

Ordinance No. 20-9

AN ORDINANCE AMENDING TOWN CODE SECTIONS 26-85 (REQUIRED CUTTING OF GRASS, ETC.); SECTION 26-86 (NOTICE TO CUT WEED, ETC.); SECTION 46-35 (UNLAWFUL ACCUMULATIONS OF REFUSE); AND SECTION 50-7 (MAINTENANCE OF AREAS BETWEEN SIDEWALKS AND CURBS)

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BEDFORD, VIRGINIA:

Section 1. Section 26-85 and Section 86 of the Town Code are amended and readopted as follows:

Section 85 – Notice to occupant of land or premises to cut or remove.

Whenever it shall come to the knowledge of the Town Code Official that there exists upon any land or premises in the town any weeds, brush, grass, vegetable matter or other foreign growth which, in his opinion, is detrimental to the health, comfort, or general welfare of any of the inhabitants of the town, it shall be his duty to serve reasonable notice as provided in section 26-86 on the occupant thereof, or, if unoccupied, on the owner, to cause such weeds, brush, bushes, grass, vegetable matter of other noxious growth exceeding ten inches in height to be cut and removed from such land or premises within five days of notification.

Section 26-86 - Notice.

A Violation Notice under Section 26-85 shall be by means of posting the site and by personal service or first class mail to the owner of the property addressed to the owner at the last address provided to the Commissioner of the Revenue for purpose of real estate taxation. Such notice when posted on the property and when either served in person or deposited in the United States mail, postage prepaid with the USPS, addressed to the owner shall be deemed complete and sufficient.

For purposes of this provision, one written notice per growing season (March 1- October 31) given to the owner of record as set forth in the previous paragraph shall be considered reasonable notice to the owner, provided the property is properly posted for each subsequent violation during the season.

Section 2. Section 46-35 of the Town Code is amended and readopted as follows:

Duty of property owners; unlawful accumulations on premises.

- (a) The owner or his agent, or the occupant of any premises within the town, shall be responsible for the sanitary condition of the premises owned, handled, or occupied by him.
- (b) It shall be unlawful for any person within the town, whether in a commercial or any other area, a vacant lot or a developed lot, to allow garbage, rubbish, ashes, trash, or any other refuse to accumulate on such premises, except in accordance with the provisions of this chapter.
- (c) It shall be unlawful for any person to cast, throw, or dump any ashes, garbage, trash, or other rubbish in any streams or drainage areas in the town.
- (d) Any person responsible for refuse not acceptable for collection by the regular collection service as set forth in this chapter shall make arrangements for the collection and disposal of such refuse in some other fashion, either by special service handling by the town or by private collection.
- (e) Any person placing refuse for collection shall be responsible therefore until it is collected. Any person placing any refuse for collection which violates the provisions of this chapter shall remove such refuse from the public ways as directed by means of a Violation Notice. A Violation Notice shall be by means of posting the site and by personal service or first class mail to the owner of the property addressed to the owner at the last address provided to the Commissioner of the Revenue for purpose of real estate taxation. Such notice when posted on the property and when either served in person or deposited in the United States mail, postage prepaid with the USPS, addressed to the owner shall be deemed complete and sufficient.
- (f) Each day of refusal to remove such refuse after proper notice shall constitute a separate offense. The Town Code Official shall verify compliance within the time specified or may have the unlawful refuse removed at the expense of the owner. The cost of removal shall be a lien upon the land or premises and shall be reported by the town manager to the town treasurer, who shall collect the same in the manner in which town tax levies upon real estate are authorized to be collected.

Section 3. Section 50-7 of the Town Code is amended and readopted as follows:

Maintenance of areas between town sidewalks and curbs of town streets.

- (a) Where there is a strip of land between the sidewalk and curb line of any town street, the owners or occupants of land abutting such sidewalk may plant trees, flowers, or other ornamental plants thereon provided they obtain a permit from the town manager.
- (b) Where there is such a strip of land between the sidewalk and curb line of any town street, it shall be the duty of the occupant or owner of any land abutting such sidewalk to remove any refuse, rubbish, or trash from such strip and to

cut and trim any grass, plant, weeds or other vegetation which exceeds a height of ten inches, other than trees, shrubbery, flowers or other ornamental plants. Nothing in this section shall authorize any person to cut or remove any tree or ornamental shrub without first obtaining a permit from the town's zoning administrator.

- (c) Whenever it shall come to the knowledge of the Town Code Official that there exists upon any such strip and condition constituting a violation of this section, it shall be his duty to serve a Violation Notice on the occupant thereof, or, if unoccupied, on the owner to have such refuse removed and to have any vegetated matter cut and removed within a reasonable time not to exceed five days from receipt of such notice. If such land or premises are unoccupied, such notice shall be posted on the land or premises and served on the owner thereof, if he be a resident, and if not, upon the owner's agent in charge thereof, or upon the owner by first class mail addressed to the owner at the last address provided to the Commissioner of Revenue for purposes of real estate taxation. The Town Code Official may cause any violation of this section to be abated by removal at the expense of the owner, following proper notification and expiration of the time specified therein. The cost of such removal shall be a lien upon the land or premises and shall be reported to the town treasurer, who shall collect in the same manner in which town tax levies upon real estate are authorized to be collected.

Section 4. Severability:

Should any provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 5. Effective date:

This ordinance involves penalties for violations and accordingly shall be effective upon posting of these or more public places in Town for one week or publication in a newspaper having general distribution in the Town.

I hereby certify that the foregoing is a true and exact copy of an Ordinance adopted at a regularly scheduled meeting of the Council of the Town of Bedford, Virginia, held on October 13, 2020, at which meeting a quorum was present and voted.

Clerk of the Council

