

**Town Council:** Brandon Brockmeier, Ray Burger, Cynthia Holdren, Joy Marino, Sarah Nock and Maphis Oswald  
**Mayor:** Fletcher Fosque | **Town Manager:** Matt Spuck

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**Planning Commission**

**February 6, 2023**

**5:30 PM Council Chambers**

**Agenda**

- 1) Call to Order
- 2) Attendance/ Establish Quorum
- 3) Review meeting minutes from December 5, 2022
- 4) Short-term rental application: 51 North St
- 5) Short-term rental application: 9 Liberty
- 6) Proposed ordinance change – Property Maintenance
- 7) Zoning ordinances to review over the next 12-months
- 8) Commissioner comments
- 9) Adjourn

**Town of Onancock  
Planning Commission Meeting  
Monday, December 5, 2022  
5:30 PM**

**1) Call to Order**

Chairperson Schreiber called the meeting to order at 5:30 PM.

**2) Attendance/Establish Quorum**

Commissioners Bagwell, Brockmeier, Byrd, Frey, Fosque, and Tunstall were present. Chairperson Schreiber was also present. A quorum was established.

Town Manager Matt Spuck and Town Clerk Debbie Caton were present.

**3) Review meeting minutes from November 7, 2022**

Commissioner Frey moved to approve the minutes. Commissioner Tunstall seconded the motion. The motion passed with 6-0 vote.

**4) Rezoning of application for 5 Fairgrounds Rd from B-2 to R-1A**

The applicant rescinded the application.

**5) Ordinance change -Property Change** – Town Manager Spuck stated residents have concerns about property maintenance. The following items were discussed:

1. What recourse or enforcement is available for violations?
2. Do blighted properties need to be condemned by the fire department?
3. Can uncontrolled growth be defined?
4. Can managed be defined?

**6) Commissioner Comments**

The Planning Commission would like input on uses for the Performance Pavilion.

**7) Adjourn** - Commissioner Bagwell moved to adjourn the meeting. Commissioner Brockmeier seconded the motion. The vote passed with a 6-0 vote. The meeting adjourned at 6:10 PM.

**STAFF REPORT**

**51 North Street, Onancock, VA 23417**

**To:** Town Council  
**Case Number:** SUP 02:23:01  
**Tax Map:** 85A2-A-1

**Date:** February 1, 2023

**From:** Matt Spuck

**General Information**

<i>Applicant</i>	Stanley Thompson
<i>Owner of Record</i>	Stanley Thompson
<i>Requested Action</i>	Special Use Permit for Homestay at 51 North St
<i>Location</i>	51 North St., Onancock, VA 23417
<i>Existing Land Use</i>	The parcel is currently zoned R-1A, Residential 1A.
<i>Adjacent Land Use</i>	The surrounding properties are designated R-1A

**Analysis**

The applicant is requesting a permit to use a three bedroom, one bathroom within the current residence as a Homestay. There is sufficient off-street parking. The applicant does not own any other Homestay properties in Town and this property is more than two-hundred feet from the nearest Homestay Property. All other conditions of 38-77 will be required and provided after the permit is issued.

**Conclusion**

It is staff's opinion that the application is consistent with intent found within the Town Code section 38-77 (as adopted 12/19/22) and staff recommends that Town Council approve this application as submitted.

**Suggested Motion**

Mr. Mayor, I move to approve SUP 02:23:01 with the following requirements:

- Up to four guests may occupy the Homestay at any one time.
- All guests must park in the off-street spaces provided.
- The owner agrees with the terms of §38-77 as adopted by Town Council on December 19, 2022. The application is not complete until all information required per code has been provided.
- The owner agrees to file Transient Occupancy Tax reports quarterly, as required by §16-72 through §16-81, even if there is no revenue to report.

