

ANIMALS AND FOWL.

~~(amended effective 8/1/2006)~~ (Amended effective ____ -2025)

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Sec. 4-1. Violations.

Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a class 4 misdemeanor.

Sec. 4-2. - Enforcement of this chapter.

The provisions of this chapter may be enforced by any county or town animal control or law enforcement officer.

Sec. 4-3. - Definitions.

All definitions of words and phrases contained in the Code of Virginia § 3.2-6400, as well as those definitions identified below are hereby adopted and shall apply to such words and phrases when used in this chapter, unless clearly indicated to the contrary.

Hearing dog: A dog trained to alert its owner to sounds of danger and sounds to which the owner should respond.

Pig or pigs: Swine of all ages and types.

Service dog: A dog trained to accompany its owner to carry items, retrieve objects, pull a wheelchair or conduct other service or support activities.

Wild or exotic animals: Any (i) live monkey (nonhuman primate), raccoon, skunk, wolf, squirrel, fox, leopard, panther, tiger, lion, lynx or any other warm-blooded mammal, (ii) poisonous or venomous snake, (iii) tarantula, (iv) other poisonous or venomous animal normally found in the wild, or (v) any member of the crocodilian family including, but not limited to, alligators, crocodiles, caimans, and gavials. Nonpoisonous or nonvenomous snakes, ferrets, rabbits, laboratory rats, gerbils, hamsters and other similar small mammals, and other domesticated animals which have been bred in captivity are not wild or exotic animals.

Sec. 4-4. Keeping certain animals – Prohibited.

It shall be unlawful for any person to keep, pasture, board, quarter or raise all caprine, goats, fowl, chickens, roosters, ducks, turkeys, swine, hogs, horse, pony, mule, jackass or other equine, bovine or cows within town limits. Any such action shall be deemed a nuisance pursuant to the provisions of Section 11-1. Such nuisance shall be abated pursuant to Section 11 - 1 and such costs shall be collected from such offender in the manner for the collection of fines for the violation of this code or other ordinances in the town. (6-4-56, §§ 1, 2. Amended 5-20-2000)

Sec. 4-5. Keeping of wild or exotic animals-Prohibited.

- 1. No person shall keep or permit to be kept on his premises any wild or exotic animal as a pet, for display, or for exhibition purposes, whether gratuitously or for a fee.*
- 2. This prohibition shall not apply to performing animal exhibitions, circuses, veterinary clinics, or indoor/outdoor recreational facilities which have proper zoning and licenses from the government; provided however, that no person shall exhibit or display any wild or exotic animal in a manner so that persons other than their handlers can pet, fondle or come in direct physical contact with them.*
- 3. The owner of any wild or exotic animal as defined in subsection (a), found to be running, roaming, or otherwise at large off of the owner's property shall reimburse the county for its actual costs incurred, including without limitation the actual cost of the time expended by the animal warden, deputy animal warden or other county personnel, in locating and capturing or otherwise disposing of the animal.*
- 4. Nature centers, refuges or parks owned or operated by the federal, state or local government are exempt from this section.*

Sec. 4-6. Keeping of Dogs.

Section 5, Article II, of the Rockbridge County Code shall be governing law regarding the keeping of dogs and for rules regarding impoundment, licensing and other applicable regulations. Rockbridge County provides animal control law enforcement to the Town through the Sheriff's

Office. *Notwithstanding the above, not more three (3) dogs of six (6) months or age or older shall be permitted to be kept on the premises of the owner.*

Sec. 4-7. Running at large - Prohibited.

~~Any owner or person in control of any permitted animal, other than a dog, who shall allow such animal to stray or to run at large within the town shall, once identified, be liable to the Town for a civil penalty of \$25.00 for the first offense and \$50.00 for the second and third offense if such animal is spayed/neutered, and liable for an additional civil penalty of \$25.00 per offense if the animal is not spayed/neutered. If such animal is identified as being allowed to run at large within the Town on more than three separate identifiable incidents, it shall be deemed a nuisance and the owner of such animal shall be subject to prosecution under Section 11 of this Code. The payment of such civil penalty shall not limit the owner's liability for any damage done to other property or person(s), or the ability owners of such property, or such persons, to seek recovery at law. For regulations regarding dogs running at large, refer to Section 4-3 of this Code.~~

1. *Any person owning, keeping or harboring any dog within the town that is found running at large shall be guilty of a class 4 misdemeanor. For the purposes of the section, a dog or cat shall be deemed to run at large while roaming, running or self-hunting off the property of its owner or custodian.*
2. *It shall be the responsibility of any person owning, keeping or harboring any dog within the town to keep such dog confined to the premises of such person. The words "confined to the premises" shall be construed to mean that such dog shall be kept on the owner's or custodian's premises, unless in the custody of a responsible person.*
3. *This section shall not apply where the owner, custodian or trainer has released a dog for the express purpose of hunting game in an area zoned agricultural, where it is lawful to hunt, or competing in field trials or training, and such dog becomes temporarily out of control of such owner, custodian or trainer or is returning to the place of release after the hunt or chase. If such dog is observed violating any other section of this Code, or committing an unlawful act under state law, it shall become subject to impoundment; and the owner, custodian or trainer shall be liable for all fines as prescribed by law.*
4. *In addition to the penalty provided in section 4-301.a, the owner or custodian of any dog found running at large in a pack shall be subject to a civil penalty of \$100.00 per dog so found. A dog shall be deemed to be running at large in a pack if it is running at large in the company of one or more other dogs that are also running at large. Any civil penalty collected pursuant to this subsection shall be deposited by the treasurer of the county pursuant to the provisions of Code of Virginia § 3.2-6434, as amended.*

