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SENATE BILL NO. 631

Senate Amendments in [] - January 22, 2020

A BILL to amend the Code of Virginia by adding in Article 5 of Chapter 9 of Title 15.2 a section numbered 15.2-984, relating to abandoned and stolen shopping carts; local regulation.

Patrons Prior to Engrossment—Senator — Surovell; Delegates: Kory and Watts

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 5 of Chapter 9 of Title 15.2 a section numbered 15.2-984 as follows:

§ 15.2-984. *Disposition of abandoned shopping carts; unauthorized possession; penalties.*

A. The governing [~~bodies of the Counties of Arlington and Fairfax~~] [body of any locality in Planning District 8] may, by ordinance, provide that it shall be unlawful for any person to place, leave, or abandon on any real property in the [~~county~~] [locality] , or within specified districts within the [~~county~~] [locality] , any shopping cart as defined in § 18.2-102.1. The ordinance shall provide that any such shopping cart that remains on real property outside of the premises defined in § 18.2-102.1 after a notice of violation is given to the owner of such shopping cart shall be presumed to be abandoned and subject to removal from the real property by the [~~county~~] [locality] or its agents without further notice.

B. A notice of violation sent by registered or certified mail to the last known address of the shopping cart's owner or its registered agent reflected in state or [~~county~~] [locality] public records shall satisfy the notice requirement of this section. In the event that any such shopping cart is so removed, the cost of removal, including the cost of disposal, shall be charged to the owner of the shopping cart. Any such charge that is not paid within 30 days of the date on which it is billed to the owner shall constitute a lien upon the shopping cart and may be collected in any manner provided by law for the collection of taxes.

C. In addition to any other remedy provided herein, the [~~county~~] [locality] or its designee may institute legal action to enjoin the continuing violating of this section.

D. An ordinance adopted pursuant to subsection A may provide that it shall be unlawful for any person, except the owner or his agent, to possess outside of the premises any shopping cart, when the owner has posted notice on the property that removal is unlawful. The locality may provide that a person who violates the ordinance is subject to a civil penalty of not more than \$500.

ENGROSSED

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