

***Town Council: Ray Burger, Thelma Gillespie, Cynthia Holdren, Joy Marino, Sarah Nock and Maphis Oswald***  
***Mayor: Fletcher Fosque | Town Manager: Matt Spuck***

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**Planning Commission**

**October 3, 2022**

**5:30PM Council Chambers**

**Agenda**

- 1) Call to Order
- 2) Attendance/ Establish Quorum
- 3) Review meeting minutes from August 1, 2021, meeting
- 4) Special Use Permit to operate a homestay at 50 Ames.
- 5) Discuss Homestay ordinance, Item D, specifically.
- 6) Review Sign Ordinance
- 7) Review Property Maintenance Ordinance
- 8) Commissioner comments
- 9) Adjourn

**Town of Onancock**  
**Planning Commission Meeting**  
**Monday, June 6, 2022**  
**5:30 PM**

**1) Call to Order**

Chairperson Schreiber called the meeting to order at 5:30 PM.

**2) Attendance/Establish Quorum**

Chairperson Schreiber, Commissioner Tunstall (via Zoom), Commissioner Bagwell, Commissioner Frey, were present. Commissioner Brockmeier, Commissioner Byrd and Commissioner Fosque were not present. A quorum was established.

Town Manager Matt Spuck and Town Clerk Debbie Caton were present.

**3) Minutes**

Chairperson Schreiber asked for a motion to approve May 2, 2022, minutes. Commissioner Tunstall moved to approve the minutes with suggested corrections. Commissioner Frey seconded the motion. The motion was approved by 4-0 vote.

**4) Special Use Permit – Homestay – 1 Hillcrest**

Zachery and Linda Rienrth submitted a special use permit Homestay application. All requirements were met, and the application is compliant. Commissioner Tunstall noticed the total number of guests exceeds the 2-bedroom guidelines (2 guests per bedroom is the ordinance guidelines). Town Manager Spuck explained if the bedroom guest count is more than 2, they will need to be a nuclear family. No other issues were addressed. Commissioner Frey moved for Town Council to consider final approval at Town Council's public hearing in July 2022. Commissioner Bagwell seconded the motion. The motion was approved by 4-0 vote.

**5) Special Use Permit – Homestay – 78 Market St**

Thomas DeLisle submitted a special use permit Homestay application. The homeowner is hoping to benefit family's dealing with extended hospital stays. No issues were addressed. Commissioner Frey moved for Town Council to consider final approval at Town Council's public hearing in July 2022. Commissioner Bagwell seconded the motion. The motion was approved by 4-0 vote.

**6) Special Use Permit – Homestay – 26 King St.**

Brad Robinson submitted a special use permit Homestay application. The property is located in the B-1 district. Currently, Homestay properties are not allowed in this district. This application is in a holding pattern until the Town Council approves recommended changes to the B-1 ordinance. The new draft allows Homestay properties.

**7) Commissioner Ordinance Review and Discussion, Previously Discussed:**

- a) Article VII: Business Waterfront (B-W) – Chairperson Schreiber opened discussion to review the current draft to the BW district structured by Town Manager Spuck. The proposed draft excludes a specific list of special use permits for the district. A suggestion was made to comprise a list of what businesses are NOT allowed. Town Manger Spuck will enhance Section 38-207 with a list for types of businesses to exclude. An updated list will be emailed to Planning Commission members.
- b) Article V: Business, Downtown, District (B-1) – Chairperson Schreiber opened discussion to recommended changes to B1 District ordinance structured by Town Manager Spuck. In Section

