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HOUSE BILL NO. 1740

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Agriculture, Conservation and Natural Resources
on February 2, 2017)

(Patron Prior to Substitute—Delegate Minchew)

A BILL to amend and reenact §§ 21-113 through 21-116, 21-117, 21-117.1, 21-118, 21-118.4, and 21-119 of the Code of Virginia, relating to sanitary districts; authority to create or expand.

Be it enacted by the General Assembly of Virginia:

1. That §§ 21-113 through 21-116, 21-117, 21-117.1, 21-118, 21-118.4, and 21-119 of the Code of Virginia are amended and reenacted as follows:

§ 21-113. Creation; inclusion of town in new or enlarged district.

The ~~circuit court~~ governing body of any a county in this the Commonwealth, ~~or the judge of such court in vacation~~, upon the petition of 50 qualified voters of a proposed district; or, if the proposed district contains less than 100 qualified voters, upon petition of fifty 50 percent of the qualified voters of the proposed district, may ~~make an order creating~~, by ordinance, create a sanitary district or districts in and for the county, which ~~order ordinance~~ shall prescribe the metes and bounds of the district.

With the approval of the board of supervisors of a county and the council of any town therein, such town or any part thereof may be included within a sanitary district created or enlarged under the provisions of this chapter.

§ 21-114. Hearing and notice thereof.

Upon the filing of the petition, the ~~court~~ governing body of a county shall fix a day for a hearing on the question of the proposed sanitary district, which hearing shall embrace a ~~consideration finding of fact~~ of whether the property embraced in the proposed district will or will not be benefited by the establishment thereof; all creation of the proposed district or enlargement of the existing district is necessary, practical, fiscally responsible, and supported by at least 50 percent of persons who own real property in (i) the proposed district or (ii) in cases of enlargement, the area proposed to be included in an existing district. All interested persons, who reside in or who own real property in (i) a proposed district or (ii) an existing district in cases of enlargement, shall have the right to appear and show cause why the property under consideration should or should not be included in the proposed district or enlargement of same at such hearings. Such hearing shall be subject to minimum standards regarding timeliness; notice of such hearing shall be given by publication once a week for three consecutive weeks in some newspaper of general circulation within the county to be designated by the ~~court or the judge thereof in vacation~~ governing body. At least ten 10 days shall intervene between the completion of the publication and the date set for the hearing, and such publication shall be considered complete on the twenty-first day after the first publication, and no such district shall be created until the notice has been given and the hearing had.

§ 21-115. Answer and defense.

Any person interested may answer the petition and make defense thereto; and if upon such hearing the ~~court, or the judge thereof in vacation~~, as the case may be, governing body of a county be of opinion that any property embraced within the limits of such proposed district will not be benefited by the establishment of such district, then such property shall not be embraced therein.

§ 21-116. Enlargement of sanitary districts.

The ~~circuit court, or the judge of such court in vacation~~ governing body of a county, upon the petition of the governing body of the county and of twenty-five 25 percent of the qualified voters, if any, residing within the limits of the territory proposed to be added, may ~~make an order extending~~, by ordinance, extend the boundaries and enlarging any sanitary district created under the provisions of this article, which ~~order ordinance~~ shall prescribe the metes and bounds of the territory so added.

Upon the filing of the petition a hearing shall be had as provided in §§ 21-114 and 21-115, and the notice of such hearing may require all interested persons to appear and show cause why any special tax levied or to be levied in the sanitary district for special sanitary district purposes may not be likewise levied and collected in the territory proposed to be added to such district, and to appear and show cause why the net operating revenue derived in the added territory from the operation of any system or systems established under the provisions of § 21-118 may not be set apart to pay the interest on and retire at maturity the principal of any bonds theretofore issued in connection with such system or systems. Nothing in such ~~order ordinance~~ enlarging a sanitary district as provided herein shall be construed to limit or adversely affect the rights and interests of any holder of bonds issued by the district, and such ~~order ordinance~~ shall expressly preserve and protect such rights and interests. All interested persons, who reside in or who own real property in (i) a proposed district or (ii) an existing district in cases of enlargement, shall have the right to appear and show cause why the property under

60 consideration should or should not be included in the proposed district or enlargement of same at such
61 hearing.

