

Chapter 107NUISANCES**Sections:****107-1 CHAPTER TO BE SUPPLEMENTAL****107-2 PROHIBITION****107-3 RESPONSIBILITY OF REAL PROPERTY OWNERS OR OCCUPANTS****107-4 CONDITION OF PROPERTY****107-5 ENUMERATION OF NUISANCES****107-6 INSPECTIONS AND INVESTIGATIONS****107-7 RIGHT OF ENTRY****107-8 NOTICE TO CEASE AND DESIST****107-9 NOTICE TO ABATE****107-10 PROCEDURE UPON FAILURE OF OWNER TO ABATE****107-11 EFFECT OF CHAPTER ON ARREST FOR MAINTENANCE OF NUISANCE**

Adopted by the Town Council of the Town of Front Royal as Chapter 107 of the Town Code by Ordinance No. 17-99 on 10-25-99

107-1 CHAPTER TO BE SUPPLEMENTAL

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

107-2 PROHIBITION

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

107-3 RESPONSIBILITY OF REAL PROPERTY OWNERS OR OCCUPANTS

Each owner, lessee, tenant, occupant or person in charge of any real property within the Town and each agent or representative of any such person is hereby charged with responsibility for the maintenance and use of such real property in such manner that no use of or activity or condition upon or within such real property shall constitute a nuisance; and all such persons are hereby charged with the duty of observing all of the provisions of this Chapter, but such responsibility

shall not be construed to permit any other person not charged with such responsibility to commit or maintain any nuisance upon or within any real property in the Town.

107-4 CONDITION OF PROPERTY

It shall be unlawful for the owner of any dog to knowingly or willfully allow his dog to urinate or defecate on public property; provided, that urination by a dog on curbs of streets and in alleys, streets or areas posted by the Town Manager as dog exercise areas shall not constitute a violation of this section; and provided, further, that defecation by a dog on public property out of doors shall not constitute a violation of this section if the owner of the dog immediately removes the material defecated and disposes of it in a manner not inconsistent with the provisions of this section.

107-5 ENUMERATION OF NUISANCES

A. The following acts when committed or conditions when existing within the Town are hereby defined and declared to be nuisances:

1. An act done or committed or aided or assisted to be done or committed by any person or any substance, being or thing kept, maintained, placed or found in or upon any private place which is injurious or dangerous to the public health or safety.
2. All buildings, bridges, or other structures of whatever character kept or maintained or which are permitted by any person owning or having control thereof to be kept or maintained in a condition unsafe, dangerous, unhealthy, injurious or annoying to the public.
3. All trees and other appendages of or to realty kept or maintained or which are permitted by any person owning or having control thereof to be kept or maintained in a condition unsafe, dangerous, unhealthy, injurious or annoying to the public.
4. All standing water, animal matter, or vegetable matter, or other substance that is or is liable to become putrid, offensive, annoying, baneful, or unhealthy.
5. All obstructions caused or permitted on any street or sidewalk to the danger or annoyance of the public and all stones, rubbish, dirt, filth, slops, vegetable matter or other article thrown or placed by any person on or in any street, sidewalk or other public place which in any way may cause any injury or annoyance to the public.
6. All stables, cattle yards, hog, sheep or cow pens or yards for poultry permitted by the owner thereof or the person responsible therefor to be in such a condition as to become offensive, annoying or injurious to the public.
7. All structures and places where explosive or combustible substances, liquids or gasses are stored or used in such manner as to constitute a hazard to the safety or health of persons or a hazard to property.

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

107-6 INSPECTIONS AND INVESTIGATIONS

It shall be the duty of the Town Manager or his designee to cause inspections to be made from time to time of all portions of the Town to determine whether any condition exists or activity is being practiced which constitutes a nuisance; and the Town Manager or his designee shall cause an investigation to be made upon complaint made by any responsible person.

107-7 RIGHT OF ENTRY

The Town Manager or his designee and, when appropriate, the County Health Officer and his assistants shall have the right to enter upon private premises for the purposes specified in Section 107-6, upon compliance with all applicable provisions of law. [Unless it appears probable that advance warning would defeat the purpose of such entry, occupants or premises to be entered shall be given reasonable notice in advance, and in any case it shall be unlawful for any owner or occupant to prevent such entry which is sought to be made in compliance with law.

107-8 NOTICE TO CEASE AND DESIST

If at any time the Town Manager or his designee or the County Health Officer shall find that activity or practice which constitutes a nuisance is occurring within the Town, he shall promptly and by the most expeditious means notify the violator to cease and desist forthwith.

107-9 NOTICE TO ABATE

If at any time the Town Manager or his designee or the Health Officer shall find that a condition which constitutes a nuisance exists within the Town, he shall give notice, in writing, to the owner, occupant or person in charge of the premises upon which condition exists, stating therein the condition which constitutes a nuisance and directing such addressee to remedy the condition within the time stated in such notice, which shall be not more than ten (10) days; and it shall be unlawful for any such owner, occupant or person in charge to fail to comply with the terms of such notice, provided that any owner, occupant or person in charge may, within two (2) days from the service thereof, appeal to the Town Council, in which case the terms of such notice shall be stayed pending action of the Town Council, which shall be final; provided, further, that if the Health Officer shall state in such notice that the condition which constitutes a nuisance is such as to be an imminent hazard to the health, safety or welfare of the public or any person within or near the premises upon which such nuisance exists, then the addressee shall comply with the terms of such notice.

107-10 PROCEDURE UPON FAILURE OF OWNER TO ABATE

A. Upon failure of any person to whom notice has been given pursuant to § 107-9 to comply with the terms of such notice or with the terms imposed by the Town Council on appeal, as the case may be, the Town Manager shall forthwith direct the appropriate Town officer to remedy the condition which is the subject of such notice, and the expense incurred by the Town in so doing shall be charged to the addressee of such notice, to be collected in the same manner as county taxes or in any other manner authorized by law.

B. Abatement by the county of any condition which constitutes a nuisance and reimbursement to the county of expenses incurred thereby shall not bar prosecution for maintenance of a nuisance.

107-11 EFFECT OF CHAPTER ON ARREST FOR MAINTENANCE OF NUISANCE

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