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- c) 38-150 of the proposed draft, Item 4 allows for a business to stay open after 11:00 PM with a Special Use Permit. It was suggested to change all businesses to a close time of 11:00 PM. Town Manager Spuck explained that Section 38-155 Parking in B-1 was written to protect the parking for businesses during operating hours. The new parking regulations will not be effective until January 1, 2023.
  - d) **Article XI: Signs** – Overall façade improvements will be included in the Town’s Master Plan. Any businesses with non-compliant signs will have the first opportunity for Façade Grant funding to help off-set expenses. The Planning Commission will update after recommendations from Onancock Main Street conference. The Planning Commission felt it was imperative to include a specific timeframe to comply or “sunset” compliance.
- 8) Commissioner Review of Ordinance for Future Discussion:**
- a) **Spot Blight** – The preferred structure of the ordinance will have the Town act as an agency to help homeowners. The ordinance does not want to cause undue hardship or displace families.
  - b) **Article VI: Business, Highway, District (B-2) – no discussion.** The ordinance will be reviewed at the August 2022 meeting.
  - e) **Commissioner comments** - Chairperson Schreiber asked if anyone would like to replace him as the new chair for FY 2023. No volunteers. Commissioner Tunstall motioned for Chairperson Schreiber to continue as the chair for FY 2023. Commissioner Frey seconded the motion. The motion passed with 4-0 vote.
  - f) **Adjourn** – Commissioner Tunstall made a motion to adjourn the meeting. Commissioner Frey seconded the motion. The motion was approved 4-0 vote. Meeting adjourned at 7:10 PM

**Town of Onancock**  
**Planning Commission Meeting**  
**Monday, August 1, 2022**  
**5:30 PM**

**1) Call to Order**

Chairperson Schreiber called the meeting to order at 5:30 PM.

**2) Attendance/Establish Quorum**

Chairperson Schreiber, Commissioner Tunstall, Commissioner Bagwell, Commissioner Frey, Commissioner Brockmeier, Commissioner Byrd were present. A quorum was established. Town Manager Matt Spuck and Town Clerk Debbie Caton were present.

**3) Minutes**

June 6, 2022 meeting minutes will be approved at the October 3, 2022 meeting.

**4) Special Use Permit – Change Commercial Use building to Residential – 120 Market St.**

Michael Morgan submitted an application to ask for his commercial building change for residential use. The proposed use is to renovate to allow for 5 condos. Mr. Morgan spoke to the Planning Commission to his intent to provide more housing for young professionals. At this time, the Planning Commission decided not to allow for any changes.

**5) Review B-2 Ordinance (with reference to Article XV: Special Use Permits)**

Planning Commission discussed the option to allow for residences on the ground floor. Chairperson Schreiber conducted a poll vote. The vote was no to make any changes right now.

**6) Special Use Permit – 43 North St**

Stan Thompson submitted an application for an Airbnb. The application meets all Homestay guidelines. The application is being passed to Town Council for final approval.

**7) Commissioner Comments** – Sign ordinance and spot blight will be reviewed at the next meeting. Commissioner Byrd suggested driving through Parksley for guidance.

**8) Adjourn** – Commissioner Tunstall moved to adjourn the meeting. The motion was seconded by Commissioner Brockmeier. Meeting adjourned at 6:32 PM. The next meeting is Monday, October 3, 2022 at 5:30 PM.

# TOWN OF ONANCOCK

15 NORTH STREET  
ONANCOCK, VIRGINIA 23417

## SPECIAL USE PERMIT APPLICATION

Applicant's Name: Katharine W. Fiege

Address: 50 Ames Street, Onancock, VA 23417

Telephone: 757-787-4693 Date: 9/9/22

Location & Legal Description of Property Proposed\* : \_\_\_\_\_

50 Ames Street

MA Project lot 12 & 50' of 11

No. of total guests (for homestay applicants only): \_\_\_\_\_

No. of proposed parking spaces (for homestay applicants only): 2

Parcel Number: 085A104 0000 11 A0

Zoning Classification: R1B

Name and telephone number for local emergency contact: \_\_\_\_\_

John Fiege 757-710-2489 Lisa Fiege 757-~~710~~-709-8692

Description of Proposed Use: \_\_\_\_\_

Short-term rental (i.e. Airbnb/VRBO)



What are you looking for?

- 1 Customer Payment Information
- 2 Payment Options
- 3 **Payment Confirmation**

## Payment Processed Successfully

PRINT

Thank you for making an **IT E-Payment**. **Trusted, secure e-payments.**

Please review the transaction results below.

