

AN ORDINANCE REGULATING NUISANCES INJURIOUS TO HEALTH TO  
REQUIRE OWNERS OF CREEKS OR RUNNING WATER TO KEEP THE SAME  
CLEAR, FREE AND UNOBSTRUCTED FROM FILTH, GARBAGE OR VEGETATION,  
OF STAGNANT WATER, AND PROVIDING FOR INSPECTION  
AND PENALTIES FOR VIOLATIONS

BE IT ORDAINED AND ENACTED AS FOLLOWS:

Section 1. The Town Manager or her designee shall inspect all  
creeks, running water in creeks, stagnant water and other places which  
are alleged to be offensive.

All police officers shall observe at all times the  
sanitary condition of all creeks, running water in creeks or stagnant  
water and shall promptly report to the Town Manager the existence of  
any nuisance or accumulated filth found to exist therein.

When anything is found which in the opinion of the  
Town Manager is likely to become injurious to health, she shall require  
the person causing such nuisance or the owner or occupant of the premises  
on which such nuisance is located to correct the same immediately.

If such person fails to execute the order of the Town  
Manager, he shall be guilty of a Class 4 Misdemeanor, and in addition  
the nuisance may be removed by the Town Manager or her designee, and the  
cost thereof shall be charged to the owner or occupant and collected as  
taxes and levies are collected.

Section 2. Upon any ground where a creek or running water is  
located, the owner thereof or abutting property owners shall keep the  
same clean, free and unobstructed from filth, garbage or vegetation.  
If stagnant water or a marshy place exists upon any premises in the  
Town, the owner thereof shall drain such stagnant water or fill such  
creek at once upon order of the Town Manager. If such person fails to  
comply with such order, he shall be guilty of a Class 4 Misdemeanor and,  
in addition, the Town Manager may have the stagnant water drained and  
marshy place filled and may collect the expense for doing so from the  
owner or occupant of the property in the manner that taxes and levies  
are collected.

THIS ORDINANCE SHALL BE EFFECTIVE February 25, 1991.

ADOPTED THIS 25th day of February, 1991.

TOWN OF WISE, VIRGINIA

Bill J. Wampler  
MAYOR

ATTEST:

Mayo B. Stoffey  
CLERK

**INSTRUCTIONS TO PROPERTY OWNERS**  
**SUBJECT: Vegetation and Litter Removal Along  
Creeks in the Town of Wise**

Pursuant to the Provisions of Ordinance No. 2, 1991, the Wise Police Department has been instructed by the Wise Town Council to direct affected property owners to clear creeks of vegetation and litter so that water may flow freely and unobstructed.

The creeks running through the town of Wise are private property. However, they are regulated by several agencies, including the U.S. Army Corps of Engineers, the Federal Emergency Management Agency, the Virginia State Water Control Board, the Virginia Marine Resources Commission, and the Virginia Division of Soil and Water Conservation. The Town has no ownership in the streams and creek channels in the town, but it is required by law to assist in enforcement of the regulations of these higher authorities. No one may alter the physical, chemical, or biological properties of surface waters or adjacent wetlands without a permit from the above-referenced agencies.

Therefore, it is important that you understand that the Town is not authorizing you to remove any dirt from the creek channel or the creek banks. The Town is not authorizing you to straighten, widen, or deepen the creek channel. The Town is not authorizing you to install berms, retaining walls, floodwalls, or any other structure not already naturally-occurring in the creek. The Town is not authorizing you to bring in soil or other material to fill low spots in the floodway. All the aforementioned activities require the property owner to secure a permit from the U.S. Army Corps of Engineers. The Town of Wise does not have the legal authority to permit these activities, but it does have the legal responsibility to stop them from taking place, and to order their removal.

The Town is only asking that you trim vegetation and overgrowth with hand tools and remove trees and litter along the creek. The use of any mechanized equipment and the movement of any earth in, along, or adjacent to the creek requires issuance of a permit by the U.S. Army Corps of Engineers.

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I have received a copy of Ordinance No. 2, 1991 and a copy of "Instructions to Property Owners" in relation thereto and I understand the requirements contained therein.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

REV: 5/98