62 **§ 21-117. Merger of sanitary districts.**

63 Any two or more sanitary districts heretofore or hereafter created in any county under the provisions
64 of this article, may be merged into a single district by ~~an order entered by the circuit court of such~~
65 ~~county, or the judge thereof in vacation~~ *the governing body of the county, by ordinance*, upon the
66 petition of not less than ~~fifty~~ 50 qualified voters residing within the boundaries of each of the districts
67 desiring to be so merged, which ~~order~~ *ordinance* shall prescribe the metes and bounds and the name or
68 other designation of the single district created by such merger. From and after the ~~entry of such order~~
69 *adoption of such ordinance*, the governing body of such county shall, as to the single districts so
70 created, have all the powers and duties, and be subject to all the conditions and limitations prescribed by
71 § 21-118; and all funds then on hand to the credit of each of the districts so merged shall be merged
72 into a single fund for the use and benefit of the consolidated district, unless otherwise ordered by the
73 ~~court or judge~~ *governing body of the county* upon the hearing next herein provided for.

74 Upon the filing of the petition, a hearing shall be had before the ~~court or judge~~ *governing body of*
75 *the county*, after notice as provided by § 21-114, which notice shall require all interested parties to
76 appear and show cause, if any they can, ~~(1)~~ (i) why the funds then on hand to the credit of each of the
77 merged districts should not be merged into a single fund for the purpose above mentioned; ~~(2)~~ and (ii)
78 why a special tax should not be levied on all the property within the limits of the consolidated district,
79 subject to local taxation, sufficient to pay the interest and create a sinking fund for payment of the
80 principal at maturity; of any then outstanding bonds theretofore issued by any one or more of the
81 districts so merged.

82 Upon the hearing, such ~~order~~ *ordinance* shall be ~~made and entered~~ *adopted* as to the ~~court or judge~~
83 *governing body of the county* may seem equitable and proper, concerning the combination of the funds
84 on hand to the credit of each of the districts so merged; and the levying of a special tax on all the
85 taxable property within the limits of the consolidated district, for the purposes hereinabove mentioned;
86 provided that such ~~order~~ *ordinance* shall preserve and protect the rights of the holders of any such
87 outstanding bonds, whose rights; and interests shall not be limited or affected by any of the provisions
88 of this section.

89 **§ 21-117.1. Abolishing sanitary districts.**

90 Any sanitary district heretofore or hereafter created in any county under the provisions of the
91 preceding sections of this article; may be abolished by ~~an order entered~~ *ordinance adopted* by the ~~circuit~~
92 ~~court governing body~~ of such county, ~~or the judge thereof in vacation~~; upon the petition of the
93 *governing body of the county* and of no less than 50 qualified voters residing within the boundaries of
94 the district desired to be abolished; or, if the district contains less than 100 qualified voters, upon
95 petition of the *governing body of the county* and ~~fifty~~ 50 percent of the qualified voters residing within
96 the boundaries of such district.

97 Upon filing of the petition, the ~~court~~ *governing body of the county* shall fix a day for a hearing on
98 the question of abolishing the sanitary district, which hearing shall embrace a consideration of whether
99 the property in the sanitary district will or will not be benefited by the abolition thereof, and the ~~court~~
100 *governing body of the county* shall be fully informed as to the obligations and functions of the sanitary
101 district. Notice of such hearing shall be given by publication once a week for three consecutive weeks in
102 some newspaper of general circulation within the county to be designated by the ~~court or the judge~~
103 ~~thereof in vacation~~ *governing body of the county*. At least ~~ten~~ 10 days shall intervene between the
104 completion of the publication and the date set for hearing, and such publication shall be considered
105 complete on the twenty-first day after the first publication, and no such district shall be abolished until
106 the notice has been given and the hearing had.