<b>Payment Made To:</b>	<b>Town of Onancock VA (757) 787-3363</b>
Transaction Date/Time:	9/14/2022 11:40:15 AM
Payment Message:	Approved 014356
Invoice Number:	INV2022914103927684
<b>Total Amount</b>	<b>\$150.00</b>
Name:	Katharine W Fiege
Address:	50 Ames St Onancock VA 23417
Email Address:	
Payment Method:	Visa
Card Number	XXXXXXXXXXXX8985
Payment Type:	Misc. Payments

### Cloud Store Details

INV2022914103927684 Details:

Name:	Katharine W Fiege
Address:	50 Ames St
City:	Onancock
State:	VA
Zip Code:	23417
Phone Number:	7577873363
Misc. Payment Type:	Miscellaneous
If Miscellaneous, please specify:	Special Use Permit
Amount:	150.00

# Accomack County, Virginia

**Tax Map #:**

85A1-4-12

**Parcel ID:**

085A104000011A0

The assessment information is obtained from the total value of these tax map numbers...

85A1-4-11A 85A1-4-12

**Summary**

**Owner's Name**

FIEGE, KATHARINE W TR

No Data

**Mailing Address**

50 AMES ST  
ONANCOCK, VA 23417-1803

**Base Zoning**

Note: Part or all of this area falls within the limits of an Incorporated Town. Please check with applicable Town for zoning classification within town limits.

**Overlay Zoning**

**Tax District**

14



**Sale Information**

Transfer Date:	3/7/2016 12:00:00 AM
Sales Price:	\$0
Grantor:	FIEGE, KATHARINE W
Deed Reference:	2016 00947
Additional Ref:	Book
Additional Ref:	Page

**Assessment Information**

	New 2022 Assessment	Prior Assessment
Land Value	\$210,000	\$210,000
Improvement	\$251,600	\$189,500
<b>Total Value</b>	<b>\$461,600</b>	<b>\$399,500</b>

The assessment information is obtained from the total value of these tax map numbers...

85A1-4-11A 85A1-4-12

**Land**

Property Class:	100-Incorporated Town
Legal Description:	MT PROSPECT LOT 12 & 50' OF 11
Land Description:	CREEK FRONT LOT
Street Type:	Paved

Electricity:	No Data
Gas:	No Data
Sewer:	No Data
Water:	No Data

**Building**

<b>Building Type:</b>	DWELLING	<b>Total Rooms:</b>	5
<b>Description:</b>	Single family	<b>Number of Bedrooms:</b>	3
<b>Stories:</b>	No Data	<b>Number of Baths:</b>	2
<b>Year Built:</b>	1970	<b>Number of Half Baths:</b>	No Data
<b>Finished Sq Ft:</b>	2450	<b>Heat Type:</b>	Heat pump
		<b>Air Conditioning:</b>	P

<b>Construction</b>		<b>Additional Data</b>	
<b>Foundation Type:</b>	Full Crawl	<b>Attic:</b>	None
<b>Construction Type:</b>	Wood frame	<b>Finished Attic Sq Ft:</b>	No Data
<b>Exterior:</b>	Vinyl siding	<b>Basement Sq Ft:</b>	No Data
<b>Condition:</b>	normal for age	<b>Finished Basement Sq Ft:</b>	No Data
<b>Roof Type:</b>	Gable	<b>Attached Garage Sq Ft:</b>	528
<b>Roof Material:</b>	Comp sh to 235#	<b>Detached Garage Sq Ft:</b>	No Data
		<b>Deck Sq Ft:</b>	No Data

