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**HOUSE BILL NO. 228**

House Amendments in [ ] — February 9, 2002

*A BILL to amend and reenact § 21-118 of the Code of Virginia, relating to taxation of property within sanitary districts.*

Patron Prior to Engrossment—Delegate Janis

Referred to Committee on Finance

**Be it enacted by the General Assembly of Virginia:****1. That §21-118 of the Code of Virginia is amended and reenacted as follows:**

§ 21-118. Powers and duties of governing body.

After the entry of such order creating a sanitary district in such county, the governing body thereof shall have the following powers and duties, subject to the conditions and limitations hereinafter prescribed:

(1) To construct, maintain and operate water supply, sewerage, garbage removal and disposal, heat, light, fire-fighting equipment and power and gas systems and sidewalks for the use and benefit of the public in such sanitary districts.

(2) To acquire by gift, condemnation, purchase, lease, or otherwise, and to maintain and operate any such water supply, sewerage, garbage removal and disposal, heat, light, fire-fighting equipment and power and gas systems and sidewalks in such district and to acquire by gift, condemnation, purchase, lease, or otherwise, rights, title, interest, or easements therefor in and to real estate in such district; and to sell, lease as lessor, transfer or dispose of any part of any such property, real, personal or mixed, so acquired in such manner and upon such terms as the governing body of the district may determine to be in the best interests of the district; provided a public hearing is first held with respect to such disposition at which inhabitants of the district shall have an opportunity to be heard. At least ten days' notice of the time and place of such hearing and a brief description of the property to be disposed shall be published in a newspaper of general circulation in the district. Such public hearing may be adjourned from time to time.

(3) To contract with any person, firm, corporation or municipality to construct, establish, maintain and operate any such water supply, sewerage, garbage removal and disposal, heat, light, fire-fighting equipment and power and gas systems and sidewalks in such district.

(4) 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 or the judge thereof in vacation within ten days from action by the governing body.

(5) To fix and prescribe or change the rates of charge for the use of any such system or systems after a public hearing upon notice as provided in § 21-118.4 (d), and to provide for the collection of such charges. In fixing such rates the sanitary district may seek the advice of the State Corporation Commission.

(6) To levy and collect an annual tax upon all the property in such sanitary district subject to local taxation to pay, either in whole or in part, the expenses and charges incident to constructing, maintaining and operating water supply, sewerage, garbage removal and disposal, heat, light, fire-fighting equipment and power and gas systems and sidewalks for the use and benefit of the public in such sanitary district. *Any locality imposing a tax pursuant to this subdivision may base the tax on the full assessed value of the taxable property within the district, notwithstanding any special use value assessment of property within the sanitary district for land preservation pursuant to Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1 [ , provided the owner of such property has given written consent ] .*

(7) To employ and fix the compensation of any technical, clerical or other force and help which from time to time, in their judgment, may be deemed necessary for the construction, operation or maintenance of any such system or systems and sidewalks.

(8) To negotiate and contract with any person, firm, corporation or municipality with regard to the connections of any such system or systems with any other system or systems now in operation or hereafter established, and with regard to any other matter necessary and proper for the construction or operation and maintenance of any such system within the sanitary district.

(9) The governing body shall have the same power and authority for the abatement of nuisances in such sanitary district as is vested by law in councils of cities and towns for the abatement of nuisances therein, and it shall be the duty of the governing body to exercise such power when any such nuisance

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59 shall be shown to exist.

60 (10) Proceedings for the acquisition of rights, title, interest or easements in and to real estate, by  
61 such sanitary districts in all cases in which they now have or may hereafter be given the right of  
62 eminent domain, may be instituted and conducted in the name of such sanitary district and the procedure  
63 shall be in the manner and under the restrictions prescribed by Title 25, Chapter 2 (§ 25-47 et seq.), or  
64 by other general statutes of this Commonwealth relative to the condemnation of lands, or, (a) in the case  
65 of lands proposed to be condemned for the purpose of constructing water or sewer lines, either by such  
66 method or in the manner provided for the condemnation of land by the Commonwealth Transportation  
67 Commissioner in §§ 33.1-119 through 33.1-129, or, (b) in the case of lands proposed to be condemned  
68 for the purpose of constructing water and sewage treatment plants and facilities and improvements  
69 reasonably necessary to the construction and operation thereof, in the manner provided for the  
70 condemnation of land by the Commonwealth Transportation Commissioner in § 33.1-98.

71 (11) To appoint, employ and compensate out of the funds of the district as many persons as special  
72 policemen as may be deemed necessary to maintain order and enforce the criminal and police laws of  
73 the Commonwealth and of the county within such district. Such special policemen shall have, within  
74 such district and within one-half mile thereof, all of the powers vested in policemen appointed under the  
75 provisions of ~~Article 1 (§ 15.2-1700 et seq.) of Chapter 17 of Title 15.1~~ *Article 1 (§ 15.2-1700 et seq.)*  
76 *of Chapter 17 of Title 15.2.*