# TOWN OF ONANCOCK

15 NORTH STREET  
ONANCOCK, VIRGINIA 23417

RECEIVED  
OCT 24 2022  
TOWN OF ONANCOCK

## SPECIAL USE PERMIT APPLICATION

Applicant's Name: STANLEY THOMPSON

Address: 51 NORTH ST Onancock VA 23417

Telephone: 973-223 9346 Date: 10/22/22

Location & Legal Description of Property Proposed\* : \_\_\_\_\_

51 North St. Onancock VA 23417

~~PERMIT FOR BNB~~

Single Family House

No. of total guests (for homestay applicants only): 4

No. of proposed parking spaces (for homestay applicants only): 4 to 6

Parcel Number: \_\_\_\_\_

Zoning Classification: \_\_\_\_\_

Name and telephone number for local emergency contact: 973-22

Description of Proposed Use: AIR BNB Homestead

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PAID**  
OCT 24 2022  
BY: [Signature] Stanley Paid

# Accomack County, Virginia

**Tax Map #:**

85A2-A-1

**Parcel ID:**

085A2A000000100

The assessment information is obtained from the total value of these tax map numbers...

85A2-A-1

**Summary**

**Owner's Name**

THOMPSON,STANLEY  
OR DELORES THOMPSON

**Mailing Address**

51 NORTH ST  
ONANCOCK, VA 23417-1921

**Base Zoning**

Note: Part or all of this area falls within the limits of an Incorporated Town. Please check with applicable Town for zoning classification within town limits.

**Overlay Zoning**

**Tax District**

14



**Sale Information**

<b>Transfer Date:</b>	6/16/2016 12:00:00 AM
<b>Sales Price:</b>	\$60,000
<b>Grantor:</b>	TAPMAN,DONNA M EXECUTRIX
<b>Deed Reference:</b>	2016 02444
<b>Additional Ref:</b>	Book 729
<b>Additional Ref:</b>	Page 132

**Assessment Information**

	New 2022 Assessment	Prior Assessment
<b>Land Value</b>	\$41,800	\$41,800
<b>Improvement</b>	\$76,600	\$58,200
<b>Total Value</b>	\$118,400	\$100,000

The assessment information is obtained from the total value of these tax map numbers...  
85A2-A-1

**Land**

<b>Property Class:</b>	100-Incorporated Town	<b>Electricity:</b>	No Data
<b>Legal Description:</b>	RES	<b>Gas:</b>	No Data
<b>Land Description:</b>	WATERFRONT	<b>Sewer:</b>	Y
<b>Street Type:</b>	Paved	<b>Water:</b>	Y

**Building**

<b>Building Type:</b>	DWELLING	<b>Total Rooms:</b>	5
<b>Description:</b>	Single family	<b>Number of Bedrooms:</b>	3
<b>Stories:</b>	1	<b>Number of Baths:</b>	1
<b>Year Built:</b>	1920	<b>Number of Half Baths:</b>	No Data
<b>Finished Sq Ft:</b>	990	<b>Heat Type:</b>	Heat pump
		<b>Air Conditioning:</b>	P

<b>Construction</b>		<b>Additional Data</b>	
<b>Foundation Type:</b>	Full Crawl	<b>Attic:</b>	Part
<b>Construction Type:</b>	Wood frame	<b>Finished Attic Sq Ft:</b>	No Data
<b>Exterior:</b>	Wood siding	<b>Basement Sq Ft:</b>	No Data
<b>Condition:</b>	normal for age	<b>Finished Basement Sq Ft:</b>	No Data
<b>Roof Type:</b>	Gable	<b>Attached Garage Sq Ft:</b>	No Data
<b>Roof Material:</b>	Comp sh to 235#	<b>Detached Garage Sq Ft:</b>	No Data
		<b>Deck Sq Ft:</b>	64

