

**15. FIRST READING
ORDINANCE AMENDMENT RELATED TO WEEDS,
GRASS AND UNHEALTHY GROWTHS**

Attached for your reference, please find copied correspondence from Mr. Railey relating to proposed changes to Section 10-48 of the County Code.

While many of the revisions are intended to clarify and strengthen the existing ordinance, the most substantive change is that, if adopted, it would now require the County to give notice only once per growing season as opposed to each time the grass exceeds the maximum height.

Mr. Railey may have additional comments.

I've attached the following for your reference:

1. The current version of Section 10-48;
2. The proposed version of Section 10-48; and
3. A comparative blackline version illustrating and highlighting the proposed changes.

MOTION REQUIRED:

If the Board is so inclined, a motion is required authorizing a public hearing on the proposed amendment at your next regular meeting on February 24, 2014.

January 21, 2014

Mr. Michael W. Johnson, Administrator
Southampton County
Post Office Box 400
Courtland, VA 23837

Re: Revised tall grass ordinance

Dear Mike:

Please find enclosed herewith a proposed revised tall grass ordinance. Should you have questions or comments please feel free to contact me.

If possible, a first reading at the January meeting would put us in a good position to adopt the ordinance at the February meeting in time for the grass growing season.

With kind personal regards, I am

Very sincerely,

Richard E. Railey, Jr.

abr

pc: Ms. Beth Lewis

PROPOSED ORDINANCE

Sec. 10-48. Weeds, grass and unhealthy growths.

BE IT ORDAINED by the Board of Supervisors of Southampton County, Virginia that the Southampton County Code be, and hereby is, amended as follows:

Sec. 10-48. Weeds, grass and unhealthy growths.

(a) The owners of vacant developed or undeveloped property, including such property upon which buildings or other improvements are located, shall cut the grass, weeds and other foreign growth on such property or any part thereof in any areas zoned for residential, business, commercial or industrial use to a height not exceeding twelve (12) inches; and it shall be unlawful for the owner of any such property to allow, permit or maintain any growth of weeds, grass or unhealthy growths thereon to a height exceeding twelve (12) inches.

(b) When any condition exists on any lot or parcel of land in Southampton County in violation of subsection (a) of this section, it shall be the duty of the Southampton County Board of Supervisors acting through its designee, to serve or cause to be served a notice upon the owner of such land, requiring the owner of such lot or parcel to cut and remove the weeds, grass, or unhealthy growths existing upon such lot or parcel within ten (10) days after service of such notice upon such owner. If such owner fails to act to remove the weeds, grass, or unhealthy growths within such ten (10) days period, the Board of Supervisors' designee shall have, through its agents or employees, such weeds, grass or unhealthy growths cut, and in that event, the costs and expense thereof shall be chargeable to and paid by such owner.

For the purposes of this provision, one (1) written notice per growing season to the owner of record of the subject property shall be considered reasonable notice. After the first such notice and failure of the owner to act to remove the weeds, grass, or unhealthy growths within such ten (10) day period, the Board of Supervisors' designee shall have, through its agents or employees, such weeds, grass, or unhealthy growths cut without any further notice required during any such growing season, and, in that event, the costs and expense shall be chargeable to and paid by such owner.

Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid at the time of preparation of Southampton County real property tax statement, be added as an additional charge on such statement and shall rank on a parity with lien for unpaid real property taxes and enforceable in the same manner as provided in §58.1-3940 *et. seq.* and §58.1-3965 *et. seq.* of the 1950 Code of Virginia, as amended.

(c) The Southampton County Board of Supervisors may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to the purchaser who is unrelated by blood or marriage to the owner and 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.

(d) This section shall not have any force and effect within the corporate limits of any town within Southampton County.

The effective date of this ordinance shall be: _____

State law references: §15.2-901 of the 1950 Code of Virginia, as amended.

EXISTING ORDINANCE

Sec. 10-48. Weeds, grass and unhealthy growths.

(a) It shall be unlawful for any owner, lessee or occupant, or any agent, representative, or employee of such owner, lessee or occupant, having control of any parcel of land in the county to allow, permit, or maintain any growth of weeds, grass or unhealthy growths thereon or along the sides thereof within the boundaries of platted subdivisions or in any other areas zoned for residential, business, commercial or industrial use in the county to a height exceeding twelve (12) inches.

(b) When any condition exists on any lot or parcel of land in the county in violation of subsection (a) of this section, it shall be the duty of the sheriff's department or another designee as determined by the board of supervisors to serve or caused to be served a notice upon the owner, lessee, or occupant of such lot or parcel of land requiring the owner, lessee or occupant of such lot to cut and remove the weeds, grass, or unhealthy growths existing upon such lot or parcel of land within ten (10) days after the service of such notice upon such owner, lessee, or occupant. If such owner, lessee, or occupant fails to act or remove the weeds, grass or unhealthy growths within the time specified in such notice, the board shall through its agents or employees have such grass, weeds or unhealthy growth cut, and in that event the costs and expense thereof shall be chargeable to and paid by the owner of such property and may be collected by the county as taxes and levies are collected.

