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HOUSE BILL NO. 2209

House Amendments in [] — February 5, 1995

A BILL to amend the Code of Virginia by adding a section numbered 15.1-11.2:2, relating to authority of certain local governments to remove or repair the defacement of certain public or private real property.

Patrons—Wardrup, McDonnell, Purkey, Tata and Wagner; Senator: Stolle

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 15.1-11.2:2 as follows:**

§ 15.1-11.2:2. Authority of certain cities to remove or repair the defacement of buildings, walls, fences and other structures.

The governing body of every city having a population of 350,000 or more, by ordinance, may undertake or contract for the removal or repair of the defacement of any public building, wall, fence or other structure or any private building, wall, fence or other structure where such defacement is visible from any public right-of-way. Prior to such removal, the governing body shall seek the written permission of the property owner; should the property owner fail to provide such permission within ten days, [the governing body shall prominently post the affected property with a notice regarding the impending action. Within five days after so posting the property, if no response has been received from the property owner, the city may maintain a public nuisance action against the property owner in order to compel the property owner to allow removal or repair of the defacement. After receiving the written permission or the appropriate court order,] the governing body may undertake the removal or repair of the defacement. All such removal or repair shall be at the expense of the city.

ENGROSSED

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