Sec. 4-8. Leash Law

- 1. It shall be unlawful for the owner of any dog to allow any dog to run at large within the town. Any animal control officer or law enforcement officer may cause any dog found running at large to be caught and confined in the county animal shelter.*
- 2. Any person who does not restrain their dog, in accordance with this section, whether such person be the owner or custodian of such dog, shall be guilty of a class 4 misdemeanor. Any animal control officer or law enforcement officer may issue a summons to any person found to be in violation of this section.*
- 3. This section shall not apply to:*
 - a. Any dog used by law-enforcement agencies, or any dog under contract by law-enforcement agencies.*
 - b. Any person who uses a dog under their or her direct supervision while lawfully hunting, while engaged in a supervised, formal obedience training class or show, or during formally sanctioned field trials.*

Sec. 4-9. Barking Dogs

- 1. The harboring or keeping of any dog whose barking, whining or howling creates noise that is plainly audible at least once a minute for ten (10) consecutive minutes, either (1) inside the confines of the dwelling unit, house or apartment of another or (2) at fifty (40) or more feet from the dog is hereby declared to be a nuisance and unlawful.*
- 2. Citizens affected by a barking dog are responsible for contacting the dog's owner, prior to contacting town and/or county animal control or law enforcement officials, to attempt to resolve differences and objections with the owner of the barking dog. Documentation of attempts to resolve the barking dog nuisance should be maintained by the complainant to support enforcement by town and/or county enforcement personnel.*
- 3. Any citizen annoyed by a dog in violation of this section may institute their own criminal or civil proceeding to resolve a barking dog problem.*
- 4. An animal control officer or police officer may issue a summons to any person found to be in violation of this section.*
- 5. Upon a finding by the judge that a dog made noise in violation of this section, the owner or custodian shall be deemed guilty of a Class 2 misdemeanor.*

Sec. 4-10. Nuisance animals generally.

- 1. No owner shall fail to exercise proper care and control of their animals to prevent them from becoming a public nuisance. Molesting a passerby, attacking without seriously injuring any person without provocation on two (2) or more occasions, chasing vehicles,*

habitually attacking but not seriously injuring other domestic animals, trespassing upon public property, or trespassing upon private property in such manner as to damage property shall be deemed a nuisance. Three (3) or more violations of sections 4.7, 4.8 or 4.9 of this Chapter in any twelve-month period shall also be deemed a nuisance.

- 2. Any person owning or having in their possession or under their control any animal constituting a nuisance shall be summoned before the general district court of the county to show cause why such animal should not be confined, disposed of or removed or the nuisance otherwise abated and, upon proof that the animal constitutes a public nuisance, the animal in question shall, by order of the general district court of the county, either be confined, removed from the town, or the nuisance activity otherwise abated as such court shall order. It shall be unlawful and shall constitute contempt of court for any person to harbor or conceal any animal which has been ordered disposed of or removed by the general district court, or to fail to confine or restrain an animal when such an order has been entered by the court.*
- 3. Any person who owns any dog or other animal that has been adjudged a nuisance pursuant to this section by the general district court and who appeals that decision to the circuit court shall be responsible for the fees connected with the impounding of the animal by county animal control officers. If on appeal the circuit court determines that the dog, cat or other animal is not a nuisance, no such fees for the impounding of the animal shall be imposed.*

Sec. 4-11. Cruelty to Animals

Allegations of violations of provisions of the Code of Virginia § 3.1-796.122 shall be reported to Rockbridge County Animal Control officers for investigation.

Sec. 4-12. Town Declared Bird Sanctuary.

All of the area embraced within the corporate limits of the town is hereby designated as a bird sanctuary.

(6-5-67, § 1.)

Sec. 4-13. Molesting or destroying birds prohibited, exception

It shall be unlawful to trap, shoot or attempt to shoot or molest, in any manner, any bird or wild fowl, or to rob bird nests or wild fowl nests; provided, that if starlings, pigeons or birds of prey are found to be congregated in such numbers in a particular locality that they constitute a nuisance or a menace to health or property, then a land owner may destroy such birds congregating on his property, in such numbers, and in such manner as he deems advisable; provided further, that before any such birds are destroyed by the firing of firearms, the person

wishing to destroy such birds by this method shall obtain written permission from the town manager.

Chapter 17 – Nuisances and Property Maintenance

ARTICLE I - General Provisions

Sec. 17-1. - Title and authority.

This chapter may be known and cited as the "Town of Glasgow Property Maintenance Code".

This chapter has been enacted pursuant to the Code of Virginia (1950), as amended, and shall be administered consistently with the provisions of the Uniform Statewide Building Code, and regulations promulgated thereunder, applicable to or adopted by the Town.

Sec. 17-2. - Definitions and word usage.

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. The masculine gender is used for convenience only; a word importing such gender may extend and be applied to females, and other persons, as well as males. Consistent with the context, words used in the singular contemplate and include the plural, and words used in the plural contemplate and include the singular.

Bulk waste. Appliances, furniture, bedding material, automobile parts, mechanical equipment, mechanical parts, carpet or similar material.

Clutter. Includes mechanical equipment, household furniture, containers, *junk*, *waste*, 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.

Commercial waste. All materials or substances from any retail, wholesale, or commercial establishment.

Dump. To throw, release, spill, leak, discard, place, deposit or dispose of or allow to be thrown, released, spilled, leaked, discarded, placed, deposited or disposed.

Hazardous waste. Insecticides, poisons, corrosives, combustibles, caustics, acids, infectious materials, explosives, compressed gases, biological and chemical materials, radioactive materials, flammable materials, and petroleum products, or similar materials.