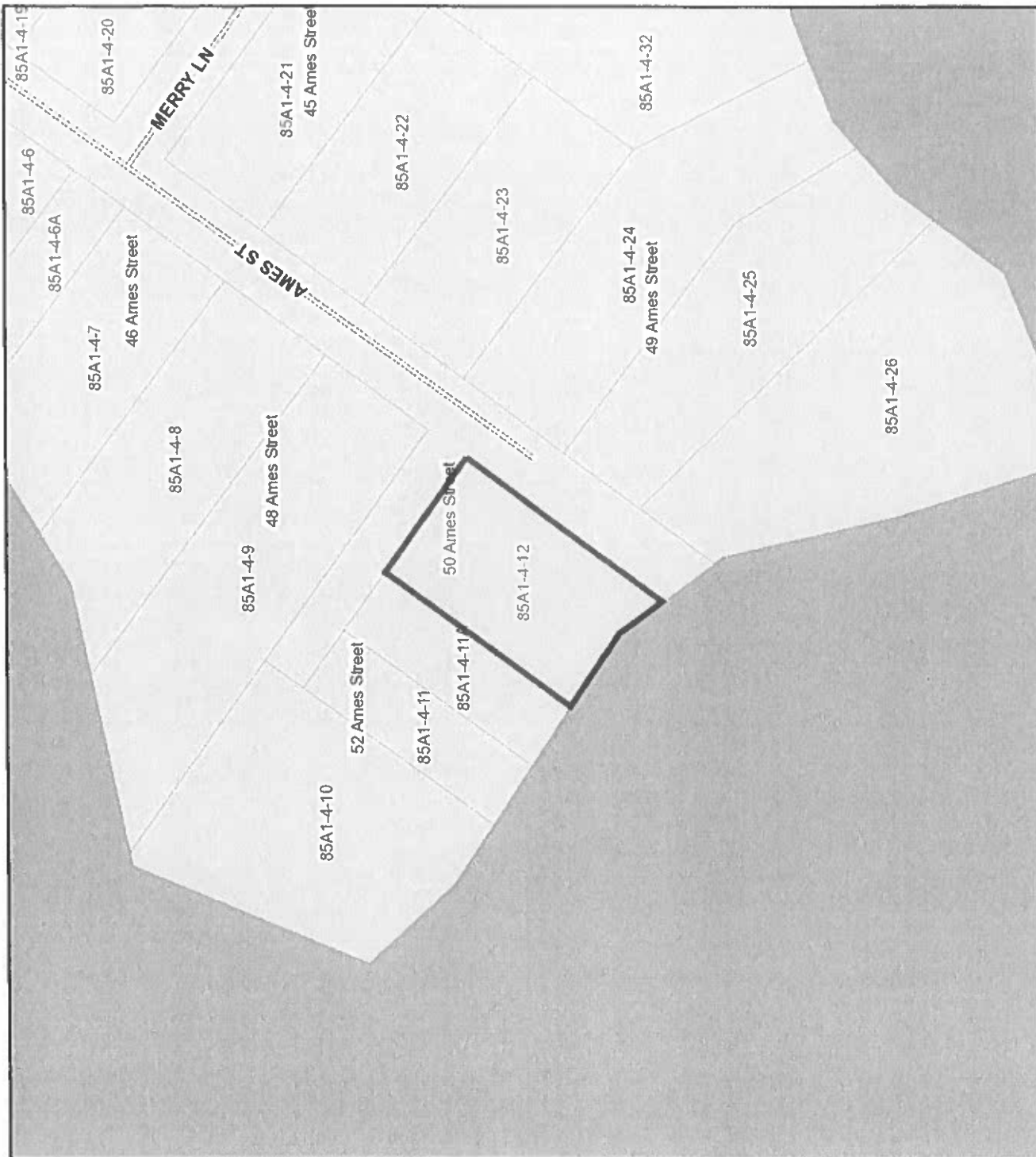


# Accomack County, Virginia

## Legend

Parcels

Map Printed from AccoMap  
<https://parcelviewer.geodecisions.com/Accomack>



**Title: Parcels**

**Date: 9/19/2022**

*DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Accomack County is not responsible for its accuracy or how current it may be.*

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## Sec. 38-77. Special exceptions.

The following uses shall be permitted in the Single-Family Residential District (R-1), subject to all the other requirements of this chapter, only upon the obtaining of a special use permit, as defined in article XV of this chapter, from the town council:

- (1) Each dwelling unit shall be permitted not more than one apartment, which shall be contained within the dwelling unit itself. It shall be a condition of issuance of a special use permit that the owner of the dwelling within which the apartment is located reside within the dwelling itself.
- (2) *Bed and breakfast houses.* Each dwelling unit may be permitted not more than five guestrooms in which overnight accommodations may be offered to transients and operators must live on site.
- (3) *Homestay.* For this subsection, the term "homestay" means a home occupation in which an individual owns a dwelling and provides lodging in all or any portion thereof for temporary periods of times not to exceed three weeks. Other terms used for this type of business include "Short-term Rental," and "STR." Examples of these include but are not limited to Air B&B, VRBO, or any other online or private travel agent or agency.
  - a. Every short-term rental must obtain a business license and maintain a special use permit from the town. Special use permits for STR expire three-years from the date of issuance and must be reconsidered by town council following the application process in place at the time of the renewal request.
  - b. Every homestay is required to submit transient occupancy tax (TOT) as per chapter 16, article IV herein. If any homestay is idle for 12 consecutive months or does not submit TOT as defined, the special use permit is automatically rescinded, and the owner must reapply using the process in place at the time of the reapplication.
  - c. The current owner or, in the case of a property sale contingent on securing the special use permit (SUP), the prospective purchaser must apply for the special use permit. In the case of a contingent sale, the current owner and prospective purchaser may apply jointly.
  - d. The property shall serve as the primary Onancock residence for a majority of the year for the owner or principal owner of the legal entity that owns the property.
  - e. The applicant must provide local contact information for a responsible party, if the owner is not the responsible party, the owner must identify a responsible party who will be available 24 hours a day, seven days a week, to respond to, and resolve issues and complaints that arise during a period in which the dwelling is being used for transient occupancy. This contact information will be made available to all adjoining property owners and to the Onancock Police Department.
  - f. There must be a minimum of 200 linear feet (measured from the water meter for the property or the center of the street frontage, depending on the location of the meter) and one tax parcel as defined by Accomack County between properties allowed for use as homestay properties. This includes all contiguous parcels in front, behind, and on both sides. Natural separations, such as the creek, automatically create an appropriate barrier between homestay structures.
  - g. The number of overnight guests will be determined by the zoning administrator in consultation with the homeowner. Properties will allow no more than two guests per bedroom and no more than four persons for each full bathroom. Nuclear families with children under the age of 18 are not limited to the number of guests allowed. The property must provide off-street parking for one vehicle for every four guests.

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- h. The owner of the property must annually provide the town with proof of insurance for property damage and liability in an amount no less than the full replacement value of the structure as it exists at the time of application and an amount of liability coverage no less than \$1,000,000.00 per occurrence and \$2,000,000.00 in aggregate
  - i. The homestay shall comply with all applicable town, county, state and federal statutes, regulations and ordinances.
  - j. The town reserves the right to inspect the residence based on complaints to verify that the homestay is being operated in accordance with the regulations set forth within this section.
  - k. The special use permit will be revoked by the zoning administrator in the event that three or more substantiated complaints are received by the town in a calendar year, or failure to maintain compliance with any of the regulations set forth herein.

(Code 1989, § 24-16; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997; Ord. of 7-27-1998; Ord. of 2-27-2017, § 24-16(c); Ord. of 2-28-2022(2))

## ARTICLE XI. SIGN REGULATIONS

### Sec. 38-405. Statement of purpose.

The following sign regulations are established to ensure compatibility of signs with surrounding land usage, to enhance the economy of the town, to protect the public investment in streets and highways, to promote the safety and recreational value of public travel, to preserve natural beauty and to promote the reasonable, orderly and effective display of outdoor advertising.

(Code 1989, § 24-73; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

### Sec. 38-406. Advertising outdoors regulated.

No person except a public officer or employee in performance of a public duty, shall paste, post, paint, print, nail, tack, erect, place, maintain or fasten any sign, pennant, flags, outdoor advertising signs, billboard or notice of any kind, or cause the same to be done, facing or visible from any public street or public open space, except as provided in this article.

(Code 1989, § 24-74; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

### Sec. 38-407. Signs and flags permitted by right in the various districts.

(a) The following are signs and flags permitted by right in the various districts:

- (1) Memorial tablets or signs. **SIZE LIMIT?**
- (2) Signs required to be maintained by law or governmental order, rule or regulation, with a total surface area not exceeding ten square feet on any lot or parcel.
- (3) Signs which are within a ~~ball park~~**ballpark** or other similar ~~public or public or~~ private recreational use and which cannot be seen from a public street or adjacent properties. **SIGNS AT BALLPARK ARE VISIBLE ON HARTMAN**
- (4) Flags or emblems of civic, governmental, philanthropic, educational or religious organizations, and corporate designed flags.
- (5) Signs displayed for the direction or convenience of the public, including signs which identify restrooms, location of public telephones, freight entrances, no trespassing and posted signs or the like not exceeding a total area of eight square feet per sign. **DO WE WANT AN 8-2x4 FOOT NO TRESPASSING SIGN?**
- (6) Signs placed by a public utility ~~showing the location of underground facilities.~~
- (7) Church bulletin board and identification signs with a total surface area not exceeding 20 square feet per sign.
- (8) Home occupation signs with a total surface area not exceeding four square feet per sign not illuminated.

