

ORD-3599

AN ORDINANCE TO AMEND SECTIONS 23-50 AND 23-50.1 OF THE CITY CODE PERTAINING TO OPEN STORAGE OF RUSTED, JUNKED MACHINERY, EQUIPMENT, GRASS AND WEEDS AND HAZARDOUS TREES ON PARCELS OF LAND ZONED FOR OR IN ACTIVE FARMING OPERATION

SECTION AMENDED: §§ 23-50 and 23-50.1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA BEACH, VIRGINIA:

That Sections 23-50 and 23-50.1 of the Code of the City of Virginia Beach, Virginia, are hereby amended and reordained to read as follows:

**Sec. 23-50. – Accumulations of trash, garbage, etc., or excessive growth of weeds or grass.**

(a) ~~Except as provided in subsection (e) hereof, upon~~ Upon determination by the director of housing and neighborhood preservation, the code enforcement administrator, or any inspector of the department of housing and neighborhood preservation, whether temporarily or permanently employed as such, that there exists upon any land or premises within the city, including the area between such land or premises and the nearer of (i) the curb line, including a sidewalk if one is present, ~~or~~ (ii) a sound wall, or (iii) the edge of the pavement of any public street abutting such property in the absence of a curb or sound wall any trash, garbage, refuse, litter or similar substances, except as may be placed thereon for purposes of collection in accordance with chapter 31 of this Code, notice shall be served on the owner of such land or premises or his or her agent, or on the occupant thereof, or both, to cause such trash, garbage, refuse, litter or similar substances to be removed from such land or premises within seven (7) days from the date of such notice. For purposes of this section, "sound wall" means a wall or other noise attenuation structure installed as part of a city, state, or federally funded road project.

(b) Except as provided in subsections (e) and (f) hereof, upon determination by the director of housing and neighborhood preservation, the code enforcement administrator, or any inspector of the department of housing and neighborhood preservation, whether temporarily or permanently employed as such, that there exists on any land or premises within the city, including the area between such land or premises and the nearer of (i) the curb line, including a sidewalk if one is present, ~~or~~ (ii) a sound wall, or (iii) the edge of the pavement of any public street abutting such property in the absence of a curb or sound wall, any grass, weeds, brush or similar vegetation in excess of ten (10) inches in height, notice shall be served on the owner of such land or premises or his or her agent, or on the occupant thereof, or both, to cause such grass, weeds, brush or similar vegetation to

45 be cut and removed from such land or premises within seven (7) days from the date of  
46 such notice.

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50 (e) The provisions of ~~this section~~ subsection (b) shall not apply to any parcel of land  
51 zoned for or in active farming operation.

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55 **Sec. 23-50.1. – Removal of certain trees.**

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57 (a) Upon determination by the code enforcement administrator or the city arborist, or  
58 the officers or employees of their respective departments, that there exists upon any land  
59 or premises within the city any tree which, by reason of disease, death, injury, infirmity or  
60 other condition, presents a danger to property or to the health and safety of persons or  
61 other trees or vegetation, notice shall be served upon the owner of such land or premises  
62 or his or her agent or upon the occupant thereof to cause such tree to be removed within  
63 a reasonable period of time, not less than seven (7) days nor more than thirty (30) days,  
64 specified in such notice. If the danger presented by such tree may be eliminated by the  
65 removal of a portion of such tree, the notice shall specify the portion or portions of the  
66 tree to be so removed. For purposes of this section, the term "tree" shall be construed to  
67 include the plural of the term.

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71 ~~(d) The provisions of this section shall not apply to any parcel of land greater than 1~~  
72 ~~(one) acres in size which is located in an agricultural zoning district and used principally~~  
73 ~~for agricultural or horticultural purposes.~~

Adopted by the City Council of the City of Virginia Beach, Virginia, on this 17<sup>th</sup> day  
of September, 2019.