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THE REGULAR MEETING OF THE PLANNING COMMISSION OF THE TOWN OF ALTAVISTA, VIRGINIA, WILL BE HELD IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING ON MONDAY, JANUARY 7, 2019 at 5:00 p.m.

AGENDA

1. Call to Order
2. Roll Call / Determination of a Quorum
3. Election of Officers for 2019
4. Approval of Agenda
5. Pledge of Allegiance & Invocation
6. Approval of Minutes: **December 3, 2018**
7. Citizens to Address the Commission
8. Public Hearing(s) *(None Scheduled)*
9. New Business
 - i. Annual Report
 - ii. Code Review (Public Nuisances, Weed Control, etc.)
10. Old Business
 - i. Planning Commission Training Opportunity
11. Staff Report
12. Adjournment



TOWN OF ALTAVISTA PLANNING COMMISSION AGENDA COVER SHEET

MEETING DATE:

January 7, 2019

ITEM TITLE:

Election of Officers for 2019

2018 Slate of Officers:

Chairman: John Jordan
Vice-Chair: John Woodson

POTENTIAL ACTION:

Nomination and Vote on each officer.

ATTACHMENTS:

- None



TOWN OF ALTAVISTA PLANNING COMMISSION AGENDA COVER SHEET

MEETING DATE:

January 7, 2019

ITEM TITLE:

Approval of December 3, 2018 PC Meeting Minutes

POTENTIAL ACTION:

Approve minutes as presented or amended.

ATTACHMENTS:

- December 3, 2018 PC Meeting Minutes

The Altavista Planning Commission held a regularly scheduled meeting on Monday, December 3, 2018 at 5:00 PM in the Council Chambers at Town Hall

Members present	-	John Jordan, Chairman Marvin Clements Tim George Marie Mitchell John Woodson
Also present	-	Waverly Coggsdale Cheryl Dudley John Eller

The agenda was reviewed and approved as presented. A motion was made by Mr. George and seconded by Mr. Clements. All members were in favor with none opposing

The minutes from the meeting on Monday, November 5, 2018 were reviewed and approved as amended. A motion was made by Mr. George and seconded by Mr. Clements. All members were in favor with none opposing.

The PC reviewed and approved the 2019 meeting schedule as presented by Mr. Coggsdale. A motion was made by Mr. Clements and seconded by Mr. George. All members were in favor with none opposing.

Mr. Coggsdale received an email in November from Mr. Scott Smith from Region 2000 indicating that they were trying to formulate a Planning Commission training session in Lynchburg with Mike Chandler. It is scheduled for January 31, 2019 at 4:30 – 7:00 PM. Mr. Coggsdale stated that the PC are welcome to join the meeting if they are able.

The next order of business was Goals & Objectives that the PC felt should be discussed for the upcoming year. Mr. Coggsdale stated that if there is something the PC members have been wanting to discuss they should bring it up, so it can be discussed or be scheduled for discussion in 2019.

Chairman Jordan said he wanted to discuss the Maintenance Code. He feels like the PC should be able to handle it when properties need a little work or “fixing up” so that the town looks better. Mr. George agreed with Chairman Jordan and referenced properties that he could think of at the time. He stated that the ones reported more frequently are the ones that are seen more than some in other neighborhoods.

Chairman Jordan asked Mr. Eller if the ordinance was in place if the PC were to try and enforce a nuisance property. Mr. Eller stated that there is always the underlining requirement that will bring danger to the public’s health. For instance, tires laying in the yard with water inside of them, piles of junk that may attract rodents or snakes, etc. Mr. Eller stated that other than public health problems or a danger to someone’s well-being then the PC can enforce the property owner to clean up their property. For instance, paint peeling off a house is not a danger and cannot be enforced. The property maintenance code (Volume 2 of the State-Wide Building Code) can be adopted by localities.

Mrs. Mitchell asked about targeting vacant buildings in Altavista. She asked if they could be taxed or charged a fee for having a vacant building in Altavista. She stated that "if their pocket books were hurt" it might get a quicker response to clean up their property. She stated that there are buildings that could be utilized, and that people are looking for places to put their business in Altavista.

Mr. Coggsdale stated that there are places where the property owner may not want to rent or sell but they should be made to keep the property looking nice.

Chairman Jordan stated that maybe the PC needs to start having these discussions and there isn't anything specific on the agenda looking into 2019.

He stated that there is a tremendous facility that the Town of Altavista has with the English Park addition. He stated that it should lead to someone other than Altavista residents taking advantage of it. And, while they're taking advantage of the park why not give them something to do other than that. Mr. Coggsdale stated that he could find information that other communities have done on their economic development side of their planning for Altavista for the PC to begin discussion on.

Chairman Jordan stated that he would like to have at his disposal the specific pages from codes from different localities in regard to the items mentioned that Altavista is dealing with.

Mr. Coggsdale stated that it can be done, and it can be explained or interpreted so that the PC understands it. He said that a public nuisance is defined differently than a property maintenance some of the time.

Mr. Woodson asked if it could be argued that a building that has been vacant for a long time is a public nuisance because it is possible that it has been broken into or varmints can live and multiply just by being vacant it can become a public nuisance.

Mr. Coggsdale stated that for instance if a window has been broken out, the property owner doesn't have to replace the glass but can board it up instead. The boarding up addresses the problem of people or animals getting inside but may make the building look bad.

Mr. Woodson asked if the Town can require the empty buildings have a working fire system in them?

Mr. Coggsdale stated that would more than likely become a fire code issue.

Mr. Eller stated that the Fire Marshall could have some in put on that but if the building is sealed up and all the entrances are functional and there is no access in or out of the building it is not considered a nuisance.

Mr. George asked if the former Lane Company building owner is exempt because there are several safety issues at that location. There has been demolition at that location for 10 years and the job isn't complete yet. There are buildings that have been partially demolished with over head accesses that go across a road that have been partially torn down and they can fall and hurt anyone at any minute.

Mr. Coggsdale said we can bring back options to what the code refers to what can and can't be done. He agreed with Mr. George that something needs to be done.

Mr. Clements asked what the PC would have to go through in order to send out reminders of some of the Town ordinances like the dog / leash ordinance or people leaving their garbage cans out past the time they have been collected. He asked if it would be feasible to send out reminders to the Town residents?

Mr. Coggsdale stated there are a couple opportunities but in regard to the water bill, there is limited amount of space to place a message. What the Town is doing right now is placing notices in the bags that the calendars will be delivered in. He suggested maybe a booklet for the town residents with notifications of that sort in them. He feels like it is a good way to communicate with the citizens and let them know what is happening or things they need to be reminded of.

Mr. Coggsdale asked what the PC wanted to see addressed.

The PC responded and stated that high grass, trash cans being left out, dogs not confined, "junky" yards, signs and sign posts for businesses that have closed for one reason or another.

Mr. Coggsdale stated that there are some things that have to be addressed and there is also some borderline things that are difficult to address as well.

Mrs. Mitchell said some of the businesses and shopping centers need to have their trash picked up at the dumpsters they have located on the lot of their business. Dollar General and the out parcel near Walmart were two places she referenced. They have trash all over the ground and not in the containers provided for them. The dumpsters near Walmart have rodents in them because of the lack of care they receive.