Industrial waste. All materials or substances related to manufacturing, processing or production.

Inoperable motor vehicles. Any one or more of the following:

(i) any motor vehicle which is not in operating condition.

(ii) any motor vehicle which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle; or

(iii) any motor vehicle on which there are displayed neither valid license plates nor a valid inspection decal.

Junk. Any wastepaper, rags, scrap metal, inoperable vehicles, automobiles, machinery or equipment, or dismantled **automobiles**, vehicles, machinery or equipment or parts thereof.

Junkyard. The use of any lot or parcel for outdoor storage and/or sale of wastepaper, rags, scrap metal, tires or other materials, including the storage of automobiles or other vehicles, **machinery or equipment** or dismantling of such vehicles or **machinery or equipment** or parts thereof.

Litter. Any can, bottle, box, carton, container, paper, wrapper, tobacco product, rag, cloth or newspaper.

Nuisance. Includes, but is not limited to, dangerous or unhealthy substances which have escaped, spilled, been released or which have been allowed to accumulate in or on any place and all unsafe, dangerous, or unsanitary public or private buildings, walls, or structures which constitute a menace to the health and safety of the occupants thereof or the public.

Person. Any individual, firm, owner, sole proprietorship, partnership, corporation unincorporated association, governmental body, municipal corporation, executor, administrator, trustee, guardian, agent, occupant or other legal entity.

Property. Any lot or contiguous group of lots under single ownership.

Responsible party. Includes, but is not limited to, the owner, occupier, or possessor of the premises where the nuisance is located, the owner or agent of the owner of the material which escaped, spilled, or was released and the owner or agent of the owner who was transporting or otherwise responsible for such material and whose acts or negligence caused such public nuisance.

Shielded or screened from view. Not visible by someone standing at ground level from outside of the property on which the subject vehicle is located, ***by means of a completely opaque fence or enclosed structure.***

Solid waste. Any litter, garbage, trash, industrial waste, bulk waste, yard waste, commercial waste, hazardous waste, structural waste, tires, or any other condition, substance, material, product or thing which may be detrimental or potentially harmful to health, safety, comfort and general welfare of the public or the environment.

Town manager. The town manager appointed by the Town Council of Glasgow, or his designee, *including* any law enforcement officer, or duly designated sworn special police officer.

Weeds. Vegetative growth generally deemed to exhale unpleasant and noxious odors; to be foreign growth, undesirable, rank or detrimental to public health or safety; or to have minimal use or value.

Structural waste. All building materials resulting from erecting, removing, repairing, remodeling or razing buildings or other structures.

Yard waste. All materials derived from trees, shrubbery, leaves, fallen branches, lawn trimmings, and other woody waste.

Article II - Nuisances.

Sec. 17-3. Nuisances Prohibited

- a) It shall be unlawful for any person to create or maintain anything which is deemed a nuisance under the common law or the statutes of the Commonwealth of Virginia. Each violation of this section shall be a class 4 misdemeanor, and the court may, in addition to a fine, order the nuisance to be abated or removed, prescribing the time within which such order shall be executed. Should the nuisance not be abated or removed in accordance with the court's order, the offending person shall be guilty of a class 4 misdemeanor, and the court may cause such nuisance to be abated or removed at the cost of the offending person.
- b) In addition to the remedy provided by the Code of Virginia, § 48-5 and any other remedy provided by law, the Town may maintain an action to compel a responsible party to abate, raze, or remove a public nuisance. If the public nuisance presents an imminent and immediate threat to life or property, then the Town may abate, raze, or remove such public nuisance, and may bring an action against the responsible party to recover the necessary costs incurred for the provision of public emergency services reasonably required to abate any such public nuisance.

(Authorizing State Statute § 15.2-900.)

Article III Trash, Garbage and Other Substances

Sec. 17-4. Accumulations of Trash, Garbage and Other Substances Prohibited.

- (a) No owner of any occupied or vacant property shall permit to accumulate or remain accumulated thereon any trash, garbage, refuse, litter, clutter, waste or other substances which might endanger the health or safety of other residents of the town.

- (b) It shall be the joint responsibilities of the owner and occupant of any residential, commercial or industrial lands or buildings to provide sufficient containers for storage of any trash, garbage, refuse, litter, clutter, waste or other debris to prevent overflow between times of collection, and to maintain the premises in accordance with the standards of this chapter. Such containers shall be equipped with a tight-fitting lid and shall be water-tight, rodent-proof and fly-proof.

Sec. 17-5. Notice; Abatement by the town; Unpaid costs to constitute a lien on the property.

- (a) The town manager shall give notice in writing to the owner of land found to be in violation of section 17-3 that such violation must be corrected within ten days from the date of the notice or the town may abate the violation, bill the owner for the costs and collect the costs like taxes in the event of nonpayment by the owner. Such notice shall be sent by registered or certified mail to the last known address of the owner as shown on the current real estate tax assessment books and shall be posted on the property for a period of ten days stating the nature of the violation, the action which is being taken to correct or eliminate the violation and an address and/or telephone number where additional information can be obtained concerning the violation.
- (b) If the written notice is undeliverable, or if, after receipt of the written notice, the owner fails to abate the violation, the violation may be abated by the town. If the owner of the property denies free access for such purposes, the town manager or his designee may proceed after obtaining a warrant from a Virginia court of competent jurisdiction. Costs and expenses incurred by the town shall be assessed against the owner of the property and shall be recoverable in the same way as taxes and levies.
- (c) 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 ranking on a parity with liens for unpaid local real estate taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1. A town may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.
- (d) Abatement of the violation by the town pursuant to this section shall preclude the subsequent imposition of a civil or criminal penalty for the same violation.

