a potential threat to public health or safety.

- (e) Nothing in this section shall be construed to require the cutting of any tree or ornamental shrubbery, unless it is creating a safety hazard.
- (f) In the event that the director of public works finds it necessary to abate violations of this section in accordance with subsection (c) herein, upon the fourth such abatement within a calendar year for any specific parcel the director of public works may have such property reseeded in non-invasive clover or other non-invasive, low-growth vegetative cover as the director deems appropriate.

Charter reference(s)—Authority of city to require premises be kept clean, sanitary and free from weeds, Ch. 1, § 2(20).

Cross reference(s)—Penalty for Class 4 misdemeanor, § 1-11; removal or screening of accumulations of waste material on private property, § 18-2.

State law reference(s)—Authority for above section, Code of Virginia, §§ 15.2-901, 15.2-1115.

Sec. 15.5-21. Nuisances prohibited; term defined.

It shall be unlawful for the owner or owners, occupant or occupants of any property or premises located in the city to create, cause, or permit the continuation of any nuisance. The term "nuisance" to include, without limitation, the examples set forth as follows:

- (1) Any condition which is breeding ground or harbor for mosquitoes or a breeding ground for rats or other pests.
- (2) Any place of weeds, grass or other noxious vegetation over ten (10) inches in height that is within fifty (50) feet of an inhabited residence or other occupied structure.
- (3) An open place of collection of water where insects tend to breed. For the purposes of this chapter, an "open place of collection of water" shall be held to mean and be that contained in ditches, pools, ponds (natural or artificial), excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, troughs, urns, cans, boxes, bottles, tubs, buckets, partially disassembled vehicles, defective house roof gutters, tanks of flush closets or similar containers.
- (4) An open place of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, debris from the clearing or grading of lots, old clothes, rags or any other combustible materials or objects of a like nature.
- (5) An open place of collection of garbage, food waste, animal waste or other rotten or putrescible matter of any kind.
- (6) Any furniture, appliance or other metal products of any kind or nature openly kept which have rough or jagged edges of metal or glass.
- (7) Any furniture or other articles not specifically intended for outdoor use or exposure to the elements and which would tend to absorb or retain moisture thereby attracting insects, pests or vermin.
- (8) Any accumulation of rubbish, trash, old building materials or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation of mice, snakes or vermin of any kind which may be dangerous or prejudicial to the public health.
- (9) Any condition detrimental to the public health which violates the rules and regulations of the health department.

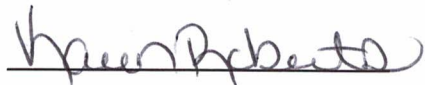
The code official heretofore designated by council to enforce the building maintenance code in the city and alternatively the city attorney are hereby vested with discretionary authority to decline to undertake enforcement

of this section with respect to nuisances which are (a) deemed to be of a private nature between neighboring property owners, or (b) deemed not to constitute a public nuisance, or (c) not visible to the unaided eye from street or ground level outside the boundaries of the property on which the subject nuisance exists.

Sec. 15.5-22. Notice of abatement; correction by city.

- (a) Whenever it shall be reported to the code official heretofore designated by council to enforce the building maintenance code in the city that there exists on any lot or parcel of land in the city any such nuisance, he shall forthwith give the owner or owners, occupant or occupants of said premises written notice to promptly remove, raze, or abate such nuisance and specify a reasonable time for such discontinuance or abatement. The council conclusively finds that three (3) days from the receipt of such notice is a reasonable amount of time for completion of removal razing or abatement of any nuisance, and also finds any longer period prescribed by the notifying official to be reasonable. Such notice shall be in writing and shall be served upon the owner or owners, occupant or occupants by mailing a copy thereof to the last known post office address of said person or persons, or by delivery in person or by delivering it and leaving it in possession of any person in charge of the premises, or by posting the notice in a conspicuous place on the premises if such person or persons cannot be found on said premises; and if the person or persons receiving the notice to abate fail to comply within the given period of time, the code official shall cause the corrections to be made, either through other city agencies or by contract or arrangement with private persons, and charge and collect the cost thereof from the owner or owners, occupant or occupants of the property affected in any manner provided by law for the collection of state or local taxes.
- (b) In the event that the director of public works finds it necessary to abate violations of section 15.5-21 of the city code in accordance with subsection (a) herein, upon the fourth such abatement within a calendar year for any specific parcel the director of public works may have such property reseeded in non-invasive clover or other non-invasive, low-growth vegetative cover as the director deems appropriate.

Attest:

A handwritten signature in dark ink, appearing to read "Karen Roberts", written over a horizontal line.

Karen Roberts, Clerk of Council