Mr. Coggsdale stated that if they are in violation, he would be glad to address the issue and send them a letter.

Mr. Coggsdale gave his staff report.

The meeting was adjourned at 6:03PM

John Jordan, Chairman

Waverly Coggsdale, Town Manager



TOWN OF ALTAVISTA PLANNING COMMISSION AGENDA COVER SHEET

AGENDA LOCATION:

New Business

MEETING DATE:

January 7, 2019

ITEM TITLE:

Annual Report – Planning Commission

DESCRIPTION:

The attached report indicates the items considered by and/or acted upon by the Planning Commission.

POTENTIAL ACTION:

Acceptance of the Report as presented or modified. This report will be provided to the Town Council at their February 12, 2018 Regular Meeting.

ATTACHMENTS:

- *2018 Planning Commission Annual Report*



TOWN OF ALTAVISTA PLANNING COMMISSION ANNUAL REPORT - 2018

COMMISSIONERS

John Jordan, Chairman
John Woodson, Vice Chairman
Marvin Clements
Marie Mitchell
Tim George

OVERVIEW

The Altavista Planning Commission is comprised of five citizens appointed by Town Council. The Commission fulfills the duties identified in Section 15.2-2221 of the Code of Virginia. The Planning Commission is the official planning body for review of the future growth and development of the Town of Altavista pursuant to the adopted Comprehensive Plan and Town Ordinances. The Community Development Department is the lead department that supports the work of the Planning Commission by providing planning guidance and technical review. The Town Attorney serves a valuable role in advising the Planning Commission and staff – when needed – on land use matters. Town citizens also provide critical contributions through input and involvement during citizen comment periods and public hearings.

PLANNING COMMISSION MEETING DATES

February 5, 2018

April 2, 2018

June 4, 2018

July 2, 2018

August 6, 2017

October 1, 2018

November 5, 2018

December 3, 2018

MEMBERSHIP

NAME	TERM EXPIRES
Marvin Clements	December 2022
Tim George <i>(Council Representative)</i>	December 2022
John Jordan, Chairman	November 2022
Marie Mitchell	April 2022
John Woodson, Vice-Chair	August 2020

REGULATORY CASES

Special Use Permits

Case #	DATE OF COMMISSION ACTION	COMMISSION RECOMMENDATION	COUNCIL ACTION	APPLICANT	LOCATION	REQUEST
	November 5, 2018	Approve	Approved	Michael Mattox	2181 Lynch Mill Road	Mini-Storage Units (Amendment)

Code Amendments

Case #	DATE OF COMMISSION ACTION	COMMISSION RECOMMENDATION	COUNCIL ACTION	APPLICANT	REQUEST
1	July 2, 2018	Approve	Approved	Town of Altavista	Amendments to Zoning Ordinance/ Mobile Restaurants
2	July 2, 2018	Approve	Approved	Town of Altavista	Amendments to Zoning Ordinance/Keeping of Horses in Residential Zones

MICS. ITEMS

During the year the Planning Commission also discussed the following items:

- Reviewed Draft Master Plan – Parks & Trails (February 5, 2018) – **No formal action**
- Informal discussion in regard to regulations on cats (April 2, 2018) – **No formal action**
- Informal discussion in regard to regulations for “property maintenance”, high grass/weeds, removal of old signs, and other related property matters (December 3, 2018) – **Staff will provide Town Code Sections to PC and the discussion will continue into 2019.**



TOWN OF ALTAVISTA PLANNING COMMISSION AGENDA COVER SHEET

AGENDA LOCATION:

New Business

MEETING DATE:

January 7, 2019

ITEM TITLE:

New Business

DESCRIPTION:

At last month's PC meeting, the Commission asked that staff provided the relevant Town Code Sections that deal with public nuisances (property conditions), high grass weeds, and other related matters.

The Code Sections included are:

- Chapter 21 – Buildings and Other Structures
- Chapter 34 Article II – Abatement of Public Nuisances
- Chapter 62 – Solid Waste; Weed Control (Secs. 62-2; 62-42 & 43; 62-81 & 82; 62- 111 – 120; and 62 - 151

POTENTIAL ACTION:

Per the Commission's discussion/direction.

ATTACHMENTS:

- *Code Sections (referenced above)*

Chapter 21 - BUILDINGS AND OTHER STRUCTURES

ARTICLE I. - IN GENERAL

Sec. 21-1. - Removal, repair, etc. of buildings and other structures.

- (a) The owners of property in the Town of Altavista shall, at such time or times as the town council may prescribe, remove, repair or secure any building, wall or any other structure which might endanger the public health or safety of other residents of the town.
- (b) The town council, through its own agents or employees, may remove, repair or secure any building, wall or any other structure which might endanger the public health or safety of other residents of the town, if the owner and lien holder of such property, after reasonable notice and a reasonable time to do so, has failed to remove, repair or secure such building, wall or other structure. For purposes of this section, repair may include maintenance work to the exterior of a building to prevent deterioration of the building or adjacent buildings. For purposes of this section, reasonable notice includes a written notice (i) mailed by certified or registered mail, return receipt requested, sent to the last known address of the property owner, and (ii) published once a week for two successive weeks in a newspaper having general circulation in the Town of Altavista. No action shall be taken by the town to remove, repair or secure any building, wall or other structure for at least 30 days following the later of the return of the receipt or newspaper publication, except that the town may take action to prevent unauthorized access to the building within seven days of such notice if the structure is deemed to pose a significant threat to public safety and such fact is stated in the notice.
- (c) In the event the town council, through its own agents or employees, removes, repairs or secures any buildings, wall or any other structure after complying with the notice provisions of this section, the cost or expenses thereof shall be chargeable to, and paid by, the owners of such property and may be collected by the town as taxes are collected.
- (d) Every charge authorized by this section or Code of Virginia, § 15.2-900 (Repl. Vol. 2008) with which the owner of any such property has 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 of the Code of Virginia (Repl. Vol. 2004 and Cum. Supp. 2008). The town may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who 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.
- (e) The civil penalty for a violation of any provision of this section shall be a fine of \$100.00 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 12 months of the first violation shall be a fine of \$150.00. In no event shall such civil penalties exceed a total of \$1,000.00. Designation of such violations for a civil penalty shall be in lieu of criminal sanctions and shall preclude prosecution of such violations as criminal misdemeanors. Imposition of civil penalties shall not preclude an action for injunctive, declaratory or other equitable relief, nor shall it preclude any action authorized under the preceding subsections hereof. Monies raised pursuant to this subsection shall be placed in the general fund of the Town of Altavista.

(Ord. of 3-10-2009, § 1)

Sec. 21-2. - Derelict building; procedure; real estate tax abatement.

- (a) The owners of property in the town shall at such time or times as the town council or its agent, hereinafter "town," may prescribe submit a plan to demolish or renovate any building that has been declared a "derelict building." For purposes of this section, "derelict building" shall mean a residential

or nonresidential building or structure, whether or not construction has been completed, that might endanger the public's health, safety, or welfare and for a continuous period in excess of six months, it has been (i) vacant, (ii) boarded up in accordance with the building code, and (iii) not lawfully connected to electric service from a utility service provider or not lawfully connected to any required water or sewer service from a utility service provider.

