

Ordinance Amendment

To amend the City Code Section 16-6-58 Weeds, etc., on lots by replacing the entire section with new and updated language to regulate the growth of grass, weeds, or foreign growth when such vegetation is presumed to threaten the health, safety, and general welfare of the residents of the City.

ORDINANCE AMENDING AND RE-ENACTING SECTION
16-6-58
OF THE
CODE OF ORDINANCES
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of
Harrisonburg, Virginia:**

That Section 16-6-58 Weeds, etc., on lots be amended as shown:

Sec. 16-6-58. - Weeds, etc., on lots.

- ~~(a) Between April first and November first of each year, every owner of real estate situate in the city shall, at his sole expense, cause to be cut therefrom all grass, weeds and foreign growth, with the following exceptions:~~
- ~~(1) Farm land, not including business gardens, on which crops are being grown or land used to pasture livestock.~~
 - ~~(2) Acreage not farmed or pastured but which is not subdivided and of which no subdivision plat has been recorded. However, on such unused acreage, the owner shall mow a strip twenty five (25) feet wide adjacent to any street or adjoining property on which a residence is located.~~
 - ~~(3) Alleys and public streets that are not open to vehicular traffic and which are governed by the maintenance improvement plan to public alleys.~~
 - ~~(4) Subdivided and recorded residential lots fronting undeveloped public street rights of way.~~
 - ~~(5) Areas which the city has qualified as an approved and maintained Best Management Practice for stormwater regulatory compliance and/or stormwater utility fee credit purposes.~~
- ~~(b) Upon determination by the city manager, in conjunction with the chief of police, or their agents, that there exists upon any land or premises within the city, including the area in front of such land or premises extending to the curb line, any trash, garbage, refuse, litter and other similar substances which might endanger the health, safety or general welfare of other residents of the city, notice shall be served on the owner or his agent and the occupant of the land or premises to cause such trash, garbage, refuse, litter and other similar substances which might endanger the health, safety or general welfare of other residents to be removed from such land or premises within ten (10) days from the date of such notice.~~
- ~~(c) Upon determination by the city manager, or his agents, that there exists on any land or premises within the city, including the area in front of such land or premises extending to the curb line, any grass, weeds, brush and other foreign growth not exempt under paragraph (a) above which presents any threat to the health, safety, or general welfare of residents of the city, written notice shall be served on the owner, or his agent, of the land to cause such grass, weeds, brush or other foreign growth to be removed or cut~~

~~and removed from such land or premises within five (5) days from the date of receipt of, or immediately upon undeliverable return of, such notice. The notice shall state that no further notice shall be given by the city for the remainder of the calendar year. The notice shall further state that the city shall take corrective action as needed, until the end of the enforcement period for the calendar year, and that such costs shall be charged to the property owner as provided in this section. Occurring at the same time as the written notice, notice shall also be posted in a conspicuous place upon the land or premises for a period of at least five (5) days stating the nature of the violation, the action needed to correct the violation and an address and/or telephone number where additional information can be obtained. For purposes of this section, whenever grass, weeds, brush or other foreign growth attains the height of twelve (12) inches or more, it shall be presumed to threaten the health, safety and general welfare of residents of the city.~~

~~(d) The notice provided for in paragraphs (b) and (c) above shall be served in person or be sent by registered or certified mail. One (1) notice per growing season is hereby deemed reasonable notice to owners of property remaining in the same ownership to authorize the city to remove or contract for the removal of any grass, weeds, brush or other foreign growth in violation of this section for the entire remainder of the growing season.~~

~~(e) Upon the failure, neglect or refusal of any owner, agent or occupant of the land or premises upon whom notice has been served as provided in this section to remove or cut and remove such trash, garbage, refuse, litter or other similar substances or grass, weeds or other growth which might endanger the health, safety or general welfare of other residents of the city, within the time indicated in the notice, the city manager or his agent may, without notice, have the requisite work done by city forces or by contract. The actual cost of such work shall be charged to the owner of the land or premises upon whom such notice was served.~~

~~(f) When the city manager has accomplished the removal or cutting and removal of trash, garbage, refuse, litter or other similar substances or grass, weeds or other growth pursuant to this section, he shall bill the owner of the land for the cost of such removal or cutting and removal and the cost of publication, if any. If such bill is not paid within thirty (30) days, the city manager shall transmit such bill to the city treasurer, who shall include such amount in the next regular tax bill of the owner of such property. Every charge authorized herein which remains unpaid shall constitute a lien against such property and may be collected as taxes and levies are collected.~~

~~(g) The failure, neglect or refusal of an owner, agent, occupant or lessee of land or premises, or owner or beneficiary of an easement or other right to use such land or premises, to comply with terms of a notice served pursuant to this section shall constitute a Class 4 misdemeanor.~~

(a) For the purposes of this section, whenever grass, weeds, or foreign growth exceeds 12 inches in height, it shall be presumed to threaten the health, safety, and general welfare of residents of the city.

(b) Interpretation.

- (1) “Grass, weeds, or foreign growth” shall not be interpreted to include planned, intentional and maintained areas of ornamental grasses, ground covers, ferns, fruits, vegetables, herbs, spices, flowers, wildflowers, or trees.
- (c) Generally. It shall be unlawful for the owner of real property situated in to city to allow grass, weeds, or foreign growth to exceed 12 inches in height between April first and November first of each year.
- (d) Exceptions.
- (1) This section shall not apply to:
 - (i) Nonconforming farm land, not to include business gardens, on which crops are being grown or land used to pasture livestock.
 - (ii) Undeveloped public alleys and streets.
 - (iii) Areas which the city has qualified as an approved and maintained stormwater best management practice for stormwater regulatory compliance and/or stormwater utility fee credit purposes.
 - (iv) Areas with a steep land slope of greater than fifteen percent.
 - (2) For undeveloped property, excluding common area parcels as a part of a development, having no principal or accessory structure or existing use, this section shall apply only to those portions of the property within 5 feet of a property line abutting a developed street and extending to the curb line or a property with a principal or accessory structure or existing use.
- (e) Notice of Violation. Upon determination that a violation of this section exists, the city manager or designated agent shall serve written notice on the owner of the property and post notice in a conspicuous location on the property. Such notice shall:
- (1) Instruct the owner to bring the property into compliance with this section within 5 days of receipt of such notice;
 - (2) State that failure to bring the property into compliance within 5 days of receipt may result in penalties;
 - (3) State that if the property is not brought into compliance with this section within 5 days of receipt, the city may take corrective action to bring the property into compliance, and that the costs of corrective action shall be charged to the property owner.
 - (4) State that one written notice per growing season to the owner of record shall be considered reasonable notice and no further notice is necessary to take corrective action or issue penalties for any future violations.
- (f) Penalties.

- (1) If an owner fails to bring his property into compliance within the period specified in the notice of violation, the owner shall be subject to a civil penalty of \$50 and an additional notice of violation may be issued. Civil penalties shall be paid within 30 days of receipt of the notice of penalty.

- (2) In lieu of issuing more than one notice of violation to the same owner for the same property, the city manager or the designated agent may have such grass, weeds, or foreign growth cut by the city's employees or agents. All costs and expenses associated with such cutting shall be chargeable to and paid by the owner of such property, to be collected as taxes are collected.

This ordinance shall be effective from the ____ day of _____, 2018. Adopted and approved this ____ day of _____, 2018.

MAYOR

ATTESTE:

DEPUTY CITY CLERK