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SENATE BILL NO. 225

Senate Amendments in [] - January 15, 2020

A BILL to amend and reenact § 15.2-2011 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 15.2-2009.1, relating to removal of dangerous roadside vegetation; local option.

Patrons Prior to Engrossment—Senators Stuart and Vogel; Delegates: Cole, J.G. and Cole, M.L.

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2011 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 15.2-2009.1 as follows:

§ 15.2-2009.1. Dangerous roadside vegetation.

Notwithstanding the provisions of subsection A of § 15.2-2000, any locality may, by ordinance, provide that the owner of any property located within five feet of the pavement of any street, highway, road, alley, bridge, viaduct, subway, underpass, or other public right-of-way or place shall, at such time or times as the governing body may prescribe, remove therefrom any and all trees, tree limbs, shrubs, high grass, or other substance that might dangerously obstruct the line of sight of a driver, be involved in a collision with a vehicle, or interfere with the safe operation of a vehicle; or may, whenever the governing body deems it necessary, after reasonable notice, have such trees, shrubs, high grass, and other like substances 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~~] .

§ 15.2-2011. Localities may permit existing encroachments.

Notwithstanding the provisions of subsection A of § 15.2-2000, localities may authorize owners of property with roadside vegetation described in § 15.2-2009.1 or buildings or structures encroaching under, upon and over any public rights-of-way therein, within such limitations as the localities may prescribe, to maintain such vegetation or encroachments as they exist, until such vegetation, buildings, or structures are destroyed or removed; however, nothing contained in this section shall be construed to relieve the owners of negligence on their part on account of any such vegetation or encroachment.

ENGROSSED

SB225E