

## Chapter 136

### PROPERTY MAINTENANCE

[HISTORY: Adopted by the Town Council of the Town of Pennington Gap 12-16-2002.  
Amendments noted where applicable.]

**§ 136-6 Inoperative Vehicles-Adopted by ordinance 2022-2, April 18, 2022**

**§ 136-7 Removal and Disposition of Unattended Vehicles-Adopted by ordinance 2022-2, April 18, 2022**

#### GENERAL REFERENCES

Repair or removal of buildings — See Ch. 78.

Open burning — See Ch. 83.

Nuisances — See Ch. 129.

Solid waste — See Ch. 148.

**§ 136-1. Removal of garbage required; removal by Town.**

The owners of property within the Town of Pennington Gap, Virginia shall remove therefrom any and all trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of the Town. The Town Manager or Designee may, after reasonable notice, have such trash, garbage, refuse, litter and other like substances which might endanger the health of other residents of the locality removed by the Town's own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the locality as taxes are collected. In any event this section shall not be applicable to any collection of fuel materials for heating a home

**§ 136-2. Owner to cut grass and weeds; abatement by Town.  
(Amended by Council vote on December 21, 2020 to include occupied)**

The owners of occupied or vacant developed or undeveloped property within the corporation limits of the Town of Pennington Gap, Virginia, including such property upon which buildings or other improvements are located, shall cut the grass, weeds and other foreign growth on such property or any part thereof as the Town Council deems it necessary. If any owner fails to comply with the provisions of this chapter, the Town Manager or Designee may, after reasonable notice, have such grass, weeds or other foreign growth cut by its agents or employees, in which event the cost and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the locality as taxes are collected. In any event this section shall not be applicable to any land used for agricultural purposes, including, but not limited to, hayfields.

**§ 136-3. Statutory authority.**

This chapter is adopted pursuant to authority granted to the Town by the Code of Virginia, 1950, as amended, § 15.2-901.

**§ 136-4. Unpaid charges to constitute lien on property.**

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 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.

**§ 136-5. Violations and penalties.**

- A. Violations of this chapter shall be subject to a civil penalty, not to exceed \$50 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 twelve-month period.
- B. Except as provided in this subsection, the penalties provided above shall be in lieu of criminal penalties and shall preclude prosecution of such violation as a misdemeanor. However, any violation of this chapter shall be a Class 3 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 month period. Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.

**§ 136-6 Keeping of inoperative motor vehicles on residential or commercial property; removal of such vehicles.**

- A. Prohibition. It shall be unlawful for any person to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property zoned for residential, commercial or agricultural purposes any motor vehicle, trailer or semitrailer, as such are defined in the 1950 Code of Virginia, as amended, § 46.2-100, which is inoperative. As used in this section, an “inoperative motor vehicle” means any motor vehicle which is not in operating condition; or 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 require for operation of the vehicle or on which there is displayed neither valid license plates nor a valid inspection decal. However, 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.
- B. Removal and disposition. (1) The owners of property zoned for residential or commercial or agricultural purposes shall, at such times as the council may prescribe, remove there from any inoperative motor vehicles, trailers or semitrailers that are not kept within a fully enclosed building or structure; (2) The council, through it’s agents or employees, may remove any inoperative motor vehicles, trailers or semitrailers whenever the owner of the premises, after reasonable notice, has failed to do so; (3) If the council, through it’s agents or employees, removes any inoperative 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 vehicle; (4) The cost of any such removal and disposal shall be chargeable to the owner of the vehicle or premises and may be collected by the

town as taxes and levies are collected; and (5) 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.

(Code 1960, § 10-25)

State Law reference-Authority for above section, Code of Virginia, § 15.1-11.1.

### **§ 136-7 Removal and Disposition of Unattended Vehicles**

- A. Whenever any vehicle, trailer, semitrailer or a part thereof; (1) Is left unattended on a public highway or other public property and constitutes a traffic hazard; (2) Is illegally parked; (3) Is left unattended for more than ten days either on public property or on a private property without the permission of the property owner, lessee, or occupant; or (4) Is immobilized on a public roadway by weather conditions or other emergency situation;

any such vehicle, trailer, semitrailer or part thereof may be removed for safekeeping by or under the direction of a police officer to a storage garage or area; provided, that no such vehicle shall be so removed from privately owned premises without the written request of the owner, lessee or occupant thereof. The person at whose request such vehicle, trailer, semitrailer or part thereof is removed from privately owned property shall indemnify the town against any loss of expense incurred by reason of such removal, storage or the sale thereof. It shall be presumed that such motor vehicle, trailer, semitrailer, or part thereof is abandoned if it lacks either a current license plate; or a current county, city or town license plate or sticker; or a valid state safety inspection certificate or sticker; and it has been in a specific location for four days without being moved. Each removal shall be reported immediately to the police department and notice thereof shall be given to the owner of the vehicle, trailer or semitrailer as promptly as possible.

(b) The owner of a vehicle, trailer, semitrailer or part thereof removed under the authority of this section, before obtaining possession thereof, shall pay to the parties entitled thereto all reasonable costs incidental to the removal, storage and locating of the owner of such vehicle, trailer, semitrailer or part thereof. Should such owner fail or refuse to pay the cost or should the identity or whereabouts of such owner be unknown and unascertainable after a diligent search has been made, and notice to such owner sent to his last known address and to the holder of any lien of record in the office of the state department of motor vehicles against the vehicle, trailer, semitrailer or part thereof, the vehicle shall be treated as an abandoned vehicle under the provisions of the 1950 Code of Virginia, as amended, § 46.2-1200 et seq.

State Law reference -Abandoned vehicles, Code of Virginia § 46.2-1200 et seq.; unattended or immobile vehicles, Code of Virginia, § 46.2-1209 et seq.; removal and disposition of unattended or immobile vehicles, Code of Virginia, § 46.2-1213; local governing body may regulate certain towing, Code of Virginia, § 46.2-1217.