107 Any interested parties may appear and be heard on any matters pertaining to the subject of the
108 hearing.

109 Upon the hearing, such ~~order~~ *ordinance* shall be ~~made and entered~~ *adopted* as to the ~~court or judge~~
110 *governing body of the county* may seem equitable and proper, concerning the abolition of the district
111 and as to the funds on hand to the credit of the district. ~~Provided, provided,~~ however, that no such ~~order~~
112 *ordinance* shall be ~~made~~ *adopted* abolishing the sanitary district unless any bonds of the sanitary district
113 ~~which that~~ have theretofore been issued have been redeemed and the purposes for which the sanitary
114 district was created have been completed, or, unless all obligations and functions of the sanitary district
115 have been taken over by the county as a whole, or, unless the purposes for which the sanitary district
116 was created are impractical or impossible of accomplishment and no obligations have been incurred by
117 said sanitary district.

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

119 After the ~~entry~~ *adoption* of such ~~order~~ *ordinance* creating a sanitary district in such county, the
120 governing body thereof shall have the following powers and duties, subject to the conditions and
121 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 10 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 shall be shown to exist.

10. Proceedings for the acquisition of rights, title, interest or easements in and to real estate, by such sanitary districts in all cases in which they now have or may hereafter be given the right of eminent domain, may be instituted and conducted in the name of such sanitary district. If the property proposed to be condemned is:

a. For a waterworks system, the procedure shall be in the manner and under the restrictions prescribed by Chapter 19.1 (§ 15.2-1908 et seq.) of Title 15.2, and by Chapter 2 (§ 25.1-200 et seq.) of Title 25.1;

b. For the purpose of constructing water or sewer lines, the proceedings shall be instituted and conducted in accordance with the procedures prescribed either by Chapter 2 of Title 25.1 or in Chapter 3 (§ 25.1-300 et seq.) of Title 25.1; or

c. For the purpose of constructing water and sewage treatment plants and facilities and improvements reasonably necessary to the construction and operation thereof, the proceedings shall be instituted and conducted in accordance with the procedures provided for the condemnation of land in Chapter 3 of Title 25.1.

11. To appoint, employ and compensate out of the funds of the district as many persons as special policemen as may be deemed necessary to maintain order and enforce the criminal and police laws of

183 the Commonwealth and of the county within such district. Such special policemen shall have, within
184 such district and within one-half mile thereof, all of the powers vested in policemen appointed under the
185 provisions of Article 1 (§ 15.2-1700 et seq.) of Chapter 17 of Title 15.2.

186 **§ 21-118.4. Certain additional powers of governing body.**

187 Notwithstanding any other provisions of law, when an ~~order has been entered~~ *ordinance has been*
188 *adopted* creating a sanitary district in such county, the board of supervisors or other governing body
189 hereinafter referred to as "board of supervisors," shall have the following powers and duties, in addition
190 to such powers and duties created by any law, subject to the conditions and limitations hereinafter
191 prescribed:

192 (a) To construct, reconstruct, maintain, alter, improve, add to, and operate dams, motor vehicle
193 parking lots, water supply, drainage, sewerage, garbage disposal, heat, light, power, gas, sidewalks,
194 curbs, gutters, streets and street name signs, and fire-fighting systems, for the use and benefit of the
195 public in such sanitary district and as to such motor vehicle parking lots systems to make such charges
196 for the use of such facilities as may be prescribed by said board or body;

197 (a1) To acquire, construct, maintain, and operate, or to contract for such acquisition, construction,
198 maintenance, and operation, within such sanitary district, such community buildings, community centers,
199 other recreational facilities, and advisory community planning councils as the board may deem expedient
200 or advisable, and to make such charges for the use of such facilities as may be prescribed by the board;

201 (b) To acquire by gift, condemnation, purchase, lease, or otherwise, and to maintain and operate any
202 such dams, motor vehicle parking lots, water supply, drainage, sewerage, garbage disposal, heat, light,
203 power, gas, sidewalks, curbs, gutters, streets and street name signs, and fire-fighting systems in such
204 district;

205 (c) To contract with any person, firm, corporation, municipality, county, authority, or the federal
206 government or any agency thereof to acquire, construct, reconstruct, maintain, alter, improve, add to, and
207 operate any such dams, motor vehicle parking lots, water supply, drainage, sewerage, garbage removal
208 and disposal, heat, light, power, gas, sidewalks, curbs, gutters, streets and street name signs, and
209 fire-fighting systems in such district, and to accept the funds of, or to reimburse from any available
210 source, such person, firm, corporation, municipality, county, authority, or the federal government or any
211 agency thereof for either the whole or any part of the costs, expenses, and charges incident to the
212 acquisition, construction, reconstruction, maintenance, alteration, improvement, addition to, and operation
213 of any such system or systems;

