

Town of Windsor

Memorandum

October 13, 2009

TO: The Honorable Mayor and Town Council
FROM: John L. Rowe, Jr., Interim Town Manager *John L. Rowe, Jr.*
SUBJECT: Grass Cutting Policy

We are in the process of making a "Policy Notebook" for you and for staff. While doing this, we are reviewing each policy to make sure that it is up to date and consistent with the various applicable provisions of the State and Town Codes.

The first policy that is out of date is the policy on the Town's cutting of grass and weeds on private property. This policy states:

"In the event the Town of Windsor is required to cut or mow a lot because the owner fails to respond to written notice to cut weeds or grass in excess of 12", in accordance with Section 9-4-2 of the Town Code, the Town shall charge a fee of fifty dollars (\$50) per hour, (with a minimum charge of fifty dollars (\$50)) or actual cost if contracted to a private business plus \$25 administrative fee for cutting the owner's property. *Amended August 13, 2002 by Council.*"

As you are aware, at your October 14, 2008 meeting, Council adopted Ordinance Number 08-09-2 that amends that section of the Town Code pertaining to weeds and refuse maintenance on private property; I am attaching a copy of that ordinance for your ease of reference. Your October 14, 2008 adoption of that ordinance made the above grass cutting policy obsolete. The Town is not in the grass cutting business, nor should we be. If the Town needs to cut grass on private property due to noncompliance with a violation notice, then, per the provisions of the Town Code, we will have a private contractor do so and charge the cost to the owner of the property in accordance with the new weeds and refuse ordinance.

I recommend that you adopt a motion repealing this policy.

Recommended Motion

Move that Council repeal the August 13, 2002 grass cutting policy because Council's adoption of Ordinance Number 08-09-2 on October 14, 2008 makes it obsolete.

ORDINANCE

An Ordinance To Amend And Reordain Chapter
148, Weeds And Refuse, Of The Code Of The
Town Of Windsor

BE IT ORDAINED by the Council of the Town of Windsor as follows:

Section 1.

That **Chapter 148, Weeds and Refuse**, of the Code of the Town of Windsor, Virginia, be and the same hereby is, amended and re-ordained as follows:

Section 148-1. Accumulation of garbage, refuse, litter and other substances.

It shall be unlawful for any property owner to allow trash, garbage, refuse, litter, and other substances which might endanger the health or safety of other residents of the Town to accumulate on his property. When any such property owner shall allow such accumulation on his property and after 10 day's written notice by the Town to remove the trash, garbage, refuse, litter, and other substances which might endanger the health of other residents of the Town, he shall be guilty of a violation of this code section. The Town, after having given the notice aforesaid, may, in its discretion, remove such garbage, refuse, litter, and other substances which might endanger the health or safety of other residents of the Town, in which event the costs and expenses thereof shall be chargeable to and paid by the owner of the property; if the same is not paid by the owner, such costs and expenses shall be assessed against and become a lien upon the property and may be collected as real estate taxes and levies are collected.

Section 148-2. Depositing rubbish and junk at unauthorized places prohibited; accumulation on vacant lots.

No person shall remove from private property any trash, garbage, refuse, litter, paper, offal, vegetables, broken glass, tin cans, old machinery, old tools, old automobiles, junk or any obnoxious or offensive matter or thing whatsoever, and deposit or place the same within the Town, except at such place or places as may be provided by the Town Council.

Section 148-3. Growth of weeds and grass; removal by Town.

No owner of property shall allow grass, weeds and other foreign growth on his property, or any part thereof, to exceed 12 inches in height; provided, however,

that this prohibition shall not apply to trees, bushes and other common shrubbery. When any such property owner shall allow grass, weeds and other foreign growth to exceed 12 inches in height and, after 10 days' written notice by the Town, shall fail to cut such grass, weeds and other foreign growth, he shall be guilty of a violation of this code section. The Town, after having given the notice aforesaid, may, in its discretion, cut such grass, weeds and other foreign growth, in which event the costs and expenses thereof shall be chargeable to and paid by the owner of the property; if the same is not paid by the owner, such costs and expenses shall be assessed against and become a lien upon the property and may be collected as real estate taxes and levies are collected.

Section 148-4. Transporting garbage and other materials over streets.

No person shall haul, carry, transport or move any dirt, sand, coal, wood, litter, rubbish, debris, trash, paper, offal, vegetables, garbage, ashes or any offensive matter of any kind or description along or over any of the streets of the Town without having and keeping the same in such secure condition as to prevent the same from scattering or falling on any of the streets.

Section 148-5. Burning leaves.

A. It shall be unlawful for any person to burn leaves in the open at any time within the Town, except on the property where the person resides between the hours of 9:00 a.m. and 7:00 p.m., provided that:

- (1) All embers of any such fire or burning shall be totally extinguished by 7:00 p.m.;
- (2) The location of the fire or burning shall not be less than 50 feet from any occupied building or structure;
- (3) At no time shall the fire or burning be unattended;
- (4) Any person doing such burning shall take reasonable care to prevent the spread of any such fire or burning to the buildings, structures or lands other than those owned or occupied by the person burning such leaves; and
- (5) The burning is not otherwise prohibited by applicable state or county fire laws.

B. Nothing in this section shall be construed to prevent, prohibit, limit or restrict the power and authority of the Town to institute and maintain equity proceedings in the Circuit Court of Isle of Wight County, Virginia to prevent,

abate, remove, restrain and enjoin any violation or threatened violation of this section.

Section 148-6. Violations and penalties.

Violations of this chapter shall be subject to a civil penalty, not to exceed \$50, for the violation, or violations 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. 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 in a 12-month period.

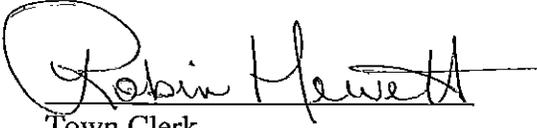
In the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period, then such violations shall be a Class 3 misdemeanor.

Section 2.

This ordinance shall be in effect on and after its adoption.

Adopted: October 14, 2008

A TRUE COPY, ATTEST:


Town Clerk