

962274204

HOUSE BILL NO. 1513

Offered January 22, 1995

A BILL to amend and reenact §§ 15.1-320, 15.1-321, 15.1-1250, 15.1-1260, 15.1-1261, 21-118.4 and 21-118.5 of the Code of Virginia, relating to water and sewer connection fees.

Patrons—Diamonstein, Albo, Almand, Cooper, Cranwell, Croshaw, Davies, Hall, Ingram, Jackson, Spruill, Stump, Tate, Watkins and Way; Senators: Waddell and Walker

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.1-320, 15.1-321, 15.1-1250, 15.1-1260, 15.1-1261, 21-118.4 and 21-118.5 of the Code of Virginia are amended and reenacted as follows:

§ 15.1-320. Governing body of county, city or town authorized to establish, etc., sewage disposal system; incidental powers.

For the purpose of providing relief from pollution, and for the improvement of conditions affecting the public health and in addition to other powers conferred by law, the governing body of any county, city or town, hereinafter referred to as governing body, shall have power and authority:

1. To establish, construct, improve, enlarge, operate and maintain a sewage disposal system with all the necessary sewers, conduits, pipelines, pumping and ventilating stations, treatment plants and works, and other plants, structures, boats, conveyances and other real and personal property necessary for the operation of such system, subject to the approvals required by § 62.1-44.19.

2. To acquire by purchase, gift, condemnation or otherwise, real estate, or rights or easements therein, necessary or convenient for establishment, enlargement, maintenance or operation of such sewage disposal system and the property, in whole or in part, of any private or public service corporation operating a sewage disposal system or chartered for the purpose of acquiring or operating such a system, including its lands, plants, works, buildings, machinery, pipes, mains and all appurtenances thereto and its contracts, easements, rights and franchises, including its franchise to be a corporation, and the right to dispose of property so acquired no longer necessary for the use of such system. However, any county, city or town condemning property hereunder shall rest under obligation to furnish sewage service, to the customers of any corporation whose property is condemned, at appropriate rates.

3. To borrow money for the purpose of establishing, constructing, improving and enlarging the sewage disposal system and to issue bonds therefor in the name of such county, city or town, as hereinafter provided in §§ 15.1-322 through 15.1-325.

4. To accept gifts or grants of real or personal property, money, material, labor or supplies for the establishment and operation of such sewage disposal system and to make and perform such agreements or contracts as may be necessary or convenient in connection with the procuring or acceptance of such gifts or grants.

5. To enter on any lands, waters and premises for the purpose of making surveys, borings, soundings and examinations for constructing and operating the sewage disposal system, and for the prevention of pollution.

6. To enter into contracts with the United States of America, or any department or agency thereof, or any person, firm or corporation, or the governing body of any other county, city or town, providing for or relating to the treatment and disposal of sewage and industrial wastes.

7. To fix, charge and collect fees, rents or other charges for the use and services of the sewage disposal system. Water and sewer connection fees established by any county, city or town shall be fair and reasonable and bear a substantial relation to the allocable costs of providing the individual services. Rates of charge for connection fees shall include only the actual cost of installing the connections to the systems, the allocable cost of administration for the installations, and the allocable capital cost of providing the necessary services to the new user. Such water and sewer connection fees shall be reviewed at least every three years and adjusted, if necessary, to achieve compliance with the foregoing provisions. Nothing herein shall affect existing contracts with bondholders which are in conflict with any of the foregoing provisions.

8. In order to finance in whole or in part the cost of establishing, constructing, improving or enlarging sewage disposal systems authorized to be established, constructed, improved or enlarged by this section, in advance of putting such systems in operation, to fix, charge and collect fees, rents and other charges for the use and services of sanitary, combined and storm water sewers operated and maintained by any county, city or town, and such fees, rents and charges may be fixed and collected in

INTRODUCED

HB1513

60 accordance with and subject to the provisions of § 15.1-321 of this article.

61 § 15.1-321. Fees, rents and charges.

62 Such fees, rents and charges may be charged to and collected from: (i) any person contracting for the
63 same; (ii) the owner or lessee or tenant, or some or all of them who use or occupy any real estate (a)
64 which directly or indirectly is or has been connected with the sewage disposal system and (b) from or
65 on which sewage or industrial wastes originate or have originated and have directly or indirectly entered
66 or will enter the sewage disposal system; or (iii) any user of a municipality's water or sewer system with
67 respect to combined sanitary and stormwater sewer systems where the user is a resident of the
68 municipality and the purpose of any such fee, rent or charge is related to the control of combined sewer
69 overflow discharges from such systems. Such fees, rents and charges shall be practicable and equitable
70 and payable as directed by the respective county, city or town operating or providing for the operation
71 of the water or sewer system.

