

VIRGINIA ACTS OF ASSEMBLY -- 1994 SESSION

CHAPTER 166

An Act to amend and reenact § 15.1-18.2 of the Code of Virginia, relating to special service districts in consolidated cities.

[H 1129]

Approved April 1, 1994

Be it enacted by the General Assembly of Virginia:

1. That § 15.1-18.2 of the Code of Virginia is amended and reenacted as follows:

§ 15.1-18.2. Special service districts in consolidated cities.

A. The city council of any city which results from the consolidation of two or more counties, cities or towns shall have the power to maintain service districts within the city to provide additional ~~or~~, more complete *or more timely* services of government than are desired in the city as a whole.

Service districts shall be created by order of the circuit court of the city upon the petition of fifty qualified voters of the proposed district, which order shall prescribe the metes and bounds of the district. Upon the filing of a petition the court shall fix a date for a hearing on the question of the proposed service district, which hearing shall embrace a consideration of whether the property embraced within the proposed district will be benefited by the establishment thereof. Notice of such hearing shall be given by publication once a week for three consecutive weeks in some newspaper of general circulation within the city, and the hearing shall not be held sooner than ten days after completion of such publication. Any person interested may answer the petition and make defense thereto. If upon such hearing the court is of opinion that any property embraced within the limits of such proposed district will not be benefited by the establishment thereof, then such property shall not be embraced therein. Upon the petition of the city council and of not less than 50 qualified voters of the territory proposed to be added, or if such territory contains less than 100 qualified voters, of fifty percent of the qualified voters of such territory, after notice and hearing as provided above, any service district may be extended and enlarged by order of the circuit court of the city which order shall prescribe the metes and bounds of the territory so added.

B. The petition for the districts shall:

1. Set forth the name and describe the boundaries of the proposed district and specify any areas within the district that are to be excluded;
2. Describe the facilities and services proposed within the district;
3. Describe a proposed plan for providing such facilities and services within the district; and
4. Describe the benefits which can be expected from the provision of such facilities and services within the district.

C. After the entry of such order creating a service district, the city council 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, ~~or~~ 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 infestations; public parking; extra security, street cleaning, snow removal and refuse collection services; sponsorship and promotion of recreational and cultural activities; 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; provided that any such services, events or activities shall not be undertaken for the sole or dominant benefit of any particular individual, business or other private entity.

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

3. To acquire by gift, condemnation, purchase, lease or otherwise, and to maintain and operate any such facilities and equipment as may be necessary and desirable to provide the governmental services authorized by subdivisions C 1 and C 2 and to acquire by gift, condemnation, purchase, lease, or otherwise, rights, title, interest, or easements therefor in and to real estate in such district.

4. To contract with any person, firm, or corporation or municipality to provide the governmental services authorized by subdivisions C 1 and C 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, or the judge thereof in vacation, within ten days from action by the city council.

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 C 1 and C 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 of beach and shoreline management and restoration.

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

8. 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 necessary or desirable to provide the governmental services authorized by subdivisions C 1 and C 2 or for the construction, operation or maintenance of any such facilities and equipment as may be necessary or desirable in connection therewith.

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

10. 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 district.

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