

## TITLE 13

### PROPERTY MAINTENANCE REGULATIONS<sup>1</sup>

#### CHAPTER

1. MISCELLANEOUS.
2. AUTOMOBILE JUNKYARDS.
3. OPEN BURNING.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. House trailers.

**13-101. Health officer.** The "health officer" shall be such municipal, county, or state officer as the governing body shall appoint or designate to administer and enforce health and sanitation regulations within the municipality. (1994 Code, § 13-101)

**13-102. Smoke, soot, cinders, etc.** It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1994 Code, § 13-102)

**13-103. Stagnant water.** It shall be unlawful for any person to knowingly allow any pool of stagnant water to accumulate and stand on his property. (1994 Code, § 13-103)

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<sup>1</sup>Municipal code references  
 Animal control: title 10.  
 Littering streets, etc.: § 16-107.

**13-104. Weeds.** Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the town recorder or chief of police to cut such vegetation when it has reached a height of over one foot (1'). (1994 Code, § 13-104)

**13-105. Dead animals.** Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1994 Code, § 13-105)

**13-106. Health and sanitation nuisances.** It shall be unlawful for any person to permit any premises owned, occupied or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1994 Code, § 13-106)

**13-107. House trailers.** It shall be unlawful for any person to park, locate or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the municipality and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1994 Code, § 13-107)

## CHAPTER 2

### AUTOMOBILE JUNKYARDS

#### SECTION

13-201. Regulation.

13-202. Definition.

13-203. Restriction.

13-204. Notice.

13-205. Remedy.

13-206. Penalty.

**13-201. Regulation.** It is hereby established that the Town of Gordonsville may regulate and license the maintenance of automobile junkyards and may prescribe fines and other punishment for violation of this chapter. (Ord. #01-04-09, Aug. 2001)

**13-202. Definition.** An automobile junkyard is defined as 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 it would not be economically practical to make operative, are placed, located or found. (Ord. #01-04-09, Aug. 2001)

**13-203. Restriction.** (1) No automobile junkyard shall be established within five hundred feet (500') of any street in the Town of Gordonsville, nor shall any automobile junkyard be established within one thousand feet (1,000') of any residence or dwelling as measured from the boundary line of the property on which the dwelling or residence is situated, provided that the aforementioned provision does not apply to properties specifically zoned by the Town of Gordonsville for use as an automobile junkyard.

(2) Any person who maintains an automobile junkyard shall erect a fence not less than eight feet (8') high and shall conceal the automobile junkyard from view of adjoining landowners or town streets. (Ord. #01-04-09, Aug. 2001)

**13-204. Notice.** The Town of Gordonsville shall notify the owner of record or occupier of the automobile junkyard by written notice addressed to the last known address of the owner of record or occupier to remedy the noted condition and bring said automobile junkyard in compliance within fifteen (15) days from the date of said notice. (Ord. #01-04-09, Aug. 2001)

**13-205. Remedy.** If the owner of record or the occupier refuses to remedy the condition to be remedied, the Town of Gordonsville may impose a fine, seek injunctive relief through any court of competent jurisdiction and impose a lien on property. (Ord. #01-04-09, Aug. 2001)

**13-206. Penalty.** The penalty for violation of any provision of this chapter shall be a fine no greater than fifty dollars (\$50.00) for each offense.

Every day the condition remains without remedy shall constitute a separate offense. (Ord. #01-04-09, Aug. 2001)

## CHAPTER 3

### OPEN BURNING<sup>1</sup>

#### SECTION

- 13-301. Permit regulations.
- 13-302. Application process.
- 13-303. Fee schedule.
- 13-304. Safety restrictions.
- 13-305. Time limits.
- 13-306. Supervision.
- 13-307. Violation and penalty.

**13-301. Permit regulations.** (1) It shall be unlawful for any person, firm, corporation, association or others, to cause, suffer, allow or permit open burning of any kind without having first obtained a permit as herein required, and without complying with the provisions of this chapter. It shall also be unlawful to violate, or vary from the terms of any such permit, except as provided in subsections (2) and (3) below.

(2) Open burning, as described in this section, may be conducted without permits provided that no public nuisance is, or will be, created by such burning.