Sec. 17-6. Penalty.

- (a) Any owner who commits or permits any violation of section 17-3, whether by act or omission, shall be subject to a civil penalty of \$50.00 for the first violation or any subsequent violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall be \$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 set of operative facts result in civil penalties that exceed a total of \$3,000.00 in a 12-month period.
- (b) Except as provided in this subsection, the issuance of a civil penalty shall be in lieu of criminal penalties and shall preclude prosecution of such violation as a misdemeanor. In the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period, any subsequent violation not arising from the same set of operative facts shall be a class 3 misdemeanor. Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.

(Authorizing Statute § 15.2-901)

ARTICLE IV. WEEDS AND GRASS

Sec. 17-7. Cutting of weeds and grass required.

The owner of any property within the town, shall cut the grass, weeds, and other foreign growth on such property when such grass or weeds reach a height of 9 inches or greater.

Sec. 17-8. Notice; Abatement by the town; unpaid costs to constitute a lien on the property

- (a) When grass or weeds with a height of ten (10) inches or greater are found on any such property, the town manager may give written notice to the property owner, indicating that such violation must be corrected within ten days from the date of the notice or the town may abate the violation, bill the owner for the costs and collect the costs like taxes in the event of nonpayment by the owner. Such notice shall be sent by certified and first class mail to the last known address of the owner as shown on the current real estate tax assessment books and shall be posted on the property at least ten days prior to the date by which compliance is required, stating the nature of the violation, the action which is being taken to correct or eliminate the violation and an address and/or telephone number where additional information can be obtained concerning the violation. Only one such notice per growing season shall be required to be posted and mailed where the subject property is unoccupied.

- (b) If the written notice is undeliverable or if, after receipt of the written notice, the property owner fails to cut such grass or weeds, the town manager may have such grass or weeds cut, whether the property is occupied or vacant. Where the property is not occupied, the town manager may have the grass or weeds cut at reasonable intervals following the posting and mailing of the first notice per growing season and without further notice. If the person owner of the property denies free access for such purposes, the town manager or his/her designee may proceed after obtaining a warrant from a Virginia court of competent jurisdiction. Costs and expenses incurred by the town shall be assessed against the owner of the property and shall be recoverable from the owner in the same way as taxes and levies.
- (c) 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 ranking on a parity with liens for unpaid local real estate taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1. A town may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.
- (d) Abatement of the violation by the town pursuant to this section shall preclude the subsequent imposition of a civil or criminal penalty for the same violation.

Sec. 17-9. Penalty.

- (a) Any owner who commits or permits any violation of this article, whether by act or omission, shall be subject to a civil penalty of \$50.00 for the first violation, or violations arising from the same set of operative facts.
The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall not exceed \$200. 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 set of operative facts result in civil penalties that exceed a total of \$3,000 in a 12-month period or, in the case of property that is zoned or utilized for industrial or commercial purposes, \$6,000 in a 12-month period.
- (b) Except as provided in this subsection, the issuance of a civil penalty shall be in lieu of criminal penalties and shall preclude prosecution of such violation as a misdemeanor. In the event three civil penalties have previously been imposed on the same defendant for

the same or similar violation, not arising from the same set of operative facts, within a twenty-four (24) month period, any subsequent violation not arising from the same set of operative facts shall be a class 3 misdemeanor. Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.

(Authorizing Statute § 15.2-901)

Article V. Inoperable Vehicles and Junk

Sec. 17-10 Prohibition on Keeping of Inoperable Vehicles

- a) It shall be unlawful for any person to keep, unless shielded or screened from view on any property zoned for residential or commercial purposes, any motor vehicle, trailer or semitrailer, as such are defined in § 46.2-100, which is inoperable.
- b) It shall be unlawful for any person to maintain a junkyard as defined in Section 17.2 above.
- c) The provisions of this section shall not apply to a licensed business which on June 26, 1970, is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.
- d) Notwithstanding any other provisions of this article, if the owner of an inoperable vehicle can demonstrate that he is actively restoring or repairing the vehicle, and if it is shielded or screened from view, then that vehicle and one additional inoperable motor vehicle being used for the restoration or repair that is shielded or screened from view may remain on the property.

Sec. 17-11. Notice; Abatement by the town; unpaid costs to constitute a lien on the property

- (a) When inoperable vehicles are found on any residential or commercially zoned property, the town manager may give written notice to the property owner, indicating that such violation must be corrected within twenty-one days from the date of the notice or the town may abate the violation, bill the owner for the costs and collect the costs like taxes in the event of nonpayment by the owner. Such notice shall be sent by certified and first class mail to the last known address of the owner as shown on the current real estate tax assessment books and shall be posted on the property at least twenty-one days prior to the date by which compliance is required, stating the nature of the violation, the action which is being taken to correct or eliminate the violation and an address and/or telephone number where additional information can be obtained concerning the violation.
- (b) In the event the town, through its own agents or employees, removes any such motor vehicles, trailers or semitrailers; after having given reasonable notice, the town may

remove such motor vehicles, trailers or semitrailers from the property. In the event the town, through its own agents or employees, removes any such motor vehicles, trailers or semitrailers; after having given such reasonable notice, the town may dispose of such motor vehicles, trailers or semitrailers after giving additional notice to the owner of the vehicles. If the person owner of the property denies free access for such purposes, the town manager or his/her designee may proceed after obtaining a warrant from a Virginia court of competent jurisdiction. Costs and expenses incurred by the town shall be assessed against the owner of the vehicle or premises and shall be recoverable from the owner in the same way as taxes and levies. Every cost authorized by this section with which the owner of the premises has been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such costs has been made to the town.

