

Chapter 170**WEEDS AND DEBRIS****Sections:****170-1 DEFINITIONS****170-2 REMOVAL OF HIGH GRASS, WEEDS AND FOREIGN GROWTH****170-3 REMOVAL OF TRASH; TOWN ACTION ON FAILURE OF OWNER TO REMOVE****170-4 NOTICE TO OWNER WHEN UNKNOWN**

Adopted by the Town Council of the Town of Front Royal 3-11-85 (*Chapter 13 of the 1965 Code. Section 13-15, 13-16 and 13-18 were repealed 1-8-68*). Other amendments noted where applicable.

170-1 DEFINITIONS

For the purposes of this Chapter, the following words shall have the meanings respectively ascribed to them by this Section:

DEBRIS - Includes cuttings of weeds, trees or bushes, trash, junk, or any other material which may provide a hiding place for snakes or rats, or anything or any condition which may be a fire hazard, breeding place for mosquitoes or which gives off obnoxious or offensive odors.

FOREIGN GROWTH - Plants other than grass and weeds that the provisions of this Chapter also require property owners to cut, including poison ivy, poison oak, poison sumac, and invasive alien plants that are identified by the Virginia Department of Conservation and Recreation; however, the following are specifically excluded as being classified as foreign growth when they are routinely maintained and kept in reasonably good health: shrubs and flowers that are customarily used for ornamental purposes, common garden vegetables, fruit, trees, and underbrush within a forest or woodland area.

(Amended to "*Foreign Growth*" 11-27-17-Effective Upon Passage)

170-2 REMOVAL OF HIGH GRASS, WEEDS AND FOREIGN GROWTH

- A. The owner of any developed or undeveloped property located within the Town shall, whenever any such growth exceeds a height of ten inches (10"), cut the grass, weeds and foreign growth on such property, excluding areas that are farther than one hundred (100) feet from the principal building on such property, and from any building situated on an adjacent property. Nothing herein shall apply to property zoned for or in active farming operation. Any such owner failing, to cut such grass, weeds and foreign growth, shall be in violation of this Section and shall be subject to a civil penalty of fifty dollars (\$50) for the first such violation or violations arising from the same set of operative facts, and a civil penalty of \$100 for subsequent violations not arising from the same set of operative facts occurring within 12 months of the first violation.

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 violations arising from the same set of operative facts result in civil penalties exceeding \$3,000 in a twelve (12) month period. Alternatively, the Town Manager or designee, should they deem it necessary, may, after ten (10) days' written notice to the owner of record, with one such notice being sufficient notice for the entire growing season, have such grass weeds or foreign growth cut by the Town's agents or employees, in which event the costs and expenses thereof shall be chargeable to and paid by the owner of such property, and any such charges may be collected by the Town as taxes are collected. Every charge authorized by this Section with which the owner of such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid taxes and enforceable in the same manner as provided in Articles 3 (§58.1-3940 et seq.) and 4 (§58.1-3965 et seq.) of Chapter 39 of Title 58.1.

- B. Any owner aggrieved by the decision of the Town Manager or designee under paragraph A above may appeal the herein described notice within ten (10) days of the date of its receipt, in which case, all efforts to cause said grass, weeds, or foreign growth to be cut by the Town shall cease until the appeal has been decided by Town Council.

(Amended Entire Section 9-22-08-Effective Upon Passage)

(Amended Entire Section 11-27-17-Effective Upon Passage)

(Amended Entire Section by adding "designee" 5-24-21-Effective Upon Passage)

170-3 REMOVAL OF TRASH; TOWN ACTION ON FAILURE OF OWNER TO REMOVE

- A. The owner of property located within the Town shall, when the Town Manager or designee, acting as agent for the Town Council, determines that trash, garbage, litter, debris and/or other substances exist on the property, which might endanger the health or safety of other residents of the Town, after ten (10) days' notice, remove therefrom any and all such trash, garbage, refuse, litter, debris and other substances in a manner authorized by law. Any such owner failing to comply with the notice shall be subject to a civil penalty of fifty dollars (\$50) for the first such violation or violations arising from the same set of operative facts, and a civil penalty of one hundred dollars (\$100) for subsequent violations not arising from the same set of operative facts occurring within twelve (12) months of the first violation. 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 violations arising from the same set of operative facts result in civil penalties exceeding three thousand dollars (\$3,000) in a twelve (12) month period. Alternatively, the Town Manager or designee, should they deem it necessary, may, after ten (10) days' notice, have such trash, garbage, refuse, litter, debris and other substances, which might endanger the health of other residents of the Town, removed by Town's agents or employees, in which event the costs and expenses thereof shall be chargeable to and paid by the owner of such property and any such changes may be collected by the Town as taxes are collected. Every charge authorized by this Section with which the owner of such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 (§58.1-3940 et seq.) and 4 (§58.1-3965 et seq.) of Chapter 39 of Title 58.1.

- B. Any owner aggrieved by the decision of the Town Manager or designee, under paragraph A above, may appeal the herein described notice within ten (10) days of the date of its receipt, in which case, all efforts to cease removal of said trash and debris until the appeal has been decided by Town Council.

(Amended Entire Section 11-27-17-Effective Upon Passage)

(Amended Entire Section by adding “designee” and “trash and debris” 5-24-21-Effective Upon Passage)

170-4 NOTICE TO OWNER WHEN UNKNOWN

If the owner of the property cannot be found, the notice mentioned in Sections 170-2 and 170-3 may be given to the owner’s agent and tenant or, if none, then such notice may be given by publication of the same once in a newspaper published or circulated in the Town.

(Amended Entire Section 11-27-17-Effective Upon Passage)