

# Chapter 137 Property Maintenance

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## Chapter 137 Property Maintenance

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[HISTORY: Adopted by the Board of Supervisors of Clarke County 01-19-1988 as Secs. 10-1 through 10-4 of the 1987 Code. Amendments noted where applicable.]

### General References

Chapter 67 Brush, Grass And Weeds, Article I Control of Johnson Grass

Chapter 71 Building Construction

Chapter 112 Littering

Chapter 124 Nuisances

Chapter 171 Vehicles, Abandoned.

### Code of Virginia References

§ 3.2. Agriculture, Animal Care, and Food Chapter 8. Noxious Weeds

§ 10.1-1415 et seq. - Litter control program

§ 15.2-901. Locality may provide for removal or disposal of trash, cutting of grass and weeds; penalty in certain counties.

§ 15.2-903. Ordinances taxing and regulating "automobile graveyards," "junkyards," and certain vacant and abandoned property."

#### *§ 137-1. Prohibited disposition of wastes.*

It shall be unlawful for any person to dispose of any garbage, trash, litter, refuse, rubbish or other waste matter, whether liquid or solid, in any well, spring, reservoir, watercourse or body of water or upon any street, sidewalk or public grounds other than grounds designated by the Board of Supervisors for such purpose, and then only in the manner provided by regulations relating thereto.

#### *§ 137-2. Disposal of waste upon property of another person.*

It shall be unlawful for any person to dispose of any garbage, trash, litter, refuse, rubbish or other waste matter, whether liquid or solid, upon the property of another without the consent of the owner, occupant or person in charge of such property, and then only in such manner that it will not endanger the health or safety of persons or be subject to scattering by the elements of nature or otherwise constitute a nuisance.

### *§ 137-3. Maintenance of premises.*

It shall be the duty of each owner, occupant and person in charge of any real property in the county to maintain such property at all times free from any accumulation of garbage, trash, litter, refuse, rubbish or other waste matter, whether liquid or solid, which might endanger the health or safety of residents of the county or otherwise constitute a nuisance and to provide for the cutting thereon of grass, weeds and other foreign growth as often as may be necessary to prevent breeding and harboring places for insects, reptiles and rodents and to prevent other hazards to the health or safety of residents of the county or other nuisances.

### *§ 137-4. Investigation and notice.*

The Sheriff or the Health Officer may, and upon complaint by any responsible person that conditions exist on any real property in violation of § 137-3 shall,

- Investigate conditions existing on real property in the county at any time; and
- Upon determination by either such officer, following investigation, that the owner, occupant or person in charge of any real property in the county stands in violation of his duty as provided in § 137-3, such officer shall give written notice to the owner of record of such property and to the person primarily responsible, if different from the owner, stating the facts which constitute violation of § 137-3 and
- Directing him to take such action as may be necessary to rectify such conditions within such time, not more than 10 days, as shall be stated in the notice.

### *§ 137-5. Failure to comply; abatement of conditions; cost to become a lien.*

- A. If 10 days after the service of any notice under § 137-4 the directive thereof has not been complied with, the officer giving such notice shall proceed to have such work done as may be necessary to abate any condition which might endanger the health or safety of residents of the county or otherwise constitute a nuisance, and all expenses resulting therefrom 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, and all charges not so collected shall constitute a lien against such property.
- B. Independently, or in cooperation with the Sheriff or the Health Officer, the county may cause the abatement of conditions described in this chapter. It may obtain injunctive relief in an appropriate court in cases of noncompliance. The county may collect its costs, expenses and other appropriate fees from the owner of the property affected.