

Town of Onancock
Town Council Work Session
September 10, 2018
6:00 p.m.

1. Call to Order and Roll Call
2. Pledge of Allegiance
3. Items of Consideration
 - Northeast Onancock Project
 - Derelict Building Ordinance
 - Queen Street Improvements
 - Wharf Improvements and Repairs
 - Town Website
 - Transfer of Town Roads to the Virginia Department of Transportation
 - Maintenance of Town Square
 - Brush & Limb Pick-Up
 - Increasing the Number of Customers that Utilize the Town's Sewer Services.
4. Adjourn

List of Proposed Projects/Acquisitions for
Capital Improvements Program
September 10, 2018

Urgent Needs:

Belt Press:

The belt press at the wastewater treatment plant needs replacement. The belt press handles the dewatering of bio solids. This replacement would allow the septage receiving facility to process more waste. The estimated cost of the belt press is \$130,000

Membrane Replacement:

The wastewater treatment plant will need new a membrane over the next 5 years. These membranes are essential to the Town in meeting nitrogen and phosphorous limits. The plan is to replace a membrane for the next 5 years. The estimated cost for the membrane is \$125,000.

Dump Truck:

The dump truck is used for hauling limbs, branches, materials, etc. The truck has needed numerous repairs over the last year. The estimated cost of a new dump truck is \$50,000.

Chipper:

The Town purchased the chipper 14 years ago. The chipper has also needed numerous repairs over the last several years. The estimated cost of a new chipper is \$40,000.

Water Tower Project

The water tower needs to be cleaned to remove all mildew, silt and foreign substances. The estimated cost of this project is \$13,500.

Other Needs:

Sidewalk Replacement/Repairs

There are segments of sidewalk that need to be repaired or replaced throughout Town. The Transportation Alternative Program may be a source of funding for these projects. An estimated cost would be determined based on the square footage of sidewalks requiring repairs.

Town Hall Parking Lot

The town Hall parking lot needs repairs. The lot has potholes and significant cracking and has not been resurfaced or repaired for over 15 years. The estimated cost is \$6,800.

Proposed Schedule* of Northeast Neighborhood Revitalization Project
September 10, 2018

October, 2018	Meet with Northeast Section community stakeholders.
October, 2018	Send letter of intent to request Accomack Northampton Planning District Commission (ANPDC) to provide consulting services to write and administer Community Development Block Grant (CDBG).
January, 2018	Hold joint meeting with residents of community, Town representatives and representatives of ANPDC.
Spring, 2018 – Fall, 2018	Meet with ANPDC on regular basis, assist with gathering information for CDBG planning grant** and communicate progress to community.
Spring, 2019	ANPDC submits planning grant to Virginia Department of Housing and Community Development.
Summer, 2019 – Fall, 2019	Town is notified of decision to award grant or not to award grant.
Fall, 2019	If grant awarded, assist ANPDC with compiling necessary information for CDBG implementation grant.
Spring, 2020	ANPDC submits implementation grant to Virginia Department of Housing and Community Development.
Summer, 2020 – Fall, 2020	Town is notified of decision to award grant or not award grant.
Spring, 2021	Begin to implement activities of grant.
Spring, 2023	Grant activities are completed.

*This schedule is very tentative. The schedule is subject to change based on decisions made by ANPDC and Virginia Department of Housing and Community Development.

**A planning grant will be submitted first to determine the specific needs of the community.

Code of Virginia
Title 15.2. Counties, Cities and Towns
Chapter 9. General Powers of Local Governments

§ 15.2-901. Locality may provide for removal or disposal of trash, cutting of grass, weeds, and running bamboo; penalty in certain counties; penalty.

A. Any locality may, by ordinance, provide that:

1. The owners of property therein shall, at such time or times as the governing body may prescribe, remove therefrom any and all trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of such locality; or may, whenever the governing body deems it necessary, after reasonable notice, have such trash, garbage, refuse, litter and other like substances which might endanger the health of other residents of the locality, removed by its own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the locality as taxes are collected;
2. Trash, garbage, refuse, litter and other debris shall be disposed of in personally owned or privately owned receptacles that are provided for such use and for the use of the persons disposing of such matter or in authorized facilities provided for such purpose and in no other manner not authorized by law;
3. The owners of occupied or vacant developed or undeveloped property therein, including such property upon which buildings or other improvements are located, shall cut the grass, weeds and other foreign growth, including running bamboo as defined in § 15.2-901.1, on such property or any part thereof at such time or times as the governing body shall prescribe; or may, whenever the governing body deems it necessary, after reasonable notice as determined by the locality, have such grass, weeds or other foreign growth cut by its agents or employees, in which event the cost and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the locality as taxes are collected. 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. No such ordinance adopted by any county shall have any force and effect within the corporate limits of any town. No such ordinance adopted by any county having a density of population of less than 500 per square mile shall have any force or effect except within the boundaries of platted subdivisions or any other areas zoned for residential, business, commercial or industrial use. No such ordinance shall be applicable to land zoned for or in active farming operation.

B. Every charge authorized by this section with which the owner 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 real estate taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1. A locality may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

C. The governing body of any locality may by ordinance provide that violations of this section shall be subject to a civil penalty, not to exceed \$50 for the first violation, or violations arising 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.

D. Except as provided in this subsection, adoption of an ordinance pursuant to subsection C shall be in lieu of criminal penalties and shall preclude prosecution of such violation as a misdemeanor. The governing body of any locality may, however, by ordinance provide that such violations shall be a Class 3 misdemeanor 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. Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.

Code of Virginia
Title 15.2. Counties, Cities and Towns
Chapter 9. General Powers of Local Governments

§ 15.2-906. Authority to require removal, repair, etc., of buildings and other structures.

Any locality may, by ordinance, provide that:

1. The owners of property therein, shall at such time or times as the governing body may prescribe, remove, repair or secure any building, wall or any other structure that might endanger the public health or safety of other residents of such locality;
2. The locality through its own agents or employees may remove, repair or secure any building, wall or any other structure that might endanger the public health or safety of other residents of such locality, if the owner and lienholder of such property, after reasonable notice and a reasonable time to do so, has failed to remove, repair, or secure the building, wall or other structure. For purposes of this section, repair may include maintenance work to the exterior of a building to prevent deterioration of the building or adjacent buildings. For purposes of this section, reasonable notice includes a written notice (i) mailed by certified or registered mail, return receipt requested, sent to the last known address of the property owner and (ii) published once a week for two successive weeks in a newspaper having general circulation in the locality. No action shall be taken by the locality to remove, repair, or secure any building, wall, or other structure for at least 30 days following the later of the return of the receipt or newspaper publication, except that the locality may take action to prevent unauthorized access to the building within seven days of such notice if the structure is deemed to pose a significant threat to public safety and such fact is stated in the notice;
3. In the event that the locality, through its own agents or employees, removes, repairs, or secures any building, wall, or any other structure after complying with the notice provisions of this section or as otherwise permitted under the Virginia Uniform Statewide Building Code in the event of an emergency, the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the locality as taxes are collected;
4. Every charge authorized by this section or § 15.2-900 with which the owner of any such property has been assessed and that remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local real estate taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1. A locality may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed;
5. Notwithstanding the foregoing, with the written consent of the property owner, a locality may, through its agents or employees, demolish or remove a derelict nonresidential building or structure provided that such building or structure is neither located within or determined to be a contributing property within a state or local historic district nor individually designated in the Virginia Landmarks Register. The property owner's written consent shall identify whether the property is subject to a first lien evidenced by a recorded deed of trust or mortgage and, if so, shall document the property owner's best reasonable efforts to obtain the consent of the first lienholder or the first lienholder's authorized agent. The costs of such demolition or removal shall constitute a lien against such property. In the event the consent of the first lienholder or the first lienholder's authorized agent is obtained, such lien shall rank on a parity with liens for unpaid local taxes and be enforceable in the same manner as provided in subdivision 4. In the event the consent of the first lienholder or the first lienholder's authorized agent is not obtained, such lien shall be subordinate to that first lien but shall otherwise be subject to subdivision 4; and
6. A locality may prescribe civil penalties, not to exceed a total of \$1,000, for violations of any ordinance adopted pursuant to this section.

