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HOUSE BILL NO. 627

Offered January 12, 2022

Prefiled January 11, 2022

A *BILL to amend and reenact § 15.2-1429 of the Code of Virginia, relating to violation of ordinances; schedule of civil penalties.*

Patron—Hudson

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:**1. That § 15.2-1429 of the Code of Virginia is amended and reenacted as follows:****§ 15.2-1429. Penalties for violation of ordinances.**

A. Any locality may prescribe fines and other punishments for violations of ordinances, which shall be enforced by proceedings as if such violations were misdemeanors. However, no fine or term of confinement for the violation of ordinances shall exceed the penalties provided by general law for the violation of a Class 1 misdemeanor, and such penalties shall not exceed those penalties prescribed by general law for like offenses.

B. Any locality may adopt an ordinance that establishes a uniform schedule of civil penalties for violations of designated provisions of its ordinances, provided that no such ordinance shall pertain to violations for which a state law, general or special, expressly declares such a violation to be punishable as a misdemeanor or as a traffic infraction.

1. The schedule of civil penalties shall be uniform for each type of specified violation, and the penalty for any one violation shall be a civil penalty of not more than \$500 for the initial summons, not more than \$1,000 for the second summons, not more than \$1,500 for the third summons, and not more than \$2,000 for the fourth and each additional summons up to aggregate total of not more than \$5,000 for a series of additional summons after the fourth for violations arising from the same operative set of facts.

2. Each day during which the violation is found to have existed constitutes a separate offense. However, specified violations arising from the same operative set of facts shall not be charged more frequently than once in any 10-day period.

3. Designation of a civil penalty for a violation of such designated ordinance pursuant to this subsection shall be in lieu of criminal fines or punishment for that violation, and except for any violation resulting in injury to persons, the imposition of the civil penalty for such designated violation precludes the prosecution of a violation as a criminal misdemeanor, provided, however, that when the aggregate civil penalties from all summons from the same operative set of facts exceed \$5,000, further violations arising from the same operative set of facts may be prosecuted as a criminal misdemeanor pursuant to subsection A.

4. The ordinance shall designate the officers authorized to issue a civil summons as provided by law for a scheduled violation. Any person summoned or issued a ticket for a scheduled violation may make an appearance in person or in writing by mail to the department of finance or the treasurer of the locality before the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such persons shall be informed in writing of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court.

5. If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided for by law. In any trial for a scheduled violation, the locality has the burden to show the liability of the violator by a preponderance of the evidence. If the violation remains uncorrected at the time of the admission of liability or finding of liability, the court may order the violator to abate or remedy the violation to comply with the ordinance. Except as otherwise provided by the court for good cause shown, any violator shall abate or remedy the violation within a period of time as determined by the court, but not later than six months after the date of admission of liability or finding of liability. Each day during which the violation continues after the court-ordered abatement period has ended constitutes a separate offense. An admission of liability or finding of liability is not a criminal conviction for any purpose.

C. Every fine or penalty authorized by this section and imposed on an owner of real property, when the operative set of facts leading to the imposition of such fine or penalty involves said real property, that remains unpaid will constitute a lien against that real property with the same priority as liens for

INTRODUCED

HB627

59 *unpaid local real estate taxes and enforceable in the same manner as provided in Articles 3*
60 *(§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1.*