- (c) Every charge authorized by this section with which the owner of the 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 real estate taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1.
- (d) Abatement of the violation by the town pursuant to this section shall preclude the subsequent imposition of a civil or criminal penalty for the same violation.

Sec. 17-12. Penalty.

- (a) Any owner who commits or permits any violation of this article, whether by act or omission, shall be subject to a civil penalty of \$50.00 for the first violation, or violations arising from the same set of operative facts.

The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall not exceed \$200. 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 set of operative facts result in civil penalties that exceed a total of \$3,000 in a 12-month period or, in the case of property that is zoned or utilized for industrial or commercial purposes, \$6,000 in a 12-month period.

- (b) Except as provided in this subsection, the issuance of a civil penalty shall be in lieu of criminal penalties and shall preclude prosecution of such violation as a misdemeanor. In the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a twenty-four (24) month period, any subsequent violation not arising from the same set

of operative facts shall be a class 3 misdemeanor. Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.

(Authorizing Statute § 15.2-904)

ARTICLE VI. Maintenance of Buildings and structures

Sec. 17-13. Removal, repair, etc., of buildings and other structures

Every owner of improved property shall maintain any wall, building or so as not to fall into a state of disrepair, deterioration of damage such that it may endanger the public health or safety of other residents of the town.

Sec. 17-14. Notice; Abatement by the town; unpaid costs to constitute a lien on the property

- a) The town manager may give notice in writing to the owner of property to remove, repair or secure any building, wall or any other structure that might endanger the public health or safety of other residents of the town indicating that such violation must be corrected within thirty days from the date of the notice or the town may abate the violation. For purposes of this section, repair may include maintenance work to the exterior of a building to prevent deterioration of the building or adjacent buildings. For purposes of this section, reasonable notice includes a written notice (i) mailed by certified or registered mail, return receipt requested, sent to the last known address of the property owner and (ii) published once a week for two successive weeks in a newspaper having general circulation in the town. No action shall be taken by the town to remove, repair, or secure any building, wall, or other structure for at least 30 days following the later of the return of the receipt or newspaper publication, except that the town may take action to prevent unauthorized access to the building within seven days of such notice if the structure is deemed to pose a significant threat to public safety and such fact is stated in the notice.
- b) The town through its own agents or employees may remove, repair or secure any building, wall or any other structure that might endanger the public health or safety of other residents of such town, if the owner and lienholder of such property, after reasonable notice and a reasonable time to do so as set forth in paragraph a above, has failed to remove, repair, or secure the building, wall or other structure.
- c) In the event that the town, through its own agents or employees, removes, repairs, or secures any building, wall, or any other structure after complying with the notice provisions of this section or as otherwise permitted under the Virginia Uniform Statewide Building Code in the event of an emergency, 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 are collected;

- d) Every charge authorized by this section or § 15.2-900 with which the owner of any such property has been assessed and that remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local real estate taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1. The town council may waive such liens to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

Sec. 17-15. Penalty.

Any owner who commits or permits any violation of this article, whether by act or omission, shall be subject to a civil penalty of \$1000.00.

(Authorizing Statute § 15.2-906)

Article VII Derelict Buildings

17-16. Determination of Derelict Building

- a) The owners of property shall at such time or times as the town may prescribe, submit a plan to demolish or renovate any building that has been declared a "derelict building" by the town council.
- b) For purposes of this section, "derelict building" means a residential or nonresidential building or structure, **regardless of** whether construction has been completed, that might endanger the public's health, safety, or welfare and for a continuous period **more than** six months, has been;
 - i. vacant,
 - ii. boarded up in accordance with the building code, and
 - iii. not lawfully connected to electric service from a utility service provider or not lawfully connected to any required water or sewer service from a utility service provider.

17-17. Notice

- a) If a building is determined by the Town Council to qualify as a derelict building pursuant to this ordinance, the town manager shall notify the owner of the derelict building that he is required to submit to the town a plan, within 90 days, to demolish the building, or

to renovate the building to address the items that endanger the public's health, safety, or welfare as listed in a written notification provided by the town. Such a plan may be on a form developed by the town and shall include a proposed time within which the plan will commence and be completed. The plan may include one or more adjacent properties of the owner, regardless of whether all such properties may have been declared derelict buildings. The plan shall be subject to approval by the town.

- b) The town shall deliver the written notice to the address listed on the real estate tax assessment records of the town. Written notice sent by first-class mail, with the town obtaining a U.S. Postal Service Certificate of Mailing shall constitute delivery pursuant to this section.

17-18. Remedies to Town

If a town delivers written notice and the owner of the derelict building has not submitted a plan to the town within 90 days as provided in paragraph 17-17. a, the town may exercise such remedies as provided in this article or as otherwise provided by law.

17-19. Penalty

In addition to the remedies to town available in section 17-18, a civil penalty not exceeding \$500 per month, shall be imposed until such time as the owner has submitted a plan in accordance with this section; however, the total civil penalty imposed shall not exceed the cost to demolish the derelict building. Any such civil penalty shall be paid into the treasury of the town.

