

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROANOKE  
COUNTY, VIRGINIA, HELD AT THE ROANOKE COUNTY ADMINISTRATION  
CENTER ON TUESDAY, NOVEMBER 12, 2013

**ORDINANCE 111213-16 AMENDING ARTICLE IV “WEEDS AND  
TRASH” OF THE ROANOKE COUNTY CODE, BY ADDITIONAL  
DEFINITIONS TO SECTION 13-151 “DEFINITIONS”, BY CLARIFYING  
SECTION 13-152 “PENALTIES”, AND ADDING A NEW SECTION 13-  
159 “LITTERING PROHIBITED”**

WHEREAS, the Board of Supervisors finds that litter is an increasing problem in  
Roanoke County; and

WHEREAS, the Board of Supervisors hereby finds that increased enforcement  
efforts to combat the litter problem are a valid public purpose to protect the public  
health, safety and welfare of the citizens of Roanoke County; and

WHEREAS, this ordinance is authorized by Section 15.2-901 and Article 3. Of  
Chapter 14 of Title 10.1 of the Code of Virginia, as amended; and

WHEREAS, the first reading of this ordinance was held on October 22, 2013, and  
the second reading and public hearing were held on November 12, 2013.

NOW THEREFORE BE IT ORDAINED by the Board of Supervisors of Roanoke  
County, as follows:

1. That the following sections of the Roanoke County Code be amended to  
read and provide as follows:

Article IV. “Weeds and Trash”

Sec. 13-151. - 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:

*Abatement cost:* the County's cost of labor, equipment and supplies for, or the contract price of, and any charges to, the county, with respect to the removal and disposal of weeds or trash from a parcel.

*Enforcement agent:* The county administrator or his designee.

*Litter:* All waste material and disposable packages or containers but not including the wastes of the primary processes of mining, logging, sawmilling, farming or manufacturing. It includes, but is not limited to, the packages, wrappings and containers, cigarettes and tobacco products, bottles, glass or metal containers, plastic, and paper products.

*Litter Receptacle:* A container with a capacity of not less than 10 gallons, constructed and placed for use as a depository for litter.

*Owner:* Any person shown by any public record to have an interest in real estate lying in the county upon which a public nuisance exists as of the date of the abatement of the public nuisance under this section. Owner shall also mean the occupant of any parcel of real estate, including but not limited to, any person in possession thereof having charge thereof as an executor, administrator, trustee, guardian or agent, and the beneficiary of any easement or right of use thereof.

*Parcel:* Any real estate or any interest therein, situate, lying and being in the county in any areas zoned for residential, business, commercial, or industrial uses or in any subdivision.

*Public nuisance:* Any act or activity the causing or maintaining of which is such an inconvenience or troublesome matter as to annoy, injure or damage the public at large or a substantial portion of the community or a considerable number of persons, and from which any resulting damage is not specifically apportionable to any one member of the community.

*Subdivision:* Any tract or parcel of land divided into two (2) or more lots or parcels, for the purpose, whether immediate or future, of transfer of ownership or development, as otherwise defined in the Roanoke County Subdivision Ordinance.

*Trash:* Abandoned personal property, garbage, refuse, rubbish, litter or debris.

*Weeds* means grass, weeds, bushes, poison ivy, poison oak or any other vegetable growth, other than trees, ornamental shrubbery, flowers and garden vegetables.

Sec. 13-152. - Penalty.

(a) Any owner who violates section 13-153(a) or any other provisions of this article pertaining to section 13-153(a), or who violates section 13-154 or section 13-159, shall be subject to a civil penalty not to exceed fifty dollars (\$50.00) 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 twelve (12) months of the first violation shall not exceed two hundred dollars (\$200.00). Each calendar 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 three thousand dollars (\$3,000.00) in a twelve-month period.

(b) Any owner who violates section 13-153(b) or any other provisions of this article pertaining to section 13-153(b) shall be subject to a civil penalty not to exceed one hundred dollars (\$100.00).

(c) In lieu of imposition of a fine or civil penalty, the court may order the defendant to perform community service in litter abatement activities.

(d) Classifying violations under this article as civil penalties shall preclude prosecution of violations as a misdemeanor.

Sec. 13-153. - Cutting of weeds and grass required.