- (b) If a building qualifies as a derelict building pursuant to this ordinance, the town shall notify the owner of the derelict building that the owner is required to submit to the town a plan, within 90 days, to demolish or renovate the building to address the items that endanger the public's health, safety, or welfare as listed in a written notification provided by the town. Such plan may be on a form developed by the town and shall include a proposed time within which the plan will be commenced and completed. The plan may include one or more adjacent properties of the owner, whether or not all of such properties may have been declared derelict buildings. The plan shall be subject to approval by the town. The town shall deliver the written notice to the address listed on the real estate tax assessment records of the town. Written notice sent by first-class mail, with the town obtaining a U.S. Postal Service Certificate of Mailing shall constitute delivery pursuant to this section.
- (c) If the town delivers written notice and the owner of the derelict building has not submitted a plan to the town within 90 days as provided in subsection (b), the town may exercise such remedies as provided in this section or as otherwise provided by law.
- (d) The owner of a building may apply to the town and request that such building be declared a derelict building for purposes of this section.
- (e) The town, upon receipt of the plan to demolish or renovate the building, at the owner's request, shall meet with the owner submitting the plan and provide information to the owner on the land use and permitting requirements for demolition or renovation.
- (f) If the property owner's plan is to demolish the derelict building, and if the owner has completed the demolition within 90 days of the date of the building permit issuance, any building and demolition permit fees shall be reimbursed to the owner by the town. This section shall not supersede any ordinance adopted pursuant to Virginia Code § 15.2-2306 relative to historic districts.
- (g) If the property owner's plan is to renovate the derelict building, and no rezoning is required for the owner's intended use of the property, the site plan or subdivision fee and/or building permit fee may be reimbursed to the owner by the town, all or in part.
- (h) Prior to commencement of a plan to demolish or renovate the derelict building, at the request of the property owner, the value of the property in its current derelict condition shall be determined. On the building permit application, the owner shall declare the costs of demolition, or the costs of materials and labor to complete the renovation. At the request of the property owner, after demolition or renovation of the derelict building, the value of the property shall be adjusted to reflect the fair market value of the demolition costs or the fair market value of the renovation improvements, and such value shall be shown in the real estate tax assessment records. The town real estate tax on an amount equal to the costs of demolition or an amount equal to the increase in the fair market value of the renovations shall be abated for a period of 15 years, and is transferable with the property. The abatement of taxes for demolition shall not apply if the structure demolished is a registered Virginia landmark or is determined by the department of historic resources to contribute to the significance of a registered historic district. However, if the town has an existing tax abatement program for less than 15 years, as of July 1, 2009, the town may provide for a tax abatement period of not less than five years.
- (i) Notwithstanding the provisions of this section, the town may proceed to make repairs and secure the building under section 21-1 hereof, or the locality may proceed to abate or remove a nuisance under section 34-32 hereof. In addition, the town may exercise such remedies as may exist under the Uniform Statewide Building Code and may exercise such other remedies available under general and special law.

(Ord. of 1-12-2010, § 1)

ARTICLE II. - ABATEMENT OF PUBLIC NUISANCES

Sec. 34-31. - 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:

Animal means every dog or other animal or fowl owned within the boundaries of the town.

Primary enclosure means any structure used to immediately restrict an animal to a limited amount of space, such as a room, pen, cage, compartment or hutch. For tethered animals, the term includes the shelter and the area within reach of the tether.

Public nuisance means every activity or condition that endangers life or health, obstructs the reasonable and comfortable use of property, or gives offense to the senses so as to cause a positive and material disturbance or annoyance in the use or occupation of property. See section 34-31.1 for specific conditions and activities.

Responsible party or parties includes, but is not limited to, the owner and/or occupier, and/or possessor of the premises where a public nuisance is located, the owner and/or possessor of any personal property, including animals, which constitutes a public nuisance, the owner or possessor of any material which constitutes a public nuisance which escaped, spilled, or was released and the owner or agent of the owner who was transporting or otherwise responsible for such material and whose acts or negligence caused such public nuisance.

Responsible party or parties of an animal means any person having a right of property in an animal and any person who keeps or harbors an animal or has it in his or her care, or who acts as its custodian, and any person who permits an animal to remain on or about any premises occupied by him or her.

Stagnant water shall mean any water that is absent of flow or filtration by natural or mechanical means with the exception of bird baths, fish ponds, flower pots and other containers that are regularly tended by their responsible party or parties.

(Code 1968, §§ 8-14, 8-16(A); Ord. of 3-13-2018(1))

Cross reference— Definitions generally, § 1-2.

Sec. 34-31.1. - Specific conditions or activities constituting a public nuisance.

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions are hereby declared to be and constitute a public nuisance; provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:

- (1) Overgrown vegetation including grass, weeds, brush, or other plants which have reached a stage of growth so as to provide cover or harborage or potential cover or harborage for rats, mice, snakes or other vermin, or to cause a blighting problem, or adversely affect the public health and safety. Such growth between the property line and the street curblin shall also constitute a public nuisance. See also section 62-151 of this Code.
- (2) Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber or other things. Outside storage on any property of junk, trash, rubbish, garbage, refuse, litter, waste materials, tires, motor vehicle parts, wheels, metal scraps, plumbing fixtures, broken appliances or machines, and other objects or substances which might harbor rats, mice, snakes and other vermin, or which constitute a fire hazard or endanger the public health or safety. Trash or garbage which is placed within a trash can or bin shall not be deemed to be stored outside.

- (3) Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, is open and/or unsecured from entry or presents a fire hazard to the building itself and/or to other properties in the vicinity where it is located; or structures with exposed or faulty electrical wiring, broken windows, visible rotting or molding wood, faulty/rotten roofing or other materials, structures which are likely to collapse or fall over.
- (4) Vacant buildings. Any vacant or abandoned buildings that are not sealed so as to prevent the entry of persons or rats and other vermin.
- (5) Any building, structure or other place or location where any activity or condition, which is in violation of local, state or federal law, is conducted, performed or maintained.
- (6) Outside storage of abandoned or unused objects. Outside storage on a residential property of any offensive, unwholesome, unsanitary, or unhealthy item or substance, including but not limited to abandoned, unused, or discarded objects such as household furniture, appliances, equipment, mattresses, tools, lumber, building materials, and other objects that may cause a blighting problem. For the purpose of this subsection, the term "residential property" shall mean a property zoned R-1 or R-2 or a property zoned C-1 or C-2 on which the principal use is a residence. Nothing contained herein shall prohibit storage of materials used in conjunction with a construction project for which a building permit has been issued and which is being diligently pursued.
- (7) All obnoxious odors and stench, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stench.
- (8) The carcasses of animals or fowl not disposed of immediately after the death of such animal or fowl. (see town Code section 62-42(c)(9) for provisions as to pick up by town).
- (9) Any aggregation of animals creating a foul odor.
- (10) Any animal that:
 - a. Molests passersby or passing vehicles or interferes with traffic;
 - b. Attacks other animals;
 - c. Trespasses on school grounds and interferes with school activities;
 - d. Habitually turns over garbage cans of any person other than the owner or custodian thereof;
 - e. Damages private or public property;
 - f. By loud, frequent or habitual crying, barking, howling or other noise causes disturbance of the peace and quiet of any person or neighborhood; or
 - g. Dogs running at large in violation of town Code section 18-87.
- (11) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, industrial wastes or other substances.
- (12) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.
- (13) Emission of dense smoke and/or noxious fumes, for a continuing period in excess of 30 minutes.
- (14) Artificial light. Any artificial light source, with the exception of standard "dusk to dawn" lights, maintained by a responsible party or parties in a direction or in such a high level of brightness as to place an unreasonable burden on adjoining property.

