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HOUSE BILL NO. 177

House Amendments in [] — January 28, 2014

A *BILL to amend and reenact §§ 15.2-901 and 15.2-1215 of the Code of Virginia, relating to cutting of grass.*

Patron Prior to Engrossment—Delegate Farrell

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-901 and 15.2-1215 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-901. Locality may provide for removal or disposal of trash, cutting of grass and weeds; penalty in certain counties; penalty.

A. Any locality may, by ordinance, provide that:

1. The owners of property therein shall, at such time or times as the governing body may prescribe, remove therefrom any and all trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of such locality; or may, whenever the governing body deems it necessary, after reasonable notice, have such trash, garbage, refuse, litter and other like substances which might endanger the health of other residents of the locality, removed by its own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the locality as taxes are collected;

2. Trash, garbage, refuse, litter and other debris shall be disposed of in personally owned or privately owned receptacles that are provided for such use and for the use of the persons disposing of such matter or in authorized facilities provided for such purpose and in no other manner not authorized by law;

3. The owners of *occupied or* vacant developed or undeveloped property therein, including such property upon which buildings or other improvements are located, shall cut the grass, weeds and other foreign growth on such property or any part thereof at such time or times as the governing body shall prescribe; or may, whenever the governing body deems it necessary, after reasonable notice as determined by the locality, have such grass, weeds or other foreign growth cut by its agents or employees, in which event the cost and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the locality as taxes are collected. For purposes of this provision, one written notice per growing season to the owner of record of the subject property shall be considered reasonable notice. ~~In the Counties of Dinwiddie, James City, and Prince George, the Cities of Colonial Heights, Hampton, Hopewell, Newport News, Williamsburg, and Winchester, and the Towns of Ashland, Cedar Bluff, Chincoteague, and Orange, and in a locality within Planning District 8, an ordinance adopted pursuant to this subdivision may also apply to owners of occupied property therein.~~ No such ordinance adopted by any county shall have any force and effect within the corporate limits of any town. No such ordinance adopted by any county having a density of population of less than 500 per square mile shall have any force or effect except within the boundaries of platted subdivisions or any other areas zoned for residential, business, commercial or industrial use. [*No such ordinance shall be applicable to land zoned for or in active farming operation.*]

B. Every charge authorized by this section with which the owner of any such property shall have been assessed and which 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.

C. The governing body of any locality may by ordinance provide that violations of this section shall be subject to a civil penalty, not to exceed \$50 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall not exceed \$200. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000 in a 12-month period.

D. Except as provided in this subsection, adoption of an ordinance pursuant to subsection C shall be in lieu of criminal penalties and shall preclude prosecution of such violation as a misdemeanor. The governing body of any locality may, however, by ordinance provide that such violations shall be a Class

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59 3 misdemeanor in the event three civil penalties have previously been imposed on the same defendant
60 for the same or similar violation, not arising from the same set of operative facts, within a 24-month
61 period. Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil
62 penalties for the same violation.

63 **§ 15.2-1215. Authority to cut growth of grass or lawn area in counties.**

64 A. ~~The Counties of Arlington, Augusta, Campbell, Chesterfield, Fairfax, Frederick, Hanover, Henrico,~~
65 ~~Henry, Isle of Wight, James City, Prince William, Roanoke, Rockingham, Spotsylvania, Stafford,~~
66 ~~Washington, Wise, and York~~ *Any county* may by ordinance require that the owner of occupied
67 residential real property therein cut the grass or lawn area of less than one-half acre on such property or
68 any part thereof at such time or times as the governing body shall prescribe when growth on such grass
69 or lawn area exceeds 12 inches in height; or may whenever the governing body deems it necessary, after
70 reasonable notice, have such grass or lawn area cut by its agents or employees, in which event, the cost
71 and expenses thereof shall be chargeable to and paid by the owner of such property and may be
72 collected by the county as taxes and levies are collected. No such ordinance adopted by the county shall
73 have any force and effect within the corporate limits of any town. Violation of such ordinance may be
74 punishable by a civil penalty not to exceed \$100.

75 B. No such ordinance shall be applicable to land zoned for or in active farming operation.