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- (9) Up to ~~four~~ two signs, not to exceed four square feet each, advertising the sale or rent of the specific premises where the sign is located.
  - (10) Signs or a combination of letters may be attached to a building, ~~or structure,~~ or awning, where business is conducted on the premises, for the purpose of advertising and displaying the name, address, and/or a business slogan, of the specific business.
  - (11) Signs advertising only the price of a product, provided that the sign is attached to a permanent structure on the specific premises where the business is located. These signs shall be limited to the B-1, B-2 and B-W districts.
  - (12) In the B-1 and B-W districts, but not in residential districts, up to 32 square feet of signage shall be permitted by right only on the specific premises where the business is located, subject to other applicable provisions of this article. See B-2, Business District Highway for specific provisions relating to that district.

(13) Changeable letter signs permanently affixed to the building

(14) Non-commercial signs in residential areas providing occupant name or address information

(15) Murals painted directly on the structure with no reference to the businesses or products

(16) First Amendment right signs. Any sign lawfully advocating any political, social, religious, or other cause or position of the person or persons exhibiting such, the content of which would be protected by such person or person's right to freedom of speech as defined under the First Amendment to the United States Constitution and/or article I, section 12 of the Constitution of Virginia, subject to the restrictions hereinafter provided. Such permitted signs shall not contain any message of a commercial nature and shall not direct attention to a business operated for profit or any entity operated on a non-profit basis, or to the sale or gift of any commodity or service, nor shall such exhibitor charge a fee, therefore. Such signs shall be permitted both in residential and business districts. No such sign, or combination of signs, in a residential district shall exceed thirty-two (32) square feet in area, exceed five (5) feet in height, and shall comply with all applicable setbacks in such residential district. Any such sign or signs within a commercial district shall comply with all the criteria of as to size and location. Any such sign may be constructed of cardboard. Any such sign shall comply with all other applicable provisions, except as expressly excepted.

- (b) All signs and supporting structures shall be maintained in good repair as determined by the Town Manager that meet standards that any reasonable person would see fit.

(Code 1989, § 24-75; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

### **Sec. 38-408. Determination of sign area.**

In measuring the area of signs permitted under these regulations, the entire face of the sign (on one side only) shall be included. Where both sides of the sign contain lettering or other allowable display, one side only shall be used to compute the allowable size of the sign. Where the sign consists of individual raised letters or a sign face of irregular shape, the sign area shall include the area of the smallest rectangle that can encompass the letters or sign face.

(Code 1989, § 24-76; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)



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## Sec. 38-409. Height regulations.

Signs shall not exceed a height of 20 feet above ground level or the street to which it is oriented, whichever is higher. In no case will any sign project above the top of the building to which it is attached.

(Code 1989, § 24-77; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

## Sec. 38-410. General regulations.

- (a) Except for authorized traffic signs, no sign shall be erected at the intersection of any streets in such a manner as to create a traffic hazard by obstructing vision between heights of 2 ½ feet and eight feet; or at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign.
- (b) No sign will be erected which imitates or resembles any official traffic sign, signal or device or uses the words "stop" or "danger" prominently displayed or presents or implies the need or requirement of stopping or the existence of danger on any street.
- (c) No sign will be erected which advertises any activities which are illegal under state or federal law or regulations in effect at the location of such sign or at the location of such activities.
- (d) No sign will be erected which is inconsistent with state law or the provisions of this chapter.
- (e) No sign will be ~~erected~~ allowed which involves noise, motion, or rotation of any part of the structure or displays intermittent or flashing lights, neon lights, inflatable, scrolling sign, feather banners (in B-1), television or computer displays visible from the street, marquee, or projections signs.
- (f) No sign will be erected which is mobile. Except for signs attached to buildings or permanent structures and those permitted in section 38-407(9) and (10), all other signs of whatever type or size permitted in this chapter, HOW ARE THESE MOBILE? All signage shall be permanently anchored in concrete or permanently attached to piling or posts firmly embedded in the ground. All wheels and other portable structural equipment shall be removed from the structure.
- (g) The bottom of an overhanging sign shall be at least eight feet above the ground.
- (h) No sign or display of any kind may reference a body part, human or otherwise, or make any mention of sexual activity whether directly or through innuendo. No sign may contain any photograph, silhouette, drawing, or pictorial representation or description of any specified anatomical area or sexual act, whether direct or inferred.
- (i) Sandwich board signage must be removed when the business is not open and must leave reasonable space for pedestrians to pass safely. Temporary signs for limited business events may be placed using the standards of this ordinance and may be used for no more than 10-days. Temporary signs for real estate sales and property rentals are permitted.
- (j) Abandoned signs must be removed with 30 days of written notice.
- (k) The use of banners to publicize events must be approved by the Town Manager for placement and timing (no longer than 6 weeks). Every effort must be made to have the banner readable by drivers and stable in its
- (l) Externally lit signs must be illuminated with steady, stationary fixtures and shall be directed downward at the sign using no more than 1,000 lumens without causing glare to pedestrians or vehicles.