(Ord. of 3-13-2018(2))

Sec. 34-31.2. - Public nuisances prohibited.

It shall be unlawful for any person to cause, permit, maintain or allow the creation or maintenance of a public nuisance. Violations shall be subject to the provisions of sections 34-34, 34-35, 34-37 and 34-38.

(Ord. of 3-13-2018(3))

Sec. 34-31.3. - Animal enclosures to be kept clean.

The responsible party or parties of any animal kept in a primary enclosure as defined in section 34-31 in the town shall keep that enclosure properly cleaned meaning that carcasses, debris, food waste and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals' contact with such contaminants; the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazards of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants. Failure to do so shall constitute a violation of this article and shall be subject to abatement as a public nuisance under the provisions in sections 34-32, 34-34, 34-35, 34-37 and 34-38.

(Ord. of 3-13-2018(4))

Sec. 34-32. - Procedure.

- (a) Every public nuisance shall be abated by the responsible party or parties of the property from which the public nuisance emanates, at the expense of such responsible party or parties pursuant to the procedure set forth in this section.
- (b) Whenever an apparent public nuisance is found to exist within the town, the town manager or his/her agent shall provide written notice to the responsible party or parties of the property on which such apparent nuisance exists. Mailing of the notice to the responsible party or parties at the address upon which the apparent public nuisance is occurring or the address of the responsible party or parties according to the real property records of the town shall constitute compliance with the requirements of this article. The written notice shall state:
 - (1) The location of the apparent public nuisance;
 - (2) A description of what constitutes the apparent public nuisance;
 - (3) A statement of acts necessary to abate or remove the apparent public nuisance;
 - (4) A deadline reasonable under the circumstances by which the apparent public nuisance shall be abated or removed; and
 - (5) A statement that if the apparent public nuisance is not abated or removed by the deadline, or if the responsible party or parties disputes the existence of such public nuisance the responsible party or parties shall be afforded reasonable notice and opportunity for a hearing before town council, which shall, if necessary, specially convene for this purpose.
- (c) If, after such hearing duly held before the town council, the council finds that the activity or condition complained of is in fact a public nuisance, the town council shall give the responsible party or parties a reasonable time to abate the public nuisance, taking into account the urgency of the need for abatement and the difficulty involved in abatement. Failure by the responsible party or parties to abate such public nuisance within the time limit shall constitute a violation of this article and shall be subject to the provisions of sections 34-34, 34-35, 34-37 and 34-38. Upon the failure of the responsible party or parties to abate such public nuisance within the time limit as established by the council, the town manager or any duly authorized agent of the town may abate such public nuisance by whatever means are deemed reasonable and necessary by the town manager.
- (d) Immediate threats to public safety. Should any public nuisance be of such a nature as to pose an immediate threat to the health or safety of the public, such public nuisance shall be abated

immediately by the responsible party or parties of the property from which such public nuisance emanates or arises. If such public nuisance is of such a serious and immediate nature as to pose an imminent threat to the health and safety of the community or any part thereof, the town manager or other duly authorized agent of the town shall cause the town police to serve notice upon the responsible party or parties of the property from which the public nuisance emanates to abate such public nuisance within such period as the town manager deems expedient for public health and safety. If such responsible party or parties fails to abate such public nuisance, the town manager or duly authorized agent may take immediate and summary action to abate such public nuisance to the extent that the imminence and the seriousness of such public nuisance are reasonably reduced to a safe level. In this case, the right to notice and hearing to the responsible party or parties of property from which such public nuisance emanates shall be afforded to such responsible party or parties as soon after such public nuisance is abated as is possible. The council shall at the hearing render a decision as to the permanent abatement of such public nuisance, and such decision shall be implemented and enforced in the same manner as set forth in subsection (c) of this section. See sections 34-34, 34-35, 34-37 and 34-38.

- (e) Any decision of town council with regards to a public nuisance after such notice and hearing shall be subject to judicial review by the circuit court of Campbell County upon appeal to such court.

(Code 1968, § 8-15; Ord. of 3-13-2018(5))

Sec. 34-33. - Animals.

- (a) It shall be unlawful for any person to own an animal that is a public nuisance within the boundaries of the town. Any such public nuisance shall be abated by the responsible party or parties and shall be subject to the abatement procedures of this article.
- (b) If a public nuisance under this section disturbs any person, and the police department receives a complaint from such person, the department shall serve upon the responsible party or parties of the offending animal notice of the complaint and a copy of this article. Upon the receipt of the second and third complaints within a period of 60 days, the responsible party or parties shall be served with similar notices, the third notice stating that the offending animal appears to constitute a public nuisance and is subject to abatement procedures under sections 34-32, 34-34, 34-35, 34-37 and 34-38.
- (c) In addition to the provisions of subsections (a) and (b) of this section, any animal causing a disturbance or annoyance in any manner described, or any combination thereof, shall constitute an apparent public nuisance within the meaning of section 34-31.1(10) and subject to the abatement procedures under sections 34-32, 34-34, 34-35, 34-37 and 34-38, if no less than three persons familiar with such animal(s) petition the town complaining about the animal(s) causing the disturbance.
- (d) Any responsible party or parties of an animal or animals so reported as being a public nuisance shall be subject to the procedure set forth in section 34-32, and, upon a finding by the town council that such animal(s) constitutes a public nuisance, the council shall give the responsible party or parties of such animal(s) a reasonable time to take such measures as may be reasonably necessary to abate such nuisance including, but not limited to, confining such animal(s) or removing the animal(s) beyond the town limits. Upon the failure of such responsible party or parties to comply with the abatement order of the council within the prescribed time, the town may confiscate the animal(s) and dispose of it according to law. Failure by such responsible party or parties to comply with such order shall constitute a violation of this article and shall be enforced and punishable as prescribed in sections 34-34, 34-35, 34-37 and 34-38.

(Code 1968, § 8-16; Ord. of 3-13-2018(6))

Sec. 34-34. - Costs of abatement taxed.

Where any public nuisance is abated by the town pursuant to the provisions of this article, the costs of such abatement shall be taxed against the responsible party or parties of the property from which such public nuisance emanates or arises and shall be collectible by the town in any manner provided by law for the collection of state and local taxes. Upon the completion of such abatement, the town manager shall send to such responsible party or parties a bill for the costs of such abatement with the notation thereon that such charges are collectible by the town in any manner provided by law for the collection of state and local taxes, and that failure to pay such bill within 60 days of the date thereof will result in the institution of collection procedures. Mailing of the bill to the responsible party or parties at the address upon which the public nuisance is occurring or the address of the responsible party or parties according to the real property records of the town shall constitute compliance with the requirements of this article. Upon the responsible party's or parties' failure to pay such bill by the date set thereon, the town manager may, pursuant to law, institute such collection procedures as he or she may deem necessary.

