



TOWN OF ONANCOCK

15 North Street
Onancock, VA 23417

Meeting Notice

Planning Commission Meeting

Tuesday

September 15, 2020

at

5:30 p.m.

The Onancock Planning Commission will hold a meeting at 5:30 p.m. on Tuesday September 15, 2020. The meeting will be held in the Town Hall Council Chambers at 15 North Street, Onancock, Virginia 23417.

Masks are required and physical distancing will be practiced.

**Town of Onancock , Virginia
Planning Commission
AGENDA
September 15, 2020
5:30 p.m.**

1. Call to Order and Roll Call
2. Review of the Minutes from the July 21, 2020 Meeting
3. Items of Business
 - a. Discussion of Town Code – Trash – Section 11-2 through 11-3,
Weeds – Section 11-13 through 11-18 and Vehicles – Section 13-8
through 13-9.
4. Public Comment
5. Adjourn

Town of Onancock
Planning Commission Meeting
Tuesday
July 21, 2020
5:30 P.M.

Call to Order and Roll Call:

Chairman Judith Grier called the meeting to order at 5:30 P.M. Commission members Bill Bagwell, Robert Bloxom, Judith Grier and Scott Schreiber were present. Commission member Ridgway Dunton was absent. Commission member Larry Frey arrived late. A quorum was established.

Town Manager Matt Spuck and Deputy Clerk Mariellen Mearsheimer were present. Onancock resident and Main Street Representative Carol Tunstall was present for the meeting. Onancock resident Jim McGowen participated via phone.

Minutes:

Chairman Grier asked for a motion to approve the February 18, 2020 minutes.

Commission member Bloxom made a motion to approve the February 18, 2020 minutes as presented. Commission member Bill Bagwell seconded the motion. The motion was approved by unanimous voice vote.

Items of Business:

a. Discussion of the Comprehensive Plan

Chairman Grier introduced resident Jim McGowan who has volunteered his time to help the Planning Commission with the Comprehensive Plan.

Mr. McGowan shared with the group that the census data is sparse and many of the maps available have bad resolution. He had four items to discuss with Commission members.

Item 1: Read and Comment on the Word draft Main Street text and background information sent to them for review for the cancelled March 17, 2020 Planning Commission meeting.

Chairman Grier asked if Commission members had reviewed the Word draft Main Street text and background information sent to them. Commission members were OK with the draft and had no additional comments.

Item 2: Ground truth the existing Land Use Map discussed at the January 21, 2020 Planning Commission meeting.

Mr. McGowan stated we need to have a current Land Use Map.

Town Manager Spuck asked if there was an existing Land Use Map.

Mr. McGowan stated the last one is in the 2004 plan.

Mr. Spuck stated the Town should have a current map and he would get the Department of Public Works (DPW) team to update it with current information and at better resolution for inclusion in the Comprehensive Plan

Mr. McGowan asked that the team understand the Land Use categories.

Item 3: Create a Derelict Building Map.

Mr. McGowan stated that he would not include this in the Comprehensive Plan but it would be good to know where they are located. It could include data about the condition of the homes / buildings and whether they are occupied or unoccupied. He added the information would give you a good baseline for future grants.

Town Manager Spuck stated that while DPW updates the Land Use Map, we would include this information.

Item 4: Create a Business Occupancy / Vacancy Map of the downtown area and the uptown Market Street area. Include all floors.

Town Manager Spuck asked Mrs. Tunstall if the Main Street Group had any data they could share.

Mrs. Tunstall said they have data on the identified Main Street area and an extensive database of business occupancy / vacancy. She stated that Onancock Main Street Initiative will get it to Mr. Spuck.

Mr. Spuck stated he will get the information to the Planning Commission.

Town Manager Spuck stated we need to move forward aggressively and get the Comprehensive Plan finished. He asked Mr. McGowan for a copy of everything he has done so far.

Mr. McGowan stated he needed a flash drive because there was a lot of information.

Mr. Spuck will get a flash drive to Chairman Grier for Mr. McGowan's use.

Town Manager Spuck wants to talk about the Comprehensive Plan with the Commission members chapter by chapter.

The Commission members agreed with Mr. Spuck that this was a good plan.

Chairman Grier stated the Planning Commission needs a new Commission member since Mr. Spuck had resigned his position.

Commission member Bloxom stated the Planning Commission makes a recommendation to the Town Council, then the Town Council votes on it.

Town Manager Spuck stated he would send out a notice by various means with a deadline of August 10, 2020, meet with all interested individuals and pass all information to the Planning Commission for discussion and final recommendation to Town Council.

Public Comment:

None

Adjourn:

Chairman Grier asked for a motion to adjourn.