1968, c. 423, § 15.1-11.2; 1992, c. 372; 1994, c. 505; 1995, c. 651; 1996, c. 235; 1997, c. 587; 1999, c. 174; 2003, c. 207; 2004, c. 968; 2006, c. 460; 2013, cc. 734, 770; 2017, cc. 118, 400, 610.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

8/21/2018



PD Onancock

Market Street

Case Number

Drawn By
Williams

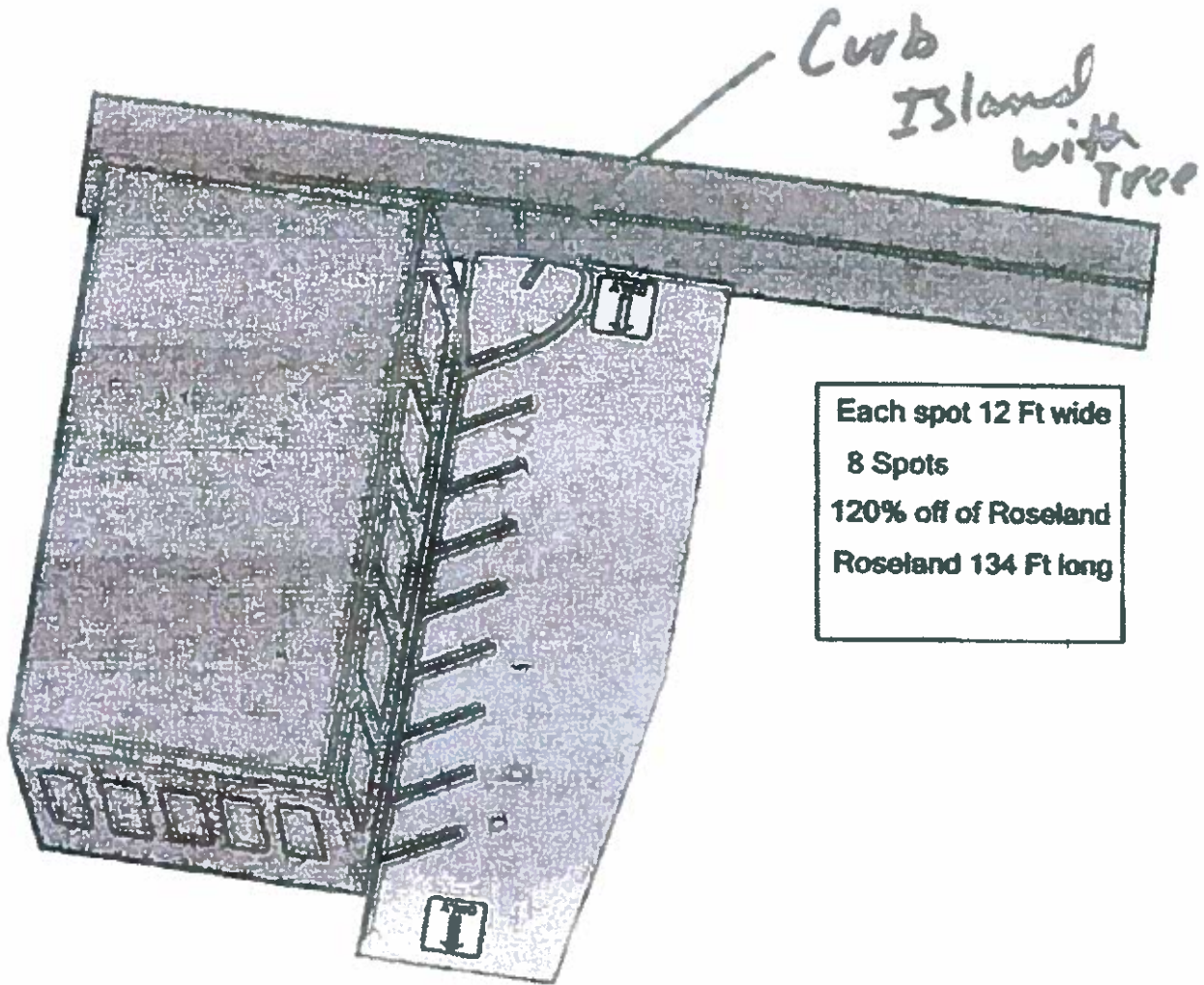
Date Drawn

Incident Date:

Scale

Location: Queen Street

1" = 20.48'





Date: 11/4/2016

Title:
 DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources and Accomack is not responsible for its accuracy or how current it may be.

Legend

- Street Addresses
- Bay Coast Railroad
- Parcels
- Places

*Curb island.
 Reduce one-way traffic lane to 12-15 feet
 Curb Island can be landscaped and signed for one-way traffic & show wrong way.*

Map Printed from ArcGIS
<http://accomack.mapped.net/>

Feet
 0 20 40 60 80
 1:1,128 / 1"=94 Feet

Legend

- Street Addresses
- Bay Coas Ra Iroad
- Parcels
- Places

Landscape Island
 with trees)
 need vertical
 height deterrent
 Reduce one-way
 drive width to
 12-15 feet
 wrong way!
 do not enter
 signage.



Map Produced by
 Survey and Mapping



Title:

Date: 11/4/2016

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Queen Street
One way from Market Street

Queen Street
Currently

Capital Improvements Plan



Fiscal Years 2006 – 2011

**Town of Onancock
Virginia
Adopted June 26, 2006**

Introduction

The Town's Capital Improvements Plan (CIP) is a five-year plan, which addresses both the repair and replacement of existing infrastructure as well as the construction or acquisition of new facilities and equipment to accommodate current and future demands for service. A given capital project must have an estimated useful life of three or more years and have a cost of at least \$5,000 to qualify for inclusion in the CIP. The CIP is based on a fiscal year. Our fiscal year for the Town of Onancock begins July 1, and ends June 30.

Benefits of Capital Improvement Planning

The principal benefit of Capital Improvement Planning is that it requires the Town to plan its capital needs in concert with available financing over a five-year period. This process contributes to a responsible fiscal policy. Other benefits of Capital Improvement Planning include:

- Assists in the implementation of the Comprehensive Plan By outlining the facilities needed to serve the population and land uses called for in the Plan and by scheduling them over time, the CIP guides the public construction program for the future.
- Focuses on the goals and needs of the community. The CIP brings capital projects into conformity with community objectives and provides a logical process for assigning priorities to projects based on their overall importance to the town. The CIP keeps the public informed about future capital investments planned by the Town.
- Fosters a sound and stable financial program. Through the CIP process, the need for bond issues or other revenue production measures can be foreseen and action taken before critical needs require emergency financing measures.
- Encourages annual evaluation of infrastructure. An annual evaluation of the town's infrastructure helps ensure that public health and safety needs are being met.

Legal Basis for Capital Improvements Planning

Section 15.2-2239 of the Code of Virginia, states that:

Local planning commission to prepare and submit annually capital improvement programs to local governing body or official charged with preparation of budget. – A local commission may, and at the direction of the governing body shall, prepare and revise annually a capital improvement program based on the comprehensive plan of the locality for a period not to exceed the ensuing five years. The commission shall submit the program annually to the governing body, or to the chief administrative officer or other official charged with preparation of the budget for the locality, at such time as it or he shall direct. The capital improvement program shall include the commission's recommendations and estimates of costs of such facilities and the means of financing them; to be undertaken in the ensuing fiscal year and in a period not to exceed the next four years, as the basis of the capital budget for the locality. In the preparation of its capital budget recommendations, the commission shall consult with the chief administrative officer or other executive head of the government of the locality, the heads of

departments, and interested citizens and organizations, and shall hold such public hearings, as it deems necessary.

Summary and Fiscal Analysis

In order for the CIP to be meaningful, it must strike a balance between need and financial capability. The proposed FY 2006 – 2011 CIP represents the level of public capital expenditures anticipated during the next five years and mechanisms for financing it.

The Town's CIP is divided into two sections: General Fund, and Enterprise Funds. The General Fund portion contains projects related to general governmental services in areas such as general administration, facilities maintenance, public safety, and parks and recreation. The Enterprise Fund section addresses water and sewer projects.