214 (d) To require owners or tenants of any property in the district to connect with any such system or
215 systems, and to contract with the owners or tenants for such connections. In order to require owners or
216 tenants of any property in the district to connect with any such system or systems, the board of
217 supervisors shall have power and authority to adopt ordinances so requiring owners or tenants to connect
218 with such systems, and to use the same, and the board of supervisors shall have power to provide for a
219 punishment in the ordinance of not exceeding a \$50 fine for each failure and refusal to so connect with
220 such systems, or to use the same. Before adopting any such ordinance the board of supervisors shall
221 give public notice of the intention to propose the same for passage by posting handbill notices of such
222 proposal in three or more public places in the sanitary district at least 10 days prior to the time the
223 ordinance shall be proposed for passage. The ordinance shall not become effective after its passage until
224 10 days' like notice has been given by posting copies of such ordinance in three or more public places
225 in the district. The board of supervisors, in lieu of giving notice in such manner, may cause notice to be
226 published in the manner provided in § 15.2-1427 for imposing or increasing any tax or levy. Violations
227 of such ordinances shall be tried before the county court of the county as is provided for trial of
228 misdemeanors, and with like right of appeal;

229 (e) To fix and prescribe or change the rates of charge for the use of any such system or systems, the
230 rate of charge for connection to any such system or systems, a late charge not to exceed 10 percent of
231 the amount due or \$10, whichever is the greater, and interest on outstanding bills at the rate provided
232 for in § 58.1-3918, after a public hearing upon notice as provided in subdivision (d) and to provide for
233 the collection of such charges. In fixing such rates the sanitary district may seek the advice of the State
234 Corporation Commission. The Commission may charge the district a reasonable fee for any advice given
235 pursuant to this section. The board of supervisors may provide for the exemption from, deferral of or
236 reduction of the rates of charge for the use of any garbage disposal system or systems by persons at
237 least 65 years of age or persons permanently and totally disabled as defined in § 58.1-3217. Any such
238 exemptions, deferrals or reductions may be conditioned upon only the income criteria as provided by
239 § 58.1-3211 as in effect on December 31, 2010. And to enable the board to enforce the collection of
240 charges for the use of any such system against the person or persons, firm or corporation using the
241 same, the charges when made for the use of any such system shall be collectible by distress, levy,
242 garnishment, attachment or otherwise without recourse to court procedure, except so far as the selected
243 procedure may require the same. And the board shall have power to designate as its agent for the
244 purpose of collection such officer or officers; *or* person or persons as it may determine, and the officer

or officers; or person or persons shall be vested with the same power and authority as a sheriff or constable may have in like procedure.

Water and sewer connection fees established by any county, city, town, or sanitary district shall be fair and reasonable. Such fees shall be reviewed by the county, city, town or sanitary district periodically and shall be adjusted, if necessary, to assure that they continue to be fair and reasonable. Nothing herein shall affect existing contracts with bondholders which are in conflict with any of the foregoing provisions.

If any rates, fees or charges for the use of and for the services furnished by any system acquired or constructed by the sanitary district under the provisions of this chapter shall not be paid within 30 days after the same shall become due and payable, and the person who incurred the debt is the occupant of such premises, the board may at the expiration of such 30-day period disconnect the premises from the water and/or sewer system, or otherwise suspend services, and the board may proceed to recover the amount of any such delinquent rates, fees or charges, with interest, in a civil action.

If any rates, fees, or charges for the use and services of any water or sewer system acquired or constructed by the sanitary district under the provisions of this chapter shall not be paid within 30 days after the same becomes due and payable, the occupant-debtor of such premises shall cease to dispose of sewage or industrial wastes originating from or on such premises by discharge thereof directly or indirectly into the sewer system until such rates, fees, or charges with interest shall be paid. If such occupant-debtor does not cease such disposal at the expiration of such 30-day period, the political subdivision or district or other public corporation, board, or body supplying water to or selling water for use on such premises may, within five days after the receipt of notice of such delinquency, cease to supply water to or to sell water to such occupant-debtor. If such political subdivision or district or public corporation, board, or body shall not, at the expiration of such five-day period, cease supplying water to or selling water for use by such occupant-debtor, then the governing body within whose geographical boundaries such sanitary district lies may shut off the supply of water to such person.

