

Response to Questions on the FY 2016 Budget

Request By: Supervisor Gross

Question: Please provide options to the current provision of services under the grass code, to include alternative funding options.

Response: The lack of property maintenance of residential properties and vacant properties are often evidenced early-on by the lack of yard care and grass cutting. Tall grass and unkempt yards may also be an indication to individuals traveling through the neighborhood that no one occupies the dwelling, thus creating an intrusion and vandalism temptation. Unfortunately, when the Commonwealth of Virginia adopted the current Virginia Maintenance Code from the enabling International Property Maintenance Code, the Commonwealth chose to not include certain exterior vegetation and lawn care provisions. Thus, the current County Grass Ordinance (Chapter 119 of the County Code) is staff's only mechanism to effectively enforce maintenance of lawn areas on residential properties less than one-half acre in size within the County.

The current grass program is supported primarily by the Department of Code Compliance (DCC) General Fund budget, which covers administration, including case management, inspections, appeal review, oversight and grass cutting contractor coordination in the amount of \$120,000. There are currently no recovery methods for the cost of administration of the program.

When the County directs its grass contractor to cut the lawn or grass area of a property under violation, the County has authority under Section 119-3-4 ("Procedure when notice of cut grass or lawn area is not complied with") to recover expenses paid to the contractor for cutting from the owner. Collections over the past few years have yielded a high level of return because such direct costs can, pursuant to the enabling legislation in Va. Code Ann. §§ 15.2-901 and 15.2-1215(A) (Supp. 2014), be collected in the same manner as a tax lien. Funds available in a DCC-managed project in Fund 30010, General Construction and Contributions, are used to initially fund the grass cutting in non-compliant properties, and those funds are then recovered and posted back to the same DCC-managed project. This funding fluctuates from year to year and does not impact the General Fund budget. It should be noted that if the \$120,000 reduction is taken this lawn cutting action will also cease.

The Virginia Code also permits the imposition of civil penalties ranging from \$50 to \$200 as part of a grass program. *See* Va. Code Ann. §§ 15.2-901 and 15.2-1215(A). However, the imposition of such civil penalties would require an amendment to Chapter 119 of the County Code to implement fees of up to \$200 for repeat violations. As this amendment is being advanced, staff could evaluate whether and to what extent a civil penalty collection program could be implemented in a cost effective manner.