(3) Fires used for cooking food, ceremonial or recreational purposes, barbecues, outdoor fireplaces, and fires set for the training and instruction of firefighters, do not need a permit.

(4) This grant of exemption shall in no way relieve the person, firm, corporation, association or others from the consequences, damages, or claims resulting from such burning; nor relieve the person, firm, corporation, association or others from the responsibility of using fire safe practices or from getting a permit from any other agency that may require such.

(5) Open burning shall be allowed inside the corporate limits of the town when a valid permit has been obtained from the mayor, fire chief or designate. (Ord. #980511, May 1998)

**13-302. Application process.** (1) Applications for such permits shall be made to the fire chief, mayor or such person as designated to receive such applications, and shall state the following nonexclusive:

- (a) Location of the intended open burning;
- (b) Purpose;

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<sup>1</sup>Municipal code reference  
Fire code: title 7, chapter 1.

- (c) Person, firm, corporation, association and/or others doing the actual specified work;
- (d) Name of the person, firm, corporation, association or others for whom the work is being done;
- (e) Hours of burning;
- (f) Any other information as may be deemed by the mayor, fire chief or designate, to be necessary to evaluate the permit application;
- (g) Signature of applicant on agreement stating the applicant will comply with all ordinances and laws relating to the burning to be done, if applicable.

The mayor, fire chief or designate will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the mayor, fire chief or designate, may issue an open burn permit, written or verbally, subject to terms and conditions provided herein. (Ord. #980511, May 1998)

**13-303. Fee schedule.** No fee shall be required to obtain an open burning permit. (Ord. #980511, May 1998)

**13-304. Safety restrictions.** (1) Any person, firm, corporation, association or others requesting the permit shall be certain that no detriment to the public health or damage to the land, water or air will be caused.

(2) Any person, firm, corporation, association or others open burning shall do so according to the terms and conditions of the application and permit authorizing the burning to be done.

(3) Any person, firm, corporation, association or others shall be responsible for using fire safe practices and for getting a permit from any other agency that may require such.

(4) Fires should not be left unattended.

(5) No person, firm, corporation, association or others is in no way relieved from the consequences, damages, or claims resulting from such burning.

(6) The fire department shall have the authority to forbid, restrict, or suspend any and all burning when the fire chief, or the senior fire officer in charge, has determined that conditions are hazardous for outdoor fires. (Ord. #980511, May 1998)

**13-305. Time limits.** (1) Any person, firm, corporation, association or others open burning shall have all fires extinguished one (1) hour before dark unless § 13-501 subsection (2) or (3) is applicable and/or the volunteer fire department<sup>1</sup> has previously been advised.

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<sup>1</sup>Municipal code reference

Volunteer fire department: title 7, chapter 2.

(2) Any exception must have the consent of the mayor, fire chief or designate, prior to the expiration of the time limit.

(3) Each permit shall be granted for a maximum of three (3) days, except as provided in subsection (2) above. (Ord. #980511, May 1998)

**13-306. Supervision.** Fires should not be left unattended. (Ord. #980511, May 1998)

**13-307. Violation and penalty.** (1) Any violation of this chapter shall constitute an offense and shall be punishable by a penalty under the general penalty provision of this municipal code; by revocation of permit, or by both penalty and revocation.

(2) Any person violating any of the provisions of this chapter shall be liable to the Town of Gordonsville for any expense, loss or damage incurred by the town to public property as a result of such violation.

(3) No person, firm, corporation, association or others is in any way relieved from the consequences, damages, or claims resulting from such burning.

(4) Violation of any provision of this chapter is hereby declared to be unlawful and shall be punishable as prescribed in the general penalty clause of this municipal code, Town of Gordonsville and/or as noted in this chapter. Each violation and/or each day any such violation occurs shall be deemed a separate offense.

(5) In addition to the penalties provided in the foregoing subsections, whenever a person, firm, corporation, association or others violate any provision of this chapter or fail to comply with any requirement of the Town of Gordonsville under authority of this chapter, the town may petition the appropriate court(s) for injunctive relief. (Ord. #980511, May 1998)