72 Such fees, rents and charges, being in the nature of use or service charges, shall, as nearly as the
73 governing body shall deem practicable and equitable, be uniform for the same type, class and amount of
74 use or service of the sewage disposal system, and may be based or computed either on the consumption
75 of water on or in connection with the real estate, making due allowances for commercial use of water,
76 or on the number and kind of water outlets on or in connection with the real estate or on the number
77 and kind of plumbing or sewage fixtures or facilities on or in connection with the real estate or on the
78 number or average number of persons residing or working on or otherwise connected or identified with
79 the real estate or any other factors determining the type, class and amount of use or service of the
80 sewage disposal system, or on any combination of such factors, or on such other basis as the governing
81 body may determine. Such fees, rents and charges shall be due and payable at such time as the governing
82 governing body may determine, and the governing body may require the same to be paid in advance for
83 periods of not more than six months. The revenue derived from any or all of such fees, rents and
84 charges is hereby declared to be revenue of such sewage disposal system.

85 *Water and sewer connection fees established by any county, city or town shall be fair and*
86 *reasonable and bear a substantial relation to the allocable costs of providing the individual services.*
87 *Rates of charge for connection fees shall include only the actual cost of installing the connections to the*
88 *systems, the allocable cost of administration for the installations, and the allocable capital cost of*
89 *providing the necessary services to the new user. Such water and sewer connection fees shall be*
90 *reviewed at least every three years and adjusted, if necessary, to achieve compliance with the foregoing*
91 *provisions. Nothing herein shall affect existing contracts with bondholders which are in conflict with any*
92 *of the foregoing provisions.*

93 In the event the fees, rents or charges charged for the use and services of the sewage disposal system
94 by or in connection with any real estate shall not be paid when due, interest shall at that time begin to
95 accrue thereon at the rate of one percent per month, and the owner, lessee or tenant, as the case may be,
96 of such real estate shall, until such fees, rents and charges shall be paid with such interest to the date of
97 payment, cease to dispose of sewage or industrial waste originating from or on such real estate by
98 discharge thereof directly or indirectly into the sewage disposal system, and if such owner, lessee or
99 tenant shall not cease such disposal within two months thereafter, the county, city or town or person or
100 corporation supplying water for the use of such real estate shall cease supplying water thereto unless the
101 health officers shall certify that shutting off the water will endanger the health of the occupants of the
102 premises or the health of others.

103 Such fees, rents and charges and interests thereon shall constitute a lien against the property, ranking
104 on a parity with liens for unpaid taxes. Such amounts, plus reasonable attorney's or collection agency's
105 fees which shall not exceed twenty percent of the delinquent tax bill, may be recovered by the county,
106 city or town by action at law or suit in equity.

107 § 15.1-1250. Powers of authority.

108 Each authority created hereunder shall be deemed to be an instrumentality exercising public and
109 essential governmental functions to provide for the public health and welfare, and each such authority is
110 hereby authorized and empowered:

111 (a) To have existence for a term of fifty years as a corporation, and for such further period or
112 periods as may from time to time be provided by appropriate resolutions of the political subdivisions
113 then members of the authority; provided, however, that the term of an authority shall not be extended
114 beyond a date exceeding fifty years from the date of the adoption of such resolutions;

115 (b) To adopt, amend or repeal bylaws, rules and regulations, not inconsistent with this chapter or the
116 general laws of the Commonwealth, for the regulation of its affairs and the conduct of its business and
117 to carry into effect its powers and purposes;

118 (c) To adopt an official seal and alter the same at pleasure;

119 (d) To maintain an office at such place or places as it may designate;

120 (e) To sue and be sued;

121 (f) To acquire, purchase, lease as lessee, construct, reconstruct, improve, extend, operate and maintain