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# Accomack County, Virginia

## Legend

Parcels

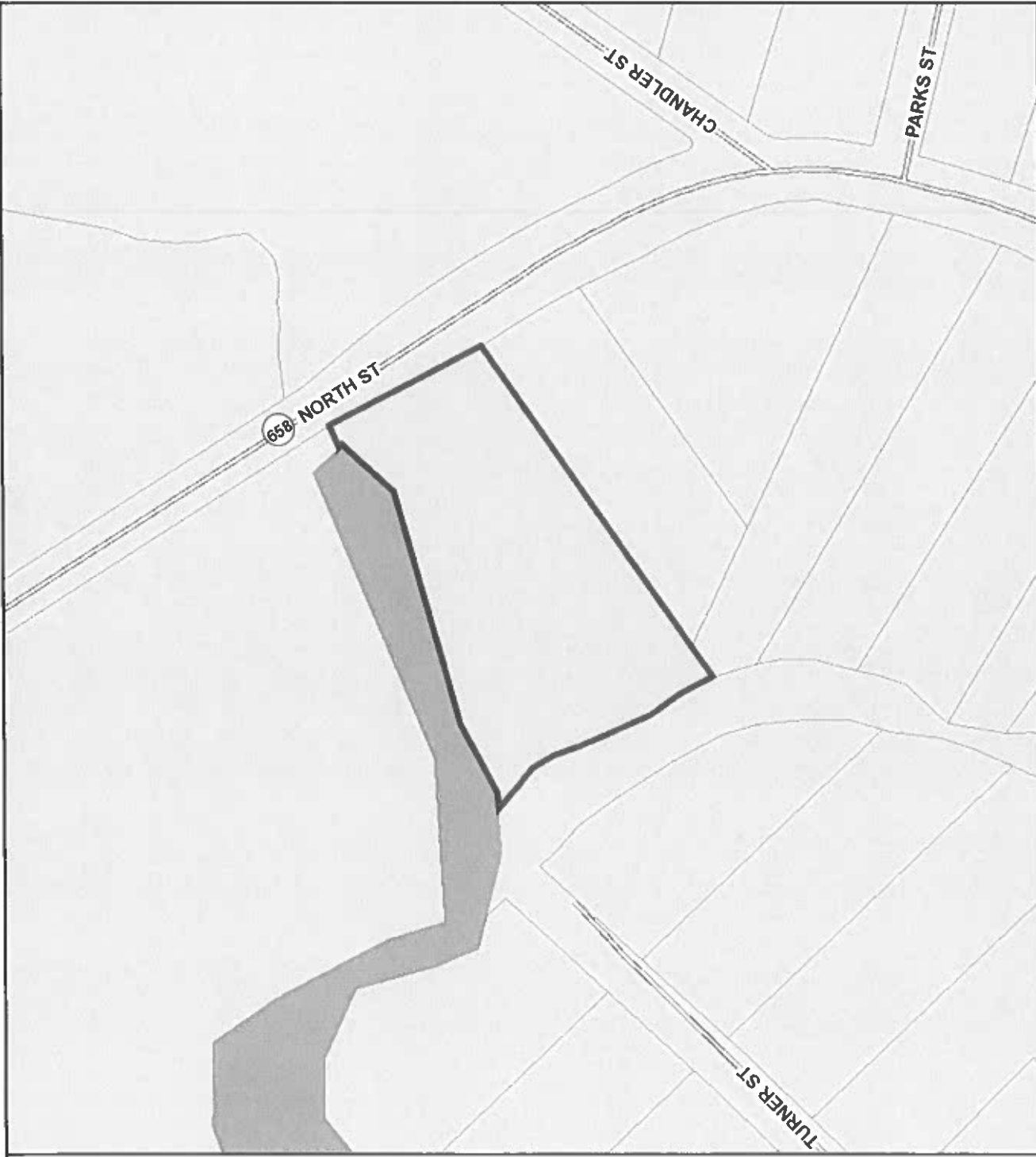
Map Printed from AccoMap

<https://parcelviewer.geodecisions.com/Accomack>

Feet

0 25 50 75 100

1:1,128 / 1"=94 Feet



**Title: Parcels**

**Date: 2/1/2023**

*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 County is not responsible for its accuracy or how current it may be.*

**STAFF REPORT**

**9 Liberty Street, Onancock, VA 23417**

**To:** Town Council  
**Case Number:** SUP 02:23:02  
**Tax Map:** 85A2-24-59

**Date:** February 1, 2023

**From:** Matt Spuck

**General Information**

<i>Applicant</i>	Karen and Christopher Davis
<i>Owner of Record</i>	Karen and Christopher Davis
<i>Requested Action</i>	Special Use Permit for Homestay at 9 Liberty St
<i>Location</i>	9 Liberty St., Onancock, VA 23417
<i>Existing Land Use</i>	The parcel is currently zoned R-1B, Residential 1B.
<i>Adjacent Land Use</i>	The surrounding properties are designated R-1B.