Financing of the CIP is provided on either a pay-as-you-go basis or through bond issuance. Pay-as-you-go funding is provided from several sources including current tax revenues, interest earnings, revenues from other governmental agencies, and user fees. Debt funding may include general obligation bonds, revenue bonds, or lease financing. A summary of financing options follows.

General Fund The most commonly used method of financing capital projects is through the use of the General Fund. The General Fund includes the money raised by local taxes for a given year. The General Fund also includes fund balances that have built up over time. This surplus fund balance may be drawn upon to finance short-term revenue short falls. However, long term reliance on the fund surplus to fund budget short falls should be avoided.

Funds used to support this area come from the Town's General Fund and are provided on a pay-as-you-go basis. Local taxes make up approximately 50% of the General Fund revenues and therefore are the primary revenue source used to fund these projects.

General Obligation Bonds Bonds are used to finance major municipal capital projects. These are issued from a period of time generally extending from ten to twenty years during which time principal and interest payments are made. This method of funding is sometimes more appropriate than raising taxes to fund one time capital outlays or using fund balances that have been built up over past years. Taxpayers of several generations will both benefit and pay for the project, and not one group of taxpayers will be unfairly burdened. Debt is most appropriate to finance assets with high capital costs and long useful lives.

Revenue Bonds Revenue bonds are used to finance facilities with a defined user base, such as water and sewer infrastructure. Debt retirement is derived from establishing user charges to cover the cost of the debt service.

Revenues Revenues generated from water and sewer services go into an enterprise fund that is used to fund the provision of these services.

Enterprise Funds: Enterprise funds are established to account for the provision of specific services that are to be funded by those directly receiving the benefit. Examples of such services include water and sewer operations. Fees charged to those receiving the services are generally established to recover the cost of maintenance and operation as well as long-term replacement of the infrastructure necessary to provide the service. Where there is some public purpose (such as health concerns or economic development) to be served, the governing body may designate some portion of General Fund revenues to transfer to a given enterprise fund.

The Town has established an enterprise fund for water and sewer services. Most of the funding for these services is provided on a pay-as-you-go basis from user fees. In order to allow for efficient management and timely project construction, some projects may be funded through debt service.

Grants. Many sources of grant funding are available for capital projects. Most have a requirement for some sort of matching funding from the town.

Operating Revenue Versus Expense Estimates

	FY 06-07	FY 07-08	FY 08-09	FY 09-10	FY 10-11
Operating Revenues	\$ 859,518.00	\$ 889,601.13	\$ 920,737.17	\$ 952,962.97	\$ 986,316.67
LESS: Operating Expenses	\$ (842,118.00)	\$ (871,592.13)	\$ (902,097.85)	\$ (933,671.28)	\$ (966,349.77)
A. Net Cash Flow from Operations.	\$ 17,400.00	\$ 18,009.00	\$ 18,639.31	\$ 19,291.69	\$ 19,966.90
LESS: Proposed/Actual Capital Expenditures itemized below*:					
*Police Vehicle	\$ (7,400.00)	\$ (7,350.00)	\$ (7,350.00)	\$ (7,350.00)	\$ (7,350.00)
*Sidewalk	\$ (10,000.00)	\$ (10,000.00)	\$ (7,500.00)	\$ (5,000.00)	\$ (8,500.00)
*Bobcat/loader	\$ -		\$ (3,750.00)	\$ (3,750.00)	\$ (3,750.00)
Riley Street - Paving & Sidewalk		\$ (30,000.00)			
Parker Street Paving & Sidewalk			\$ (35,000.00)		
Net Revenue or (Financing Required)	\$ -	\$ (29,341.00)	\$ (34,960.69)	\$ 3,191.69	\$ 366.90
	.03 Inc RE	3.5% INC.	3.5% INC	3.5% INC	3.5% INC
	2% Meals Tax	IN REV	IN REV	IN REV	IN REV
	Bus Lic of 1/2				
	of state rate	3% IN EXP.	3.5% IN EXP	3.5% IN EXP.	3.5% IN EXP

Review of Projects

The fiscal year 2006 – 2016 CIP represents the best estimate of new projects required over the next five years. The project descriptions contained in this document reflect current estimates of total project costs. As implementation of each project nears the capital budget year, these costs will be more specifically defined. In some cases, total project costs cannot be identified until feasibility or cost studies have been completed.

FY 2006 – 2061 CIP Summary

The FY 2006 – 2061 CIP schedules the continuation of previously approved projects as well as new high priority projects. A summary table of the entire five-year CIP is provided below. A summary of program highlights follows.

Urgent Needs:

Water System Project: This project includes the upgrading/installing new water lines, fire hydrants, new water tank and removal of the existing water tank. The estimated cost of the project is \$5,600,000. The Town has received a loan from Rural Utilities Services for \$1,070,000 @ 4 ½% interest for 40 years and \$2,349,811 @ 0% interest for 30 years from the Virginia Department of Health Drinking Water Funds. The Town is currently working with these two funding agencies to fund the balance of the project through a combination grant/loan package. An additional water rate increase will be necessary. However we do not know how much this will be. Town has installed three new wells on the Hartman Ave. site, which were completed in March 2005. The distribution lines, new water tower and fluoridation system will be bid this spring, 2006.

Sewer System: The Town received funding through Rural Utilities Services and DEQ Revolving Loan Program to replace/repair over 20,000 linear feet of sewer lines, upgraded and installed additional manholes, purchased and installed a sewer belt press for the sludge removal. The pump stations located on Hartman Avenue and South St. need electrical repairs and possibly new pumps. The Department of Environmental Quality has required the town to complete as part of our new permit, received July 1, 2004, a Stabilization Plan and Optimization Plan. The Stabilization Plan includes upgrades to the plant to meet the new nutrient limits, "Limits of Technology". The Optimization Plan includes minor upgrades to meet proposed limited utilizing the existing plant and equipment, if possible. The Town applied and received a 90% grant or \$45,000 to complete these studies. Both studies have been submitted and approved May 2005 to DEQ for comment and acceptance. The proposed nutrient limits and our excessive flows will require the town to upgrade the plant to at least 500,000 gallons per day.

The Town Council is considering upgrading the wastewater plant to 750,000 gallons per day for future needs at an estimated cost of \$8-12 million. Camp Dresser & McKee, our engineering firm, is beginning the required preliminary engineering report, which should be completed by June 2006. The cost of the PER is \$77,655 and will be paid for through a combination grant funds through Rural Development, Water Quality Improvement Funds (WQIF) and Town Proprietary Funds. With the PER in hand, we will be able to apply for

grant/loan funds through Department of Environmental Quality (DEQ) Revolving Loan Funds and Rural Development. The Town has applied and received in FY 2005 STAG (Federal Funds Special Allocations) and received \$500,000 for wastewater construction upgrades. We have again applied for additional funds through STAG for FY 2006 in the amount of \$1,000,000 (probably will not receive entire amount). The Town has applied through DEQ WQIF for a 90% grant (\$5,600,000) to upgrade our wastewater plant for nutrient removal technology. This funding agency will not fund anything but the cost of nutrient removal upgrades, which is approximately 69% of our wastewater plant upgrades. The Town Council has opened discussions with the County of Accomack for a possible partnership.

Riley Street: Requires the upgrade of new water lines, fire hydrant, pavement and sidewalk. A very rough estimate on the paving and sidewalk \$30,000. Combination grant/loan funds from Rural Utilities Services and the Virginia Department of Health Drinking Water will be used to upgrade the water lines and fire hydrants at a rough estimate of \$20,000.

Parker St.: Requires the upgrade of new water lines, fire hydrant, pavement and sidewalk. A very rough estimate on the paving and sidewalk \$35,000. Combination grant/loan funds from Rural Utilities Services and the Virginia Department of Health Drinking Water will be used to upgrade the water lines and fire hydrants at a rough estimate of \$20,000.