122 any water system, or sewer system, or sewage disposal system, or a garbage and refuse collection and
 123 disposal system or any combination of such systems within, without, or partly within and partly without
 124 one or more of the political subdivision or subdivisions by action of whose governing body or
 125 governing bodies the authority was created, or who may after February 27, 1962, join such authority and
 126 to lease as lessee or otherwise contract for the provision of a street light system in a county having a
 127 population between 13,200 and 14,000 according to the 1990 United States Census, provided that the
 128 lessor or other contractual provider of such system shall be a public service corporation which holds a
 129 certificate of public convenience and necessity to provide retail electric service in the territory in which
 130 such system shall be located; and to acquire by gift, purchase or the exercise of the right of eminent
 131 domain lands or rights in land or water rights in connection therewith, within, without, or partly within
 132 and partly without one or more of the political subdivision or subdivisions by action of whose governing
 133 body or governing bodies the authority was created, or who may after February 27, 1962, join such
 134 authority; and to sell, lease as lessor, transfer or dispose of all or any part of any property, real, personal
 135 or mixed, or interest therein at any time acquired by it; provided, that in the exercise of the right of
 136 eminent domain the provisions of § 25-233 shall apply. In addition, the authority in any county or city
 137 to which §§ 15.1-335 and 15.1-340 are applicable shall have the same power of eminent domain and
 138 shall follow the same procedure therefor as provided in §§ 15.1-335 and 15.1-340 of the Code of
 139 Virginia; and provided, further, that no property or any interest or estate therein owned by any county,
 140 city, town or other political subdivision of the Commonwealth shall be acquired by the exercise of the
 141 power of eminent domain without the consent of the governing body of such county, city, town or
 142 political subdivision; and except as otherwise herein provided, each authority is hereby vested with the
 143 same authority to exercise the power of eminent domain as is vested in the Commonwealth
 144 Transportation Commissioner;

145 (g) To issue revenue bonds of the authority, such bonds to be payable solely from revenues to pay
 146 all or a part of the cost of a water system, sewer system, or sewage disposal system, or a garbage and
 147 refuse collection and disposal system, or any combination of such systems;

148 (h) To combine any water system, sewer system, sewage disposal system, or garbage and refuse
 149 collection and disposal system as a single system for the purpose of operation and financing;

150 (h1) To borrow at such rates of interest as may be authorized at general law for authorities and as
 151 the authority may determine and to issue its notes, bonds or other obligations therefor. Any political
 152 subdivision which is a member of an authority may lend, advance or give money to such authority;

153 (i) To fix, charge and collect rates, fees and charges for the use of or for the services furnished by or
 154 for the benefit from any system operated by the authority. Such rates, fees, rents and charges shall be
 155 charged to and collected from any person contracting for the same; or lessee or tenant, or some or all of
 156 them, who uses or occupies any real estate which is served by or benefited from any such system.
 157 *Water and sewer connection fees established by any authority shall be fair and reasonable and bear a*
 158 *substantial relation to the allocable costs of providing the individual services. Rates of charge for*
 159 *connection fees shall include only the actual cost of installing the connections to the systems, the*
 160 *allocable cost of administration for the installations, and the allocable capital cost of providing the*
 161 *necessary services to the new user. Such water and sewer connection fees shall be reviewed at least*
 162 *every three years and adjusted, if necessary, to achieve compliance with the foregoing provisions.*
 163 *Nothing herein shall affect existing contracts with bondholders which are in conflict with any of the*
 164 *foregoing provisions;*

165 (j) To enter into contracts with the federal government, the Commonwealth of Virginia, the District
 166 of Columbia and any adjoining state, or any agency or instrumentality thereof, or with any unit, private
 167 corporation, copartnership, association, or individual providing for or relating to the furnishing of
 168 services and facilities of any water system, sewer system, sewage disposal system, or garbage and refuse
 169 collection and disposal system of the authority or in connection with the services and facilities rendered
 170 by any such system owned or controlled by the federal government, the Commonwealth of Virginia, the
 171 District of Columbia or any adjoining state, or any agency or instrumentality thereof, and any unit,
 172 private corporation, copartnership, association or individual, including contracts providing for or relating
 173 to the right of an authority, created for such purpose, to receive and use and dispose of all or any
 174 portion of the garbage or refuse generated or collected by or within the jurisdiction or under the control
 175 of any one or more of them and in implementation of any such contract to exercise the powers set forth
 176 in §§ 15.1-857 and 15.1-11.5:3;

177 (k) To contract with the federal government, the Commonwealth of Virginia, the District of
 178 Columbia and any adjoining state, or with any municipality, county, corporation, individual or any
 179 public authority or unit thereof, on such terms as the said authority shall deem proper, for the
 180 construction, operation or use of any project which is located partly or wholly outside the
 181 Commonwealth of Virginia;