**Analysis**

The applicant is requesting a permit to use this over/under duplex residence as a Homestay. There is sufficient off-street parking. The applicant does not own any other Homestay properties in Town and this property is more than two-hundred feet from the nearest Homestay Property. All other conditions of 38-77 will be required and provided after the permit is issued.

**Conclusion**

It is staff's opinion that the application is consistent with intent found within the Town Code section 38-77 (as adopted 12/19/22) and staff recommends that Town Council approve this application as submitted.

**Suggested Motion**

Mr. Mayor, I move to approve SUP 02:23:02 with the following conditions:

- Up to four guests may occupy the Homestay at any one time.
- All guests must park in the off-street spaces provided.
- The owner agrees with the terms of §38-77 as adopted by Town Council on December 19, 2022. The application is not complete until all information required per code has been provided.
- The owner agrees to file Transient Occupancy Tax reports quarterly, as required by §16-72 through §16-81, even if there is no revenue to report.



# TOWN OF ONANCOCK

15 NORTH STREET  
ONANCOCK, VIRGINIA 23417

## SPECIAL USE PERMIT APPLICATION

Applicant's Name: Karen and Christopher Davis  
Address: 9 Liberty Street P.O. Box 393 Onancock VA 23417  
Telephone: 757-710-1277 Date: 11/10/22  
Location & Legal Description of Property Proposed\*: 9 Liberty Street, Onancock VA 23417  
Duplex under/over Home.

No. of total guests (for homestay applicants only): 4

No. of proposed parking spaces (for homestay applicants only): 1-2

Parcel Number: 005A274000 5900

Zoning Classification: RESIDENTIAL

Name and telephone number for local emergency contact: Christopher Davis 757-710-1277

Description of Proposed Use: Short term rentals for one of the 2 units. Owners live in 2nd unit on site.

PAID  
NOV 15 2022  
BY: [Signature] #5206  
\$150.00

(757) 787-3363  
Phone

(757) 787-3309  
Fax

[www.onancock.com](http://www.onancock.com)  
Website

# Accomack County, Virginia

**Tax Map #:**

85A2-24-59

**Parcel ID:**

085A22400005900

The assessment information is obtained from the total value of these tax map numbers...

85A2-24-59

## Summary

**Owner's Name**

ARMSEY, HAROLD &  
BETTY ARMSEY & KAREN DAVIS & CHRISTO

**Mailing Address**

9 LIBERTY ST  
ONANCOCK, VA 23417

**Base Zoning**

Note: Part or all of this area falls within the limits of an Incorporated Town. Please check with applicable Town for zoning classification within town limits.

**Overlay Zoning**

**Tax District**

14



## Sale Information

<b>Transfer Date:</b>	8/13/2021 12:00:00 AM
<b>Sales Price:</b>	\$0
<b>Grantor:</b>	9 LIBERTY STREET LLC
<b>Deed Reference:</b>	2100 04207
<b>Additional Ref:</b>	Book
<b>Additional Ref:</b>	Page

## Assessment Information

	New 2022 Assessment	Prior Assessment
<b>Land Value</b>	\$60,500	\$60,500
<b>Improvement</b>	\$148,600	\$113,000
<b>Total Value</b>	\$209,100	\$173,500

The assessment information is obtained from the total value of these tax map numbers...

85A2-24-59

## Land

<b>Property Class:</b>	100-Incorporated Town
<b>Legal Description:</b>	MT PROSPECT PT LOT 59 LIBERTY STREET
<b>Land Description:</b>	WATERVIEW
<b>Street Type:</b>	Paved

<b>Electricity:</b>	No Data
<b>Gas:</b>	No Data
<b>Sewer:</b>	Y
<b>Water:</b>	Y

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**Building**

<b>Building Type:</b>	DWELLING	<b>Total Rooms:</b>	5
<b>Description:</b>	Single family	<b>Number of Bedrooms:</b>	3
<b>Stories:</b>	1	<b>Number of Baths:</b>	2
<b>Year Built:</b>	1956	<b>Number of Half Baths:</b>	No Data
<b>Finished Sq Ft:</b>	998	<b>Heat Type:</b>	Heat pump
		<b>Air Conditioning:</b>	P