(Code 1968, § 8-17; Ord. of 3-13-2018(7))

Editor's note— An ordinance adopted March 13, 2018, changed the title of § 34-34 from "Costs taxed" to read as herein set out.

Sec. 34-35. - Abatement costs; town property.

Whenever any person or business causes a public nuisance to exist on property belonging to the town lying within or beyond the corporate limits of the town and the town abates such nuisance under this article, such person or business shall be taxed with the costs of such abatement as provided under section 34-34.

(Code 1968, § 8-18)

Sec. 34-36. - Liability imposed by other laws not decreased.

Nothing contained in this article shall be construed as making lawful any act or omission which is unlawful, or as decreasing the liability, civil or criminal, of any person, imposed by law.

(Code 1968, § 8-19)

Sec. 34-37. - Enforcement by injunction.

Nothing contained in this article shall prevent the town from enforcing the terms of this article by means of injunction obtained in the circuit court of Campbell County.

(Code 1968, § 8-20; Ord. of 3-13-2018(8))

Sec. 34-38. - Civil penalties.

- (a) Each business day a public nuisance continues after the date set by the town council for its abatement constitutes a separate offense or violation. In addition to liability for the town's costs of abatement, responsible party or parties who fail to comply with a notice issued pursuant to this section requiring them to abate a nuisance shall be subject to civil penalties as follows:
- (1) Fifty dollars for the first violation or violations arising from the same set of operative facts; or
 - (2) Two hundred dollars for subsequent violations not arising from the same set of operative facts within 12 months of a first violation.

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 \$3,000.00 in a 12-month period.

(b) In the event of such violation the following procedure shall be followed:

- (1) A summons shall be issued to the person committing such violation. Such summons shall contain the following information:
 - a. The name and address of the person charged.
 - b. The nature of the infraction and the ordinance provision(s) being violated.
 - c. The location, date and time that the infraction occurred or was observed.
 - d. The amount of the civil penalty assessed for the infraction.
 - e. The manner, location and time in which the civil penalty shall be paid to the town.
 - f. A statement that failure to timely pay the penalty will result in a charge of a Class 4 misdemeanor to be tried in the Campbell County General District Court.
 - (2) The summons shall provide that not later than seven days after the date the summons is served the person summoned shall pay the civil penalty by making an appearance in person to the clerk's office at the Altavista Town Hall, enter an admission of liability and pay the civil penalty established for the offense charged. Timely payment of the penalty and admission of liability shall preclude the prosecution of a violation as a criminal misdemeanor. Payment of the penalty and admission of liability shall not be considered a criminal conviction for any purpose.
 - (3) If a person summoned for a violation does not admit liability and timely pay the penalty the violation such person shall be charged with a Class 4 misdemeanor and such person shall be tried in the Campbell County General District Court in the same manner and with the same right of appeal as provided by law.
 - (4) The remedies provided for in this section are cumulative and not exclusive and shall be in addition to any other remedies provided by law.
- (c) Except as provided in this subsection, the imposition of civil penalties pursuant to subsection (a) shall be in lieu of criminal penalties and shall preclude prosecution of such violation as a misdemeanor. In the event that three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period such violations shall be a class 3 misdemeanor. Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.

(Code 1968, § 8-21; Ord. of 3-13-2018(8))

Editor's note— An ordinance adopted March 13, 2018, changed the title of § 34-38 from "Penalties for violation of article" to read as herein set out.

Sec. 62-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Ashes means the residue resulting from the burning of wood, coal, coke or other combustible material.

Authorized person shall mean any town employee, any person employed by the town on a temporary basis, or any person designated by the town, to remove solid waste, or any person licensed by the town to provide bulk container collection service.

Automated collection container shall mean a container designated by the town manager, which shall be used for automated collection service; hereinafter, referred to as container.

Disposal means the storage, collection, handling, transportation, recycling, transformation, reduction, destruction or relocation of refuse.

Filth means any unwholesome substance, offal, litter, including human and animal waste.

Hazardous material means a substance or material in a form or quantity which may pose an unreasonable risk to health, safety or property when transported, and which the Secretary of Transportation of the United States has so designated by regulation or order.

Person means any natural person, association, partnership, firm or corporation, who or which places any material out for disposal.

Solid Waste shall mean all waste materials, except body waste and shall include garbage, ashes, rubbish and trash.

(Ord. of 5-11-2004, § 1)

Sec. 62-42. - Solid waste disposal procedure.

- (a) *Disposal.* Except as otherwise provided in this chapter, it shall be unlawful for any person to dump, burn, bury, destroy or otherwise dispose of any solid waste anywhere in the town.
- (b) *Automated collection containers.* Each residence and business (see (3) a. below) will receive one 95-gallon container or one 65-gallon container at no cost. Each residence will have the choice of size; however, if a change in the size of selected container is requested there will be a one-time fee of \$50.00. If a residence does not request a specific size a 95-gallon container will be issued. Each container will have a serial number and be assigned to a specific address and remain the property of the town. The town will repair and maintain the containers provided that damage is not the result of owner's negligence. In such cases there will be a \$50.00 charge to replace the container. Residences that have six or more residents may receive one additional container at no cost and any residence may obtain one additional container for an annual fee of \$100.00. In no case shall any residential address have more than two automated collection containers. The containers shall not exceed 200 pounds when placed at the curb for pickup.
- (c) *Placement of containers.* Containers shall be placed in the following manner:
 - (1) Containers shall be placed at the curb or street edge directly in front of residences, unless another approved collection location has been established. Containers shall be placed so that the lid opens away from the street and shall be placed so that traffic is not impeded.
 - (2) All containers from residences shall be placed adjacent to the street, sidewalk, or alley, as the case may be, not earlier than 6:00 p.m. on the day prior to collection or not later than 7:00 a.m. on the day which collection is scheduled to be made. Empty containers shall be removed from the street or sidewalk not later than 10:00 p.m. on the same day on which collections are made. Containers may not be left out at the street after the scheduled collection day.
 - (3) Businesses which use the alley to the rear of the their establishments shall place containers out not earlier than 5:00 p.m. on the day prior and not later than 7:00 a.m. on the day which collection is scheduled to be made. Businesses in the central business district (CBD) shall place their container(s) in the assigned location not earlier than 5:00 p.m. on the day prior or not later than 7:00 a.m. on the day which collection is scheduled to be made. Business containers not in the CBD shall remove their containers from the collection sight not later than the close of business on the collection day. Containers placed in the CBD must be removed prior to 9:00 a.m. on the same day as collection is made.
 - a. Businesses will be given one 95-gallon container but may receive up two additional containers at an annual fee of \$100.00 per container. The containers will be picked up one time weekly. Any business that requires collection of more than three 95-gallon containers in one week must obtain a dumpster and hire a private hauler for collection. The town will not provide collection service.
 - b. Street litter containers placed throughout the town by the department of public works are intended only for the use of the general public for litter. They are not provided for the benefit of residents and/or businesses for weekly and/or daily refuse disposal.
 - (4) Containers shall not be placed so as to interfere with pedestrian or vehicular traffic.
 - (5) Containers shall be placed at the designated location, in the correct position for collection at the curb and not less than five feet to any other obstacle, i.e. cars, trees, shrubs, mail boxes and the like. If this is not done the resident or business will receive a notice that identifies the problem. If the identified problem is not corrected after the third warning public works will not pick up the container until it is corrected.
 - (6) All solid waste placed inside the container must be contained inside a plastic or paper bag before placing it in the container. Loose solid waste shall not be placed inside the containers.
 - (7) All solid waste shall be drained free of liquids before placing it in the container.

