

## Chapter 117

### NUISANCES

**[HISTORY: Adopted by the Town Council of the Town of Grottoes 2-3-1970 as Title 20 of the 1970 Ordinances of the Town of Grottoes; amended in its entirety 11-13-2017. Subsequent amendments noted where applicable.]**

#### **§ 117-1. Purpose and intent.**

The purpose of this chapter is to create a system to maintain and protect the health, safety, and welfare of the citizens of the Town of Grottoes, and to establish the means by which compliance shall be accomplished.

#### **§ 117-2. Declaration of nuisances.**

- A. It shall be unlawful for any person, firm or organization to create or maintain a nuisance on any public or private property within the Town. A nuisance includes, but is not limited to, dangerous or unhealthy substances which have escaped, spilled, been released, or which have been allowed to accumulate in or on any place, and all unsafe, dangerous, or unsanitary public or private buildings, walls, or structures which constitute a menace to the health and safety of the occupants thereof or the public. The term "nuisance" shall also include, but not be limited to:
- (1) Accumulations of offensive, unsanitary or unhealthy substances in or on any place or premises;
  - (2) Portions of any lot adjacent to a street where the difference in level between the lot and the street constitutes a danger to life and limb;
  - (3) Accumulation of rubbish, trash, refuse, junk, and other abandoned materials, metals, lumber, scrap iron, tin, pipe, and other materials not neatly piled, or other things that cause a blighting problem or adversely affect the public health or safety;
  - (4) Any condition which provides harborage for rats, mice, snakes, and/or other vermin;
  - (5) All disagreeable or obnoxious odors or stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and/or stenches;
  - (6) Graffiti, which shall be defined as a prohibited inscription, often in the form of vandalism, involving painted text or images in public places, on the exterior of any building, fence, or other structure in any front yard, side yard, rear yard or vacant lot;
  - (7) Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes any obstruction of traffic and/or the free use of the streets or sidewalks, provided that this subsection shall not apply to events, programs

or parades authorized by the Town officials;

- (8) Broken or discarded furniture, furnishings, appliances, household equipment and other similar items, and items or conditions that are dangerous to children.
  - (9) Disposal of yard waste, including but not limited to grass clippings, leaves, branches, and weeds, into public rights-of-way.
  - (10) Utility trailers, unmounted campers or recreational vehicles located in the front yard. They may be located in the driveway, parallel to the driveway, or behind the front building line of the property on either side of the building on a maintained surface.
  - (11) Disposal of refuse, sawdust or other material in such a manner as to cause or permit ashes, sawdust, soot, or cinders to be cast upon the streets or alleys of the Town.
  - (12) Carcasses of animals not buried or destroyed within 24 hours after death.
  - (13) Ponds or pools of stagnant water.
  - (14) All limbs or trees overhanging a public sidewalk or street which are less than 10 feet above the surface of such sidewalk or street.
  - (15) Any poisonous or harmful substance which is reasonably accessible to persons or to animals.
  - (16) The existence of any fence or other structure or thing on private property which is in a sagging, leaning, fallen, decayed, or other dilapidated or unsafe condition.
  - (17) Any unsightly and dangerous building, billboard, or other structure, or any abandoned or partially destroyed building or structure, any building or structure in disrepair, or any structure commenced and left unfinished, or any building unfit for human habitation.
- B. The nuisances described in this section shall not be construed as exclusive, and any act or commission or omission and any condition which constitutes a nuisance by statute or common law of the state is, when committed, omitted, or existing within the Town, hereby declared to constitute a nuisance.

**§ 117-3. Notice.**

Whenever a violation is found to exist within the Town, the Chief of Police, Town Manager, or other delegated officer shall provide written notice to the owner or occupants of the property on which the nuisance exists. Mailing of the notice to the owner or occupant at the address upon which the nuisance is occurring or the address of the owner according to real property records of the Town shall constitute compliance with the requirements of this chapter. The written notice shall state:

- A. The location of the nuisance;
- B. A description of what constitutes the nuisance;
- C. A statement of acts necessary to abate or remove the nuisance;

- D. A specified deadline by which the nuisance shall be abated or removed; and
- E. A statement that if the nuisance is not abated or removed by the deadline, the Town may abate or remove the nuisance, charging the cost thereof to such owner or occupant and collecting such costs in the same manner as the real estate tax.

**§ 117-4. Abatement of nuisances; lien.**

The person or organization creating the nuisance shall have the time given in written notice in which to correct the violation before he/she is charged with a violation. If a nuisance is not abated, removed, or corrected within the specified time noted in the written notice of violation, the Chief of Police, Town Manager, or other delegated officer may order the nuisance removed or corrected by his own agents or employees. The cost of expense of such removal shall be chargeable to and paid by the owners or owners of such property or the person or organization creating or maintaining the nuisance and may be collected by the Town as taxes and levies are collected and shall constitute a lien against the property which is subject to the nuisance. However, if the nuisance presents an imminent and immediate threat to life or property, then the Town may bring an action against the responsible party to recover the necessary costs incurred for the provision of public emergency services reasonably required to abate any such nuisance, in accordance with the provisions of Virginia Code § 15.2-900, and any future amendments to such code section.

**§ 117-5. Violations and penalties.**

- A. Violation of this chapter shall be subject to a civil penalty in the amount 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 twelve-month period.
- B. These penalties are in accordance with Virginia Code § 15.2-900 et seq. In the event the penalty provisions of these Virginia Code sections are amended, then these penalties shall also be automatically amended to reflect the highest penalty allowed.
- C. Every charge authorized by this section in excess of \$200 which has been assessed against the owner of any such property and which remains unpaid shall constitute a lien against such property. Such liens shall have the same priority as other unpaid local taxes and shall be enforceable in the same manner as provided in Virginia State Code Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1. The Town may 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.