182 (l) To make and enter into all contracts or agreements, as the authority may determine, which are

183 necessary or incidental to the performance of its duties and to the execution of the powers granted by
184 this chapter, including contracts with any federal agency, the Commonwealth of Virginia, the District of
185 Columbia and any adjoining state, or with any unit thereof, on such terms and conditions as the
186 authority may approve, relating to (1) the use of any water system, sewer system, sewage disposal
187 system, or garbage and refuse collection and disposal system, or streetlight system in a county having a
188 population between 13,200 and 14,000 according to the 1990 United States Census acquired or
189 constructed by the authority under this chapter, or the services therefrom or the facilities thereof, or (2)
190 the use by the authority of the services or facilities of any water system, sewer system, sewage disposal
191 system, or garbage and refuse collection and disposal system, or streetlight system in a county having a
192 population between 13,200 and 14,000 according to the 1990 United States Census owned or operated
193 by an owner other than the authority. Any such contract shall be subject to such provisions, limitations
194 or conditions as may be contained in the resolution of the authority authorizing revenue bonds of the
195 authority or the provisions of any trust agreement securing such bonds. Any such contract may provide
196 for the collecting of fees, rates or charges for the services and facilities rendered to a unit or to the
197 inhabitants thereof, by such unit or by its agents or by the agents of the authority, and for the
198 enforcement of delinquent charges for such services and facilities. The provisions of any such contract
199 and of any ordinance or resolution of the governing body of a unit enacted pursuant thereto shall be
200 irrevocable so long as any of the revenue bonds issued under the authority of this chapter shall be
201 outstanding and unpaid, and the provisions of any such contract, and of any ordinance or resolution
202 enacted pursuant thereto shall be and be deemed to be for the benefit of such bondholders. The
203 aggregate of any fees, rates or charges which shall be required to be collected pursuant to any such
204 contract or any ordinance or resolution enacted thereunder shall be sufficient to pay all obligations
205 which may be assumed by the other contracting party. Each water company, which is a public utility
206 supplying water to the owners, lessees or tenants of real estate which is or will be served by any sewer
207 or sewage disposal system of an authority is authorized to act as the billing and collecting agent of the
208 authority for any rates, fees, rents or charges imposed by the authority for the service rendered by such
209 sewer or sewage disposal system and shall furnish to the authority copies of its regular periodic meter
210 reading and water consumption records and other pertinent data as may be required for the authority to
211 act as its own billing and collecting agent. The authority shall pay to such water company the
212 reasonable additional cost of clerical services and other expenses incurred by the water company in
213 rendering such services to the authority. Upon the inability of an authority and such water company to
214 agree upon the terms and conditions under which the water company shall act as the billing and
215 collecting agent of the authority, either or both may petition the State Corporation Commission for a
216 determination of the terms and conditions under which the water company shall act as the billing and
217 collecting agent of the authority. In the event that such water company acts as the billing and collecting
218 agent of an authority it shall set forth separately on its bills the rates, fees or charges imposed by the
219 authority, but both the water and sewage disposal charges shall be payable to and collected by the water
220 company, and payment of either shall be refused unless both shall be paid. The authority shall pay to
221 the water company the cost of shutting off any water service on account of nonpayment of the sewage
222 disposal charge. In the event of such discontinuance of water service the same shall not be reestablished
223 until such time as the sewage disposal charge shall have been paid;

224 (m) To enter upon, use, occupy, and dig up any street, road, highway or private or public lands
225 necessary to be entered upon, used or occupied in connection with the acquisition, construction or
226 improvement, maintenance or operation of a water system, sewer system, sewage disposal system, or
227 garbage and refuse collection and disposal system, or streetlight system in a county having a population
228 between 13,200 and 14,000 according to the 1990 United States Census, subject, however, to such
229 reasonable local police regulation as may be established by the governing body of any unit having
230 jurisdiction in the particular respect. The governing body of any unit, notwithstanding any contrary
231 provision of law, is hereby authorized and empowered to transfer jurisdiction over, to lease, lend, grant
232 or convey, to the authority upon the request of the authority, upon such terms and conditions as the
233 governing body of such unit may agree with the authority as reasonable and fair, such real or personal
234 property as may be necessary or desirable in connection with the acquisition, construction, improvement,
235 operation or maintenance of a water system, sewer system, sewage disposal system, or garbage and
236 refuse collection and disposal system by the authority including public roads and other property already
237 devoted to public use. The Commonwealth of Virginia hereby consents to the use of all lands above or
238 under water and owned or controlled by it which are necessary for the construction, improvement,
239 operation or maintenance of any such system; except that the use of any portion between the
240 right-of-way limits of any primary or secondary highway in this Commonwealth shall be subject to the
241 approval of the Commonwealth Transportation Commissioner. Whenever any railroad tracks, pipes,
242 poles, wires, conduits or other structures or facilities which are located in, along, across, over or under
243 any public road, street, highway, alley or other public right-of-way shall become an obstruction to,
244 interfere with or be endangered by the construction, operation or maintenance of any system of the