The water supply to or for any occupant-debtor shall not be shut off or stopped under the provisions of this section, if the State Health Commissioner, upon application of the local board of health or health officer of the county, city or town wherein such water is supplied or such real estate is located, shall have found and shall certify to the authorities charged with the responsibility of ceasing to supply or sell such water, or to shut off the supply of such water, that ceasing to supply or shutting off such water supply will endanger the health of such person or the health of others in such county, city or town.

Any unpaid charge shall become a lien superior to the interest of any owner, lessee or tenant, and next in succession to county taxes, on the real property on which the use of any such system was made and for which the charge was imposed. However, such lien shall not bind or affect a subsequent bona fide purchaser of such real estate for valuable consideration without actual notice of such lien, except and until from the time that the amount of such charge is entered in the Judgment Lien Docket kept in the office where deeds may be recorded in the political subdivision wherein the real estate or a part thereof is located. It shall be the duty of the clerk in whose office deeds may be recorded to keep and preserve and hold available for public inspection such Judgment Lien Docket and to cause entries to be made and indexed therein from time to time upon certification by the board for which he shall be entitled to a fee of five dollars per entry to be paid by the board and added to the amount of the lien.

No such lien shall be placed by the board unless the board or its billing and collection agent (i) shall have advised the owner of such real estate at the time of initiating service to a lessee or tenant of such real estate that a lien will be placed on such real estate if the lessee or tenant fails to pay any fees, rents or other charges when due for services rendered to such lessee or tenant; (ii) shall have mailed to the owner of such real estate a duplicate copy of the final bill rendered to such lessee or tenant at the time of rendering the final bill to such lessee or tenant; and (iii) shall employ the same collection efforts and practices to collect amounts due the board from a lessee or a tenant as are employed with respect to collection of such amounts due from customers who are owners of the real estate for which service is provided.

Such lien on any real estate may be discharged by the payment to the board of the total amount of such lien, and interest accrued thereon to the date of such payment, and the entry fee of two dollars, and it shall be the duty of the board to deliver a certificate thereof to the person paying the same, and upon presentation thereof and the payment of the further fee of one dollar by such person, the clerk having the record of such lien shall mark the entry of such lien satisfied.

Jurisdiction to enforce any such lien shall be in equity and the court may decree the real estate subject to the lien, or any part thereof, to be sold and the proceeds applied to the payment of such lien and the interest which may accrue to the date of such payment.

Nothing contained herein shall be construed to prejudice the right of the board to recover the amount of such lien, or of the charge, and the interest which may accrue, by action at law or otherwise, which relief shall be cumulative and not alternative;

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

309 (g) To negotiate and contract with any person, firm, corporation, county, authority, or municipality
310 with regard to the connection of any system or systems with any other system or systems now in
311 operation or hereafter to be established, and with regard to any other matter necessary and proper for the
312 construction or operation and maintenance of any such system within the sanitary district;

313 (h) To contract for the extension of any such system into territory outside of the district, and for the
314 use thereof, upon such terms and conditions as the board may from time to time determine upon;

315 (i) With respect to the maintenance and operation of said motor vehicle parking lots system, the
316 board is authorized to purchase, install, maintain, and operate, and to fix and charge parking meter fees
317 for the use of, such parking lot or lots;

318 (j) Insofar as is permitted by Article VIII, Section 5 and Article VIII, Section 7 of the Constitution
319 of Virginia to construct or contract to construct within such sanitary district, at the request of the school
320 board and subject to all provisions of law applicable to the construction of school buildings, and
321 additions thereto;

322 (k) To borrow not earlier than January 1 of any year, or the first day of the fiscal year of the district,
323 for the purpose of meeting casual deficits in the revenue of the district or creating a debt in anticipation
324 of the collection of the revenue of the district, a sum of money not to exceed one-half of the amount
325 reasonably anticipated to be produced by the revenues of the district, including taxes levied pursuant to
326 § 21-119, for the year in which the loan is negotiated; provided, there shall be excluded from the
327 amount reasonably anticipated to be produced by the revenue of the district any anticipated tax revenues
328 of the district which have not actually been levied and assessed against property within the district.

