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## Sec. 22-12. Clutter prohibited.

- (a) For the purposes of this section, the following terms shall have the following definitions:

*Clutter* means mechanical equipment, household furniture, containers, and similar items that may be detrimental to the well-being of a community when they are left in public view for an extended period or are allowed to accumulate. Items that constitute clutter include those not designed, built, or manufactured for outdoor use or storage.

*Extended period* means 60 days or more.

- (b) Except on land zoned for or in active agricultural operation, it shall be unlawful for the owners of property to permit clutter on the property, unless stored within a fully enclosed building or structure, or completely screened by a solid, rigid, six-foot opaque fence composed of standard fencing materials. Placing, draping, or securing of a tarpaulin or other non-rigid cover over and around the clutter shall not be sufficient to comply with the requirements of this section. Notwithstanding the foregoing, clutter that is enclosed or screened in such a manner, but that is deemed a hazard to the health or safety of other residents, shall not be permitted.
- (c) The zoning administrator shall be designated as the Code Enforcement Official to whom all complaints of noncompliance with the provisions of this article shall be directed.
- (1) The code enforcement official, or designee, shall be authorized to conduct any and all reasonable or necessary inspections as reported via a complaint or as observed by the Code Enforcement Official, from any public right-of-way or means of public ingress and egress.
  - (2) The code enforcement official shall prepare a written notice, posted on the property and delivered via certified receipt mail, which specifically identifies all violations of this article and the steps necessary to abate the violation.
- (d) Upon notice of violation(s), a property owner or occupant shall remove from the property within 30 days the items deemed by the town to be clutter.
- (1) The owner or occupant may request a hearing with the town manager, in writing, within 15 days of the date of the notice. In the event the owner or occupant requests a hearing, the town manager shall set a hearing and notify the owner or occupant of the time and location of the hearing, to be held within ten days from the date of the manager's receipt of the request for a hearing. The town will postpone any enforcement action until after file date and time set for the hearing.
  - (2) In the event the owner or occupant fails to comply with said notice, fails to pay any civil penalties imposed in accordance with section 22-12(e), or incurs a second notice of violation from the same set of operative facts within a 12-month period, the town through its agents or employees, may elect to clear and dispose of the clutter. The cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected as taxes are collected.
- (e) Any violations of this section shall be subject to a civil penalty of \$50.00 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 not exceed \$200.00. 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 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. The civil penalties are in addition to any costs the property owner incurs as a result of the failure to comply with this section.
- (f) In the event three civil penalties have been previously imposed on the same property owner for the same or similar violation, as described in this section and not arising from the same set of operative facts, within a 24-month period, the fourth violation shall be a class 3 misdemeanor.

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- (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, title 58.1, ch. 39, arts. 3 and 4 (Code of Virginia, §§ 58.1-3940 et seq., 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. If the sum due to the town has not been paid within 15 days from receipt of such notice, the town manager shall and is authorized to distraint therefore goods or chattels within the town to collect the sum due, or to treat the unpaid sum as a lien against the property superior to the interests of any owner, lessee or tenant, and next in succession to the town real estate taxes thereon and to add the charges to the amount due for the current town real estate taxes on said property.

( Ord. No. 2022-O-014 , § I, 5-24-2022)