Commission member Scott Schreiber made a motion to adjourn. Commission member Bloxom seconded the motion. The motion was approved by unanimous voice vote.

The meeting adjourned at 5:55 P.M.

Judith Grier, Chair

Mariellen Mearsheimer, Deputy Clerk

Sec. 11-2. Removal of trash, garbage, etc., by property owners; notice and action by town; lien.

Owners of property within the town shall promptly remove therefrom, and from any sidewalks abutting such property, extending from such property to the curb face, any and all trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of the town. The town council, whenever it deems it necessary after reasonable notice, may have trash, garbage, refuse, litter and other like substances which might endanger the health or safety of other residents of the town 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 town as taxes and levies are collected. Prior to such removal by agents or employees of the town, the owners of such property shall be given reasonable notice, which notice shall be accomplished by mailing such notice by certified mail to the owners of such property, as shown on the most recent real estate tax records of the town, or such more recent address as the town has on file, at least seven days prior to such removal; provided, that such removal may be made simultaneously with the giving of such notice, or at such later time as the town council may deem reasonable, in the event the town council determines that an emergency exists. 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 in the same manner as real estate taxes.

(Code 1989, § 11-2; Amd. of 1-9-1989)

Sec. 11-3. Dumping trash, etc., on public or private property.

- 1) Any person shall be guilty of a misdemeanor who dumps or otherwise disposes of trash, garbage, refuse, litter or other unsightly matter in the town on public property, including a public highway, right-of-way, property adjacent to such highway or right-of-way, or on private property without the written consent of the owner thereof or his agent.
- 2) When any person is arrested for a violation of this section, and the matter alleged to have been illegally dumped or disposed of has been ejected from a motor vehicle, the arresting officer may comply with the provisions of section 46.1-178 of the Code of Virginia in making such arrest.
- 3) When a violation of the provisions of this section has been observed by any person, and the matter illegally dumped or disposed of has been ejected from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting such matter. However, such presumption shall be rebutted by competent evidence.
- 4) Any person convicted of a violation of this section shall be guilty of a misdemeanor, punishable as provided in section 1-7.
- 5) The provisions of this section shall not apply to the lawful disposal of such matter in landfills.
- 6) Upon conviction of any person for a violation of this section, the court may suspend the imposition of any sentence on condition that the defendant volunteer his services of such period of time as the court may designate to remove litter from the highway.
- 7) Any sums collected as fines under this section shall be paid into the court and forwarded to the state treasurer for the construction and maintenance of state highways.

(Code 1989, § 11-3; Ord. eff. 9-1-1980)

Article III. Vegetation Growth and Maintenance

Sec. 11-13 Definition:

Grass, weeds, and other foreign growth vegetation unmanaged or uncontrolled of every kind growing or standing on any parcel of lot other than flowers, vegetable gardens, trees, ornamental shrubbery, or area classified as wetlands by any government body.

Occupied property Any lot or parcel of land located within the Town that either; contains a structure or other improvements, or is served by the Town public water system, or is served by the Town public sewage system, and on which lot or parcel any person or entity has resided, conducted any business or activity, or physically occupied such for any period within the 45 days immediately preceding any notice by the Zoning Administrator.

Owner Any person or entity holding record title to any lot or parcel of land within the Town, including fiduciaries holding title to or having the legal care, custody, control, or management of any such lot or parcel.

Same set of operative facts Means the situation or facts existing either before or after an owner has been given a Notice to Cut by the Zoning Administrator Officer. The "operative facts" shall change only after either the owner has cut such grass, weeds, or other foreign growth to compliance after such Notice, or the Town has so cut.

Undeveloped property Any lot or parcel of land located within the Town that either; does not contain a structure or other improvements, or is not served by the Town public water system, or does not have an installed sewage service.

Vacant developed property Any lot or parcel of land located within the Town that either: contains a structure or other improvements, or is served by the Town public water system, or is served by the Town public sewage system, and on which lot or parcel no person or entity has either resided, conducted any business or other activity, or physically occupied such lot or parcel at any time within the 45-day period immediately preceding any Notice by the Zoning Administrator.

Violation A violation occurs when any such owner fails to cut such grass, weeds, or other foreign growth from their lot or parcel to prevent it from attaining the applicable prohibited height. A Notice to Cut by the Zoning Administrator shall not be required to constitute a violation by such owner.

(Code 1989, § 11-13; Ord. of 6-26-2017, § 11-13)

Sec. 11-14 DUTY OF OWNER TO CUT AND/OR MAINTAIN ANY VACANT DEVELOPED PROPERTY:

Any owner, shall cut the grass, weeds, and other foreign growth on any vacant developed or occupied property, located within the Town when the height of such grass, weeds, or other foreign growth exceeds ten inches (10") to a height cut not to exceed five inches (5").

