

1997 RECONVENED SESSION

HOUSE SUBSTITUTE

970414805

HOUSE BILL NO. 2157

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Governor
on March 24, 1997)

(Patron Prior to Substitute—Delegate May)

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

Be it enacted by the General Assembly of Virginia:

1. That § 15.1-11 of the Code of Virginia is 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 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 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.

6. That any town in a county with a population between 12,050 and 12,200 may include the cost of providing notice to the owners of property therein in the amount chargeable to such owners if the town has its own agents or employees (i) remove from such property trash, garbage, refuse, litter or other like substances in accordance with subdivision 1, or (ii) cut grass, weeds or other foreign growth on such property in accordance with subdivision 2.

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.

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