

ARTICLE II.

CONDITION OF PRIVATE PROPERTY*

* Editors Note: Portions of Art II. were adopted or amended on May 27, 1950, June 17, 1961 and Sept. 21, 1968. See the County Board minutes for details.

§ 10-12. Definitions.

The following words and terms, when used in this article, shall have the following meanings unless the ARLINGTON COUNTY CODE TRASH, RECYCLING AND CARE OF PREMISES context clearly indicates otherwise:

“Danger or hazard to public health or safety” means a condition, as determined by the County Manager or his designee, in which it is reasonably certain or foreseeable that the healthful or sanitary condition or safety of the general body of people in the County is being or will be reduced or that the healthful or sanitary conditions or safety of persons whom it is in the general County interest to protect is being reduced. Dangers to health or safety may include, by way of illustration and not limitation, trees or parts thereof in danger of falling on the County right-of-way or other public lands, and conditions which may cause disease (including allergic reactions), harbor vermin and other animals, provide shelter or cover for unlawful activities, or be a source for the spread of litter or weeds to the property of others.

“Foreign Growth” means invasive plants introduced by human activity into a region in which they did not evolve and which cause harm to natural resources, economic activity, or humans. Information on foreign growth may be found in the Virginia Invasive Plant Species List, within the Virginia Department of Conservation and Recreation.”

“Lawn Area” means an area of land planted predominantly with grasses that form a uniform, long lived groundcover that can tolerate foot traffic and low mowing heights (usually three inches or below), but not a planned, intentional, and maintained planting of grasses, wildflowers, forbs, ferns, shrubs, and trees, including but not limited to rain gardens, conservation landscaping, native plant gardens and meadow vegetation, and ornamental and agricultural plantings.

“Occupant” means any person who has possessory rights or exercises the right to possession of any dwelling unit or rooming unit and who has the right to control or exercises control over the physical conditions of such dwelling unit or rooming unit.

“Owner” means any person who, alone or jointly, or severally with others:

- (1) Shall hold legal title to the property provided that each title may be less than a fee simple; or
- (2) Shall have charge, care, or control of property, dwelling or dwelling unit, as owner, lessee, agent executor, administrator, trustee, or guardian.

“Property” means any land, whether unimproved or improved with buildings or other structures and whether unoccupied or occupied by any person.

“Vacant property” means property, whether or not improved, which is not occupied by any person.

“Weeds” mean an unmanaged plant of rank growth that tends to overgrow or choke out plants that have economic, aesthetic, ecological or botanical value.

(2-21-81; 4-24-82; Ord. No. 85-43, 2-1-86; Ord. No. 96-7, 5-11-96; Ord. No. 12-08, 6-16-12)

§ 10-13. Duty of Property Owner to Cut Grass, Weeds, Maintain Lawns Areas, Trees, Etc.

A. It shall be the duty of each owner of vacant property to cut grass or lawn area, weeds, and other foreign growth ~~(which may include trees or parts thereof)~~ on such property when such growth on such property creates a health or safety hazard.

B. It shall be the duty of any property owner to remove trees or parts thereof on such property when such growth on such property poses danger or hazard to public health or safety.

CB. It shall be the duty of each owner of occupied residential and commercial real property to cut the grass or lawn area of less than one-half (1/2) acre on such property within ten (10) days after notice from the County Manager or designee when the growth on such grass or lawn area exceeds twelve (12) inches in height. The County may, if the grass or lawn is not cut, after thirty (30) days' notice, have such grass or lawn area cut by the County's agents or employees and the cost thereof shall be charged to and paid by the owner of such property and may be collected by the County as taxes and levies are collected.

(2-21-81; 4-24-82; Ord. No. 93-18, 9-22-93; Ord. No. 96-7, 5-11-96)

§ 10-14. Duty of Either the Property Owner, Occupant or Both to Properly Maintain Property.

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It shall be the joint and several duty of the property owner and the occupant of each parcel of property in the County to keep such property free from all trash, garbage, refuse, litter, debris, or other substances which might endanger the health or safety of other residents of the County.

§ 10-15. Duty of Each Property Owner or Occupant of Property to Cut Back Obstructing Vegetation.

