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HOUSE BILL NO. 538

Offered January 18, 2000

A BILL to amend and reenact § 15.2-2403 of the Code of Virginia, relating to service districts.

Patrons—Amundson, Albo, Almand, Brink, Callahan, Darner, Devolites, Hull, Plum, Scott, Van
Landingham and Watts; Senators: Byrne, Colgan, Howell, Puller, Ticer and Whipple

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:**1. That § 15.2-2403 of the Code of Virginia is amended and reenacted as follows:**

§ 15.2-2403. Powers of service districts.

After adoption of an ordinance or the entry of an order creating a service district, the governing body shall have the following powers with respect to the service districts:

1. To construct, maintain and operate such facilities and equipment as may be necessary or desirable to provide additional, more complete or more timely governmental services within a service district, including but not limited to water supply, sewerage, garbage removal and disposal, heat, light, fire-fighting equipment and power and gas systems and sidewalks; economic development services; promotion of business and retail development services; beautification and landscaping; beach and shoreline management and restoration; control of ~~gypsy moth~~ *pest* infestations; public parking; extra security, street cleaning, snow removal and refuse collection services; sponsorship and promotion of recreational and cultural activities; upon petition of over fifty percent of the property owners who own not less than fifty percent of the property to be served, construction, maintenance and general upkeep of streets and roads that are not under the operation and jurisdiction of the Virginia Department of Transportation; and other services, events, or activities which will enhance the public use and enjoyment of and the public safety, public convenience, and public well-being within a service district. Such services, events or activities shall not be undertaken for the sole or dominant benefit of any particular individual, business or other private entity. *For the purposes of this section, "pest" means any invertebrate or vertebrate animal, other than man, including, but not limited to, birds, mammals, arachnids, insects, nematodes and mollusks, and any plant, virus, or other organism that directly or indirectly causes damage or disease to persons, property, or plants; provided, however, that any organism classified as endangered, threatened, or otherwise protected under federal or state law shall not be deemed a pest for the purposes of this section.*

2. To provide, in addition to services authorized by subdivision 1, transportation and transportation services within a service district, including, but not limited to: public transportation systems serving the district; transportation management services; rehabilitation and replacement of existing transportation facilities or systems; and sound walls or sound barriers.

3. To acquire in accordance with § 15.2-1800, any such facilities and equipment and rights, title, interest or easements therefor in and to real estate in such district and maintain and operate the same as may be necessary and desirable to provide the governmental services authorized by subdivisions 1 and 2.

4. To contract with any person, municipality or state agency to provide the governmental services authorized by subdivisions 1 and 2 and to construct, establish, maintain and operate any such facilities and equipment as may be necessary and desirable in connection therewith.

5. To require owners or tenants of any property in the district to connect with any such system or systems, and to contract with the owners or tenants for such connections. The owners or tenants shall have the right of appeal to the circuit court within ten days from action by the governing body.

6. To levy and collect an annual tax upon any property in such service district subject to local taxation to pay, either in whole or in part, the expenses and charges for providing the governmental services authorized by subdivisions 1 and 2 and for constructing, maintaining and operating such facilities and equipment as may be necessary and desirable in connection therewith; however, such annual tax shall not be levied for or used to pay for schools, police or general government services not authorized by this section, and the proceeds from such annual tax shall be so segregated as to enable the same to be expended in the district in which raised. In addition to the tax on property authorized herein, in any city having a population of 350,000 or more and adjacent to the Atlantic Ocean, the city council shall have the power to impose a tax on the base transient room rentals, excluding hotels, motels, and travel campgrounds, within such service district at a rate or percentage not higher than five percent which is in addition to any other transient room rental tax imposed by the city. The proceeds from such additional transient room rental tax shall be deposited in a special fund to be used only for the purpose

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60 of beach and shoreline management and restoration.

61 7. To accept the allocation, contribution or funds of, or to reimburse from, any available source,
62 including, but not limited to, any person, authority, transportation district, or state or federal agency for
63 either the whole or any part of the costs, expenses and charges incident to the acquisition, construction,
64 reconstruction, maintenance, alteration, improvement, expansion and the operation or maintenance of any
65 facilities and services in the district.

66 8. To employ and fix the compensation of any technical, clerical or other force and help which from
67 time to time, in their judgment may be necessary or desirable to provide the governmental services
68 authorized by subdivisions 1 and 2 or for the construction, operation or maintenance of any such
69 facilities and equipment as may be necessary or desirable in connection therewith.

70 9. To create and terminate a development board or other body to which shall be granted and
71 assigned such responsibilities with respect to a special service district as are delegated to it by ordinance
72 adopted by the governing body of such locality. Any such board or alternative body created shall be
73 responsible for control and management of funds appropriated for its use by the governing body and
74 such funds may be used to employ or contract with, on such terms and conditions as the board or other
75 body shall determine, persons, municipal or other governmental entities or such other entities as the
76 development board or alternative body deems necessary to accomplish the purposes for which the
77 development board or alternative body has been created.

78 10. To negotiate and contract with any person or municipality with regard to the connections of any
79 such system or systems with any other system or systems now in operation or hereafter established, and
80 with regard to any other matter necessary and proper for the construction or operation and maintenance
81 of any such system within the district.

82 11. To purchase development rights which will be dedicated as easements for conservation, open
83 space or other purposes pursuant to the provisions of §§ 10.1-1009 through 10.1-1016. For purposes of
84 this subdivision, "development rights" means the level and quantity of development permitted by the
85 zoning ordinance expressed in terms of housing units per acre, floor area ratio or equivalent local
86 measure. Notwithstanding the provisions of subdivision 3, the governing body shall not use the power of
87 condemnation to acquire development rights.

88 12. To contract with any state agency or state or local authority for services within the power of the
89 agency or authority related to the financing, construction or operation of the facilities and services to be
90 provided within the district; however, nothing in this subdivision shall authorize a locality to obligate its
91 general tax revenues, or to pledge its full faith and credit.