



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of May 19, 2012

DATE: May 10, 2012

SUBJECT: Request to Advertise an Amendment to Chapter 10 (Garbage, Refuse and Weeds) Article II, Section 10-12 of the Code of Arlington County, concerning Condition of Private Property, to update the definition of "inoperative motor vehicle" to conform with the definition of the same term in the Code of Virginia.

C. M. RECOMMENDATION:

Authorize the advertisement of a June 16, 2012, public hearing to enact the attached Ordinance to Amend, Reenact and Recodify Chapter 10 (Garbage, Refuse and Weeds) Article II, Section 10-12 of the Code of Arlington County, concerning Condition of Private Property, to update the definition of "inoperative motor vehicle" to conform with the definition of the same term in the Code of Virginia.

ISSUES: As part of the regular process, the County Board is being asked to authorize the advertisement of a public hearing concerning a proposed amendment to the County Code.

SUMMARY: A recent staff review of the Arlington Care of Private Property Ordinance revealed that the definition of "inoperable motor vehicle" contained therein was narrower than the definition of "inoperable motor vehicle" in the Code of Virginia. Staff is requesting an amendment to the Ordinance to conform the definition in the Ordinance to the one found in the Code of Virginia.

BACKGROUND: Section § 15.2-905 of the Code of Virginia defines "inoperable motor vehicles" as "any motor vehicle, trailer or semitrailer which is not in operating condition; or does not display valid license plates; or does not display an inspection decal that is valid or does display an inspection decal that has been expired for more than 60 days." The definition of "inoperative motor vehicle" in the Arlington County Code, Chapter 10, Section 10-12, does not currently define a vehicle with invalid license plates or inspection decals as an "inoperative motor vehicle."

DISCUSSION: Staff is requesting an amendment to Chapter 10, Section 10-12, to change the definition of "inoperative motor vehicle" so that it conforms to the State's definition of that term. The Ordinance as it was adopted per the county in 1983 used a more narrow definition which

County Manager:

County Attorney:

MNC

32.

Staff: Dana Wilson, Community Planning, Housing and Development

now restricts the ability of Code to respond to complaints. This change will enable Code Enforcement to enforce an Ordinance that is consistent with the Code of Virginia, and consistent with how other jurisdictions in Virginia enforce similar ordinances.

FISCAL IMPACT: There will be an additional three (3) to four (4) vehicles per year subject to the county's corrective action costing approximately four hundred dollars (\$400.00), charged to the owner of the premises as authorized in the Arlington Care of Premises Ordinance Chapter 10, Section 10-22 (4): *That the cost of any such removal and disposal shall be chargeable to the owner of the vehicle or premises and may be collected as taxes and levies are collected: and (5) That every cost authorized by this section with which the owner of the premises shall have been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such cost shall have been made to the county.*

ATTACHMENT A

Proposed changes are shown as follows:

Text denoted with underline or ~~striketrough~~ is text proposed to be added or deleted, respectfully

AN ORDINANCE TO AMEND, REENACT AND RECODIFY CHAPTER 10 (GARBAGE, REFUSE AND WEEDS), SECTION 10-12 OF THE CODE OF ARLINGTON COUNTY, VIRGINIA CONCERNING CONDITION OF PRIVATE PROPERTY TO UPDATE THE DEFINITION OF INOPERATIVE MOTOR VEHICLE TO CONFORM WITH THE DEFINITION OF THE SAME TERM IN THE CODE OF VIRGINIA.

I. BE IT ORDAINED that Chapter 10, Section 10-12 of the Code of Arlington County,

Virginia is hereby amended, reenacted and recodified to read, in pertinent part, as follows:

§ 10-12. Definitions.

The following words and terms, when used in this article, shall have the following meanings unless the 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.

“Infestation” means the presence within or around property of any rats.

“Inoperative motor vehicle, trailer or semitrailer” means any motor vehicle, trailer or semitrailer which is not in operating condition; or does not display valid license plates; or does not display an inspection decal that is valid or does display an inspection decal that has been expired for more than 60 days. or which, for a period of ninety (90) 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. An inoperative vehicle shall also be

~~considered a vehicle with an observable condition which indicates a state such that it is economically impractical to make such vehicle operative within a reasonable period of time, or which constitutes a health, fire or safety hazard.~~

“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.

“Rodent proofing” means a form of construction which will prevent the ingress or egress of rodents to or from a given building and their access to food, water, or harborage. It consists of the closing and keeping closed every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, attics, roofs, sidewalk gratings, sidewalk openings, and other places that may be reached and entered by rodents by climbing, burrowing or other methods, and by the use of materials impervious to rodent gnawing and other methods approved by the County Manager.

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

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

II. The remainder of Chapter 10 not hereby amended shall remain as previously enacted.