

**City of Fairfax**

**Ordinance 444**

**An Ordinance Amending City Code Chapter 155-5 Abatement of Public Nuisances**

WHEREAS, the City previously adopted ordinances defining public nuisances and the abatement process of nuisances, which are now codified as City Code Chapter 155;

WHEREAS, the City Council has determined an amendment is desired to Chapter 155-5, the process of abating a public nuisance within city limits;

WHEREAS, The City Council held a public hearing on the amendment of ordinance on the 13<sup>th</sup> day of February, 2024, duly published and advertised as required by State Law.

**NOW, THEREFORE, THE CITY COUNCIL OF FAIRFAX ORDAINS:**

City Code Chapter 155-5 Abatement of Public Nuisances is hereby amended as follows:

General. Whenever a public nuisance is reported, an officer charged with enforcement will investigate the report to determine that a public nuisance is being maintained or exists on premises in the City. An incident report, including photos of the public nuisance, will be completed by the officer. The enforcement officer will notify, in writing, the owner or occupant of the premises of such fact and order that such nuisance be terminated and abated as follows:

- (1) The notice shall be served in person or by certified or registered mail. If the premises are not occupied and the owner is unknown, the notice may be served by posting it on the premises.
  - (2) The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding 14 days, within which the nuisance is to be abated; provided the time for abatement shall not exceed 10 days in the case of noxious weeds.
  - (3) If the notice is not complied with and there is no appeal within the time specified, the enforcing officer may issue a nuisance violation citation and a notice of a hearing before the city council to the property owner. Upon completion of a hearing before the city council, the City Council will decide whether or not to approve a Finding of Fact and Order authorizing the City to abate the nuisance.
  - (4) After the Finding of Fact and Order is approved and issued by the City Council, the City Administrator shall schedule City staff to abate the nuisance at the earliest convenience. City staff or the enforcing officer are authorized to enter the nuisance property and abate the nuisances described in the incident report.
- B. Emergency abatement. When the officer charged with enforcement determines that a nuisance constitutes a serious and imminent danger to the public safety or health, the officer may summarily abate the nuisance after a reasonable attempt to notify the owner or occupant of the property. The City Clerk-Treasurer shall immediately thereafter notify in writing the owner or occupant of the premises of the action taken. The notice shall be

served in person or by registered or certified mail.

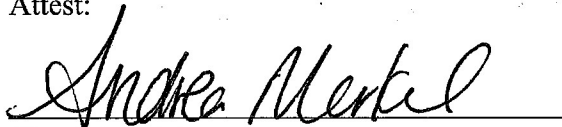
- C. Costs of abatement. The owner or occupier of a property shall be liable to the City for all expenses incurred in the removal and abatement of the nuisance sited in the incident report. The City shall have the right to recover all such costs, including certifying the costs to the property's real estate taxes.
- D. Violations. A property owner or occupier that has failed to abate or remove a nuisance from their property after a hearing on the subject before the city council, shall be subject to a penalty in addition to an abatement. A nuisance violation shall constitute a separate violation for each notice given to the property owner or occupant.

A violation of this ordinance shall be a misdemeanor. The minimum fine amounts shall be as follows:

1. One Violation within three (3) years: \$250
2. Two (2) violations within three (3) years: \$500
3. Three (3) or more violations within three (3) years: \$1,000

Adopted by the City Council this 13<sup>th</sup> day of February, 2024.

Attest:

  
City Administrator

Mayor