Necessary Needs:

White/Ingleside Park: The Town owns approx. ¾ acre adjacent to the Wharf with over 200' of waterfront. The Town received funds through the VDOT Enhancement Program to engage a landscape architect to design the low-impact park at a cost of \$25,000. According to the Landscape Architect Firm engaged, Nelson & Byrd, the cost of the construction for this park is estimated is \$103,371 in 2002 costs. The Town applied through the Virginia Department of Transportation Enhancement Program in June 2003 and received \$114,000 in grant funds. The difference will hopefully cover the three-year cost differences between the original estimate and the cost of constructing the project three years later. The funding application used the cost of the property and in-kind services of town crews for our share. We have engaged the services of Carson-McKee to (former employees of Nelson & Byrd who drafted the original project drawings) draft construction and bid documents. This project should be completed by the end of this year.

Outlaw Blacksmith Museum Park: This Park is located adjacent to the museum. The Town received funds to engage a landscape architect to design the park. According to the Landscape Architect Firm engaged, Nelson & Byrd, the cost of the construction for this park is \$10,049. The Town is investigating funding opportunities at this time. Town Staff planted nineteen trees during our Arbor Day festivities on April 17, 2004 with money from the general fund.

Onancock Learning Center: The Onancock Learning Center (formerly known as the Onancock High School) has been under the control of the Accomack County School Board with the understanding that once students are no longer in residence, the school and grounds would revert

back to the town. A structural engineering study of the building is necessary to evaluate the structural integrity of the building prior to any public discussion.

Onancock Creek Dredging: Onancock Creek has not been dredged since the early 1960's and is getting in dire need of dredging. The Town has purchased a five-year option for a spoil site, with funds acquired from the Virginia Port Authority. To exercise the option into a five-year lease will cost \$157,000. The Town applied and received some financial assistance for the spoil site lease option from the Virginia Port Authority. The Corps of Engineers estimated the dredging at \$1,873,000 in 2000. The cost to dredge has escalated over this six-year period, especially due to increased fuel costs. The Town will apply for funding to whatever agency possible to obtain the necessary required funds to dredge the Creek

Project Detail Sheet

Project: Onancock Learning Center

CIP period funding: FY 2006-2011

Total estimated project cost: \$ 25,000

Description: Onancock Learning Center was built in the late 1920's, early 1930's and will require a structural engineer for the buildings when the property and buildings revert back to the town sometime in the future. The main building has been used for Accomack Co. School Board Offices this past year. Students were no longer in attendance as of the end of 2005. A Request for Proposals for a Landscape Architect & Engineering Services was advertised in Sept. 2005. The proposals requested Landscape Architectural and Engineering Firms with experience in facilitating public discussions, evaluating existing conditions of both property and structures, structural engineer sensitive to historic buildings, landscaping of parks industry, recommending feasible and sustainable development opportunities and/or public use of buildings and open spaces. The town received two bids with a wide range of varying costs and services.

Justification: Buildings on the OLC property are in dire need of repair.

Project History: No constructive work has been done in several years.

Location: College Avenue.

Five Year Proposed Funding

Activity	2006-07	2007-08	2008-09	2009-2010	2009-2011
Engineer	\$25,000				

Sources of Program Funding: 2006-2011

Local:

Federal/State: Search for grants after decision on property

Project Detail Sheet

Project: Riley Street

CIP period funding: FY 2006-2011

Total estimated project cost: \$ 50,000

Description: Riley is a town owned street with a paved base and tar & chip top with potholes. Sidewalk on one side of the street and is in extremely bad shape. Requires the upgrade of new water lines, fire hydrant, pavement and sidewalk. A very rough estimate on the paving and sidewalk \$30,000. Combination grant/loan funds from Rural Utilities Services and the Virginia Department of Health Drinking Water will be used to upgrade the water lines and fire hydrants at a rough estimate of \$20,000.

Justification: Roadbed in extremely bad shape. Sidewalk is broken and cracked. Water lines and fire hydrant have to be upgraded. The water improvements will be completed prior to the construction of the roadbed and sidewalk.

Project History: No constructive work has been done to Riley St. in the last twenty years, except pothole repairs.

Location: Riley Street is located off of North Street.

Five Year Proposed Funding

Activity	2006-07	2007-08	2008-09	2009-2010	2009-2011
Roadbed		\$30,000			
Sidewalk					
Water Lines		\$20,000			

Sources of Program Funding: 2006-08

Local: \$30,000 General Funds

Federal/State: \$20,000 Water Grant through combination loan funds through Rural Utilities Services and the Virginia Department of Health - Division of Drinking Water

Project Detail Sheet

Project: Parker Street

CIP period funding: FY 2008-09

Total estimated project cost: \$ 55,000

Description: Parker St. is a town owned street with a paved base and tar & chip top. Sidewalk is located on one side of the street, which is broken and cracked. Requires the upgrade of new water lines, fire hydrant, pavement and sidewalk. A very rough estimate on the paving and sidewalk \$35,000. Combination grant/loan funds from Rural Utilities Services and the Virginia Department of Health Drinking Water will be used to upgrade the water lines and fire hydrants at a rough estimate of \$20,000.

Justification: Roadbed in extremely bad shape. Sidewalk is broken and cracked. Water lines and fire hydrant have to be upgraded. The water improvements will be completed prior to the construction of the roadbed and sidewalk.

Project History: No construction work has been done on Parker St. in over twenty years, except repair potholes.

Location: Parker St. is located off of King Street.

Five Year Proposed Funding

Activity	2005-06	2006-07	2007-08	2008-09	2009-10
Roadbed				\$35,000	
Sidewalk					
Water Lines				\$20,000	

Sources of Program Funding: FY 2008-09

Local: \$35,000

Federal/State: \$20,000 Water Grant through combination loan funds through Rural Development and VA Dept. of Health Division of Drinking Water

Project Detail Sheet

Project: Sidewalk Replacement

CIP period funding: On-going

Funding outside CIP period: \$10,000, \$ 50,000 future.

Description: Several state and town sidewalks need to be replaced.

Justification: Broken sidewalk throughout town. Creates safety and health hazard.

Project History: Onancock has sent out resident surveys requesting what should the Town's priorities be. Sidewalk replacement has consistently been rated as the top priority.

Location: Throughout Town

Recurring Annual Costs (personnel, operating expenses, etc.):

Five Year Proposed Funding

Activity	2006-07	2007-08	2008-09	2009-10	2010-11
Sidewalk	\$10,000	\$10,000	\$7,500	\$5,000	\$8,500

Sources of Program Funding: 2006-2011

Local: General Fund

Federal/State: Apply for grants

Project Detail Sheet

Project: White/Ingleside Park

CIP period funding: FY 2004-2007

Total estimated project cost: \$103,371

Description: Approximately ¼ acre of property adjacent to the Wharf with over 200' of waterfront.

Justification: The Residents have requested more green spaces/parks as one of their priorities in resident surveys sent out over the last several years.

Project History: The Town purchased the entire property in October 1998 for \$175,000. In 2001 the town sub-divided into two parcels. The Town sold the parcel with the house for \$162,500. The house is back into residential use and the Town residents have new water access with green space. The Town applied and received grant funds through the T-21 VDOT Enhancement Programs to engage professional landscape architects at a cost of \$25,000. The firm Nelson & Byrd was hired and conducted several public work sessions to finalize the design. The design was finalized in January 2002 and on display during regular business hours at the Town Hall. The design of the low-impact park includes landscaping with native plants, natural walkways, and a boardwalk in the water designed for public access to the water for resting and enjoying the waterfront, fishing and canoe/kayak users.

Location: Adjacent to the Wharf.

Recurring Annual Costs (personnel, operating expenses, etc.):
Insurance and cutting grass approx. \$1,000 per year

Five Year Proposed Funding

Activity	2005-06	2006-07	2007-08	2008-09	2009-10
Landscape					

Sources of Program Funding: 2004-2009

Local: Using in-kind services and the purchase of the property as our share.

Federal/State: VDOT T21 grant \$114,000

Other: Volunteers and Town Crews have followed landscape architect design until grant funds become available.

Project Detail Sheet

Project **Samuel Outlaw Blacksmith Museum Park**

CIP period funding: FY 2006-2011
Total estimated project cost: \$ 10,049

Description 4 small lots adjacent to the Samuel Outlaw Blacksmith Museum.

