

RESUME

October 23, 2012

PUBLIC HEARING; ORDINANCE TO AMEND THE CODE OF THE COUNTY OF PRINCE GEORGE, VIRGINIA, 2005, AS AMENDED, BY ADDING § 90-13.1 TO DEFINE MINIMUM MAINTENANCE STANDARDS FOR LOTS AND PARCELS AND PROVIDING FOR A PENALTY

As part of the County's effort to improve the quality of maintenance of property, the recommended ordinance will create a zoning violation if junk, discarded materials and debris are openly left on parcels in the County. Violations of the ordinance would result in a civil penalty (monetary penalty only) for up to three violations. After three violations, subsequent violations would constitute a Class 3 misdemeanor criminal violation.

Board of Supervisors
County of Prince George, Virginia

Ordinance

At a regular meeting of the Board of Supervisors of the County of Prince George held in the Boardroom, Third Floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia this 23rd day of October, 2012:

Present:

Vote:

Henry D. Parker, Jr., Chairman
Jerry J. Skalsky, Vice Chairman
Alan C. Carmichael
William F. Gandel
William A. Robertson, Jr.

On motion of Mr. _____, seconded by Mr. _____, which carried unanimously, the following Ordinance was adopted:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF PRINCE GEORGE, VIRGINIA, 2005, AS AMENDED, BY ADDING § 90-13.1 TO DEFINE MINIMUM MAINTENANCE STANDARDS FOR LOTS AND PARCELS AND PROVIDING FOR A PENALTY

BE IT ORDAINED by the Board of Supervisors of Prince George County:

(1) That The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended by adding § 90-13.1 to read as follows:

Sec. 90-13.1. Minimum standards for lots and parcels; removal of trash, garbage, refuse and discarded materials.

(a) It shall be considered a violation of this chapter to use any open area of any lot or parcel of land, other than a properly zoned junkyard, for depositing or storing discarded material, including but not limited to scrap metals or other scrap material; used or scrap building, plumbing, electrical and heating material; discarded household appliances, furnishings and fixtures; dismantled or demolished motor vehicles; or other machinery or parts thereof.

(b) It shall be considered a separate violation of this chapter to allow trash, garbage, refuse, discarded materials and other substances which are reasonably likely to endanger the health of any person or injuriously affect public health or safety to remain on any lot or parcel within the County.

(c) Whenever the zoning administrator determines that any such conditions exist as noted above, he shall notify the property owner of record of such determination by first class mail or certified mail, return receipt requested, sent to the address listed in the real estate tax records, requiring such property owner to correct the condition. If the condition is not corrected within ten days, the zoning administrator may order such condition be corrected, either by County forces or by a private contractor. The actual cost, together with an administrative handling charge of \$15.00, shall be billed to the property owner and if not paid shall be added to and collected in the same manner as the real estate tax on such property. The zoning administrator shall certify the costs and expenses to the treasurer of the County, who shall collect such amount; and if such amount shall remain unpaid for a period of 60 days, then the treasurer shall certify such charges as being unpaid to the clerk of the circuit court of the County, who shall maintain a record book of such delinquent costs and expenses on file in the records of his office.

(d) 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, tit. 58.1, ch. 39, art. 3 (§§ 58.1-3940 et seq.) and art. 4 (§§ 58.1-3965 et seq.), as amended. The County 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) Violations of this section shall be subject to a civil penalty of \$50.00 for the first violation, or subsequent violations arising from the same set of operative facts. The civil penalty for a different violation on the same property not arising from the same set of operative facts within 12 months of the first violation shall be \$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 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.

(f) It shall constitute a Class 3 misdemeanor for any owner to incur three civil penalties for the same or for a similar violation, arising from a different set of operative facts, within a 24-month period. Classifying such subsequent violations by the County as criminal offenses shall preclude the imposition of civil penalties for the same violation.

(Code 1988, § 8-28) (§ 15.2-901, Code of Virginia, 1950, as amended)

(2) That this ordinance shall be effective immediately upon adoption.