

CHAPTER 6
NUISANCES
ARTICLE I. IN GENERAL.

Section 6-1. Chapter is supplemental to other provisions of this Code relating to nuisances.

Various nuisances are defined and prohibited in other chapters of this Code, and it is the intent of the town council in enacting this chapter to make it supplemental to those other chapters in which nuisances are defined and prohibited; and the provisions of this chapter relating to the abatement of nuisances shall be regarded as alternative methods and procedures for the abatement of nuisances in those instances where other methods and procedures for abatement are provided.

Section 6-2. Nuisances prohibited within town.

It shall be unlawful for any person to cause, harbor, commit or maintain, or to suffer to be caused, harbored, committed or maintained any nuisance as defined by the statute or common law of this state or as defined by this Code or other ordinance of the town council at any place within the town.

Section 6-3. Certain nuisances enumerated.

The following acts when committed, or conditions when existing, within the town are hereby defined and declared to be nuisances:

- (a) An act done or committed or aided or assisted to be done or committed by any person, or any substance, being or thing kept, maintained, placed or found in or upon any public or private place, which is injurious or dangerous to the public health or safety.
- (b) All buildings, bridges or other structures of whatever character kept or maintained or which are permitted by any person owning or having control thereof to be kept or maintained in a condition unsafe, dangerous, unhealthy, injurious or annoying to the public.
- (c) All trees and other appendages of or to realty kept or maintained or which are permitted by any person owning or having control thereof to be kept or maintained in a condition unsafe, dangerous, unhealthy, injurious or annoying to the public.
- (d) All ponds or pools of stagnant water, and all foul or dirty water or liquid when discharged through any drain, pipe or spout, or thrown into or upon any street, public place or lot to the injury or annoyance of the public.
- (e) All obstructions caused, or permitted on any street or sidewalk to the danger or annoyance of the public, and all stones, rubbish, filth, slops, vegetable or other article thrown or placed by any person on or in any street, sidewalk or other public place, which in any way may cause any injury or annoyance to the public.
- (f) All sidewalks, gutters or curbstones permitted to remain in an unsafe condition, or out of repair.
- (g) All structures and places where explosive or combustible substances, liquids or gases are stored or used in such manner as to constitute a hazard to the safety or health of persons or a hazard to property.

The nuisances described in this section shall not be construed as exclusive, and any act of commission or omission and any condition which constitutes a nuisance by statute or common law of the state is, when committed, omitted or existing within the Town is hereby declared to constitute a nuisance.

Section 6-4. Premises to be kept clear of stagnant water, drained, etc.

No persons owning or in possession of any lot, house, building or enclosure shall allow or suffer to exist in or upon such premises any stagnant water, animal or vegetable matter or other substance liable to become putrid, offensive, annoying or unhealthy. Persons owning or in possession of any real estate shall provide proper and adequate drainage therefore so that no offensive, baneful or disagreeable liquids shall flow or seep into any street. Any violation of this section is hereby declared to be a nuisance.

Section 6-5. Responsibility of property owners, occupants and others.

Each owner, lessee, tenant, occupant or person in charge of any real property, within the town, and each agent or representative of any such person, is hereby charged with responsibility for the maintenance and use of such real property in such manner that no use of, or activity or condition upon or within, such real property shall constitute a nuisance; and all such persons are hereby charged with the duty of observing all of the provisions of this chapter, but such responsibility shall not be construed to permit any other person not charged with such responsibility to commit or maintain any nuisance upon or within any real property in the town.

ARTICLE II. ABATEMENT

Section 6-6. Inspections, investigations and complaints.

It shall be the duty of the health officer to cause inspections to be made from time to time of all portions of the town to determine whether any condition exists or activity is being practiced, which constitutes a nuisance; and each such officer shall cause an investigation to be made upon complaint made by any responsible person.

Section 6-7. Right to enter private premises; duty of occupants.

The health officer and his assistants shall have the right to enter upon private premises for the purposes specified in section 6-6, upon compliance with all applicable provisions of law. Unless it appears probable that advance warning would defeat the purpose of such entry, occupants of premises to be entered shall be given reasonable notice in advance, and in any case it shall be unlawful for any owner or occupant to prevent such entry which is sought to be made in compliance with law. For state law as to procedure when health officer refused admittance to premises for inspection purposes, see code of VA., § 32-55.

Section 6-8. Notice to cease and desist when activity constitutes nuisance.

If at any time the health officer shall find that an activity or practice which constitutes a nuisance is occurring within the town he shall promptly and by the most expeditious means notify the violator to cease and desist forthwith.

Section 6-9. Notice to abate condition constituting nuisance; appeal.

If at any time the health officer shall find that a condition which constitutes a nuisance exists within the town he shall give notice in writing to the owner, occupant or person in charge of the premises upon which such condition exist, stating therein the condition which constitutes a nuisance, and directing such addressee to remedy the condition within the time stated in such notice, which shall be not more than ten days; and it shall be unlawful for any such owner, occupant or person in charge to fail to comply with the terms of such notice; provided, that any owner, occupant or person in charge may, within two days from the service thereof, appeal to the town council, in which case the terms of such notice shall be stayed pending action of town council, which shall be final; provided further, that if the health officer shall state in such notice that the condition which constitutes a nuisance is such as to be an imminent hazard to the

health, safety or welfare of the public or any person within or near the premises upon which such nuisance exists, then the addressee shall comply with the terms of such notice.

Section 6-10. Recourse of town when notice to abate nuisance is ignored.

- (a) Upon the failure of any person to whom notice has been given pursuant to section 6-9 to comply with the terms of such notice, or with the terms imposed by the town council on appeal, as the case may be, the health officer shall forthwith direct the appropriate town officer to remedy the condition which is the subject of such notice, and the expense incurred by the town in so doing shall be charged to the addressee of such notice, to be collected in the same manner as town taxes.
- (b) Abatement by the town of any condition which constitutes a nuisance and reimbursement to the town of expenses incurred thereby shall not bar prosecution for maintenance of a nuisance.

Section 6-11. Article does not prohibit arrest for committing or maintaining nuisance.

Nothing in this article shall be construed to prohibit any police officer from arresting any person for committing or maintaining a nuisance when such arrest is made pursuant to law.

For state law as to authority of county health officer to inspect premises, see Code of Va., § 32-44. As abatement of nuisances generally, see Code of Va., § 48-1 et seq.