245 authority the governmental unit having ownership, control or jurisdiction over such public road, street,
246 highway, alley or other public right-of-way may, as the exercise of an essential governmental function,
247 order the safeguarding, maintaining, relocating, rebuilding, removing and replacing of such railroad
248 tracks, pipes, poles, wires, conduits or other structures or facilities by the owner thereof at the expense
249 of the authority, and subject to the provisions of § 25-233 of the Code of Virginia;

250 (n) In the event of any annexation by a municipality not a member of the authority of lands, areas,
251 or territory served by the authority, to continue to do business, exercise its jurisdiction over its
252 properties and facilities in and upon or over such lands, areas or territory as long as any bonds or
253 indebtedness remain outstanding or unpaid, or any contracts or other obligations remain in force;

254 (o) The articles of incorporation of any authority created under the provisions of this chapter may be
255 amended with respect to the name or powers of such authority or in any other manner not inconsistent
256 with this chapter by following the procedure prescribed by law for the creation of an authority. All
257 amendments heretofore adopted in accordance with the provisions of this section and all proceedings
258 heretofore taken pursuant to any such amendment are hereby validated, ratified, approved and
259 confirmed;

260 (p) To enter into contracts with any political subdivision, federal agency, corporation, copartnership,
261 association, individual or any public authority or unit of this Commonwealth, on such terms as said
262 authority shall deem proper, for the purpose of acting as a billing and collecting agent for sewer service
263 or sewage disposal service fees, rents or charges imposed by any such body;

264 (q) To establish retirement, group life insurance, and group accident and sickness insurance plans or
265 systems for its employees in the same manner as cities, counties and towns are permitted under
266 §§ 51.1-801 and 51.1-802, and all such plans or systems heretofore established by any authority are
267 hereby validated;

268 (r) Notwithstanding any contrary provision of law in this chapter, an authority created pursuant to the
269 provisions of this chapter is hereby authorized and empowered to lease as lessee or otherwise contract
270 for the provision of, operate and maintain streetlights in a county having a population between 13,200
271 and 14,000 according to the 1990 United States Census; provided, that the lessor or other contractual
272 provider of such streetlights shall be a public service corporation which holds a certificate of public
273 convenience and necessity to provide retail electric service in the territory in which such streetlights are
274 located. Such county may contribute funds to the authority by act of its governing body for use by the
275 authority in carrying out the authority's powers listed in this subdivision. In addition, the authority may
276 fix, charge and collect rates, fees and charges for the use of such service described herein or for the
277 service described herein furnished by the authority and shall be charged to and collected from any
278 person contracting for the same, or lessee, or tenant or any other person who uses or occupies any real
279 estate served by or benefiting from such service described herein.

280 Notwithstanding any other provision of this chapter to the contrary, where the use of any water or
281 sewer systems described in this section is contracted for by an occupant who is not the owner of the
282 premises and where such occupant's premises are separately metered for service, the owner of any such
283 premises shall be liable only for the payment of delinquent rates or charges applicable to three
284 delinquent billing periods but not to exceed a period of ninety days for such delinquency. No authority
285 shall refuse to service other premises of the owner not occupied by an occupant who is delinquent in the
286 payment of such rates or charges on account of such delinquency provided that such owner has paid in
287 full any delinquent charges for which he would be responsible for paying. No authority shall refuse to
288 service or unreasonably delay reinstatement of service to premises where such occupant who is
289 delinquent has vacated the premises and a new party has applied for service provided such owner has
290 paid in full such delinquent charges as he would be responsible for paying.

291 § 15.1-1260. Rates and charges.