(Code 1989, § 11-14; Ord. of 6-26-2017, § 11-14)

Sec. 11-15 PROVISIONS OF THIS SECTION SHALL NOT APPLY TO:

Portions of undeveloped lots, parcels or tracts of land which are inaccessible to power mowing equipment; banks of drainage easements; banks of detention ponds, streams, and other bodies of water, natural or manmade; wooded areas, including understory vegetation.

(Code 1989, § 11-15; Ord. of 6-26-2017, § 11-15)

Sec. 11-16 NOTICE TO CUT:

When there exists upon any vacant developed property, occupied property, or undeveloped property within the Town grass, weeds, or other foreign growth, as prohibited herein, the Zoning Administrator shall immediately notify the owner of such lot or parcel to cut such grass, weeds, or other foreign growth exceeding ten inches (10") to a height cut not to exceed five inches (5"). Such notification shall be by certified mail to the address of such owner as appearing on the real estate tax records of the Town of Onancock. Such owner shall cut such grass, weeds, or other foreign growth exceeding ten inches (10") to a height cut not to exceed five inches (5") within seven (7) days of the posting of such notice.

(Code 1989, § 11-16; Ord. of 6-26-2017, § 11-16)

Sec. 11-17 PENALTIES FOR VIOLATION(S):

Any owner who violates any provision of this Article by not cutting the grass, weeds or other foreign growth on any lot or parcel as provided for herein shall be subject to a civil penalty of One Hundred and Fifty Dollars (\$150.00) for the first violation, or a subsequent violation arising from the same set of operative facts. The penalty for subsequent violations not arising from the same set of operative facts within twelve (12) months of the first violation shall be Two Hundred Dollars (\$200.00). 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 operative facts result in civil penalties that exceed a total of Three Thousand Dollars (\$3,000.00) in a twelve (12) month period.

Violation of any provision of this Article shall be a Class 3 misdemeanor in the event three (3) civil penalties have been imposed on the same defendant for the same or similar violations, not arising from the same set of operative facts, within a twenty four (24) month period. The punishment for a Class 3 Misdemeanor shall be a fine not to exceed Five Hundred Dollars (\$500.00). Classifying such subsequent violations as criminal offences shall preclude the imposition of civil penalties for the same violation.

(Code 1989, § 11-17; Ord. of 6-26-2017, § 11-17)

Sec. 11-18 CUTTING BY THE TOWN:

If such grass, weeds, other foreign growth has not been cut as required under the provisions hereof within ten (10) days from the posting of such Notice to Cut by the Zoning Administrator, the Zoning Administrator shall cause growth to be cut to the required height by the employees or agents of the Town, or any contractor at the cost of such owner.

Where grass, weeds, or other foreign growth have not been cut by the owner within ten (10) days from the date of the Notice to Cut by the Zoning Administrator pursuant to the provisions of this section, and it is necessary for the Town to cut as provided herein, the cost of such cutting shall be billed to the owner of the property (The rates are as follows, plus a twenty percent (20%) administrative fee: Regular mowing - \$105.00 per hour; weed eating - \$100.00 per hour; bush hogging; \$150.00 per hour). If such bill is not paid within fifteen (15) days, it shall be added to the Town real estate tax bill on such property and shall be a lien on such property to the same extent and effect as real estate taxes.

The Town may waive such lien(s) to facilitate the sale of the property. Such lien(s) may be waived if the amount owed is less than five hundred dollars (\$500) and only as to a purchaser who is unrelated by blood or marriage to the owner and/or who has no business association with the owner. All such lien(s) shall remain a personal obligation of the owner of the property at the time the liens were imposed even if waived.

(Code 1989, § 11-18; Ord. of 6-26-2017, § 11-18)

Article IV. Property Maintenance

State law reference-- Authority to require removal of garbage, trash, etc, Code of Virginia, § 15.2-901.

~~Ordinance 13:2~~

Sec. 11-13 - Maintenance of premises; Cutting of Grass and Weeds.

- (a) The owners of developed or undeveloped parcels of land within the town that singular or, if adjacent, in the aggregate, constitute less than five acres in size shall cut all non-ornamental grass and weeds on such property so that at no time the growth of such grass or weeds exceeds 12 inches in height.
- (b) The owners of developed or undeveloped parcels of land within the town that singly, or, if adjacent, in the aggregate, constitute more than five acres in size shall cut such grass or weeds so that at no time the growth of such grass or weeds exceeds 12 inches in height within 20 feet of a subdivision lot or residential property or within ten feet of any developed road or street.

