

By: *Kataylon*  
Office of the City Attorney

By: Michelle S. Johnson  
DEPT. Neighborhood Development

NORFOLK, VIRGINIA

---

## **R-9                      ORDINANCE NO. 48,245**

AN ORDINANCE TO AMEND AND REORDAIN SUBSECTION (D) OF SECTIONS 27-2 AND 27-6 REGARDING OVERGROWTH, SUBSECTION (D) OF SECTION 27-73 REGARDING NOTICE OF DECLARATION OF DERELICT BUILDING AND SECTION 27-9 OF THE NORFOLK CITY CODE, 1979, AND TO ADD ONE NEW SECTION NUMBERED 27-14 REGARDING THE CUTTING OF OVERGROWTH.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That subsection (d) of Section 27-2 of the Norfolk City Code, 1979, regarding definitions, is hereby amended and reordained to read as follows:

- (d) For purposes of this article, "overgrowth" is defined to include overgrown shrubs, trees, and other such vegetation, including but not limited to running bamboo, vines, ivy, noxious weeds, and any other plant material that may inhibit the growth of native vegetation which has grown to sufficient height and cover or to a height of more than twelve (12) inches or accumulated so as to provide cover or harborage or potential cover or harborage for rodents or vermin.

Section 2:- That subsection (d) of Section 27-6 of the Norfolk City Code, 1979, regarding definitions, is hereby amended and reordained to read as follows:

- (d) With respect to high weeds, grass, other vegetable matter, and overgrowth, one written notice of violation and notice of abatement per growing season, sent by mail to the owner of property at the address listed in real estate

records, shall be reasonable notice. Upon the failure to comply with such notice, the city may remove or contract for the removal of any excessive growth for the entire growing season without additional notice of violation or notice of abatement. "Growing season" shall mean the period from March 1 to October 31 of each year.

Section 3:- That subsection (d) of Section 27-73 of the Norfolk City Code, 1979, is hereby amended and reordained to read as follows:

- (d) Any person sent a notice of declaration of derelict building pursuant to this section who shall fail to comply with the time specified for submitting a work plan shall be guilty of a class 2 misdemeanor; and for residential properties, the owner will also be assessed a civil fine of \$500 per month until such time as the owner has submitted a work plan in accordance with this section. The total civil penalty imposed shall not exceed the cost to demolish the derelict building. Any such civil penalty shall be paid to the Norfolk City Treasury.

Section 4:- That Section 27-9 of the Norfolk City Code, 1979, regarding definitions, is hereby amended and reordained to read as follows:

Sec. 27-9. Duty of owner or occupant of abutting land to remove solid waste and to cut grass, weeds, and other vegetable matter between sidewalk and curb.

It shall be the duty of the owner or occupant of any land or premises abutting upon any public right-of-way, including between the sidewalk and curb, whether paved or not, and the duty of the owner of any unoccupied land or premises abutting upon any public right-of-way, including between the sidewalk and curb, whether paved or not, to remove solid waste (as defined in Chapter 14.5 of the City Code), therefrom and to have any grass, weeds, and other vegetable matter cut and removed, and at all times to prevent such area from becoming unsightly, impeded, or offensive by reason of failure to remove any such solid waste (as defined in Chapter 14.5 of the City Code), or cut any such grass, weeds, and vegetable matter. No grass, weeds or other vegetable matter so

cut shall be deposited or piled in any gutter or street, or storm water system. The occupant or the owner, or if unoccupied, the owner, of any such land or premises in front of which any such solid waste (as defined in Chapter 14.5 of the City Code) or any such grass, weeds, or vegetable matter is found contrary to the provisions of this section shall be *prima facie* the person responsible therefor. Nothing in this section shall be construed as authorizing any person to cut or remove any city tree or bush without first obtaining a permit from the director of neighborhood development or his designee.

Section 5:- That Section 27-14 of the Norfolk City Code, 1979, regarding definitions, is hereby amended and reordained to read as follows:

Sec. 27-14. Cutting of overgrowth.

It shall be the duty of the owner or occupant or other person who is responsible for the maintenance and upkeep of any land or premises, occupied or vacant, including the area adjoining such property extending to the center line of an abutting alley, to prevent overgrowth (as defined in Chapter 27 of the City Code) to exist in a manner that is in violation of this section. Overgrowth shall be unlawful if any one or more of the following applies:

- (a) The overgrowth is abandoned, neglected, or not adequately maintained;
- (b) The overgrowth has caused the primary improvements on the property to be wholly or substantially screened from view from pedestrians standing at ground level upon any right-of-way abutting the property line;
- (c) The overgrowth obstructs the property's address numerals;
- (d) The overgrowth obstructs access to emergency escape and rescue opening points, as defined by the Virginia Uniform Statewide Building Code, or path of travel from any street to the primary entrance of any primary or accessory structure;

- (e) The overgrowth is growing into or on any primary or accessory structures in a manner that is determinantal to the structure or has caused damaged to the structure;
- (f) The overgrowth is likely to result in harborage for rodents or vermin or constitutes any other public health, safety, welfare, or fire hazard.

No overgrowth cut shall be deposited or piled in any gutter or street, or storm water system. The occupant or the owner, or if unoccupied, the owner, of any such land or premises in front of which any such solid waste (as defined in chapter 14.5 of the City Code) or any such overgrowth is found contrary to the provisions of this section shall be *prima facie* the person responsible therefor. Nothing in this section shall be construed as authorizing any person to cut or remove any city tree or bush without first obtaining a permit from the director of neighborhood and development or his designee.

Section 6:- That this ordinance shall be in effect from and after the date of its adoption.

Adopted by Council December 8, 2020  
Effective December 8, 2020

TRUE COPY  
TESTE:

---

RICHARD ALLAN BULL

BY: \_\_\_\_\_  
CHIEF DEPUTY CITY CLERK