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SENATE BILL NO. 1369

AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the Senate Committee on Local Government  
on February 3, 2009)

(Patron Prior to Substitute—Senator Barker)

A BILL to amend and reenact § 15.2-908 of the Code of Virginia, relating to removal or repair of defacement of buildings, walls, fences and other structures.

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-908 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-908. Authority of localities to remove or repair the defacement of buildings, walls, fences and other structures.

Any locality may by ordinance undertake or contract for the removal or repair of the defacement of any public building, wall, fence or other structure or any private building, wall, fence or other structure where such defacement is visible from any public right-of-way. ~~The ordinance may provide that whenever the property owner, after reasonable notice, fails to remove or repair the defacement~~ The ordinance shall provide that the locality shall give notice to the property owner that within 15 days of receipt of such notice, if the owner does not repair or remove the defacement, the locality may have such defacement removed or repaired by its agents or employees. Such agents or employees shall have any and all immunity normally provided to an employee of the locality. For purposes of this section, the term "defacement" means the unauthorized application by any means of any writing, painting, drawing, etching, scratching, or marking of an inscription, word, mark, figure, or design of any type.

If the defacement occurs on a public or private building, wall, fence, or other structure located on an unoccupied property, and the locality, through its own agents or employees, removes or repairs the defacement after complying with the notice provisions of this section, the cost or expenses thereof, not to exceed a reasonable amount, shall be chargeable to and paid by the owners of such property and may be collected by the locality as taxes are collected.

Every charge authorized by this section with which the owner of any such property shall have been assessed and that 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. A locality may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.