

AMHERST TOWN CODE

CHAPTER 10

NUISANCES.

Article I. In General.¹

Sec. 10-1. Chapter supplemental to other provisions of Code relating to nuisances.

Various nuisances are defined and prohibited in other chapters of this Code, and it is the intent of the town council in enacting this chapter to make it 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.

Sec. 10-2. Nuisance prohibited within town and within area one mile beyond town limits.

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 at any place within the town or at any place with the area surrounding the town and within one mile of the town limits.

Sec. 10-3. Certain nuisances enumerated, but list not exclusive.

The following acts when committed, or conditions when existing, within the town or within the area surrounding the town and within one mile of the town limits are hereby defined and declared to be nuisances:

(a) 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 public or private place, which is injurious or dangerous to the public health or safety.

(b) 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.

¹For charter provisions as to authority of town to compel the abatement of all nuisances within the town at the expense of the person or persons causing the nuisance or the owner or occupant of the premises wherein the nuisance may be, see Char., art. IX, Sec. 1, subsec. (1).

For state law as to authority of town to prevent injury or annoyance from anything dangerous, offensive or unhealthy and cause any nuisance to be abated, see Code of Virginia, Sec. 15.2-2029, subsec. (5). As to one mile extraterritorial jurisdiction of town, see Code of Virginia, Sec. 19.2-250. As to nuisance generally, see Code of Virginia, title 48.

AMHERST TOWN CODE

(c) 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.

(d) All ponds or pools of stagnant water, and all foul or dirty water or liquid when discharged through any drain, pipe or spout, or thrown into or upon any street, public place, or lot to the injury or annoyance to the public.

(e) All obstruction 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.

(f) All sidewalks, gutters or curbstones permitted to remain in an unsafe condition, or out of repair.

(g) 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.

(h) All houses or buildings used for special storage of powder, dynamite or other explosive substances, except those maintained pursuant to a permit issued by competent authority.

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

Article II. Abatement.²

Sec. 10-4. Inspections, investigations and complaints.

It shall be the duty of the chief of police to cause inspections to be made from time to time of all portions of the town and the area surrounding the town and within one mile of the town limits to determine whether any condition exists or activity is being practiced which constitutes a nuisance; and he shall cause an investigation to be made upon complaint made by any responsible person.

²For charter provisions as to authority of town to compel the abatement of nuisances within the town at the expense of the person or persons causing the nuisance or the owner or occupant of the premises wherein the nuisance exists, see Char., art. IX, Sec. 1, subsec. (1). As to authority of town to enjoin and restrain the violation of town ordinances see Char., art. IX, Sec. 1, subsec. (16).

For state law as to authority of town to cause any nuisances to be abated, see Code of Virginia, Sec. 15.1-14, subsec. (5). As to one mile extraterritorial jurisdiction of the town, see Code of Virginia, Sec. 15.2-2029.

Sec. 10-5. Right to enter private premises; duty of occupants.³

Police officers shall have the right to enter upon private premises for the purposes specified in section 10-4, upon compliance with all applicable provisions of law. Unless it appears probable that advance warning would defeat the purpose of such entry, occupants of 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.

Sec. 10-6. Notice to cease and desist when activity constitutes nuisance.

If at any time the chief of police shall find that an activity or practice which constitutes a nuisance is occurring within the town or within the area surrounding the town and within one mile of the town limits he shall promptly and by the most expeditious means notify the violator to cease and desist forthwith.

Sec. 10-7. Notice to abate condition constituting nuisance; appeal.

If at any time the chief of police shall find that a condition which constitutes a nuisance exists within the town or within the area surrounding the town and within one mile of the town limits he shall give notice in writing to the owner, occupant or person in charge of the premises upon which such 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 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 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 chief of police 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.

Sec. 10-8. Recourse of town when notice to abate is ignored.⁴

Nothing in this article 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.

³As to general right of entry of town officers and employees for purposes of inspection, see Sec. 2-6 of this Code.

⁴For charter provisions as to lien created on realty for penalties or assessments in favor of the town, see Char., art. IV, Sec. 1, subsec. (13).