292 The authority is hereby authorized to fix and revise from time to time rates, fees and other charges
293 (which shall include, but not be limited to, a penalty not to exceed ten percent on delinquent accounts,
294 and interest on the principal), subject to the provisions hereinafter provided, for the use of and for the
295 services furnished or to be furnished by any water system, sewer system, sewage disposal system, or
296 garbage and refuse collection and disposal system, or streetlight system in a county having a population
297 between 13,200 and 14,000 according to the 1990 United States Census owned, operated or maintained
298 by the authority, or facilities incident thereto, and on account of which the authority shall have issued
299 revenue bonds as authorized by this chapter. Such rates, fees and charges shall be so fixed and revised
300 as to provide funds, with other funds available for such purposes, sufficient at all times (i) to pay the
301 cost of maintaining, repairing and operating the system or systems, or facilities incident thereto, on
302 account of which such bonds are issued, including reserves for such purposes and for replacement and
303 depreciation and necessary extensions, (ii) to pay the principal of and the interest on the revenue bonds
304 as the same shall become due and reserves therefor, and (iii) to provide a margin of safety for making
305 such payments. The authority shall charge and collect the rates, fees and charges so fixed or revised and

306 such rates, fees and charges shall be subject to the jurisdiction of the State Corporation Commission and
307 to any applicable regulation of the State Corporation Commission or law appertaining thereto.

308 The rates for water, including fire protection, and sewer service, including disposal, respectively,
309 shall be sufficient to cover the expenses necessary or properly attributable to the furnishing of the class
310 of services for which charges are made; provided, however, that the authority may fix rates and charges
311 for the services and facilities of its water system sufficient to pay all or any part of the cost of operating
312 and maintaining its sewer system, including disposal, and all or any part of the principal of or the
313 interest upon the revenue bonds issued on account of such sewer and/or disposal system, and to pledge
314 any surplus revenues of its water system, subject to prior pledges thereof, for such purposes. Rates, fees
315 and charges for the services of a sewer and/or disposal system shall be just and equitable, and may be
316 based or computed either upon the quantity of water used or upon the number and size of sewer
317 connections or upon the number and kind of plumbing fixtures in use in the premises connected with
318 the sewer system or upon the number or average number of persons residing or working in or otherwise
319 connected with such premises or upon the type or character of such premises or upon any other factor
320 affecting the use of the facilities furnished or upon any combination of the foregoing factors; provided,
321 however, that the authority may fix rates and charges for services of its sewer system sufficient to pay
322 all or any part of the cost of operating and maintaining its water system, including distribution and
323 disposal, and all or any part of the principal of or the interest upon the revenue bonds issued on account
324 of such water system, and to pledge any surplus revenues of its water system, subject to prior pledges
325 thereof, for such purposes.

326 *Water and sewer connection fees established by any authority shall be fair and reasonable and bear*
327 *a substantial relation to the allocable costs of providing the individual services. Rates of charge for*
328 *connection fees shall include only the actual cost of installing the connections to the systems, the*
329 *allocable cost of administration for the installations, and the allocable capital cost of providing the*
330 *necessary services to the new user. Such water and sewer connection fees shall be reviewed at least*
331 *every three years and adjusted, if necessary, to achieve compliance with the foregoing provisions.*
332 *Nothing herein shall affect existing contracts with bondholders which are in conflict with any of the*
333 *foregoing provisions.*

334 Rates, fees and charges for the service of a streetlight system shall be just and equitable, and may be
335 based or computed either upon the quantity of such system used, or upon the number and size of
336 premises benefiting therefrom, or upon the number or average number of persons residing or working in
337 or otherwise connected with such premises, or upon the type or character of such premises, or upon any
338 other factor affecting the use of the facilities furnished, or upon any combination of the foregoing
339 factors; however, the authority may fix rates and charges for the service of its streetlight system
340 sufficient to pay all or any part of the cost of operating and maintaining such system.

341 The authority may also fix rates and charges for the services and facilities of a water system or a
342 garbage and refuse collection and disposal system sufficient to pay all or any part of the cost of
343 operating and maintaining facilities incident thereto for the generation or transmission of power or
344 energy and all or any part of the principal of or interest upon the revenue bonds issued on account of
345 any such facilities incident thereto, and to pledge any surplus revenues from any such system, subject to
346 prior pledges thereof, for such purposes. Charges for services to premises, including services to
347 manufacturing and industrial plants, obtaining all or a part of their water supply from sources other than
348 a public water system may be determined by gauging or metering or in any other manner approved by
349 the authority.