ONANCOCK TOWN CODE – AS OF 9/22/20

- (c) Subsections (a) and (b) above shall not apply to parcels or portions of parcels that are densely wooded to the extent that mowing such parcels or portions would be impossible or nonfeasible.

- (d) The town manager, may, when the provisions of this section are violated, after reasonable notice to the owners of such parcels, have the grass and weeds cut by the town's agents or employees, in which event the cost and expenses thereof shall be chargeable to and paid by the owners of such parcels and shall constitute a lien on the parcels. (The rates are as follows, plus a twenty percent (20%) administrative fee: Regular mowing - \$105.00 per hour; weed eating - \$100.00 per hour; bush hogging; \$150.00 per hour). Every charge authorized by section 11-13 with which the owner and lien holder of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Code of Virginia, §§ 58.1-3940 et seq. and 58.1-3965 et seq.

(Ord. No. 13-2, § 11-13, 11-18-2013)

Sec. 13-8. Removal and disposition of unattended, abandoned or immobile vehicles.

Whenever any motor vehicle, trailer or semitrailer is found on the public streets or public grounds unattended by the owner or operator and constitutes a hazard to traffic or is parked in such manner as to be in violation of law or whenever any motor vehicle, trailer or semitrailer is left unattended for more than ten days upon any public property or privately owned property other than the property of the owner of such motor vehicle, trailer or semitrailer, within the town, or is abandoned upon such public property or privately owned property, without the permission of the owner, lessee or occupant thereof, or whenever any motor vehicle, trailer or semitrailer is stalled or rendered immobile as the result of adverse weather conditions or other emergency situations on any public roadway, any such motor vehicle, trailer or semitrailer may be removed for safekeeping by or under the direction of a police officer to a storage garage or area; provided, that no such vehicle shall be so removed from privately owned premises without the written request of the owner, lessee or occupant thereof.

The person at whose request such motor vehicle, trailer or semitrailer is removed from privately owned property shall indemnify the town against any loss of expense incurred by reason of removal, storage or sale thereof.

It shall be presumed that such motor vehicle, trailer or semitrailer, or part thereof, is banded if:

- 1) It lacks either:
 - a) A current license plate, or
 - b) A current county, city or town plate or sticker, or
 - c) A valid state inspection certificate or sticker, and
- 2) It has been in a specific location for four days without being moved.

Each removal shall be reported immediately to the town office, and notice thereof given to the owner of the motor vehicle, trailer or semitrailer as promptly as possible. The owner of such vehicle or trailer, before obtaining possession thereof, shall pay to the town all reasonable costs incidental to the removal, storage and locating the owner of the motor vehicle, trailer or semitrailer. Should such owner fail or refuse to pay the costs or should the identity or whereabouts of such owner be unknown and unascertainable after a diligent search has been made, and after notice to him at his last known address and to the holder of any lien of record in the office of the state department of motor vehicles against the motor vehicle, trailer or semitrailer, the vehicle shall be treated as an abandoned vehicle under the provisions of article 1 of chapter 12 of title 46.2 of the Code of Virginia.

(Code 1989, § 13-8)

ONANCOCK – TOWN CODE – AS OF 9/22/20

State law reference--Removal and disposition of abandoned vehicles, Code of Virginia, §§ 46.2-1200 to 46.2-1208; immobilized or unattended vehicles, Code of Virginia, §§ 46.2-1209 to 46.2-1215.

Sec. Automobile Graveyard License Tax

1. "Automobile Graveyard" shall mean any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind, incapable of being operated, and which would not be economically practical to make operative, area place, located or found.
2. A license tax of \$500.00 per calendar year or fraction of any calendar year during which this Ordinance is in effect is hereby levied upon each "automobile graveyard" in the Town of Onancock.
3. The owner and/or operator of any "automobile graveyard" in the Town of Onancock shall screen same from public view by fence or other obstruction at least six feet (6 ft.) tall.
4. Anyone violating this Ordinance shall be punished by a fine of not less than \$250.00 nor more than \$1,000.00. Each day's violation shall be considered a separate offense.

State law reference-- Authority to license and tax automobile graveyards and junkyards, Code of Virginia, § 15.2-903.

(Code 1989, § 13-8.3)

Sec. 13-9. Violations and penalties.

- (a) It shall be unlawful for any person to violate or fail to comply with any of the provisions of this chapter, or of any rule or regulation promulgated pursuant thereto.
- (b) Any person violating any of the provisions of this chapter for which no other penalty is provided shall be deemed guilty of a traffic infraction and, upon conviction thereof, be punished by a fine of not less than fifteen dollars nor more than one hundred dollars.

(Code 1989, § 13-9; Amd. of 4-10-1978, § 9)

State law reference--Violation of state motor vehicle and traffic laws, Code of Virginia, § 46.2-113.