17-20. Submission of Plans

- a) Upon receipt of the plan to demolish or renovate the building, the town, at the owner's request, shall meet with the owner submitting the plan and provide information to the owner on the land use and permit requirements for demolition or renovation.
- b) If the property owner's plan is to demolish the derelict building, the building permit application of such owner shall be expedited. If the owner has completed the demolition within 90 days of the date of the building permit issuance, the town shall refund any building and demolition permit fees. This section shall not supersede any ordinance adopted pursuant to § 15.2-2306 relative to historic districts.
- c) If the property owner's plan is to renovate the derelict building, and no rezoning is required for the owner's intended use of the property, the site plan or subdivision application and the building permit, as applicable, shall be expedited. The site plan or subdivision fees may be refunded, all or in part, but in no event shall the site plan or

subdivision fees exceed the lesser of 50 percent of the standard fees established by the ordinance for site plan or subdivision applications for the proposed use of the property, or \$5,000 per property. The building permit fees may be refunded, all or in part, but in no event shall the building permit fees exceed the lesser of 50 percent of the standard fees established by the ordinance for building permit applications for the proposed use of the property, or \$5,000 per property.

- d) Prior to commencement of a plan to demolish or renovate the derelict building, at the request of the property owner, the real estate assessor shall assess the property in its current derelict condition. On the building permit application, the owner shall declare the costs of demolition, or the costs of materials and labor to complete the renovation. At the request of the property owner, after demolition or renovation of the derelict building, the real estate assessor shall reflect the fair market value of the demolition costs or the fair market value of the renovation improvements and reflect such value in the real estate tax assessment records. The real estate tax on an amount equal to the costs of demolition or an amount equal to the increase in the fair market value of the renovations shall be abated for a period of not less than 15 years and is transferable with the property.
- e) The abatement of taxes for demolition shall not apply if the *demolished structure* is a registered Virginia landmark or is determined by the Department of Historic Resources to contribute to the significance of a registered historic district.

17-21. Repairs, abatement by the town, lien on property.

- a) Notwithstanding the provisions of this section, the town may proceed to make repairs and secure the building under § 15.2-906, or the town may proceed to abate or remove a nuisance under § 15.2-900. In addition, the town may exercise such remedies as may exist under the Uniform Statewide Building Code with the assistance of the County Building Official and may exercise such other remedies available under general and special law.
- b) For purposes of this article, the owner of a building may apply to the town and request that such a building be declared a derelict building.
- c) Notwithstanding the foregoing, with the written consent of the property owner, the town, through its agents or employees, may demolish or remove a derelict nonresidential building or structure provided that such a building or structure is neither located within or determined to be a contributing property within a state or local historic district nor individually designated in the Virginia Landmarks Register.

- d) The property owner's written consent shall identify whether the property is subject to a first lien evidenced by a recorded deed of trust or mortgage and, if so, shall document the property owner's best reasonable efforts to obtain the consent of the first lienholder or the first lienholder's authorized agent.
- e) The costs of such demolition or removal shall constitute a lien against such property. In the event the consent of the first lienholder or the first lienholder's authorized agent is obtained, such lien shall rank on a parity with liens for unpaid local taxes and be enforceable in the same manner as provided in subparagraph d. In the event the consent of the first lienholder or the first lienholder's authorized agent is not obtained, such lien shall be subordinate to that first lien but shall otherwise be subject to subparagraph c.

(Authorizing Statute § 15.2-907.1)

TXT-03-2025 – An ordinance to amend Chapter 18 Zoning of the Code of The Town of Glasgow, Virginia, by amending Article II Residential District R-1, Section 18-15. Permitted Uses, Article III Residential District R-2, Section 18-23. Permitted Uses and Article IV Commercial District C-1, Section 18-31 Permitted Uses Enumerated, by adding Outdoor storage as an Accessory Use, subject to Standards. The purpose of the amendment is to allow outdoor storage as an accessory residential and commercial use subject to standards, where such use is not currently allowed by the ordinance.

Town of Glasgow

Zoning Ordinance

Article II. Residential District R-1.

Sec. 18-14. Statement of intent.

The Residential District R-1 is composed of certain low or medium concentration of residential uses plus certain open areas where similar development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district and to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life composed of an adult population with children. To this end, this district is protected against encroachment of general commercial or industrial uses. All residential types of structures for both permanent and transient occupancy, including institutions, are permitted. This residential district is not completely residential as it includes public and semipublic, institutional and other related uses. However, it is basically residential in character and, as such, should not be spotted with commercial and industrial uses. (8-11-69.)

Sec. 18-15. Permitted uses. In Residential District R-1, structures to be erected or land to be used shall be for one or more of the following uses:

Single-family dwellings

Two-family dwellings

Dwelling, Manufactured Home, Type A, subject to the following standards.

- a) The manufactured home shall bear the federal sticker indicating compliance with federal regulations,
- b) The manufactured home shall have a minimum width of nineteen (19) feet,
- c) The manufactured home shall have the tow assembly and wheels removed, be mounted on and anchored to a permanent foundation, and skirted in accordance with the provisions of the Virginia Uniform Statewide Building Code,
- d) The manufactured home shall be declared a permanently affixed dwelling and taxed as real estate.

Rooming and boarding houses.

Tourist homes.

Schools, public and private.

Churches.

Rest or convalescent homes.

Nursing homes.

General hospitals with a conditional use permit.

Cemetery with a conditional use permit.

Apartment houses (see Dwelling, Multi-Family).

Clubs and lodges.

Parks and playgrounds.

Professional offices.

Home occupations.

Off-street parking as required by this chapter.

Accessory buildings as defined; provided, that garages or other accessory structures such as carports, porches and stoops attached to the main building shall be considered part of the main building. No accessory building may be closer than one foot to any property line.

Public utilities such as poles, distribution lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities. Transmission lines, transmission towers and electrical substations shall not constitute necessary facilities under this subsection.

Business signs not exceeding six square feet in area per side and having not more than two sides.

Church bulletin boards and identification signs for church activities only. Home occupations signs. Identification signs.

Real estate signs.

