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HOUSE BILL NO. 2157

Offered January 16, 1997

A BILL to amend and reenact §§ 15.1-11 and 15.1-11.2 of the Code of Virginia, relating to powers of localities.

Patrons—May; Senator: Potts

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.1-11 and 15.1-11.2 of the Code of Virginia are amended and reenacted as follows:

§ 15.1-11. County, city or town may provide for removal of trash, garbage, etc., weeds and other foreign growth; disposal of trash and garbage; covers on water wells; penalty in certain counties.

Any county, city or town may, by ordinance, provide:

1. That 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 county, city or town; 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 county, city or town, removed by its own agents or employees, in which event the cost or expenses thereof, *including the cost of providing notice*, shall be chargeable to and paid by the owners of such property and may be collected by the county, city or town as taxes and levies are collected;

2. That the owners of 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, have such grass, weeds or other foreign growth cut by its agents or employees, in which event the cost and expenses thereof, *including the cost of providing notice*, shall be chargeable to and paid by the owner of such property and may be collected by the county, city or town as taxes and levies are collected. 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;

3. That 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;

4. That every charge authorized by this section with which the owner and lien holder 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; and

5. That Caroline County by ordinance may provide that owners of property keep covers on water wells and may after reasonable notice cover uncovered water wells by its own agents or employees, in which event the cost or expense thereof shall be chargeable to and paid by the owners of such property and may be collected by the county as taxes and levies are collected.

The governing body of any county adjoining a city whose population is in excess of 200,000 may provide that the violation of an ordinance adopted to enforce the provisions of this section shall be a Class 4 misdemeanor.

§ 15.1-11.2. Authority to require removal, repair, etc., of buildings and other structures.

The governing body of any county, city or town may, by ordinance, provide:

1. That the owners of property therein, shall at such time or times as the governing body may prescribe, remove, repair or secure any building, wall or any other structure which might endanger the public health or safety of other residents of such county, city or town;

2. That the governing body of such county, city or town through its own agents or employees may remove, repair or secure any building, wall or any other structure which might endanger the public health or safety of other residents of such county, city or town, wherein the owner and lien holder of such property after reasonable notice and a reasonable time to do so, has failed to remove, repair or secure said building, wall or other structure. For the purposes of this section, repair may include maintenance work to the exterior of a building to prevent deterioration of the building or adjacent

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60 buildings. For purposes of this section, reasonable notice shall include a written notice (i) mailed by
61 certified or registered mail, return receipt requested, sent to the last known address of the property
62 owner and (ii) published in a newspaper having general circulation in the locality in accordance with the
63 applicable provisions of § 15.1-504. No action shall be taken by the locality to remove, repair or secure
64 any building, wall or other structure for at least thirty days following the later of the return of the
65 receipt or newspaper publication;

66 3. That in the event the governing body of such county, city or town, through its own agents or
67 employees removes, repairs or secures any building, wall or any other structure after complying with the
68 notice provisions of this section, the cost or expenses thereof, *including the cost of providing notice*,
69 shall be chargeable to and paid by the owners of such property and may be collected by the county, city
70 or town as taxes and levies are collected;

71 4. That every charge authorized by this section with which the owner of any such property shall
72 have been assessed and which remains unpaid shall constitute a lien against such property ranking on a
73 parity with liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3
74 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1.