



**Colonial Heights  
City Council Special Meeting  
January 17, 2023**

# **Colonial Heights City Council Meeting**

## **January 17, 2023**



- 1. Call to Order**
- 2. Roll Call**
- 3. Declarations Of Personal Interest**

# Colonial Heights City Council Meeting

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### **4. A Work Session On The Following Items:**

*A. Discussion Regarding Real Property Tax Exemption Request By  
Keystone Truck & Tractor Museum, Inc.*

# Colonial Heights City Council Meeting

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### **4. A Work Session On The Following Items:**

*B. Discussion Regarding Code Enforcement And Potential City Code Revisions*

# Code Enforcement Topics

- Tall Grass & Overgrown Vegetation
- Vehicles
- Exterior Storage
- Trash & Recycling Container storage
- Rodents

# Tall Grass & Overgrown Vegetation

- Tall Grass Violations (**§ 244-7**)
  - Definition
  - Enforcement
  - Staff Recommendations
- Vegetative Growth on Structures
  - Challenge of enforcement
  - Alternative Code Sections

# Tall Grass Removal (§ 244-7)

Grass higher than 12 inches (1 foot) is in violation of City Code.

Staff measures with a stake placed in the ground to a specific point marked on the stake.

The stake also marks the 12 inch measurement.



# Tall Grass Removal (§ 244-7)

Code is interpreted as any part of the yard where grass exceeds 12 inches (1 foot).

In some cases not all parts of the yard is over maximum allowed height. In these cases, it can be a judgment call by the inspector.

Does the entire yard appear to be in need of mowing or is it just a patch?



# Tall Grass Removal (§ 244-7)

## How to gain compliance?

- Inflation and increased costs to conduct business will most likely result in a higher proposal for the City's lawn enforcement contractor.
- This will most likely result in higher costs for the properties where the City enforces compliance. These higher costs will most likely deter repeat offenders without the need to add a fine.
- Given this, Staff recommends deferring imposing an additional fee for repeat offenders at this time, but will continue to monitor the trend of repeat offenders for any future action. Staff will evaluate the administrative fee to ensure that covers costs.

# Tall Grass Removal (§ 244-7)

## Staff Recommendations

- Staff recommends changing current certified mailing requirement to first class mailing for property owners not living in the City.
  - If property owner refuses to sign, then Post Office usually returns as undeliverable.
  - Address used is that recorded for tax bill which meets State Code.
- This growing season Staff will begin a practice of placing an additional notice on the door as a courtesy.
  - By code one written notice during the growing season is sufficient.
  - Additional notice will be a red door tag that gives one last final warning and instructing **immediate** compliance before City forces compliance with contractor.

# Vegetative Growth on Structures



# Vegetative Growth on Structures



# Vegetative Growth on Structures

- Term of art for enforcement is “foreign growth”. The term is rather ambiguous.
- Fire Code can address growth on structures; however, requires a summons to Court for judge to impose an order on property owner to remedy.



# Vegetative Growth on Structures



- Violations of Fire Code are a Class 1 misdemeanor.
- Staff can research to see if there are any supplemental ordinances that can be used for City to force compliance.

# Vehicles

- Inoperable Vehicles
  - Definition
  - # allowed
  - enforcement
- Topics to Discuss regarding Vehicles and ZO amendments
  - Location of Inoperable Vehicles
  - Parking of vehicles on medians, curbs, and off-street in grassy areas
  - Parking of operable vehicles in front yards
  - Long term Parking of Commercial Vehicles on Commercial Property

# Inoperable Vehicles (§ 273-36)

An "inoperable motor vehicle" shall mean any one of the following:

- (i) any motor vehicle which is not in operating condition;
- (ii) any motor vehicle which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle; or
- (iii) any motor vehicle being without valid license plates and a valid inspection decal.



# Inoperable Vehicles (§ 273-36)

City Code specifically allows one inoperable vehicle to be kept outside of a fully enclosed building or structure if it is covered with a “vehicle cover” that is specifically manufactured for a vehicle.



# Inoperable Vehicles (§ 273-36)

Enforcement of the Code requires the condition that makes the vehicle inoperable be visible to the inspector to write a citation (e.g. expired registration, expired inspection sticker, inability to operate).



# Inoperable Vehicles (§ 273-36)



# Inoperable Vehicles (§ 273-36) and Vehicle Parking Location

Vehicles parked within the City right-of-way, alleys, on medians or curbs fall under a separate section of City Code enforced by the Police Dept. or Public Works depending on the situation.



# Inoperable Vehicles (§ 273-36) and Vehicle Parking Location

Staff can research other local ordinances to determine if the location of covered cars can also be restricted, such as not in front yard.



