

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 15.2-901 of the Code of Virginia, relating to removal of clutter; agricultural*
 3 *use exemption; Planning District 19.*

4 [H 1316]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 15.2-901 of the Code of Virginia is amended and reenacted as follows:**8 **§ 15.2-901. Locality may provide for removal or disposal of trash and clutter, cutting of grass,**
 9 **weeds, and running bamboo; penalty in certain counties; penalty.**

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

11 1. The owners of property therein shall, at such time or times as the governing body may prescribe,
 12 remove therefrom any and all trash, garbage, refuse, litter, clutter, except on land zoned for or in active
 13 farming operation, and other substances that might endanger the health or safety of other residents of such
 14 locality, or may, whenever the governing body deems it necessary, after reasonable notice, have such trash,
 15 garbage, refuse, litter, clutter, except on land zoned for or in active farming operation, and other like
 16 substances that might endanger the health of other residents of the locality removed by its own agents or
 17 employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such
 18 property and may be collected by the locality as taxes are collected. *However, in any locality located in*
 19 *Planning District 19, no such ordinance requiring the removal of clutter shall be applicable to land zoned for*
 20 *agricultural use unless such lot is one acre or less in area and used for a residential purpose.* For purposes of
 21 this section, "clutter" includes mechanical equipment, household furniture, containers, and similar items that
 22 may be detrimental to the well-being of a community when they are left in public view for an extended period
 23 or are allowed to accumulate.

24 2. Trash, garbage, refuse, litter, clutter, except on land zoned for or in active farming operation, and other
 25 debris shall be disposed of in personally owned or privately owned receptacles that are provided for such use
 26 and for the use of the persons disposing of such matter or in authorized facilities provided for such purpose
 27 and in no other manner not authorized by law.

28 3. The owners of occupied or vacant developed or undeveloped property therein, including such property
 29 upon which buildings or other improvements are located, shall cut the grass, weeds, and other foreign growth,
 30 including running bamboo as defined in § 15.2-901.1, on such property or any part thereof at such time or
 31 times as the governing body shall prescribe, or may, whenever the governing body deems it necessary, after
 32 reasonable notice as determined by the locality, have such grass, weeds, or other foreign growth cut by its
 33 agents or employees, in which event the cost and expenses thereof shall be chargeable to and paid by the
 34 owner of such property and may be collected by the locality as taxes are collected. For purposes of this
 35 provision, one written notice per growing season to the owner of record of the subject property shall be
 36 considered reasonable notice. No such ordinance adopted by any county shall have any force and effect
 37 within the corporate limits of any town. No such ordinance adopted by any county having a density of
 38 population of less than 500 per square mile shall have any force or effect except within the boundaries of
 39 platted subdivisions or any other areas zoned for residential, business, commercial, or industrial use. No such
 40 ordinance shall be applicable to land zoned for or in active farming operation. However, in any locality
 41 located in Planning District 6, *Planning District 19*, or ~~in~~ Planning District 22, no such ordinance shall be
 42 applicable to land zoned for agricultural use unless such lot is one acre or less in area and used for a
 43 residential purpose. In any locality within Planning District 23, such ordinance may also include provisions
 44 for cutting overgrown shrubs, trees, and other such vegetation.

45 4. The owners of any land, regardless of zoning classification, used for the interment of human remains
 46 shall cut the grass, weeds, and other foreign growth, including running bamboo as defined in § 15.2-901.1, on
 47 such property or any part thereof at such time or times as the governing body shall prescribe, or may,
 48 whenever the governing body deems it necessary, after reasonable notice as determined by the locality, have
 49 such grass, weeds, or other foreign growth cut by its agents or employees, in which event the cost and
 50 expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the
 51 locality as taxes are collected. For purposes of this provision, one written notice per growing season to the
 52 owner of record of the subject property shall be considered reasonable notice. No such ordinance shall be
 53 applicable to land owned by an individual, family, property owners' association as defined in § 55.1-1800, or
 54 church.

55 B. Every charge authorized by this section with which the owner of any such property shall have been
 56 assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens

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57 for unpaid local real estate taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et
58 seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1. A locality may waive such liens in order to
59 facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood
60 or marriage to the owner and who has no business association with the owner. All such liens shall remain a
61 personal obligation of the owner of the property at the time the liens were imposed.

62 C. The governing body of any locality may by ordinance provide that violations of this section shall be
63 subject to a civil penalty, not to exceed \$50 for the first violation, or violations arising from the same set of
64 operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts
65 within 12 months of the first violation shall not exceed \$200. Each business day during which the same
66 violation is found to have existed shall constitute a separate offense. In no event shall a series of specified
67 violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000 in
68 a 12-month period or, in the case of property that is zoned or utilized for industrial or commercial purposes,
69 \$6,000 in a 12-month period.

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