<b>Construction</b>		<b>Additional Data</b>	
<b>Foundation Type:</b>	Full Bsmt	<b>Attic:</b>	None
<b>Construction Type:</b>	Wood frame	<b>Finished Attic Sq Ft:</b>	No Data
<b>Exterior:</b>	Vinyl siding Stone vincer	<b>Basement Sq Ft:</b>	1138
<b>Condition:</b>	normal for age	<b>Finished Basement Sq Ft:</b>	998
<b>Roof Type:</b>	Gable	<b>Attached Garage Sq Ft:</b>	No Data
<b>Roof Material:</b>	Comp sh to 235#	<b>Detached Garage Sq Ft:</b>	576
		<b>Deck Sq Ft:</b>	No Data

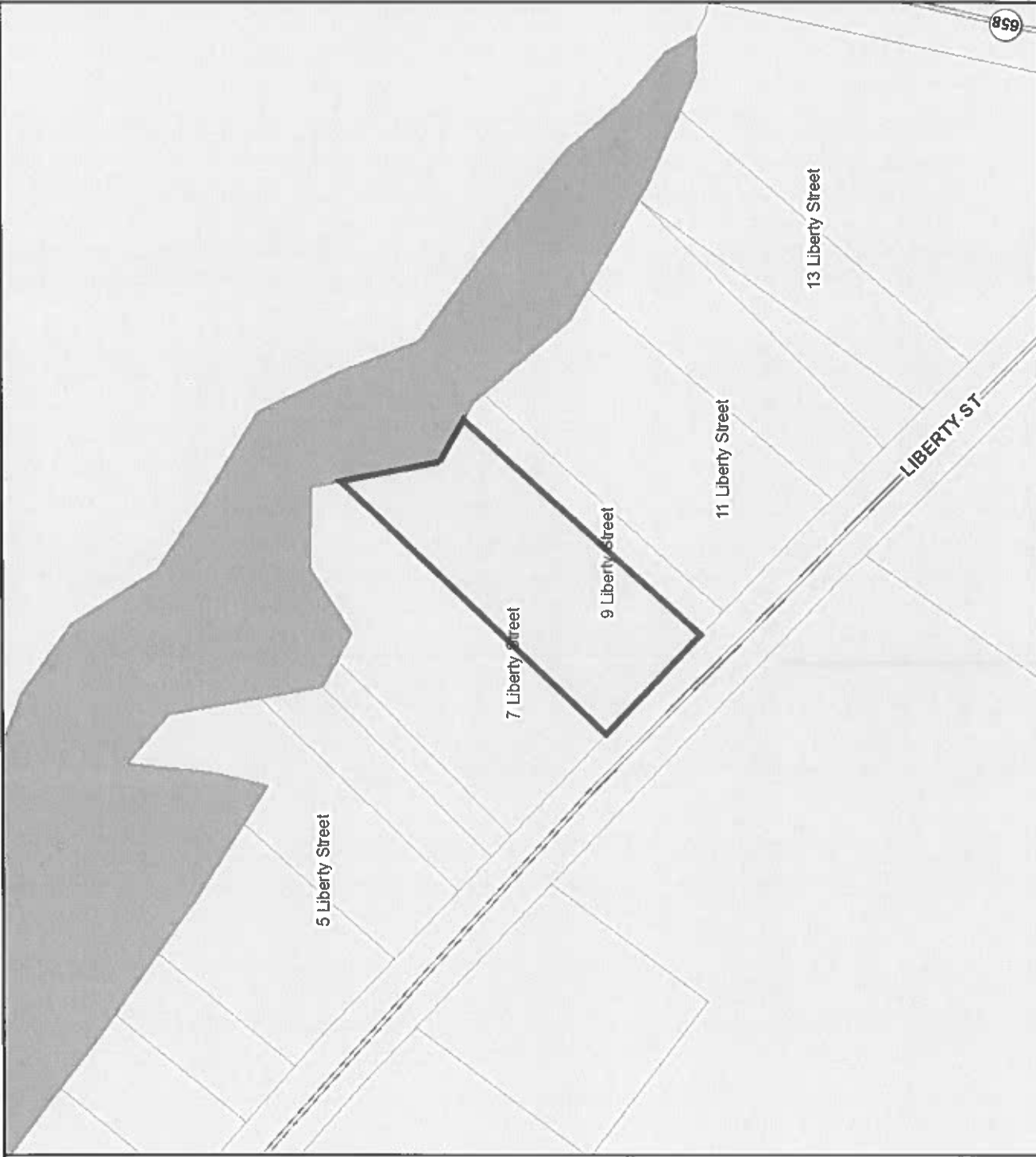
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# Accomack County, Virginia