(Code 1989, § 24-78; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

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**Sec. 38-411. Nonconforming signs.**

Any sign lawfully in existence at the time of the effective date of the ordinance from which this chapter is derived may be maintained although it does not conform with the provisions of this chapter. Such nonconforming signs shall comply in all respects with the requirements of Article XIII of this chapter relating to nonconforming uses. If such nonconforming sign is destroyed, demolished, or removed due to any reason, it shall not be replaced without complying with all provisions of this Article XI.

(Code 1989, § 24-79; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

**Sec. 38-412. Off-premises signs.**

Off-premises signs are not permitted in any district except for civic, philanthropic or religious organizations. Off-premises signs shall not exceed three square feet in area.

(Code 1989, § 24-80; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997)

**Secs. 38-413—38-437. Reserved.**

### **ARTICLE III. PROPERTY MAINTENANCE<sup>1</sup>**

#### **Sec. 14-57. 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:

*Grass, weeds, and other foreign growth* means vegetation unmanaged or uncontrolled of every kind growing or standing on any parcel of lot other than flowers, vegetable gardens, trees, ornamental shrubbery, or area classified as wetlands by any government body.

*Occupied property* means any lot or parcel of land located within the Town that either contains a structure or other improvements, or is served by the Town public water system, or is served by the Town public sewage system, and on which lot or parcel any person or entity has resided, conducted any business or activity, or physically occupied such for any period within the 45 days immediately preceding any notice by the zoning administrator.

*Owner* means any person or entity holding record title to any lot or parcel of land within the Town, including fiduciaries holding title to or having the legal care, custody, control, or management of any such lot or parcel.

*Same set of operative facts* means the situation or facts existing either before or after an owner has been given a notice to cut by the zoning administrator officer. The operative facts shall change only after the owner has either cut such grass, weeds, or other foreign growth into compliance after such notice, or the Town has ~~so to~~ cut the same.

*Undeveloped property* means any lot or parcel of land located within the Town that either does not contain a structure or other improvements or is not served by the Town public water ~~system, or system or~~ does not have an installed sewage service or is connect to the public sewer.

*Vacant developed property* means any lot or parcel of land located within the Town that either contains a structure or other improvements, or is served by the Town public water system, or is served by the Town public sewage system, and on which lot or parcel no person or entity has either resided, conducted any business or other activity, or physically occupied such lot or parcel at any time within the 45-day period immediately preceding any ~~Notice~~ notice by the zoning administrator.

*Violation* means an owner fails or has failed to cut such grass, weeds, or other foreign growth from their lot or parcel to prevent it from attaining the applicable prohibited height. A notice to cut by the zoning administrator shall not be required to constitute a violation by such owner.

(Code 1989, § 11-13; Ord. of 6-26-2017, § 11-13)

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<sup>1</sup>State law reference(s)—Authority to require removal of garbage, trash, etc., Code of Virginia, § 15.2-901.



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**Secs. 14-58—14-72. Reserved.**

**Sec. 14-58. Civil penalty.**

- (a) Notice shall be made by U.S. Postal Service. A violation of this article shall be punishable by a civil penalty. The civil penalty violation shall be \$50.00 for the first offense. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall be \$200.00.
- (b) Each day during which a violation is found to exist shall be a separate offense; however, in no event shall specified violations arising from the same set of operative facts be charged more frequently than once in a ten-day period; and further, in no event shall a series of such violations result in civil penalties of more than \$3,000.00.