# Inoperable Vehicles (§ 273-36) and Vehicle Parking Location

City of Hampton recently adopted ordinance prohibiting parking of vehicles in front yard except for when in a driveway.



# Commercial Vehicle Parking



Staff recommends City Council discussion regarding the parking of tractor trailers in commercial areas at the retreat.

# Exterior Storage not allowed § 244-11.1

Items not intended for outside use or not designed to be stored outside or weather the elements is a violation.

Appliances, indoor furniture, scrap metal, construction materials, machinery and equipment are not allowed to be stored outside.



## Exterior Storage not allowed § 244-11.1

Trash and debris can also be cited under this provision.

Bulk pickups must be scheduled with CVWMA prior to placing outside and must meet certain criteria.



# Exterior Storage NOT subject to § 244-11.1

Patio furniture, fire pit (with cover), basketball goal, and cooler are shown here.

Although unsightly, all items pictured here are items “intended for outdoor use”.



## Exterior Storage NOT subject to § 244-11.1

Same house from before with a stove on front porch. The stove and indoor furniture are a violation.

However, the bicycles are allowed because bicycles are clearly intended for outdoor use.



# Exterior Storage NOT subject to § 244-11.1

Staff can research other local ordinances that may address exterior storage issues and supplement City Code.

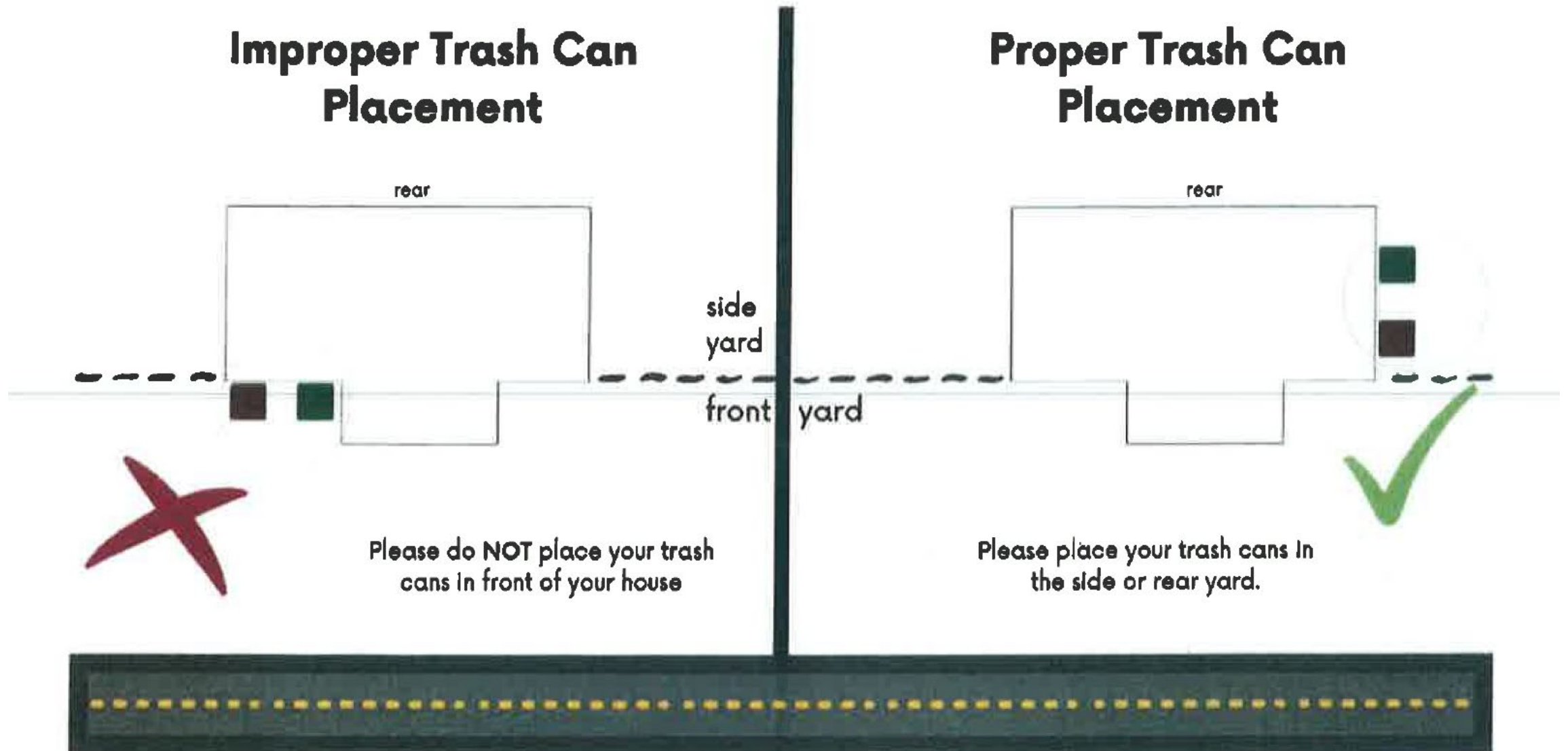


# Exterior Storage NOT subject to § 244-11.1

Town of Leesburg has a similar exterior storage ordinance but it also references “clutter”, which may address items intended for outdoor use.



# Trash Can Violations § 244-14.



## Trash/Recycling Container Violations § 244-14.

The trash and recycling containers pictured here are in front of the building plane and not located to the side or rear of the house; therefore, this is a violation.



## Trash/Recycling Container Violations § 244-14.

The trash containers pictured here are in front of the building plane and not located to the side or rear of the house; therefore, this is a violation.

The recycling container appears to be in compliance.



# Trash/Recycling Container Violations § 244-14.

Challenges with enforcement are directly related to timing of pickups, timeframe missed pickups are reported, and timeline for compliance.

- Inspections for Trash Container violations occur on Friday.
- Inspections for Recycling Container violations occur on Monday.
- Missed Pickup Report is usually provided Tuesday by CVWMA.
- Timeline for compliance is 10 days from 1<sup>st</sup> notice per City Code.
- After 1<sup>st</sup> notice, properties are fined upon observation of violation.

## When can I have my trash and recycling cans out for pickup?

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
TRASH			After 12 PM	All Day	Until 7 PM		
RECYCLING					After 12 PM	All Day	Until 7 PM

# Regulations Addressing Rodents

- Section 302.5 of the 2018 International Property Maintenance Code addresses harborage of rodents