- (8) No hazardous materials shall be placed out for collection by the town.
- (9) No dead animals shall be placed in the containers. Dead animals will require special pickup by request to the department of public works.
- (10) Solid waste items that are too large to fit in the container or too heavy, over 200 pounds, will require special pick up by the public works department. Solid waste shall be either placed in the approved container, or packaged in bundles not to exceed 50 pounds in weight and shall be made compact by packing small units into large units. Solid waste placed in the container(s) will be collected on regular collection days, but all other solid waste requiring special handling will be collected only on Thursdays and Fridays upon request to the department of public works by 12:00 noon on the preceding Wednesday.
- (11) Brush shall be cut and stacked in bundles not exceeding 50 pounds in weight and five feet in length with all limbs placed in the same direction.
- (12) The containers shall be kept clean by a thorough rinsing and draining as often as necessary to prevent the accumulation or residue of material on the bottom or sides of the containers.
- (13) The containers shall remain the property of the town. Containers which are too badly damaged to hold refuse or be handled safely or that allow contents to be spilled shall be reported to the department of public works for repair. If the damage is due to neglect or abuse the resident or business may be charged for the cost of the repairs or a \$50.00 fee to replace the container, whichever is lower.
- (14) All solid waste that is to be picked up as part of the regular collection must be placed inside the container and at the designated location. Items outside the container will not be picked up.
- (15) Solid waste placed in containers other than those provided by the town will not be collected.
- (16) Ashes are not to be placed inside the containers.
- (d) *Certain solid waste not to be collected-generally.* Manure, topsoil, earth, stone, rock, brick, concrete, asphalt, heavy metal, sheet rock, plate or large broken glass, poisons, caustics, acids, hazardous waste, trees, stumps, explosives, or other dangerous materials, or rubbish from construction, remodeling, razing and repair operations on houses, commercial buildings and other structures shall not be placed out for collection by any person and shall not be removed by an authorized person, and in no circumstances shall hazardous waste be put out for collection by any person.
- (e) *Exceptions: physically challenged service.* Any person who is physically unable to transport all refuse generated by all persons residing in a dwelling unit to the locations described in subsection (c)(1) of this section may apply to the manager of the department of public works for physically challenged service.
 - (1) Physically challenged service is available only when there is no person residing in a dwelling unit who is physically able to transport the automated collection container to the locations described in subsection (c)(1) of this section.
 - (2) Any person applying for physically challenged service must present within 6 months of such an application a medical doctor's certification or other satisfactory evidence, that all persons residing in a dwelling unit are unable to transport the container to the locations described in subsection (c)(1) of this section.
 - (3) Any person receiving physically challenged service must notify the manager of the department of public works of any change in their status such that they no longer need the service within 30 days, of such change due to improved health, relocation of the person receiving the service, or any other reason.
- (f) *Collection schedules.* Collection schedules during periods of inclement weather and holidays are subject to change. Holiday schedule changes are normally published in the *Altavista Journal* at least one week in advance and can also be found in the annual town calendar and the town's government informational channel on the local cable television system. Trash collection is generally the day following, but may also be earlier if circumstances warrant. Holidays which fall on Saturday are

observed Friday. Holidays which fall on Sunday are observed Monday. Refuse shall not be placed out on those days indicated in the news media as holidays with no trash collection.

(Ord. of 5-11-2004, § 1)

Sec. 62-43. - Commercial solid waste collection.

- (a) *Generally.* All businesses generating in excess of two cubic yards of solid waste per week, mobile home parks, and rental properties containing more than five rental units must use a private hauler to collect all solid waste, whether it be from a dumpster or can collection service. All dumpsters and other solid waste containers must be equipped with properly functioning lids and maintained so that no solid waste material can escape the dumpster or container. Dumpsters or solid waste containers are the property and responsibility of the private hauler but in the case that a dumpster or solid waste container is not in compliance with this section the business owner will be contacted. It will then be the responsibility of that owner to contact the hauler to have the dumpster or solid waste container repaired or replaced.
- (b) *Dumpster standards.*
- (1) Dumpsters shall be placed in a location that is clearly accessible to the servicing vehicle.
 - (2) Dumpsters shall be placed only on a concrete slab or asphalted area.
 - (3) Lids must be operational and closed at all times.
 - (4) All dumpsters shall be screened if and to the extent that, in the absence of screening, they would be clearly visible to:
 - a. Persons located within any dwelling unit on residential property; or,
 - b. Occupants, customers, or other invitees located within any building on nonresidential property other than where the dumpster is located; or,
 - c. Persons traveling on any public street, sidewalk or other public way.
 - d. All dumpsters regulated under this subsection (b)(4) which are in place upon the effective date of this section, shall be in compliance herewith, not later than June 1, 2008.
 - (5) When dumpster screening is required under this section, screening shall be on three sides with a six-foot opaque screen of masonry, brick, stone or architectural block (that matches building's architecture), wood fencing, or other opaque materials approved by the zoning administrator. The fourth side shall be equipped with an opaque gate capable of being latched and of not less than six feet in height.
 - (6) Dumpster enclosures shall not be located in front of the main building unless approved by the zoning administrator. Prior to beginning construction, a site plan for the enclosure must be submitted to the zoning administrator for review.
 - (7) Dumpster enclosures shall be maintained in a structurally sound and attractive manner.
 - (8) Within the central business district reasonable exceptions to the enclosure requirements may be granted if the zoning administrator's discretion, circumstances require such exemption.
 - (9) Any enclosure that is in existence at the time of the adoption of this ordinance may remain unless:
 - a. It is determined by the zoning administrator that the enclosure is in such disrepair that it must be replaced; or,
 - b. The owner chooses to replace the enclosure; or,
 - c. The enclosure is damaged by any causality to an extent exceeding 50 percent of the structure.

In any such case, the enclosure must be replaced to meet the guidelines of this section.

(c) *Dumpster regulations by district.*

- (1) Regulations shall apply to all residential and commercial districts as described in subsections 62-43 (a) and (b).
- (2) Regulations shall only apply in industrial districts where uses are considered residential and/or commercial.

(Ord. of 5-11-2004, § 1; Ord. of 12-11-2007, § 1; Ord. of 9-9-2008, § 1)

ARTICLE III. - ACCUMULATED TRASH AND OFFENSIVE MATTER

Sec. 62-81. - Prohibited accumulations.

It shall be unlawful for any person to allow any trash, garbage, refuse, filth, obnoxious or offensive matter or thing whatsoever to accumulate upon his or her other premises or any vacant lot in the town.

(Code 1968, § 8-9)

Sec. 62-82. - Removal or disposal of solid waste.