329 Notwithstanding any provisions of law to the contrary, any sanitary district is empowered to borrow
330 in advance of grants and reimbursements due the district from the federal and state governments for the
331 purpose of meeting appropriations for the then current fiscal year. "Grants" and "reimbursements" as
332 used herein shall mean grants which the district has been formally advised in writing it will receive, and
333 reimbursements on moneys which the federal or state governments are obligated to pay the district on
334 account of expenditures made in anticipation of receiving such payment from the federal or state
335 government. The district may borrow the full amount of the grant or reimbursement that the federal or
336 state government is obligated to pay at the time the loan is issued. The loan shall be repaid within 60
337 days of the time the grant or reimbursement is received, but in any event, the loan shall be repaid within
338 one year from the date of its issue.

339 Such temporary loans shall be evidenced by notes or bonds, negotiable or nonnegotiable as the board
340 of supervisors may determine; shall bear interest at a rate as provided in § 2.2-5000; and shall be repaid
341 not later than either December 15 of the year in which they are borrowed or 15 days before the last day
342 of the fiscal year of the district. No extension of any such loan shall be valid. No additional loan under
343 this subsection shall be made until all temporary loans of preceding years shall have been paid. No
344 election shall be required for the issuance of any bond pursuant to the provisions of this subsection.
345 Except as this subsection otherwise provides, any bonds issued pursuant to this subsection may be issued
346 in accordance with the provisions of §§ 21-130 through 21-136;

347 (l) Notwithstanding any other provision of this chapter to the contrary, where the use of any water or
348 sewer systems described in this section is contracted for by an occupant who is not the owner of the
349 premises and where such occupant's premises are separately metered for service, the owner of any such
350 premises shall be liable only for the payment of delinquent rates or charges applicable to three
351 delinquent billing periods but not to exceed a period of 90 days for such delinquency. No board shall
352 refuse to service other premises of the owner not occupied by an occupant who is delinquent in the
353 payment of such rates or charges on account of such delinquency provided that such owner has paid in
354 full any delinquent charges for which he would be responsible for paying. No board shall refuse to
355 service or unreasonably delay reinstatement of service to premises where such occupant who is
356 delinquent has vacated the premises and a new party has applied for service provided such owner has
357 paid in full such delinquent charges as he would be responsible for paying.

358 **§ 21-119. Sanitary districts are special taxing districts; nature of improvements; jurisdiction of**
359 **governing bodies, etc., not affected.**

360 A. Each sanitary district created or purported to be created by ~~an order of the circuit court of any~~
361 ~~county of the Commonwealth, or a judge thereof~~ *the governing body of a county*, heretofore or hereafter
362 made and ~~entered~~ *adopted* pursuant to any general law of the Commonwealth, is hereby determined to
363 be and is hereby made, from and after the date of such creation or purported creation, a special taxing
364 district for the purposes for which created; and any improvements heretofore or hereafter made by or for
365 any such district are hereby determined to be general tax improvements and of general benefit to all of
366 the property within the sanitary district, as distinct from peculiar or special benefits to some or all of the
367 property within the sanitary district.

B. Neither the creation of the sanitary districts as special taxing districts nor any other provision in this chapter shall in any wise affect the authority, power and jurisdiction of the respective county governing bodies, sheriffs, treasurers, commissioners of the revenue, circuit courts, clerks, judges, magistrates or any other county, district or state officer over the area embraced in any such district, nor shall the same restrict or affect in any way any county, or the governing body of any county, from imposing on and collecting from abutting landowners, or other landowners receiving special or peculiar benefits, in any such district, taxes or assessments for local public improvements as permitted by the Constitution and by other statutes of the Commonwealth.

C. Notwithstanding subsections A and B of this section, the board of supervisors of Buckingham County, Nottoway County, or Westmoreland County may impose on, and collect from, landowners abutting a street being improved by the sanitary district a user fee for such service. Such fee may be enforced as provided in § 21-118.4.