Justification: Provide green space for quiet reflection for visitors at the museum and adjacent residents.

Project History: The Samuel Outlaw family donated the blacksmith shop to the Town in 1993. The Town applied to VDOT and received T-21 Enhancement Grant funds to restore the Blacksmith shop and turn it into a working museum for the public in the amount of \$87,000. The Town purchased the 4 adjacent lots to create a small park in the amount of \$15,000. Mr Outlaw's house was located on one of the lots, but was demolished. The house was in extremely bad shape and could not be rehabilitated without extensive costs. The Town applied and received grant funds through the T-21 VDOT Enhancement Programs to engage professional landscape architects in the amount of \$25,000. The firm Nelson & Byrd was hired and conducted several public work sessions to finalize the design, which is on display at the town hall and can be viewed during regular business hours.

Location: Located on Boundary Avenue.

Recurring Annual Costs (personnel, operating expenses, etc.):

Five Year Proposed Funding

Activity	2006-07	2007-08	2008-09	2009-10	2010-11
Landscape					

Sources of Program Funding: FY 2006-2011

Local: Town Staff planted 19 trees during 2004 Arbor Day festivities with general funds in accordance to the landscape design. The balance of the design will require additional funding sources, besides the local match.

Federal/State: Apply to funding agencies

Other: Volunteers and Town Crews will follow landscape architect design until grant funds become available.

Long Term Capital Needs

As part of the CIP development process, the Planning Commission has identified the following projects as possible long-term capital projects. This list has been generated primarily to forecast capital needs that need to be addressed beyond the current five-year planning period.

Dredging of Onancock Creek
Onancock Learning Center
Bobcat/Loader-FY 2006-2010
Liberty St. Extended asphalt
Repave Parking lot behind FVB
Warren St. asphalt
Downtown Streetscape

ORDINANCE 142

AN ORDINANCE TO REPEAL ORDINANCE NO. 93, PROVIDING FOR THE CONDEMNATION OF DANGEROUS BUILDINGS, ETC., AND TO ESTABLISH A BUILDING CODE FOR THE TOWN OF EXMORE, VIRGINIA.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EXMORE, VIRGINIA, THAT ORDINANCE NO. 93, PROVIDING FOR THE CONDEMNATION OF DANGEROUS BUILDINGS, ETC., IS HEREBY REPEALED IN ITS ENTIRETY AND THAT A BUILDING CODE IS ADOPTED AS FOLLOWS:

ARTICLE I. IN GENERAL

Sec. 1. Building Code Enforcement Department and Building Code Official generally.

There is hereby established a Building Code Enforcement Department, whose responsibility it is to enforce the provisions of this Ordinance and the property maintenance provisions of building code adopted by Section 7 of this Ordinance. The Department shall have an executive official in charge which is hereby designated as the Code Official. The Code Official, in concurrence with the Town Council and the Mayor, shall be responsible for the organization and daily operation of the Department. It is the intention of this Ordinance to address the property maintenance of existing structures within the Town of Exmore only; nothing contained herein shall act to divest the Building Code Official of Northampton County, Virginia, of jurisdiction over new construction within the Town.

Sec. 2. Appointment of Code Official; Vacancies.

The Code Official shall be appointed by the Town Council, and shall not be removed from office except for cause and after a full opportunity to be heard on specific and relevant charges by and before the Town Council. The Code Official shall at all times comply with the provisions of Virginia law, the Uniform Statewide Building Code and the Ordinances of the Town of Exmore, and shall obtain and maintain such certifications and training as may be required by applicable laws, regulations and ordinances. In the event of a vacancy in the office of Code Official, the Town shall request the assistance of the Building Code Official of Northampton County, Virginia to act on such Building Code enforcement matters as may be necessary from time to time until such time as a qualified successor is appointed by the Town Council

Sec. 3. Right of Inspection.

Any building or structure, including existing buildings and structures whether occupied or not, may be inspected at any time by the Code Official or his designate and shall not be deemed in compliance with the provisions of this Chapter until approved by the Code Official. Notwithstanding the foregoing, except in cases of emergency involving imminent danger to life or health, inspections of occupied structures shall be made only (i) with the prior permission of the owner or occupant of same, or (ii) upon prior written notice of such inspection to the owner and/or occupant either personally served or sent by certified U.S. mail to the owner and /or occupant at his last known address no less than ten (10) days prior to the inspection. Where the repair costs for such building or structure is less than \$2,500, the Code Official may waive such inspection, in his sole discretion. Prior to the issuance of any occupancy permit, the Code Official shall coordinate all reports of inspections for compliance with the Code adopted pursuant to Section 7, with inspections of fire and health officials delegated such authority.

Sec. 4. Establishment of Fire District.

The Town of Exmore shall be composed of one fire district comprising the entire area within the corporate limits of the Town.

Sec. 5. Gender.

The use in this Ordinance of terms indicating the masculine gender shall be deemed to include the feminine and neuter genders, and vice versa.

Sec. 6. Effective date.

This Ordinance shall be effective _____, 2000

ARTICLE II. BUILDING CODE

Sec. 7. Adopted.

There is hereby adopted by reference all the provisions of the Virginia Uniform Statewide Building Code pertaining to the maintenance of existing

structures, including all related codes incorporated therein by reference, as amended from time to time, (hereinafter referred to as the "Code"), the provisions of which shall control all matters concerning the construction, alteration, addition, repair, removal, demolition, use, location and occupancy and all other functions which pertain to the installation of systems vital to all buildings, land and structures and their service equipment, as defined by the Code, and which shall apply to all existing and proposed buildings or structures located in the Town of Exmore.

Sec. 8. Enforcement.

It shall be the responsibility of the Code Official and the Building Code Enforcement Department to apply and enforce the provisions of the Code and this Ordinance. The Code Official from time to time shall establish such procedures or requirements, consistent with the Code and applicable law, as may be deemed necessary for the administration and enforcement of the Code and this Ordinance, all with the approval of the Town Council.

Sec. 9. Violations; Criminal and Civil Penalties.

(a) Any person who shall violate any provision of the Code or who shall fail to comply with any of the requirements thereof or the requirements of this Ordinance, or who shall maintain, alter or repair a building or structure in violation of any approved plan or directive of the Code Official, or of the terms of any permit or certificate issued under the provisions of such Code shall be guilty of a misdemeanor punishable by a fine of not more than \$2,500. Any person who shall commit a second offense hereunder within less than five years after a first offense hereunder shall be punished by a fine of not less than \$1,000 nor more than \$2,500. Any person convicted of a second offense hereunder committed within a period of five to ten years after a first offense under this Chapter shall be punished by a fine of not less than \$500 nor more than \$2,500. Any person who shall commit a third or subsequent offense hereunder within ten years of another offense hereunder shall be punished by confinement in jail for not more than (10) days and a fine of not more than \$2,500, either or both. If the violation remains uncorrected at the time of conviction, the court shall order the violator to abate or remedy the violation in order to comply with the Code and this Ordinance. Except as otherwise provided by a court of competent jurisdiction for good cause shown, any such violator shall abate or remedy the violation within six months of the date of conviction. Each day the violation

continues after conviction or the court-ordered abatement period has ended shall constitute a separate offense.

(b) In lieu of criminal prosecution as authorized in subsection (a) of this Section, the Code Official or his designate may issue a civil summons or ticket to any person who shall violate any provision of the Code, or who shall fail to comply with the requirements thereof or the requirements of this Chapter, in accord with the Uniform Schedule of Civil Penalties set forth in subsection (c) below. Each day during which the violation is found to have existed shall constitute a separate offense. However, specified violations arising from the same set of operative facts shall not be charged more frequently than once in any ten-day period, and a series of specified violations arising from the same set of operative facts shall not result in civil penalties which exceed a total of \$3,000. Designation of a particular Code violation shall preclude prosecution of the violation as a misdemeanor, except for any violation which results in injury to persons.