Temporary signs. (3-11-69, § 2-1.)

Rental storage with a conditional use permit.

Outdoor storage as an Accessory Use, subject to the following Standards.

(1) It must be located in the rear yard of the principal.

(2) The total area shall not exceed fifty (50) square feet.

(3) outdoor storage includes, but is not limited to any items covered by tarps, trash, furniture, appliances. Inoperable vehicles,

(4) Construction materials and equipment may only be stored if there is an active zoning and building permit for the property.

Sec. 18-16. Minimum lot area.

For lots containing or intended to contain a single permitted use served by public water and public sewage disposal, the minimum lot area shall be seven thousand square feet plus three thousand square feet for each additional dwelling unit.

For lots containing or intended to contain a single permitted use not served by public water and sewage systems, the minimum lot area shall be fifteen thousand square feet; provided that the required area for any such use shall be approved by the health official, and that the administrator may require a greater area if considered necessary by the health official. All other permitted uses shall be served by public water and sewerage systems. (3-11-69, § 2-2.)

Sec. 18-17. Setback.

Structures shall be located at least twenty-five feet from any street right of way which is fifty feet or greater in width, or at least fifty feet from the center of any street right of way less than fifty feet in width. This shall be known as the "setback line." (3-11-69, § 2-3)

Sec. 18-18. Frontage.

For permitted uses, the minimum lot width at the setback line shall be at least sixty feet, and for each additional dwelling unit or permitted use there shall be at least ten feet of additional lot width at the setback line. (3-11-69, § 2-4.)

Sec. 18-19. Yard regulations.

The minimum side yard for each main structure shall be ten feet. Each main structure shall have a rear yard of twenty-five feet. (3-11-69, §2-5)

Sec. 18-20. Height regulations.

Buildings may be erected up to thirty-five feet in height from grade; except, that:

(a) The height limit for structures may be increased up to forty-five feet and up to three stories; provided, that each side yard is ten feet plus one foot of side yard for each additional foot of building height over thirty-five feet.

(b) A public or semipublic building such as a school, church, library or hospital may be erected to a height of sixty feet from grade; provided, that front, side and rear yards shall be increased one foot for each foot in height over thirty-five feet.

(c) Church spires, belfries, cupolas, monuments, municipal water towers, chimneys, flues, flag poles, television antennae and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest. (3-11-69, § 2-6.)

Sec. 18-21. Special provisions for corner lots.

Of the two sides of a corner lot, the front shall be deemed to be the shortest of the two sides fronting on streets. The side yard on the side facing the side street shall be at least twenty feet for both main and accessory buildings. (3-11-69, § 2-7.)

Article III. Residential District R-2.

Sec. 18-22. Statement of intent.

The Residential District R-2 is composed of certain low or medium concentration of residential uses plus certain open areas where similar development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district and to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life composed of an adult population with children.

To this end, this district is protected against encroachment of general commercial or industrial uses. All residential types of structures for both permanent and transient occupancy, including institutions, are permitted. This residential district is not completely residential as it includes public and semipublic, institutional and other related uses. However, it is basically residential in character and, as such, should not be spotted with commercial and industrial uses. (3-11-69.)

Sec. 18-23. Permitted uses.

In Residential District R-2, structures to be erected or land to be used shall be for one or more of the following uses:

Single-family dwellings

Two-family dwellings

Dwelling, Manufactured Home, Type A, subject to the following standards.

a) The manufactured home shall bear the federal sticker indicating compliance with federal regulations,

b) The manufactured home shall have a minimum width of nineteen (19) feet,

c) The manufactured home shall have the tow assembly and wheels removed, be mounted on and anchored to a permanent foundation, and skirted in accordance with the provisions of the Virginia Uniform Statewide Building Code,

d) The manufactured home shall be declared a permanently affixed dwelling and taxed as real estate.

Rooming and boarding houses.

Tourist homes.

Schools, public and private.

Churches.

Rest or convalescent homes.

Nursing homes.

General hospitals with a conditional use permit.

Clubs and lodges.

Parks and playgrounds.

Professional offices.

home occupations.

Apartment houses (see Dwelling, Multi-Family).

Off-street parking as required by this chapter.

Accessory buildings as defined; provided, that garages or other accessory structures such as carports, porches and stoops attached to the main building shall be considered part of the main building. No accessory building may be closer than one foot to any property line.

Public utilities such as poles, distribution lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities; provided, that transmission lines, transmission towers and electrical substations shall not constitute necessary facilities under this subsection.

Business signs not exceeding six square feet in area per side and having not more than two sides.

Church bulletin boards and identification signs for church activities only.

Home occupations signs. Identification signs.

Real estate signs.

Temporary signs.

Outdoor storage as an Accessory Use, subject to the following Standards.

(1) It must be located in the rear yard of the principal.

(2) The total area shall not exceed fifty (50) square feet.

(3) outdoor storage includes, but is not limited to any items covered by tarps, trash, furniture, appliances, inoperable vehicles,

(4) Construction materials and equipment may only be stored if there is an active zoning and building permit for the property.

(5) The storage or keeping of junk, scrap materials, or the dismantling, demolition or abandonment of vehicles, machinery or parts thereof is prohibited.

Sec. 18-24. Minimum lot area.

For lots containing or intended to contain a single permitted use served by public water and public sewage disposal, the minimum lot area shall be seven thousand square feet plus three thousand square feet for each additional dwelling unit.

For lots containing or intended to contain a single permitted use not served by public water and sewerage systems, the minimum lot area shall be fifteen thousand square feet; provided that the required area for any such use shall be approved by the health official and that the administrator may require a greater area if considered necessary by the health official. All other permitted uses shall be served by public water and sewerage systems. (3-11-69, § 3-2.)

