

Sec. 38-113. - Weeds, grass, and other foreign growth on occupied or vacant, developed, or undeveloped property.

(a) *Owner's responsibility to abate.* The owner of occupied or vacant, developed, or undeveloped property in the town shall cut the grass, weeds, and other foreign growth on the property within 200 feet of an improved right-of-way or property line adjoining a lot whenever such grass, weeds and other foreign growth have reached a height of eight inches (8") or more. This section shall not be applicable to land zoned for or in active farming operation.

(b) *Service of notice; deadline for abatement.* Upon information that grass, weeds, or other foreign growth exist in violation of this section, the town manager or designee shall cause written notice to be served to the owner of the property. The notice shall require such owner to cut the grass, weeds, and other foreign growth within seven calendar days after receipt of such notice. For purposes of this provision, one written notice per growing season to the owner of record of the subject property shall be considered reasonable notice. A growing season shall be defined as one calendar year from January 1 to December 31. If the owner does not complete the work within the seven calendar days, the town shall have the right to complete the work immediately thereafter, at the owner's expense.

(c) *Notice by town to owner of abatement; collection of costs and expenses; lien.* If the town has cut the grass, weeds, and other foreign growth on such land, the owner shall be notified that the town has done so and shall be given an itemized statement of the costs and all associated expenses, including interest that shall accrue at the prevailing judgment rate established by the Code of Virginia, § 6.2-301, as amended from time to time, by certified mail. If the sum due to the town has not been paid within 15 days from receipt of such notice, the town manager is authorized to treat the unpaid sum as a lien against the property superior to the interests of any owner, lessee or tenant, and next in succession to the municipal real estate taxes thereon, as provided in subsection (d) of this section, and to add the charges and expenses to the amount due for the current municipal real estate taxes on such property.

(d) *Rank of lien; enforcement.* Every charge authorized by this section with which the owner and lienholder 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, §§ 58.1-3940 et seq. and 58.1-3965 et seq.

(Ord. of 9-12-2000(3); Ord. of 8-11-2009; Ord. of 12-9-2014)

**Cross reference**— Vegetation, ch. 90.

**State Law reference**— Authority for above section, Code of Virginia, § 15.2-901.