350 No sewer, sewage disposal, or garbage and refuse collection and disposal rates, fees or charges shall
351 be fixed under the foregoing provisions of this section until after a public hearing at which all of the
352 users of such facilities and owners, tenants or occupants of property served or to be served thereby and
353 all others interested shall have an opportunity to be heard concerning the proposed rates, fees and
354 charges. After the adoption by the authority of a resolution setting forth the preliminary schedule or
355 schedules fixing and classifying such rates, fees and charges, notice of such public hearing, setting forth
356 the proposed schedule or schedules of rates, fees and charges, shall be given by two publications, which
357 publications shall be at least six days apart, in a newspaper having a general circulation in the area to be
358 served by such systems at least sixty days before the date fixed in such notice for the hearing, which
359 may be adjourned from time to time. A copy of such notice shall be mailed to the governing bodies of
360 all local governments in the area served by the authority. After such hearing such preliminary schedule
361 or schedules, either as originally adopted or as modified or amended, shall be adopted and put into
362 effect. A copy of the schedule or schedules of such rates, fees and charges finally fixed in such
363 resolution shall be kept on file in the office of the clerk or secretary of the governing body of each
364 political subdivision in which such systems or any part thereof is located, and shall be open to
365 inspection by all parties interested. The rates, fees or charges so fixed for any class of users or property
366 served shall be extended to cover any additional properties thereafter served which fall within the same
367 class, without the necessity of any hearing or notice. Any change or revision of such rates, fees or

368 charges may be made in the same manner as such rates, fees or charges were originally established as
369 hereinabove provided.

370 § 15.1-1261. Water and sewer connections.

371 Upon the acquisition or construction of any water system or sewer system under the provisions of
372 this chapter, the owner, tenant, or occupant of each lot or parcel of land which abuts upon a street or
373 other public way containing a water main or a water system, a sanitary sewer which is a part of or
374 which is served or may be served by such sewer system and upon which lot or parcel a building shall
375 have been constructed for residential, commercial or industrial use, shall, if so required by the rules and
376 regulations or a resolution of the authority, with concurrence of such local government, municipality, or
377 county that may be involved, connect such building with such water main or sanitary sewer, and shall
378 cease to use any other source of water supply for domestic use or any other method for the disposal of
379 sewage, sewage waste or other polluting matter. All such connections shall be made in accordance with
380 rules and regulations which shall be adopted from time to time by the authority, which rules and
381 regulations may provide for a charge for making any such connection in such reasonable amount as the
382 authority may fix and establish. A private water company which purchases water from a regional
383 authority for sale or delivery to or within a municipal corporation may impose a charge for connection
384 to the water company's system in the same manner, and subject to the same restrictions, as an authority
385 may impose a charge for connection to its water system, subject to the approval of the State Corporation
386 Commission.

387 Notwithstanding any other provision of this chapter, those persons having a domestic supply or
388 source of potable water shall not be required to discontinue the use of same. However, persons not
389 served by a water supply system as defined in § 15.1-341 producing potable water meeting the standards
390 established by the Virginia Department of Health may be required to pay a connection fee, a front
391 footage fee, and a monthly nonuser service charge, which charge shall not be more than that proportion
392 of the minimum monthly user charge, imposed by the authority, as debt service bears to the total
393 operating and debt service costs, or any combination of such fees and charges. In York County and
394 James City County such monthly nonuser fee may be as provided by general law or not more than
395 eighty-five percent of the minimum monthly user charge imposed by the authority, whichever is greater.

396 Notwithstanding any other provision of this chapter, those persons having a private septic system or
397 domestic sewage system meeting applicable standards established by the Virginia Department of Health
398 shall not be required under this chapter to discontinue the use of same. However, such persons may be
399 required to pay a connection fee, a front footage fee, and a monthly nonuser service charge, which
400 charge shall not be more than that proportion of the minimum monthly user charge, imposed by the
401 authority, as debt service bears to the total operating and debt service costs, or any combination of such
402 fees and charges.

403 Persons who have obtained exemption from or deferral of taxation pursuant ordinance authorized by
404 § 58.1-3210 may be exempted or deferred by the authority from paying any charges and fees authorized
405 by the preceding paragraph, to the same extent as the exemption from or deferral of taxation pursuant to
406 such ordinance.