(c) Uniform civil penalties for violation of the Code or this Ordinance shall be as follows:

(1) First offense	\$50.00
(2) Second offense	100.00
(3) Third and subsequent offenses	150.00

(d) Any person summoned or issued a ticket for a scheduled violation hereunder may make an appearance in person or in writing by mail to the Town Treasurer prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability and pay the civil penalty for the offense charged. Such person shall be informed of the right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court. As a condition to waiver of trial, admission of liability and payment of the civil fine, the violator shall agree in writing to abate or remedy the violation within six months after the date of the payment of the civil fine. If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in Northampton County General District Court in the same manner and with the same right of appeal as provided for by law. An admission of liability or finding of liability shall not be a criminal conviction for any purpose.

(e) Any owner or any other person, firm or corporation violating any Code

provisions relating to the removal or the covering of lead-based paint which poses a threat to the health of pregnant women or children under the age of six years who occupy the premises shall, upon conviction, be guilty of a misdemeanor and shall be subject to a fine of not more than \$2,500. If the court convicts pursuant to this subsection and sets a time by which such hazard must be abated, each day the hazard remains unabated after the time set for the abatement has expired shall constitute a separate violation of the Code.

Sec. 10. Appeals.

(a) There is hereby established within the Exmore Building Code Enforcement Department a Building Code Board of Appeals consisting of five members and two alternate members, who need not be residents of the Town, which Board shall operate in accordance with Section 121 of the Code, as amended and any successor Section of the Code. The members and alternate members of the Building Code Board of Appeals shall be appointed by the Town Council for terms of (1) year. The compensation of members and alternate members shall be designated from time to time by the Town Council.

(b) Appeals from decisions of the Code Official concerning the application of the Code shall first lie to the Exmore Building Code Board of Appeals in accordance with the procedures adopted by the Board from time to time. No appeal to the State Building Code Technical Review Board shall lie prior to a final determination by the Exmore Building Code Board of Appeals.

Sec. 11. Fees.

Fees shall be assessed in order to defray the cost of enforcement and appeals pursuant to the Code and this Ordinance. All fees required pursuant to the Code or this Ordinance shall be as established and amended from time to time by the Code Official with approval of the Town Council. A current schedule of such fees shall be maintained on file in the offices of the Town Treasurer and the Code Official. No required permit shall be issued by the Code Official, and no appeal to the Building Code Board of Appeals shall be entertained, until the proscribed fees have been paid. No fees shall be collected for buildings or structures owned by Northampton County, the Commonwealth of Virginia or the United States of America.

ARTICLE III. UNSAFE BUILDINGS AND STRUCTURES

Sec. 12. Applicability of article.

This Article shall apply to buildings and structures which are determined to be unsafe under the terms of this Article or under the terms of the Code, regardless of when such buildings and structures were erected. In such cases, the Code Official appointed pursuant to this Ordinance, in his sole discretion, may choose to enforce the provisions of this Article or the applicable provisions of the Code, as may be appropriate. However, regardless of which enforcement provisions are utilized, the notice provisions contained in Section 14 shall apply.

Sec. 13. Removal or repair generally.

All buildings or structures that are or shall become unsafe, unsanitary or deficient in adequate exitway facilities, or which constitute a fire hazard or are otherwise dangerous to human life or the public welfare, or which, by reason of illegal or improper use, occupancy or maintenance, shall be deemed unsafe buildings or structures and shall be taken down and removed or made safe and secure as the Code Official deems necessary and as provided in this Article. A vacant building, unguarded or open at door or window, shall be deemed a fire hazard and unsafe within the meaning of this Article.

Sec. 14. Notice

(a) Whenever the Code Official shall find any building or structure or portion thereof to be unsafe, he shall give the owner, agent or person in control of such building or structure, and the lien holder of such property, written notice via certified or registered mail, return receipt requested, stating the defects thereof. This notice shall require the owner, within a stated time, either to complete specified repairs or improvements or to demolish or remove the building or immediately declare to the Code official his acceptance or rejection of the terms of the order. In the event no such person can be found within the Town, such notice shall be sent by registered or certified mail, return receipt requested, to the owner of such real estate, as shown on the Town tax records, or in the event the property is not assessed for taxation, to the last known address of the owner, agent or person in control of such building or structure, and a copy of such notice shall be deemed the equivalent of personal notice. If the identify or location of one or more persons having or appearing to have an ownership interest in the building, wall or other structure cannot be determined, then notice may be given through publication of same once a week for two

successive weeks in a newspaper having general circulation in the Town. No action shall be taken by the Town to remove, repair or secure any building, wall or other structure for at least thirty days following the latter of the return of the mailing receipt or newspaper publication.

(b) If necessary, such notice shall also require the building, structure or portion thereof to be vacated forthwith and not reoccupied until the specified repairs and improvements are completed, inspected and approved by the Code Official. The Code Official shall cause to be posted at each entrance to such building a notice as follows: "This building is unsafe and its use or occupancy has been prohibited by the Town Building Code Official." Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, or his agents or other servants, to remove such notice without written permission of the Code Official or for any person to enter the building, except for the purpose of making the required repairs or of demolishing the same.

Sec. 15. Appeals from decisions of Building Code Official or Zoning Administrator.

The owner, agent or person in control of a building or structure cited pursuant to this Article shall have the right, except in cases of emergency, to appeal from the decision of the Code Official under this Article, as provided hereinafter, and to appear before the Building Code Board of Appeals at a specified time and place to show cause why he or she should not comply with such notice. Such appeal shall be made within thirty days of such notice by notification to the Code Official in writing and shall be accompanied by the applicable fee.

Sec. 16. Action by Town upon failure of Owner, Etc., to comply with notice.

In case the owner, agent or person in control of a building or structure cited pursuant to this Article cannot be found within the stated time limit, or if such owner, agent or person in control shall fail, neglect or refuse to comply with the notice to repair, rehabilitate or demolish and remove such building or structure or portion thereof, the Code Official after having ascertained the cost, shall cause such building or structure, or portion thereof, to be demolished, secured or required to remain vacant.

Sec. 17. Emergency procedures by Code Official.

The decision of the Code Official shall be final in cases of emergency which, in his opinion, involve imminent danger to human life or health. He shall promptly cause such building, structure or portion thereof to be made safe or removed. For this purpose, he may at once enter such structure or the land on which it stands, or abutting land or structures, with such assistance and at such cost as he may deem advisable. He may vacate adjacent structures and protect the public by an appropriate fence or such other means as may be necessary, and for this purpose may close a public or private way.

Sec. 18. Owner to bear costs of enforcement; lien; waiver.

(a) Any costs or expenses in connection with the enforcement of this Article shall be the responsibility of the owner of such real estate, and any portion thereof which shall have been billed to such owner and which remains unpaid after having been billed for thirty days shall constitute a lien against such real estate on parity with the lien for unpaid real estate taxes, and shall be collected by the Town in the same manner as real estate taxes are collected. A bill mailed to the last mailing address of the owner shall constitute billing for the purposes of this section.

(b) The Town Council may waive any such lien provided for herein in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

ARTICLE IV. DEFACED BUILDINGS AND STRUCTURES

Sec. 19. Removal or repair generally.

The owner of any building, wall fence or other structure situated in the Town of Exmore which has been defaced in any manner which is visible from any public right of way shall promptly cause such defacement to be removed or repaired. Whenever the Code Official shall find that any such building, wall, fence or other structure has been so defaced, he shall give the owner thereof notice of same by certified U.S. mail, return receipt requested, sent to the last known address of the owner as shown on the Town's tax records. Such notice

(a) The Town shall execute an affidavit, citing Va. Code Section 15.2-907 and this Article, to the effect that (i) drug blight exists on the property and in the manner described therein; (ii) the locality has used diligence without effect to abate the drug blight; and (iii) the drug blight constitutes a present threat to the public's health, safety or welfare.

(b) The Town shall then send a notice to the owner of the property, to be sent by regular mail to the last known address listed for the owner on the Town's assessment records for the property, together with a copy of such affidavit, advising that (i) the owner has up to thirty days from the date thereof to undertake corrective action to abate the drug blight described in such affidavit and (ii) the Town will, if requested to do so, assist the owner in determining and coordinating the appropriate corrective action to abate the drug blight described in such affidavit.

