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**HOUSE BILL NO. 1054**

Offered January 10, 2024

Prefiled January 10, 2024

*A BILL to amend and reenact § 15.2-901 of the Code of Virginia, relating to maintenance of vegetative growth on certain property.*

\_\_\_\_\_  
Patron—Knight  
\_\_\_\_\_

Referred to Committee on Counties, Cities and Towns

**Be it enacted by the General Assembly of Virginia:**

**1. That § 15.2-901 of the Code of Virginia is amended and reenacted as follows:**

**§ 15.2-901. Locality may provide for removal or disposal of trash and clutter, cutting of grass, weeds, and running bamboo; penalty in certain counties; penalty.**

A. Any locality may, by ordinance, provide that:

1. 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, clutter, except on land zoned for or in active farming operation, and other substances that might endanger the health or safety of other residents of such locality, or may, whenever the governing body deems it necessary, after reasonable notice, have such trash, garbage, refuse, litter, clutter, except on land zoned for or in active farming operation, and other like substances that might endanger the health of other residents of the locality 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. For purposes of this section, "clutter" includes mechanical equipment, household furniture, containers, and similar items that may be detrimental to the well-being of a community when they are left in public view for an extended period or are allowed to accumulate.

2. Trash, garbage, refuse, litter, clutter, except on land zoned for or in active farming operation, 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.

3. The owners of occupied or 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, including running bamboo as defined in § 15.2-901.1, 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 as determined by the locality, 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 locality as taxes are collected. For purposes of this provision, one written notice per growing season to the owner of record of the subject property shall be considered reasonable notice. 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. No such ordinance shall be applicable to land zoned for or in active farming operation. However, in any locality located in Planning District 6 or in Planning District 22, no such ordinance shall be applicable to land zoned for agricultural use unless such lot is one acre or less in area and used for a residential purpose. In any locality within Planning District 23, such ordinance may also include provisions for cutting overgrown shrubs, trees, and other such vegetation.

4. The owners of any land, regardless of zoning classification, used for the interment of human remains shall cut the grass, weeds, and other foreign growth, including running bamboo as defined in § 15.2-901.1, 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 as determined by the locality, 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 locality as taxes are collected. For purposes of this provision, one written notice per growing season to the owner of record of the subject property shall be considered reasonable notice. No such ordinance shall be applicable to land owned by an individual, family, property owners' association as defined in § 55.1-1800, or church.

*B. Notwithstanding any other provision of law, general or special, nothing in this section shall be deemed to prohibit a locality from requiring the owner of property that (i) was formerly used as a golf course but*

59 *where such use has been discontinued and (ii) abuts an area zoned for residential purposes to maintain the*  
60 *vegetative growth on the former golf course property in a manner that (a) prevents such property from*  
61 *becoming a detriment to the health, safety, or welfare of the residents of the abutting residential area and (b)*  
62 *does not change the character of the former golf course property so as to be incompatible with the*  
63 *surrounding residential area. Whenever the locality deems it necessary, after reasonable notice as*  
64 *determined by the locality, the locality may have its agents or employees cut or maintain the vegetative*  
65 *growth, in which event the cost and expenses thereof shall be chargeable to and paid by the owner of such*  
66 *property and may be collected by the locality as taxes are collected. For purposes of this provision, one*  
67 *written notice per growing season to the owner of record of the subject property shall be considered*  
68 *reasonable notice.*

69 ~~B.~~ C. Every charge authorized by this section with which the owner of any such property shall have been  
70 assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens  
71 for unpaid local real estate taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et  
72 seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1. A locality may waive such liens in order to  
73 facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood  
74 or marriage to the owner and who has no business association with the owner. All such liens shall remain a  
75 personal obligation of the owner of the property at the time the liens were imposed.

76 ~~C.~~ D. The governing body of any locality may by ordinance provide that violations of this section shall be  
77 subject to a civil penalty, not to exceed \$50 for the first violation, or violations arising from the same set of  
78 operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts  
79 within 12 months of the first violation shall not exceed \$200. Each business day during which the same  
80 violation is found to have existed shall constitute a separate offense. In no event shall a series of specified  
81 violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000 in  
82 a 12-month period.

83 ~~D.~~ E. Except as provided in this subsection, adoption of an ordinance pursuant to subsection ~~C~~ D shall be  
84 in lieu of criminal penalties and shall preclude prosecution of such violation as a misdemeanor. The  
85 governing body of any locality may, however, by ordinance provide that such violations shall be a Class 3  
86 misdemeanor in the event three civil penalties have previously been imposed on the same defendant for the  
87 same or similar violation, not arising from the same set of operative facts, within a 24-month period.  
88 Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for  
89 the same violation.

90 **2. That the provisions of this act are declarative of existing law.**