(c) This section shall not have any force and effect within the corporate limits of any town within the county.

(Code 1976, § 11-83.1)

State law reference— Removal of weeds, Code of Virginia, § 15.1-11.

1 **BLACKLINE VERSION**

2
3
4
5 **Sec. 10-48. Weeds, grass and unhealthy growths.**

6
7 (a) ~~It shall be unlawful for any owner, lessee~~The owners of vacant developed or ~~occupant, or any~~
8 ~~agent, representative, or employee of such owner, lessee or occupant, having control of any parcel of~~
9 ~~land in the county to allow, permit, or maintain any growth of weeds, grass or unhealthy growths~~
10 ~~thereon or along the sides thereof within the boundaries of platted subdivisions or in any~~
11 ~~other undeveloped property, including such property upon which buildings or other improvements are~~
12 ~~located, shall cut the grass, weeds and other foreign growth on such property or any part thereof in any~~
13 ~~areas zoned for residential, business, commercial or industrial use in the county to a height not~~
14 ~~exceeding twelve (12) inches; and it shall be unlawful for the owner of any such property to allow,~~
15 ~~permit or maintain any growth of weeds, grass or unhealthy growths thereon to a height exceeding~~
16 ~~twelve (12) inches.~~

17
18 (b) When any condition exists on any lot or parcel of land in ~~the county~~Southampton County in
19 violation of subsection (a) of this section, it shall be the duty of the ~~sheriff's department or another~~
20 ~~Southampton County Board of Supervisors acting through its~~ designee ~~as determined by the board of~~
21 ~~supervisors,~~ to serve or ~~caused~~cause to be served a notice upon the owner, ~~lessee, or occupant of such~~
22 ~~land, requiring the owner~~ of such lot or parcel ~~of land requiring the owner, lessee or occupant of such lot~~
23 to cut and remove the weeds, grass, or unhealthy growths existing upon such lot or parcel ~~of land~~ within
24 ten (10) days after ~~the~~ service of such notice upon such owner, ~~lessee, or occupant.~~ If such owner,
25 ~~lessee, or occupant~~ fails to act ~~or to~~ remove the weeds, grass, or unhealthy growths within ~~the time~~
26 ~~specified in such notice, the board~~ ten (10) days period, the Board of Supervisors' designee shall ~~have,~~
27 through its agents or employees ~~have,~~ such ~~weeds, grass, weeds~~ or unhealthy ~~growth~~growths cut, and in
28 that event, the costs and expense thereof shall be chargeable to and paid by such owner.

29
30 For the purposes of this provision, one (1) written notice per growing season to the owner of
31 ~~such~~record of the subject property ~~and may~~ shall be collected ~~considered~~ reasonable notice. After the
32 first such notice and failure of the owner to act to remove the weeds, grass, or unhealthy growths within
33 such ten (10) day period, the Board of Supervisors' designee shall have, through its agents or employees,
34 such weeds, grass, or unhealthy growths cut without any further notice required during any such
35 growing season, and, in that event, the costs and expense shall be chargeable to and paid by such owner.

36
37 Every charge authorized by the county as this section with which the owner of any such property
38 shall have been assessed and which remains unpaid at the time of preparation of Southampton County
39 real property tax statement, be added as an additional charge on such statement and shall rank on a
40 parity with lien for unpaid real property taxes and levies are collected enforceable in the same manner as
41 provided in §58.1-3940 et. seq. and §58.1-3965 et. seq. of the 1950 Code of Virginia, as amended.

42
43 (c) The Southampton County Board of Supervisors may waive such liens in order to facilitate
44 the sale of the property. Such liens may be waived only as to the purchaser who is unrelated by blood or
45 marriage to the owner and has no business association with the owner. All such liens shall remain a
46 personal obligation of the owner of the property at the time the liens were imposed.

47
48 (d) This section shall not have any force and effect within the corporate limits of any town within
49 the county, Southampton County.

Style Definition: Normal: Font: (Default)
Times New Roman, 12 pt, Justified, Space
After: 0 pt, Line spacing: single

Style Definition: List Paragraph: Font:
(Default) Times New Roman, 12 pt, Justified,
Space After: 0 pt, Line spacing: single

Formatted: Underline

Formatted: Underline

Formatted: Font: Bold

Formatted: Indent: Left: 0.5", Right: 0.5"

Formatted: Font: Not Bold