- (a) The owners of property in the town shall, at such times as the town council may prescribe, remove therefrom any and all solid waste including trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of the town; or may, whenever the town council deems it necessary, after reasonable notice, have such solid waste including trash, garbage, refuse, litter and other like substances which might endanger the health of other residents of the town, removed by its own agents or employees, in which event the cost or expenses thereof including an administrative fee of \$75.00 shall be chargeable to and paid by the owners of such property and may be collected by the town as taxes are collected.
- (b) Solid waste including trash, garbage, refuse and litter shall be disposed of either by direct transport to the landfill by owner or in the receptacles and in the manner provided for in article I and article II hereof and in no other manner not authorized by law.
- (c) Every charge authorized by this section with which the owner of any 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 Code of Virginia, §§ 58.1-3940 et seq. and 58.1-3965 et seq. The town may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who 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) Reasonable notice of the date fixed by the council for the removal of such solid waste including trash, garbage, refuse, litter and other substances which might endanger the health or safety of other citizens of the town, shall be given by delivery of a written notice to each property owner. Upon the failure of such property owner to remove such solid waste by the date fixed, the town manager shall notify the property owner by certified mail that he or she has 15 days from the date thereof to remove such solid waste and that upon his or her failure to so remove such solid waste the town manager shall have such solid waste removed and shall charge the cost and expenses thereof to such owner.
- (e) Upon the completion of such removal, the town manager shall send by certified mail to such owner a bill for the cost and expenses of the removal including an administrative fee of \$75.00 with the notation thereon that such charges are collectible by the town as taxes are collected and that failure to pay the bill within 60 days of the date thereof will result in a lien being perfected against the property and the institution of other collection procedures. Upon the owner's failure to pay such bill by the date set thereon, the town manager shall perfect such lien by recording the lien in the clerk's office of the Campbell County circuit court and may, pursuant to law, institute such collection procedures as he or she may deem necessary.

(Code 1968, §§ 8-10—8-12; Ord. of 7-13-2004(2), § 1)

State Law reference— Authority for above section, Code of Virginia, § 15.2-901.

Secs. 62-83—62-110. - Reserved.

ARTICLE IV. - LITTER

Sec. 62-111. - 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:

Abandoned motor vehicle means a motor vehicle, trailer, or semitrailer or part of a motor vehicle, trailer, or semitrailer that:

- (1) Is inoperable and is left unattended on public property, other than an interstate highway or primary highway, for more than 48 hours;
- (2) Has remained illegally on public property for more than 48 hours;
- (3) Has remained for more than 48 hours on private property without the consent of the property's owner, regardless of whether it was brought onto the private property with the consent of the owner or person in control of the private property;
- (4) Is inoperable, left unattended, or both, on an interstate highway; or
- (5) Is inoperable, left unattended, or both, on the shoulder of a primary highway.

Advisory board means the state litter control and recycling fund advisory board.

Disposable package or container means all packages or containers intended or used to contain solids, liquids or materials and so designated.

Fund means the litter control and recycling fund.

Litter means all waste material including, but not limited to, disposable packages or containers, but not including the wastes of the primary processes of mining, logging, sawmilling, farming or manufacturing.

Litter receptacle means those containers, suitable for the depositing of litter, between 20 and 60 gallons in capacity, with a tight lid or cover.

Person means any natural person, corporation, partnership, association, firm, receiver, guardian, trustee, executor, administrator, fiduciary, or representative or group of individuals or entities of any kind.

Public place means any area that is used or held out for use by the public whether owned or operated by public or private interests.

Vehicle means every device capable of being moved upon a public highway and in, upon, or by which any person or property may be transported upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Watercraft means any boat, ship, vessel, barge, or other floating craft.

(Code 1968, § 13-150)

Cross reference— Definitions generally, § 1-2.

State Law reference— Similar provisions, Code of Virginia, §§ 10.1-1414, 46.2-1200.

Sec. 62-112. - Dumping trash or other unsightly matter on highway, right-of-way or private property; penalty.

- (a) It shall be unlawful for any person to dump or otherwise dispose of trash, garbage, refuse, litter, or other unsightly matter on public property, including a public highway, right-of-way, property adjacent to such highway or right-of-way, or on private property without the written consent of the owner

thereof or his or her agent. Any violation of this subsection shall constitute a misdemeanor punishable by confinement in jail for not more than 12 months and a fine of not less than \$250.00 or more than \$2,500.00, either or both.

- (b) When any person is arrested for a violation of this section, and the matter alleged to have been illegally dumped or disposed of has been ejected from a motor vehicle or transported to the disposal site in a motor vehicle, the arresting officer may comply with the provisions of Code of Virginia, § 46.2-936, in making such arrest. When a violation of the provisions of this section has been observed by any person, and the matter illegally dumped or disposed of has been ejected or removed from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting or disposing of such matter. However, such presumption shall be rebuttable by competent evidence. Any person convicted of a violation of this subsection shall be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months and a fine of not less than \$250.00 or more than \$2,500.00, either or both.
- (c) The provisions of this section shall not apply to the lawful disposal of such matter in landfills.

(Code 1968, §§ 11-14(a)—(d), 13-151, 13-152)

Cross reference— Traffic and vehicles, ch. 74.

State Law reference— Similar provisions, Code of Virginia, § 33.1-346; allowing escape of load material from vehicle, Code of Virginia, § 10.1-1424.

Sec. 62-113. - Suspension of sentence for violation of section 62-112; disposition of fines.

Upon conviction of any person for a violation of section 62-112, the court may suspend the imposition of any sentence on condition that the defendant volunteer his or her services for such period of time as the court may designate to remove litter from the highway. Any such sums collected shall be paid into the court and forwarded to the town treasurer for the construction and maintenance of town streets.

(Code 1968, § 11-14(e))

State Law reference— Similar provisions, Code of Virginia, § 33.1-346.1.

Sec. 62-114. - Maintaining receptacles.

It shall be the responsibility of the owner, manager, occupant, lessee of, or other person responsible for any property or place of business to maintain in good condition and to regularly empty litter receptacles on such property for the disposal of litter by persons employed at, or frequenting such property or place of business.

(Code 1968, § 13-153)

State Law reference— Similar provisions, Code of Virginia, § 10.1-1421.

Sec. 62-115. - Sweeping litter into gutter or ditch.

It shall be unlawful for any person to sweep into or deposit in any gutter, street or other public place within the town any accumulation of litter from any building or lot or from any public or private sidewalk or driveway. The owner, manager, occupant, lessee of, or other person responsible for any property or place

of business within the town shall maintain their property in a clean and litter free manner, including sidewalks, grass strips, parking areas, alleys or rights-of-way.

(Code 1968, § 13-154)

Sec. 62-116. - Allowing escape of load material; penalty.

No vehicle shall be driven or moved on any highway unless the vehicle is constructed or loaded to prevent any of its load from dropping, sifting, leaking or otherwise escaping from such vehicle. However, sand or any substance for increasing traction during times of snow and ice may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining the roadway by the commonwealth or local government agency having that responsibility. Any person operating a vehicle from which any glass or objects have fallen or escaped which could constitute an obstruction or damage a vehicle or otherwise endanger travel upon a public highway shall immediately cause the highway to be cleaned of all glass or objects and shall pay any costs therefor. Violation of this section shall constitute a class 1 misdemeanor.

(Code 1968, § 13-155)

State Law reference— Similar provisions, Code of Virginia, § 10.1-1424.

Sec. 62-117. - Construction sites; cleanliness.