## Legend

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Map Printed from AccoMap  
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**Title: Parcels**

**Date: 2/1/2023**

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## **ARTICLE III. PROPERTY MAINTENANCE<sup>1</sup>**

### **Sec. 14-57. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Grass, weeds, and other foreign growth* means 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* means 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* means 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 the owner has either cut such grass, weeds, or other foreign growth to compliance after such notice, or the town has so cut the same.

*Undeveloped property* means 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* means 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* means an owner fails or has failed 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)

### **Secs. 14-58—14-72. Reserved.**

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<sup>1</sup>State law reference(s)—Authority to require removal of garbage, trash, etc., Code of Virginia, § 15.2-901.

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**AN ORDINANCE TO AMEND PART II, CHAPTER 14, ARTICLE III TITLED "PROPERTY MAINTENANCE" TO REGULATE THE ACCUMULATION OF TRASH, GARBAGE, REFUSE, LITTER, CLUTTER, GRASS, WEEDS, AND OTHER FOREIGN GROWTH AS PROVIDED BY THE CODE OF VIRGINIA**

**WHEREAS**, the Town Council of the Town of Onancock desires to promote the public safety, health, and welfare of the residents of the Town of Onancock, and

**WHEREAS**, it is declared to be in the public interest to regulate and restrict the accumulation of trash, garbage, refuse, litter, clutter, grass, weeds, and foreign growth within the Town; and

**WHEREAS**, under Section 15.2-901 of the Code of Virginia, 1950, as amended, the Town may enact ordinances for removal or disposal of trash, garbage, refuse, litter, clutter, cutting of grass and weeds, and may establish a penalty for violations of such ordinances; and

**NOW, THEREFORE BE IT ORDAINED**, by the Town Council of the Town of Onancock that the following provisions be enacted regulating and restricting the accumulation of trash, garbage, refuse, litter, clutter, grass, weeds, and foreign growth within the Town as follows:

***Chapter 14 – ENVIRONMENT***

***ARTICLE III. PROPERTY MAINTENANCE***

**Sec. 14-57. Definitions.**

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Clutter* means mechanical equipment, household furniture, containers, and similar items that may be detrimental to the well-being of a community when they are left in public view for an extended period or are allowed to accumulate. Items that constitute clutter includes items not designed, built, or manufactured for outdoor use or storage.

*Garbage* means all trash, garbage, refuse, litter, waste, animal and vegetable matter, and other discarded materials or debris.

*Property* means any lot, premises, or tax map parcel comprising real property located within the Town of Onancock. *Owner* means 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.

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**Sec. 14-58. Unlawful property maintenance conditions.**

- 1) Accumulations of trash, garbage, refuse, litter, clutter, and other like substances. It shall be unlawful for the owner of any property, or any occupant or other person who is responsible for the maintenance and upkeep of any property, occupied or vacant, including the area adjoining such property extending to the paved portion of the roadway and the property line of an abutting property, to permit the accumulation on such property of trash, garbage, refuse, litter (collectively, for purposes of this section, "debris"), clutter, and other like substances that might endanger the health of other residents of the locality, except as may be placed there for purposes of collection in accordance with chapter 28-20 of this Code. The following provisions shall further apply:

- i) *Debris.* In the event the owner, occupant or other person responsible for any property shall fail or refuse to remove any debris, or in the event the property upon which such debris is found is unoccupied, the Town Manager or designee shall give written notice to the owner of such property to clear off and remove from the property all debris and other like substances that might endanger the health or safety of other residents, within seven (7) days from the date of such notice. A violation of this subsection shall be punishable as a criminal misdemeanor with a fine of at least \$100.00 but not more than \$1,000.00 per violation. Each day during which the condition is ongoing shall constitute a separate offense.
- ii) *Clutter.* Clutter shall not be permitted unless stored within a fully enclosed building or structure, or completely screened by a solid, rigid, six-foot opaque fence composed of standard fencing materials. The placing, draping, or securing of a tarpaulin or other non-rigid cover over and around the clutter shall not be sufficient to comply with the requirements of this section. Notwithstanding the foregoing, clutter that is enclosed or screened in such a manner, but which is deemed a hazard to the health or safety of other residents, shall not be permitted. In the event the owner, occupant, or other person responsible for any property shall fail or refuse to remove any unlawful clutter, or in the event the property upon which such clutter is found is unoccupied, the Town Manager or designee shall give written notice to the owner of such property to clear off and remove from the property all such clutter within thirty (30) days from the date of such notice. A violation of this subsection shall be punishable as a criminal misdemeanor with a fine of at least \$100.00 but not more than \$1,000.00 per violation. Each day during which the condition is ongoing shall constitute a separate offense. For purposes of this section, the following terms shall have the following definitions:
  - (a) "Clutter" means mechanical equipment, household furniture, containers, and similar items that may be detrimental to the well-being of a community when they are left in public view for an extended period or are allowed to accumulate.

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(b) "Extended period" means thirty (30) days or more.

- 2) Cutting of grass and weeds near residential and commercial structures. It shall be unlawful for the owner of any land, or any occupant or other person who is responsible for the maintenance and upkeep of any land, occupied or vacant, including the area adjoining such property extending to the property line or the paved portion of the roadway, to permit grass, weeds and other foreign growth on such property to exceed a height of eight (8) inches, within one hundred fifty (150) feet of any residential or commercial structure, or any structure designed for use in connection therewith.
- a) In areas required to be vegetated by the Chesapeake Bay Preservation Overlay District of the Zoning Ordinance of the Town of Onancock:
    - i) The cutting of grass and weeds is required where a lawn has been legally established.
    - ii) A property owner may establish a naturally vegetated buffer area, and exceed the maximum grass height, where a legally established lawn exists, subject to the following requirements:
    - iii) The property owner shall submit a description of the proposed buffer to the Town of Onancock Zoning Administrator for approval;
    - iv) If the buffer establishment is approved, the property owner shall then maintain the naturally vegetated buffer in perpetuity unless otherwise permitted by the Zoning Ordinance; and
  - b) For the purposes of this section, a "lawn" shall mean an area of grasses or other durable plants which are maintained at a short height for aesthetic or recreational purposes.
  - c) In the event the owner, occupant or other person responsible for any property shall fail or refuse to, maintain said grass, weeds and other foreign growth, the Town Manager or designee shall give written notice without confirmation of receipt to the owner of such property to cut or remove said growth as required by this subsection within seven (7) days from the date of such notice and to so maintain it. One such written notice per growing season (March 1 through November 30) shall satisfy the notice requirement above to authorize the Town to remove or contract for the removal of any excessive growth of grass, weeds, and other foreign growth for the entire growing season. The owner shall reimburse the town for all costs incurred to bring the property into compliance with this code. In addition to these costs, a violation of this subsection shall be punishable as a criminal misdemeanor with a fine of at least \$100.00 but not more than \$1,000.00. Each day during which the condition is ongoing shall constitute a separate offense.
- 3) Cutting of overgrown shrubs, trees, and other such vegetation. It shall be unlawful for the owner of any land, or any occupant or other person who is responsible for the maintenance and upkeep of any land, occupied or vacant, to permit overgrown shrubs, trees, and other such vegetation (collectively, for purposes of this section, "overgrowth") to exist in a manner that is in violation of this section. Overgrowth shall include, but not be limited to,



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noxious weeds, vines, ivy, and any other plant material that may inhibit the growth of native vegetation.

a) Overgrowth shall be unlawful if any one or more of the following applies:

- i) The overgrowth is abandoned, neglected, or not adequately maintained;
  - (1) The overgrowth has caused the primary improvements on the property to be wholly or substantially screened from view from pedestrians standing at ground level upon any right-of-way abutting any property line;
  - (2) The overgrowth obstructs the view of address numerals;
  - (3) The overgrowth obstructs access to emergency escape and rescue opening points, as defined by the Virginia Uniform Statewide Building Code, or path of travel from any street to the primary entrance of any primary or accessory structure;
  - (4) The overgrowth is growing into or on primary to accessory structures in a manner that is detrimental to the structure or has caused damaged to a structure;
  - (5) The overgrowth constitutes a public health, safety, welfare, or fire hazard; or
  - (6) The overgrowth is likely to result in rodent harborage on the property.
- ii) In areas required to be vegetated by the Chesapeake Bay Preservation Overlay District of the Zoning Ordinance of the Town of Onancock, the owner shall comply with and obtain all required permits in accordance with the Zoning Ordinance prior to the removal of vegetation.

b) In the event the owner, occupant or other person responsible for any property shall fail or refuse to remove or maintain the unlawful overgrowth, the Town Manager or designee shall give written notice without requiring confirmation of receipt to the owner of such property to remove or maintain the overgrowth as required by this subsection within thirty (30) days from the date of such notice and to so maintain it in compliance with this subsection. Such written notice shall satisfy the notice requirement above to authorize the Town to remove or contract for the removal of any unlawful overgrowth. The owner shall reimburse the Town for all costs to bring the property into compliance. A violation of this subsection shall be punishable as a criminal misdemeanor with a fine of at least \$100.00 but not more than \$1,000.00. Each day during which the condition is ongoing shall constitute a separate offense.

4) Exceptions. The requirements of subsections 2 & 3 above shall have no application in the following areas of the Town:

- a) Vegetated wetlands, as defined in the wetland's ordinance (Article X of this Code);
- b) Banks of detention ponds, streams, and other bodies of water, natural or manmade;
- c) Banks of drainage easements;

- 
- d) Woodlands. For the purpose of this exemption, the term "woodlands" shall include productive and nonproductive forest lands and other areas which are used primarily to promote and preserve the growth of trees and seedlings and land covered to the extent that the operation thereon of a tractor with weed cutting apparatus is not practicable;
  - e) Property that is currently under development, from the date duly approved land disturbance begins until a certificate of occupancy is issued; except that if work is discontinued for more than 14 consecutive days, the property is no longer exempt from these requirements; and
  - f) Any other area required to be vegetated by reason of the application of the Town zoning ordinance, subdivision ordinance, site plan ordinance, stormwater management ordinance, or any other ordinance or provision of law.
- 5) Construction sites shall be maintained in such a manner as to contain trash and/or construction-related debris on the buildable portion of the site. The failure of the person responsible for or in charge of construction sites to contain trash and/or construction-related debris shall result in the issuance of a notice to correct the violation within 24 hours. Failure to obey the terms of the notice regarding construction trash or debris shall be punishable as a criminal misdemeanor with a fine of at least \$100.00 but not more than \$1,000.00 per violation. Each day during which the condition is ongoing shall constitute a separate offense.
- 6) Notice may be made by direct posting on the property front door, regular postal delivery, email, hand delivery, or certified mail. In case the notice referred to in this section cannot reasonably be served on the owner, or when such notice is mailed to the owner's last known address as shown in the Town office, and such owner fails to comply with such notice, the land may be cleared, cut, or cleaned by the Town and the necessary expenses of such clearing, cutting, and removal shall be chargeable to such owner. The Town Manager shall certify such expenses. Such expenses, when so certified, together with a one hundred fifty-dollar (\$150.00) service charge per occurrence, shall be collected by the Town pursuant to the same procedures and in the same manner as real estate taxes and shall be a real estate tax lien upon such land.

**Sec. 14-59. Applicability of article.**

- (a) This article shall be effective in all areas of Town, except that they shall not be effective in any land zoned for or in active farming operation; or in any area in which the cutting of vegetation required by subsections 14-109 and 14-110 is otherwise prohibited by law, including but not limited to any buffer in a Chesapeake Bay Act Resource Protection Area.

**Secs. 14-60—14-72. Reserved.**

This ordinance shall be effective upon adoption.

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