Sec. 18-25. Setback.

Structures shall be located at least twenty-five feet from any street right of way which is fifty feet or greater in width, or at least fifty feet from the center of any street right of way less than fifty feet in width. This shall be known as the "setback line." (3-11-69, § 3-3.)

Sec. 18-26. Frontage.

For permitted uses, the minimum lot width at the setback line shall be at least sixty feet, and for each additional dwelling unit or permitted use there shall be at least ten feet of additional lot width at the setback line. (3-11-69, § 3-4.)

Sec. 18-27. Yard regulations.

The minimum side yard for each main structure shall be ten feet. Each main structure shall have a rear yard of twenty-five feet. (3-11-69, § 3-5.)

Sec. 18-28. Height regulations.

Buildings may be erected up to thirty-five feet in height from grade; except, that:

- (a) The height limit for structures may be increased up to forty-five feet and up to three stories, provided that each side yard is ten feet plus one foot of side yard for each additional foot of building height over thirty-five feet.
- (b) (b) A public or semipublic building such as a school, church, library or hospital may be erected to a height of sixty feet from grade; provided, that front, side and rear yards shall be increased one foot for each foot in height over thirty-five feet.
- (c) (c) Church spires, belfries, cupolas, monuments, municipal water towers, chimneys, flues, flag poles, television antennae and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest. (3-11-69, § 3-6.)

Sec. 18-29. Special Provisions for corner lots.

Of the two sides of a corner lot, the front shall be deemed to be the shortest of the two sides fronting on streets. The side yard on the side facing the side street shall be twenty feet or more for both main and accessory building. (3-1t469, § 3-7.)

Article IV. Commercial District C-1

Sec. 18-30. Statement of intent.

The Commercial District C-1 covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods or by any nuisance factors other than those occasioned by incidental light and noise of congregation of people and passenger vehicles. This includes such uses as retail stores, banks, theaters, business offices, newspaper offices, restaurants and taverns. (3-11-69.)

Sec. 18-31. Permitted Uses Enumerated.

In Commercial District C-1, structures to be erected or land to be used shall be for one or more of the following uses:

Municipal office buildings.

Retail food stores.

Banks.

Bakeries.

Restaurants.

Dry cleaners.

Jewelry stores.

Laundries.

Coin-operated laundries and car washes.

Wearing apparel stores.

Drugstores.

Drive-in restaurants and food sales.

Barber and beauty shops.

Auto and home appliance services.

Hardware stores.

Theaters and assembly halls.

Hotels, motels and inns.

Office buildings.

Churches.

Libraries.

Hospitals, general.

Animal hospitals or clinics.

Funeral homes.

Service stations with major repairs under cover.

Clubs and lodges.

Auto sales and service.

Lumber and building supplies with storage under cover.

Plumbing and electrical supplies with storage under cover.

Wholesale and processing not objectionable because of dust, noise or odors with a conditional use permit.

Machinery sales and service.

Furniture stores.

Newspaper and printing houses.

Public utilities as defined in section 18-15.

Fruit and produce markets.

Off-street parking as required by this chapter.

Public billiard parlors and poolrooms, bowling alleys, dance halls and similar forms of public amusement, only after a public hearing shall have been held by the council on an application submitted to the council for such use. The council may request that the commission submit a recommendation to them concerning such use applications. In approving any such application, the council may establish special requirements and regulations for the protection of adjacent property, set the hours of operation and make requirements as they may deem necessary in the public interest.

Business signs.

Directional signs.

Church bulletin boards and identification signs for church activities only, not exceeding twelve square feet in area.

General advertising signs. (3-11-69, § 4-1.)

Assembly of furniture and/or display cases. Use may include, when not objectionable due to noise or dust, the cutting of materials for assembly. Use may also include retail sales of assembled items. (added 10/10/2006)

Outdoor storage as an accessory use, subject to the following standards:

1. Any outdoor storage, including and display of goods are not allowed in the required front setback:

2. All trash, refuse, waste or other materials must be kept in enclosed containers that are screened from view.

3. The total area devoted to outdoor storage must not exceed one-hundred (100) square feet.

4. Outdoor storage areas must be located in the side or rear yard.

5. Additional storage area may be allowed with a conditional use permit.

Sec. 18-32. Same - Requirements.

Before a building permit shall be issued or construction commenced on any permitted use in this district or a permit issued for a new use, detailed site plans, with sufficient detail to show the operations and processes shall be submitted to the zoning administrator for review, together with an application and fee as set forth in the adopted schedule of fees. The administrator may refer these plans to the planning commission for their recommendations, and modification of such plans may be required. (3-11 69, § 4-5.)

Sec. 18-33. Minimum lot area.

There shall be no lot area requirements; except that the required area for permitted uses utilizing individual sewage disposal systems shall be approved by the health official. (3-11-69, § 4-2.)

Sec. 18-34. Frontage and yard regulations.

For permitted uses, the minimum side yard or rear yard adjoining or adjacent to a residential district shall be twenty-five feet, and off-street parking shall be in accordance with the applicable provisions of this chapter. (3-11-69, § 4-3.)

Sec. 18-35. Height regulations.

Buildings may be erected up to forty-five feet in height from grade. Church spires, belfries, cupolas, monuments, cooling towers, municipal water towers, chimneys, flues, flag poles, television antennae and radio aerals are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest. (3-11-69, § 4-4.)

All other Articles remain unchanged.

Adopted by the Town Council of Glasgow this ____ day of September 2025.

Ayes

Nays

Mayor

Clerk