(Ord. No. completed by Municode)

**Sec. 14-59. Applicability of article.**

- (a) This article shall be effective in all zoned areas of Town, except that they shall not be effective in any agricultural area; or in any area in which the cutting of vegetation required by subsections 14-109 and 14-110 is otherwise prohibited by law, including but not limited to any buffer in a Chesapeake Bay Act Resource Protection Area.
- (b) Upon receiving notice of violation under subsection 14-60 or 14-61, it shall be the responsibility of the property owner to assert a claim of entitlement to any exception and to obtain such certifications and other documentation as may be required to substantiate the claim. Failure to assert a claim of entitlement or to present necessary documentation in support of such claim prior to the reasonable time required in the notification shall be deemed a waiver of the exception.

(Ord. No. completed by Municode)

**Sec. 14-60. Removal required.**

- (a) The Town considers items such as trash, garbage, refuse, litter, uncut grass, weeds, and uncultivated vegetation growing on the structure or the property a health and safety concern. The owner of real property within the Town shall, within each consecutive ten-day period, remove therefrom all trash, garbage, refuse, litter, uncut grass, weeds, and uncultivated vegetation growing on the structure on or the property, and other substances which might endanger the health or safety of residents of the Town. If any such owner shall fail to remove the listed items and other substances within any such ten-day period, the homeowners shall have a civil penalty assessed in accordance with the provisions of section 14-58.
- (b) Whenever such owner or owners of real property in the Town shall fail to comply with the provisions of paragraph (a) herein, the townTown manager or appointee may, after reasonable notice given to the owner or owners of such real property of the intention so to do, have such trash, garbage, refuse, litter, uncut grass, weeds, uncultivated vegetation and other like substances which might endanger the health or safety of residents of the Town removed by the Town's agents or employees, in which event the full costs and expenses and an additional administrative fee of 10% of the amount charged or \$250.00, whichever is greater shall be chargeable to and paid by the owner, or owners, of such property and may be collected by the Town in the same manner and at the same time as taxes and levies are collected.

(Ord. No. completed by Municode)

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### **Sec. 14-61. Cutting grass regulated.**

- (a) Notwithstanding the provisions of subsections 14-60(a) and (b) above, the owner, or owners, of occupied or vacant properties whether developed or undeveloped real property in the Town shall cut the grass, weeds and other foreign growth on such property, or any part thereof whenever such grass, weeds and other foreign growth reach an average height of eight inches.
- (b) Whenever such owner or owners of real property within the Town shall fail to comply with the provisions of paragraph (a) herein, the Town manager or his appointee may after reasonable notice given by him to the owner or owners via USPS of such real property of the intention so to do, have such grass, weeds and other foreign growth cut by the Town's agents or employees, in which event the costs and expenses of \$100.00 per hour per person for removal and an additional administrative fee of \$75.00 thereof shall be chargeable to and paid by the owner or owners of such property and may be collected by the Town in the same manner and at the same time as taxes and levies are collected.
- (c) Every charge with which the owner, or owners, of any such property shall have been assessed, as provided herein, and which remains unpaid shall constitute a lien against such property. Every such charge shall be listed in the office of the Town treasurer in the name of the person, or persons, listed as owning such property at the time such lien accrued.
- (d) It is a violation to discharge or blow grass, leaves, or clippings into any public street. This is a safety concern for bicycles, scooters, or motorcycles. Grass and yard waste also blocks storm drains which causes flooding and property damage. The civil penalties are detailed in 14-58 and 14-62.

(Ord. No. completed by Municode)

### **Sec. 14-62. Lien.**

Every charge with which the owner of any property regulated by this Article shall have been assessed, as provided in this article, and which remains unpaid shall constitute a lien against such property. Every such charge shall be listed in the office of the ~~Town~~Town Manager in the name of the person listed as owning such property at the time such lien accrued.

(Ord. No. completed by Municode)

State law reference(s)—Process of abatement of nuisances, Code of Virginia, § 8.01-285 et seq.