  - 302.5 Rodent Harborage – Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found they shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.
- Staff can research other localities ordinances for provisions that prohibit the presence of rodents.

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### **4. A Work Session On The Following Items:**

*C. Discussion Regarding Temporary Closure Of City Facilities*

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### 4. A Work Session On The Following Items:

#### *D. City Of Colonial Heights Audit Statement*

In accordance with requirements in the Code of Virginia §15.2-2511, if a locality's audit is not completed as required by this statute, the locality must promptly post a statement on its website, if such website exists, with the following information:

- ▶ *That the required audit is pending,*
- ▶ *The reasons for the delay,*
- ▶ *And the estimated date of completion.*

#### City of Colonial Heights Audit Statement:

The City of Colonial Heights audit for the fiscal year ending June 30, 2022 is pending. The major factors for the delay of the audit are the implementation of a new financial system and vacancies in various important positions related to the audit: the Director of Finance (vacant for a significant portion of FY 21-22) and the Deputy Director of Finance. The City of Colonial Heights finance team is working diligently to complete their tasks for the auditors to prepare the audit report. Our estimated date of completion for the audit report is January 31, 2023.

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### **5. Reading Of Manner Of Addressing Council.**

*ANY MEMBER OF THE PUBLIC addressing the Council shall approach the lectern, give his name and address in an audible tone of voice for the record, AND ADDRESS THE COUNCIL AS A BODY RATHER THAN SPEAK TO ANY MEMBER. Unless further time is granted by the Council, ANY MEMBER OF THE PUBLIC shall address the Council one time for a maximum of five (5) minutes, regardless of the number of issues he desires to discuss. PROVIDED however, that the main proponent of any application, petition, or plan that is the subject of a public hearing shall be allowed to address the Council initially for a maximum of ten (10) minutes and later in rebuttal for a maximum of three (3) minutes.*

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### **6. Advertised Public Hearings.**

#### **A. AN ORDINANCE NO 23-FIN-1**

*(First Reading) To amend the General Fund Budget for the fiscal year beginning July 1, 2022 and ending June 30, 2023, by \$420,727 consisting of 1) \$1,021 from DMV select services, 2) \$9,539 from the Litter Grant, 3) \$11,860 from the Selective Enforcement Alcohol Grant, 4) \$937 from end of the year Shoe Fund donations, 5) \$2,000 from Sheriff donations, and 6) \$395,370 from end of the year unspent pavement preservation funds.*

*To amend the Water and Sewer Fund for the fiscal year beginning July 1, 2022 and ending June 30, 2023, by transferring \$140,885 in Contingency Funds from the General Fund Budget for emergency sewer repair.*

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## 7. Adjournment