(c) If no corrective action is undertaken during such thirty-day period, the Town shall send by regular mail an additional notice to the owner of the property, at the address stated in the preceding subdivision, stating the date on which the Town may commence corrective action to abate the drug blight on the property, at the address stated in the preceding subdivision, stating the date on which the Town may commence corrective action to abate the drug blight on the property, which date shall be no earlier than fifteen days after the date of mailing of the notice. Such additional notice shall also reasonably describe the corrective action contemplated to be taken by the Town. Upon receipt of such notice, the owner shall have a right upon reasonable notice to the Town, to seek equitable relief, and the Town shall initiate no corrective action while a proper petition for relief is pending before a court of competent jurisdiction.

Sec. 23. Owner to bear costs of corrective action; lien.

If the Town undertakes corrective action with respect to the property after complying with the provisions of Sec. 22, the costs and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the Town as taxes are collected. Every charge authorized by this section with which the owner of any such property has been assessed and which remains unpaid shall constitute a lien against such property with the same priority as liens for unpaid local real estate taxes and enforceable in the same manner as liens for such taxes generally.

Sec. 24. Closing of proceedings after abatement of blight.

If the owner of such property takes timely corrective action pursuant to such ordinance, the Town shall deem the drug blight abated, shall close the proceeding without charge or cost to the owner and shall promptly provide written notice to the owner that the proceeding has been terminated satisfactorily. The closing of a proceeding shall not bar the Town from initiating a subsequent proceeding if the drug blight recurs.

Sec. 25. Owner's rights and remedies not waived.

Nothing in this Article shall be construed to abridge or waive any rights or remedies of an owner of property at law or in equity.

ORDAINED by the Town Council of Exmore, Virginia, at its meeting held on April 3rd, 2000, after due notice and public hearing.

Approved this 3rd day of April, 2000.



GUY LAWSON
Mayor



ROBERTA KING
Clerk

An Ordinance to amend Ordinance No 87. "For the removal of Trash, Garbage, etc.. Weeds and other Foreign Growth".

Be it Ordain by the Town Council of the Town of Exmore:

Town of Exmore

Public Nuisance Ordinance No. 168

Purpose and Findings.

The Exmore Town Council finds that unkept, unsafe, unsanitary and otherwise improperly maintained premises and structures, sidewalks and easements within the Town, in addition to the obvious hazards which these conditions pose to the public health, safety and welfare, adversely affect the value, utility and habitability of property within the Town as a whole and specifically cause substantial damage to adjoining and nearby property. Property which is merely unkept is believed to reduce the value of adjoining property by a significant amount, and there are sufficient properties which are unkept, unsightly and dangerous, that the habitability and economic well-being of the Town are materially and adversely affected. This chapter conveys to the Town Council, in accordance with the procedures set out below, all necessary and proper powers to abate nuisances as they are described or found to exist and to charge the costs of their abatement to those responsible, the owners and occupants of the property upon which nuisances exist, and those properties themselves. This chapter is an exercise of the Town's police power, and it shall be liberally construed to effect this purpose.

Public Nuisance.

It shall be a misdemeanor, punishable by up to 90 days in jail or a fine of up to \$1,000 or by both such jail time and fine, for any occupant of real property or any person having any interest therein to permit, suffer, maintain, carry on or allow upon such property, or any portion thereof, a public nuisance. As an alternative to any other penalty or remedy available, it shall also be a civil infraction for any occupant of real property or any person having any interest therein to permit, suffer, maintain, carry on or allow upon such property or any portion thereof, a public nuisance. Each 24-hour period during which such nuisance is not eliminated in accordance with Town of Exmore shall constitute a separate offense.

Definitions.

For purposes of this chapter, and for clarification of terms, the following words shall be defined and interpreted as follows:

(1) "Dirt and filth"

Means and includes floor, sidewalk, street and other surface sweepings; discards from vacuum cleaners; soot; ashes; matter removed from gutters and downspouts; accumulations of dust, residue from fire other than soot and ashes; hair from humans and animals; and all other discarded, unused and seemingly worthless goods and commodities not otherwise described above.

(2) "Garbage"

Means waste and residue from the preparation, cooking and dispensing of food, and from the handling, storage and sale of food and food products, including but not limited to discarded food wrappings and containers, paper, plastic and metal products used or intended for use in connection with the storage, sale, preparation or "clean-up" relating to food items; egg shells; used coffee grounds; used tea bags; meat trimmings; entrails of animals, poultry or fish; offal; medical wastes including bandages, syringes, medicines, plaster or other casts; and decomposed putrid material; whether such items are alone or in combination with other materials.

(3) "Junk"

Means scrapped materials such as plastic, cloth, glass, rags, paper or metals that can be converted into usable articles or stock, or articles that have outlived their usefulness in their original form. Examples of "junk" include, but are not limited to, empty bottles and jars; empty metal, plastic or paper containers; discarded engine or motor parts; automobile and truck parts of all descriptions; used tires, wheels and inner tubes; discarded batteries; cardboard; discarded and/or pre-used building materials; discarded and/or pre-used electrical and plumbing materials; broken pieces of concrete; discarded electrical, gas or hand-operated appliances; previously used packing materials; discarded household goods and furnishing; as well as parts and pieces of any of the foregoing.

(4) "Publicly visible"

Means anything that can be seen by a person with normal vision from any sidewalk, street, alley or other public place, or from any building situated on adjoining property.

(5) "Trash, rubbish and waste"

Means ashes; leaves; branches and trimmings from trees, shrubs and hedges; discarded Christmas trees; excrement and undigested residue of food eliminated by humans, animals, fish and birds; lawn, yard, garden, shrub and tree trimmings; garbage, junk and filth; discarded clothing of all descriptions; decayed or decaying materials of all kinds and descriptions; and insect-infested materials of all kinds and descriptions; whether such items are alone or in combination with other materials.

Public Nuisances Defined.

The following shall constitute public nuisances:

(1) Visible garbage, etc., not in container:

The publicly visible existence upon any real property in the Town of Exmore, any garbage, trash, rubbish, waste, dirt or filth, not contained within a garbage container or within a can, bag, box or other device suitable to prevent spillage or leakage;

(2) Undumped garbage container:

The existence upon any real property in the Town of Exmore, any garbage container or any can, bag, box or other device, which is filled to 50 percent or more of its capacity with garbage, trash, rubbish, waste, dirt or filth, and which has remained upon such premises for more than 14 successive days;

(3) Visible junk:

The existence upon any real property within the Town of Exmore, any junk not contained within a building or not within an area which is surrounded on all sides by a lawful fence, hedge or other barrier of sufficient height and density to prevent it from being publicly visible;

(4) Dangerous trees:

The existence upon any real property within the Town of Exmore any dead, diseased, infested or dying tree that constitutes a danger to street trees, streets, alleys, sidewalks, persons or vehicles;

(5) Obscured public facilities:

The existence of any vines or climbing plants growing into, onto or over any street, tree growing within a public right-of-way or any public hydrant, pole, street light, utility device, street sign or public facility or device; or the existence of any shrub, vine or plant growing on, around or nearby any hydrant, standpipe, sprinkler system connection or any other appliance or facility provided for fire protection purposes in such a way as to obscure the view thereof or impair the access thereto;

(6) Privies, vaults, cesspools, etc.:

The existence upon any real property within the Town of Exmore any privies, vaults, cesspools, sumps, pits or like places which are not securely protected from flies and rats, or which are foul or malodorous;

(7) Dangerous fences and structures:

The existence upon any real property within the Town of Exmore and within 10 feet of any public street, alley, sidewalk or other public property of any fence or other structure which is in a sagging, leaning, fallen, decayed or other dilapidated or unsafe condition;

(8) Vehicle or machinery parts:

Except where permitted and licensed as a wrecking yard, the existence and maintenance on any real property within the Town of Exmore a storage area, junkyard or dumping ground for the wrecking or dismantling of automobiles, trucks, trailers, house trailers, boats, tractors or other vehicles or machinery of any kind, or for the storing or leaving of worn out, wrecked, inoperative or abandoned automobiles, trucks, trailers, house trailers, boats, tractors or other vehicles or machinery of any kind or of any major parts thereof;