(a) It shall be unlawful for any owner of any vacant developed or undeveloped property, including such property upon which buildings or other improvements are located, within the boundaries of platted subdivisions or any other areas zoned for residential, business, commercial or industrial use, to permit weeds of more than twelve (12) inches in height within two hundred fifty (250) feet of property developed for residential use.

(b) The owner of occupied residential real property shall cut the grass or lawn area of less than one-half  $\frac{1}{2}$  acre on such property when growth of such grass or lawn area exceeds twelve (12) inches in height.

Sec. 13-154. - Removal of trash required.



It shall be unlawful for the owner of any parcel or property to allow the accumulation of trash on any parcel or property. The owner of any parcel or property shall maintain all exterior property areas in a clean, safe condition free from the accumulation of trash. Failure to comply with this provision shall also constitute a public nuisance.

Sec. 13-155. - Report of violation.

Any person aggrieved by the presence of weeds or grass in violation of section 13-153 or the accumulation of trash in violation of section 13-154 may report such presence to the enforcement agent.

Sec. 13-156. - Inspection of site of violation: notice to cut weeds or remove trash.

Upon receipt of a report as referred to in section 13-155, the enforcement agent shall cause the site of the reported violation to be inspected pursuant to applicable constitutional and statutory provisions. When the enforcement agent has determined from such reports and inspections or otherwise that a violation in fact exists, he shall notify the owner of the land or parcel upon which the violation exists to cut or cause to be cut the weeds or grass complained of, or to remove the accumulation of trash, within ten (10) calendar days of the delivery, mailing or posting of the notice. Such notice shall be in writing, shall be delivered by hand or mailed to the last known address and if the owner of the property cannot be found within the county after a reasonable search, notice shall be sent by certified mail, return receipt requested, to the last known address of the owner and a copy of the notice shall be posted on the property in a conspicuous place, and shall be complied with by such owner.

Sec. 13-157. - Performance of work by county; collection of costs.

If such weeds or grass are not cut, or the accumulation of trash is not removed, within the required time as provided for in the notice under section 13-156, the enforcement agent shall cause such weeds or grass to be cut, or the trash to be removed, and the abatement cost and expense thereof to be assessed against the owner of such property. The assessment shall be collected by the county as taxes and levies are collected. Every charge for cutting grass on vacant property or removal of trash which the owner of any property shall have been assessed and which remains unpaid shall constitute a lien against such property on parity with liens for unpaid taxes.

Sec. 13-158. - Exemption.



The director of community development or his/her designee may exempt from the application of this article any parcel which is owned by the county or upon which the county has an easement for stormwater management facilities, and includes riparian buffers, reserved open space, floodplain preservation areas, or other environmentally sensitive areas as defined in the county stormwater management ordinance and design manual, or which are critical to the environmental health of the ecosystem, or which are required by a state or federal agency.

Sec. 13-159 Littering Prohibited.

It shall be unlawful and a violation of this Article for any person to drop, deposit, discard or otherwise dispose of trash or litter in or upon any public or private property within Roanoke County without the private property owner's consent, including but not limited to any street, sidewalk, park, vacant or occupied lot, except in public receptacles, or in authorized private receptacles provided for public use,

When a violation of the provisions of this Section has been observed by any person, and the matter dumped or disposed of in the street, highway, right-of-way or private property has been ejected from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting such trash, garbage refuse, litter, or debris, provided that such presumption shall be rebuttable by competent evidence.

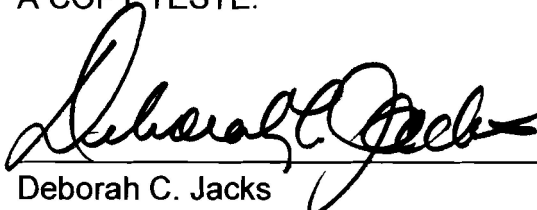
2. That this ordinance shall be in full force and effect from and after its adoption.

On motion of Supervisor Moore to adopt the ordinance, and carried by the following roll call and recorded vote:

AYES: Supervisors Moore, Flora, Church, Elswick, Altizer

NAYS: None

A COPY TESTE:

  
Deborah C. Jacks  
Clerk to the Board of Supervisors

cc: Paul Mahoney, County Attorney