It shall be the responsibility of the property owners and the prime contractor in charge of any construction site to provide litter containers for construction and workers' litter. All litter from construction activities or any related activities shall be containerized, and all litter will be picked up and placed in containers at the end of each workday.

(Code 1968, § 13-156)

Sec. 62-118. - Casting refuse into waters.

Except as otherwise permitted by law, it shall be unlawful for any person to cast, throw or dump any garbage, refuse, dead animal, trash, carton, can, bottle, container, box, lumber, timber or like material, or other solid waste, except fish or crab bait in any form, into any of the waters of the town. When a violation of any provision of this section has been observed by any person, and the matter dumped or disposed of in the waters of the town has been ejected from a boat, the owner or operator of such boat shall be presumed to be the person ejecting such matter; provided, however, that such presumption shall be rebuttable by competent evidence. Every such act shall be a misdemeanor punishable by a fine not to exceed \$100.00 or confinement in jail not to exceed 30 days, or both. Every law enforcement officer of this commonwealth and the town shall have authority to enforce the provisions of this section.

(Code 1968, §§ 13-151, 13-157)

State Law reference— Similar provisions, Code of Virginia, § 62.1-194; municipal regulation of lakes and other waters, Code of Virginia, § 15.2-1110.

Sec. 62-119. - Disposal of household garbage in litter receptacles.

It shall be unlawful for any person to dispose of household garbage in commercial or other business litter receptacles, such as those placed pursuant to section 62-114. This shall not be construed to mean

that wastes of food consumed on the premises at any public place may not be deposited in litter receptacles.

(Code 1968, § 13-158)

Sec. 62-120. - Penalty for violation of article provisions.

Every person convicted of a violation of this article, for which no penalty is specially provided, shall be punished by a fine of not more than \$50.00 for each such violation.

(Code 1968, § 13-159)

State Law reference— Similar provisions, Code of Virginia, § 10.1-1418.

Secs. 62-121—62-150. - Reserved.

Sec. 62-151. - Weed control.

- (a) *Weeds* shall mean any plant, grass, or other vegetation of uncontrolled growth over 12 inches high, other than trees, shrubbery, agricultural plants, or flowering landscaping with controlled growth, and excluding therefrom the following:
 - (1) Growth located on banks of continually flowing streams.
 - (2) Natural and undisturbed slopes of a vertical angle of 30 degrees or greater.
 - (3) Cliffs, bluffs, ravines, and other similar areas with vegetation foliage.
 - (4) Natural and undisturbed wooded areas.
- (b) It shall constitute a public nuisance for an owner or occupant of any property in the town to permit weeds to grow thereon within 50 feet of a residential, commercial or industrial structure designed and constructed for human occupancy or within such distance of such structure on the public right-of-way between such property bordering on a public street and the curb line or pavement edge of the street.

It shall constitute a public nuisance for an owner of vacant, developed or undeveloped property in the town, including such property upon which buildings or other improvements are located, to permit weeds as defined in subsection (a) above to grow thereon.

- (c) It shall be unlawful for any owner or occupant of a property in the town to cause or allow a public nuisance as described in this section to exist with respect to such property or such area of public right-of-way. An owner or occupant of such a property shall abate any such public nuisance on said property and where required on any public right-of-way bordering such property.
- (d) Upon determination by the town manager, or his designee, that there exists on any property within the town, including the area between such land or premises and the curblin, any weeds as defined in subsection (a) above constituting a public nuisance under the provisions of subsection (b) above, notice shall be served on the owner of such property or his agent, or on the occupant thereof, or both, to cause such weeds to be cut and removed from such property within five days from the date of delivery of such notice. Such notice shall state that if such owner fails to cut and remove said weeds by the time specified the town may do so and in such event said owner will be charged with the expense thereof including an administrative fee of \$75.00.
- (e) Service of the notice provided for in subsection (d) shall be by first class mail with delivery confirmation, personal delivery or posting in a conspicuous place upon the property; provided, however, that if the property is unoccupied and the owner or his agent cannot be found by the exercise of due diligence or is unknown, such notice shall be sufficient against the owner if given by first class mail to the owner's last known mailing address and posted in a conspicuous place upon the property. The town manager, or his designee, is hereby authorized to deliver or post such notices.
- (f) In the event that said owner or occupant fails to cut and remove said weeds from such property within the time specified the town may have such weeds cut by its agents or employees, in which event the cost and expenses thereof including an administrative fee of \$75.00 shall be chargeable to and paid by the owner of such property and may be collected by the town as taxes are collected.
- (g) Every charge authorized by this section with which the owner of any 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 Code of Virginia, §§ 58.1-3940 et seq. and 58.1-3965 et seq. The town may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who 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.
- (h) Upon the completion of such removal, the town manager shall send by certified mail to such owner a bill for the cost and expenses of the removal including an administrative fee of \$75.00 with the notation thereon that such charges are collectible by the town as taxes are collected and that failure

to pay the bill within 60 days of the date thereof will result in a lien being perfected against the property and the institution of other collection procedures. Upon the owner's failure to pay such bill by the date set thereon, the town manager shall perfect such lien by recording the lien in the clerk's office of the Circuit Court of Campbell County and may, pursuant to law, institute such collection procedures as he or she may deem necessary.

(Ord. of 7-13-2004(3), § 1)



TOWN OF ALTAVISTA PLANNING COMMISSION AGENDA COVER SHEET

AGENDA LOCATION:

Unfinished Business

MEETING DATE:

January 7, 2019

ITEM TITLE:

Planning Commission Training Opportunity

DESCRIPTION:

The Region 2000 Local Government Council has schedule a “free” workshop for all planning commissioners in the area. The attached email details the event, which will be held on Thursday, January 31, 2019 beginning at 4:30 p.m. and lasting until 7:00 p.m. The event will be held at the Greater Lynchburg Transit Company Operation and Maintenance Facility, 419 Bradley Drive, Lynchburg, VA. If you are interested in attending, let me know so I can get you registered.

POTENTIAL ACTION:

If interested you will need to register, staff can do that on-line or you can go to <https://localgovernmentcouncil.org/rsvp>.

ATTACHMENTS:

- *Region 2000 Email*

TO: Area Planning Commission Members

RE: Planning Commissioner's Workshop: A Bite-Sized Approach
Thursday, January 31, 2019 4:30-7:00 p.m.
Greater Lynchburg Transit Company Operation & Maintenance Facility
419 Bradley Drive
Lynchburg, VA 24501

The Region 2000 Local Government Council is pleased to present this free workshop to all planning commissioners in the area. The event is designed to provide a high level, basic foundation of planning law, history, and to provide an overview of technical expertise needed by planning commissioners to maximize their competency and ability to render legally defensible decisions and recommendations.

This 2.5 hour event is a bite-sized approach to better understanding the intricacies and technicalities that professionals should be mindful of in the realm of planning, and is designed for commissioners whether they are newly appointed or veteran commissioners who have never received formal training. The workshop will be facilitated by noted planning educator Mike Chandler, Ph.D.

Refreshments are provided. There is no charge for the event, but advance registration is requested. For more information, or to register online, please visit: <https://www.localgovernmentcouncil.org/rsvp>

Please let me know if you have any questions, and we look forward to seeing you in January!

W. Scott Breckinridge Smith

Transportation Planning Director

Virginia's Region 2000 Local Government Council

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