

**AN ORDINANCE TO AMEND SECTION 90-1 OF CHAPTER 90
OF THE CODE OF THE TOWN OF LURAY, VIRGINIA**

WHEREAS, the Town of Luray, Virginia (the “Town”), has previously adopted an ordinance regulating grass, weeds, and other growth, which is codified as Section 90-1 of Chapter 90 of the Town Code; and

WHEREAS, the Town Council wishes to clarify and amend the regulations and requirements set forth in Section 90-1 of the Town Code; and

WHEREAS, the Town Planning Commission and Town Council have each conducted a properly-advertised public hearing with respect to the proposed amendment; and

WHEREAS, the Town Council has received the recommendation of the Town Planning Commission with respect to the proposed amendment.

NOW, THEREFORE, be it ordained by the Council of the Town of Luray, Virginia, as follows:

1. Section 90-1 of Chapter 90 of the Code of the Town of Luray, Virginia, shall be amended as follows:

Sec. 90-1. - Grass, weeds and other foreign growth.

(a) The owners of occupied or vacant property, whether developed or undeveloped, shall cut all~~It shall be unlawful for any person to keep or maintain on his premises any~~ grass, weeds ~~and~~ other growth whenever any significant portion of such growth exceeds which is detrimental to the health, comfort or general welfare of any person, including but not limited to any grass, weeds or other growth of ten inches or more in height. However, the provisions of this section shall not apply to any person whose premises are lawfully devoted to agriculture

(b) The town (through its agents, contractors, or employees) may cut~~remove~~ the grass, weeds ~~and~~ other growth at the owners’ expense; if the owner fails to do so after a written notice is provided under this subsection.

A written notice from the town shall be mailed to the owner at the address shown on the town’s tax records and shall state that the town may cut the grass, weeds and other foreign growth if the owner fails to do so within seven days from the date the notice is mailed. For the purposes of this section, one notice per growing season shall constitute adequate and reasonable notice, but the town may elect to provide additional notices. whenever such person, after the expiration of five days next following receipt of notice, has failed to do so.

_____The cost of any removal shall be chargeable to such person and shall be added to their tax bill.

(c) If the town (through its agents, contractors, or employees) cuts the grass, weeds, or other foreign growth, the town's costs and expenses shall be charged to the property owner. The costs and expenses shall be collected by the town in the same manner as real property taxes, and they shall constitute a lien on the property, ranking on a parity with liens for unpaid taxes.

(d) The first ~~v~~violations of this section in a 12-month period shall be subject to a civil penalty ~~of, not to exceed~~ \$50.00 ~~for the first violation~~. ~~The civil penalty for s~~Subsequent violations within 12 months of the first violation shall be subject to a civil penalty of ~~not exceed~~ \$200.00. Each day that a violation remains constitutes a separate offense. The maximum cumulative civil penalty in any 12-month period shall not exceed \$3,000.

For the purpose of this subsection, the first violation occurs upon the mailing of the notice under Paragraph (b). Subsequent violations in the same growing season occur when both (i) the conditions of the property exceed the limit set in Paragraph (a) and (ii) the town takes action under Paragraph (b), whether it be cutting the growth or mailing an additional notice.

(e) ~~Such violations shall be a Class 3 misdemeanor in the event three civil penalties have previously been imposed within a 24-month period.~~Three civil penalties imposed within a 24-month period on the same person for the same or similar violations not arising from the same operative facts shall be a Class 3 misdemeanor.

~~(b)~~(f)The provisions of this section shall not apply to land zoned for or in active farming operation.

(Code 1965, §§ 12-6—12-9; Code 1981, § 14-35; Ord. of 4-14-1997, § 1; Res. No. 2005-11-06, § 1, 11-14-2005; Ord. of **X-XX**-2017, § 1)

State Law reference— Authority of town to compel the cutting of grass, weeds and other foreign growth on vacant property, Code of Virginia, § 15.2-901.

2. This Ordinance will take effect immediately.

Adopted: **MONTH XX**, 2017

Mayor

CERTIFICATE

I certify that I am the Clerk of the Town of Luray, Virginia, and that the foregoing is a true copy of an Ordinance adopted by the Council of the Town of Luray, Virginia, on **MONTH XX**, 2017, upon the following vote:

NAME	AYE	NAY	ABSTAIN	ABSENT
Mayor Presgraves ¹				
Ronald "Ron" Vickers				
Jerry Dofflemyer				
Jerry Schiro				
Leroy Lancaster				
Joey Sours				
Leah Pence				

Date: **MONTH XX**, 2017

[SEAL]

ATTEST: _____

Clerk, Town Council of
Town of Luray, Virginia

¹ Votes only in the event of a tie.