It shall be the joint and several duty of each owner or occupant of property to cut back or remove trees or parts thereof, hedges, shrubs, vines and other vegetation which encroaches upon any sidewalk, alley, roadway, street or highway and which impairs or obstructs any pedestrian or vehicular traffic. Such growth higher than ten (10) feet above the surface of a walk or roadway need not be removed unless such growth creates a health or safety hazard.

§ 10-16. Notice of Violation.

Whenever the County Manager determines that a property owner or occupant has violated this article, the Manager shall cause a notice of violation to be served on said owner or occupant.

§ 10-17. Failure to Perform Duties Relating to Property upon Violation Notice from the County Manager.

If a property owner or occupant fails to comply with the requirements of a notice issued under the provisions of §§ 10-13, 10-14, and 10-15 the County Manager or designee shall be empowered to enter upon the property to correct the violation. The cost or expense thereto shall be charged to the owner of the property and shall be collected by the County in the same manner as taxes and levies are collected.

§ 10-18. Right to Property Owner or Occupant to Appeal Violation Notice.

Upon service of a violation notice as provided in § 10-16 above, any property owner or occupant shall have the right to appeal such violation notice or requirements specified therein and shall be granted a hearing before the County Manager or designee, provided that a written appeal and request for hearing is received by the County Manager within five (5) working days after service of the notice. Upon receipt of such an appeal or request, the County Manager shall advise the appellant of the time and place for the hearing, shall convene the hearing, shall consider the evidence and shall render a decision in writing and provide a copy to the appellant within five (5) working days following the hearing.

§ 10-19. Reserved.

Editor's note--Former § 10-20 was repealed by Ord. No. 90-26, adopted Aug. 11, 1990.

The repealed provisions pertained to the authority of the County to require removal, repair, etc., of dangerous structures and derived from legislation of Feb. 21, 1981 and April 24, 1982.

§ 10-20. Penalties for Failure to Comply with this Article.

Violations of §§ 10-13, 10-14, and 10-15 may be pursued as civil penalties.

In case of the violation of §10-13, any provisions of this chapter the owner, lessee, tenant or agent shall be subject to a civil penalty of one hundred dollars (\$100.00) for the first violation. This penalty shall be imposed after a warning has been issued that gives the owner, lessee, tenant or agent a specified time within which to comply with the chapter. Any person who continues to violate such provision of this chapter shall be subject to a civil penalty of one hundred fifty dollars (\$150.00) for each subsequent violation. No person shall be cited for a violation more than once in any ten (10) day period, and no person shall be fined more than a total of three thousand dollars (\$3,000.00) for all violations arising out of the same set of operative facts.

In case of the violation of § 10-14, the owner, lessee, tenant or agent shall be subject to a civil penalty of one hundred dollars (\$100.00) for the first violation. This penalty shall be imposed after a warning has been issued that gives the owner, lessee, tenant or agent a specified time within which to comply with the chapter. Any person who continues to violate such provision of this chapter shall be subject to a civil penalty of one hundred fifty dollars (\$150.00) for each subsequent violation. No person shall be cited for a violation more than once in any ten (10) day period, and no person shall be fined more than a total of three thousand dollars (\$3,000.00) for all violations arising out of the same set off acts

In case of the violation of §10-15, the owner, lessee, tenant or agent shall be subject to a civil penalty of fifty dollars (\$50.00) for the first violation. The civil penalty for subsequent violations not arising from

the same set of operative facts within 12 months of the first violation may be more than fifty dollars (\$50.00), but cannot exceed two hundred dollars (\$200.00). Each business day during which the same violation is found to have existed constitutes a separate offense. Violations arising from the same set of operative facts cannot result in civil penalties that exceed a total of three thousand dollars (\$3,000.00) in a 12-month period.

Civil penalties shall be imposed by the issuance of a civil citation issued by the County manager or designee. Any person served with a citation shall have thirty (30) days in which either to pay a fine to the Treasurer of Arlington County, Virginia, or to appeal the violation to the General District Court.

(2-21-81; 4-24-82; Ord. No. 98-12, 4-18-98)