(9) Dangerous discarded appliances:

The existence on any real property within the Town of Exmore, in a place accessible to children, of any unattended and/or discarded ice box, refrigerator, freezer, washer, dryer or other large appliance;

(10) Drainage over pedestrian walkway:

The existence of any drainage onto or over any sidewalk or public pedestrian way;

(11) Uncontrolled, uncultivated and/or untended vegetation:

The existence on any real property within the Town of Exmore:

(a) Vegetation which is dead, decayed, noxious or hazardous or which overhangs, encroaches upon, obstructs, or in any manner interferes with the full and free use by the public of any street, alley, or sidewalk; or

(b) Uncontrolled, uncultivated and/or untended weeds, grasses, or similar vegetation which has grown higher than an average of 12 inches, and which has gone to or is likely to go to seed unless prevented from doing so by cutting or mowing, or which, by reason of its height and density, constitutes a detriment to public health, safety or welfare as a fire hazard, a haven, nesting place or harbor for rodents, or a place where wind-driven garbage, trash, rubbish or waste accumulates;

(12) Hedges:

The existence on any real property within the Town of Exmore a hedge in violation;

(13) Fences:

The existence on any real property within the Town of Exmore a fence in violation;

(14) Accumulation of materials constituting a danger:

The existence on any real property within the Town of Exmore any accumulation of materials, substances or objects in a location when the same endangers property, health, safety or constitutes a fire hazard;

(15) Garbage collection:

Exceptions.

The following shall not constitute public nuisances:

- (1) Compost piles less than four feet in height and six feet in diameter at ground level, and 30 feet or more from any dwelling, and four feet or more from adjoining properties;
- (2) Storm debris within 30 days following a storm event;

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- (3) Construction residue and debris during and for 14 days following completion of work;
 - (4) Fallen leaves, tree needles, tree fruit and similar vegetation, during the months of October through April, inclusive;
 - (5) The accumulation and temporary storage, in containers designated for such purposes, provided, however, that such containers must not be publicly visible or they must be made available to the Town's Public Works personal for pick-up or within 14 days after having been filled to 50 percent or more of their capacity;
 - (6) Uncultivated, uncut or untended weeds, grass, bushes or other vegetation not constituting a health or fire hazard, existing in a natural state on undeveloped, agricultural, industrially zoned, "open space" or "green belt" areas.

Enforcement – Notice to Eliminate Public Nuisance.

It is deemed to be in the best interests of the public safety, health and welfare of the Town of Exmore to achieve elimination of public nuisances, therefore, and except as to violations of (b), the provisions of this chapter of the Town of Exmore Code shall be enforced in the following manner:

- (1) The building official or an enforcement officer designated by the Town manager, after having acquired knowledge of the existence of a public nuisance as defined in this chapter, shall, in writing, notify all persons having any interest in and to the real property upon which said public nuisance exists, including the effort required to eliminate the same.
- (2) Such written notice shall require such public nuisance to be eliminated within 14 days after its date of issuance, and shall state that an inspection will be conducted within a reasonable time thereafter to assure such public official or enforcement officer of the elimination of such public nuisance. Such notice shall also state that a failure to eliminate a public nuisance within the time limit set forth shall constitute a misdemeanor or civil infraction and that each period of 24 successive hours thereafter during which such public nuisance is not eliminated shall constitute a separate violation.
- (3) If, upon said subsequent inspection, such public nuisance shall not have been eliminated, and no extension of time shall have been granted pursuant to subsection (4) or (5) of this section, the building official or enforcement officer may issue or request to be issued either a notice of civil infraction or criminal citation charging the owners, occupants and/or others having an interest in said real property with a violation of this chapter. Each period of 24 hours thereafter during which said public nuisance is not eliminated shall constitute a separate violation of this chapter.

- (4) If, prior to said subsequent inspection, a written request for an extension of time to eliminate such public nuisance has been made to the building official or enforcement officer, and, in the judgment of said building official or enforcement officer, good reason exists to extend the time for such elimination, the building official or enforcement officer may, in writing, extend the time for elimination of such public nuisance for up to but not in excess of 18 successive days. Following the end of such extension of time, the procedures set forth in subsection (3) of this section shall be followed.
- (5) If, at the time of any subsequent inspection, it appears that reasonable and diligent efforts have been or are being made to eliminate such public nuisance, the building official or enforcement officer, in his or her discretion, may, upon written request thereof, grant extensions of time to eliminate such nuisance, but not exceeding an aggregate of 90 days after the date of the first notice provided for in subsection (1) of this section. Failure to eliminate such public nuisance within the time of the original notice and all extensions thereof shall constitute a violation of this chapter, and each period of 24 successive hours thereafter during which said public nuisance is not eliminated shall constitute a separate violation.
- (6) All notices required to be delivered pursuant to subsections (1) and (2) of this section shall be delivered to the occupants of the real property upon which said public nuisance exists, and may be delivered to all other persons having any interest in the real property as shown by the auditor for Town of Exmore. Delivery of such notice may be made by personal delivery to such person, by sending notice via first class mail to such person, in which case delivery will be deemed complete on the third day following the day such notice was deposited in the U.S. mail with postage prepaid; or by delivery to any occupant of the real property upon which said nuisance exists who appears to be over the age of 18 years. In the event that the occupants or other persons having an interest in the property cannot be located or their mailing addresses ascertained, delivery may be made by attachment of such notice to the front door of the principal building or structure situated upon such real property. Failure to deliver, send, or attach any of such notices to all persons having an interest in the real property shall not relieve others receiving such notice from the requirements of this chapter.
- (7) All notices of civil infraction issued pursuant to this section shall comply with the provisions.

Right-of-Way Violations – Enforcement.

In the event of a violation of the building official or law enforcement officer shall not be required to issue a notice to eliminate a public nuisance prior to the issuance of a criminal citation or notice of civil infraction, and may issue or request to be issued a criminal citation or notice of civil infraction upon discovery of the violation.

Repeated Nuisance Violations – Enforcement.

In the event of the occurrence of a subsequent violation of this chapter within one year following compliance with a notice issued pursuant to the building official or enforcement officer shall not be required to issue a notice to eliminate a public nuisance prior to the issuance of a criminal citation or a notice of civil infraction and may issue or request to be issued a criminal citation or notice of civil infraction upon discovery of the violation.

Abatement by Town – Order for Reimbursement.

In the event that a public nuisance is not eliminated as heretofore provided in this chapter, the building official or enforcement officer shall have the authority to enter the property to eliminate said public nuisance or to contract for the entry onto the property for the elimination of said public nuisance and to pay the cost from funds as set forth in the annual budget of the Town. In the event that the Northampton County Municipal Court should find that any person or persons occupying the premises or having an interest in the real property upon which such public nuisance exists are guilty of a violation of this chapter, said Northampton County Municipal Court judge shall, as part of its sentence, order reimbursement to the Town in an amount equal to the Town's cost of eliminating such public nuisance.

Entry Upon Property.

- (1) Whenever it is necessary to make an inspection to enforce any provision of this chapter, or whenever there is reasonable cause to believe that there exists a violation of this chapter in any building or upon any premises within the jurisdiction of the Town, any authorized official of the Town or person operating under the direction of such official may enter such building or premises at all reasonable times to inspect the same or to carry out any other lawful direction of this chapter, including, but not limited to the elimination of a public nuisance as defined in this chapter.
- (2) In the event that such authorized official or person acting under his or her direction is denied or refused entry, such official may apply to Northampton County Municipal Court for a warrant authorizing entry onto such building or premises to carry out the same. If the Northampton County Municipal Court finds just cause for the issuance of the warrant, it may issue such a warrant and shall subscribe the same with a return date of not more than 10 days following completion of the action or activity to be conducted upon the property.
- (3) Whenever any condition or use in violation of this chapter reasonably appears to constitute an imminent or immediate danger to the health and safety of the public or a significant portion thereof, any Town official authorized to enforce the provisions of this chapter shall have the authority to summarily and without notice enter said property to correct the same.

The Town Council of the Town of Exmore adopted this the 5th day of June 2006 by the following vote:


Town Clerk


Mayor