407 *Water and sewer connection fees established by any authority shall be fair and reasonable and bear*
408 *a substantial relation to the allocable costs of providing the individual services. Rates of charge for*
409 *connection fees shall include only the actual cost of installing the connections to the systems, the*
410 *allocable cost of administration for the installations, and the allocable capital cost of providing the*
411 *necessary services to the new user. Such water and sewer connection fees shall be reviewed at least*
412 *every three years and adjusted, if necessary, to achieve compliance with the foregoing provisions.*
413 *Nothing herein shall affect existing contracts with bondholders which are in conflict with any of the*
414 *foregoing provisions.*

415 § 21-118.4. Certain additional powers of governing body.

416 Notwithstanding any other provisions of law, when an order has been entered creating a sanitary
417 district in such county, the board of supervisors or other governing body hereinafter referred to as
418 "board of supervisors," shall have the following powers and duties, in addition to such powers and
419 duties created by any law, subject to the conditions and limitations hereinafter prescribed:

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

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

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

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

441 (d) To require owners or tenants of any property in the district to connect with any such system or
442 systems, and to contract with the owners or tenants for such connections. In order to require owners or
443 tenants of any property in the district to connect with any such system or systems, the board of
444 supervisors shall have power and authority to adopt ordinances so requiring owners or tenants to connect
445 with such systems, and to use the same, and the board of supervisors shall have power to provide for a
446 punishment in the ordinance of not exceeding a fifty-dollar fine for each failure and refusal to so
447 connect with such systems, or to use the same. Before adopting any such ordinance the board of
448 supervisors shall give public notice of the intention to propose the same for passage by posting handbill
449 notices of such proposal in three or more public places in the sanitary district at least ten days prior to
450 the time the ordinance shall be proposed for passage. The ordinance shall not become effective after its
451 passage until ten days' like notice has been given by posting copies of such ordinance in three or more
452 public places in the district. The board of supervisors, in lieu of giving notice in such manner, may
453 cause notice to be published in the manner provided in § 15.1-504 for imposing or increasing any tax or
454 levy. Violations of such ordinances shall be tried before the county court of the county as is provided
455 for trial of misdemeanors, and with like right of appeal;

456 (e) To fix and prescribe or change the rates of charge for the use of any such system or systems, the
457 rate of charge for connection to any such system or systems, a late charge not to exceed ten percent of
458 the amount due or ten dollars, whichever is the greater, and interest on outstanding bills at the rate
459 provided for in § 58.1-3918, after a public hearing upon notice as provided in subdivision (d) and to
460 provide for the collection of such charges. In fixing such rates the sanitary district may seek the advice
461 of the State Corporation Commission. The Commission may charge the district a reasonable fee for any
462 advice given pursuant to this section. And to enable the board to enforce the collection of charges for
463 the use of any such system against the person or persons, firm or corporation using the same, the
464 charges when made for the use of any such system shall be collectible by distress, levy, garnishment,
465 attachment or otherwise without recourse to court procedure, except so far as the selected procedure may
466 require the same. And the board shall have power to designate as its agent for the purpose of collection
467 such officer or officers, person or persons as it may determine, and the officer or officers, person or
468 persons shall be vested with the same power and authority as a sheriff or constable may have in like
469 procedure.

470 *Water and sewer connection fees established by any county, city, town or sanitary district shall be*
471 *fair and reasonable and bear a substantial relation to the allocable costs of providing the individual*
472 *services. Rates of charge for connection fees shall include only the actual cost of installing the*
473 *connections to the systems, the allocable cost of administration for the installations, and the allocable*
474 *capital cost of providing the necessary services to the new user. Such water and sewer connection fees*
475 *shall be reviewed at least every three years and adjusted, if necessary, to achieve compliance with the*
476 *foregoing provisions. Nothing herein shall affect existing contracts with bondholders which are in*
477 *conflict with any of the foregoing provisions.*

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

484 If any rates, fees or charges for the use and services of any water or sewer system acquired or
485 constructed by the sanitary district under the provisions of this chapter shall not be paid within thirty
486 days after the same becomes due and payable, the occupant-debtor of such premises shall cease to
487 dispose of sewage or industrial wastes originating from or on such premises by discharge thereof
488 directly or indirectly into the sewer system until such rates, fees or charges with interest, shall be paid.
489 If such occupant-debtor does not cease such disposal at the expiration of such thirty-day period, the
490 political subdivision or district or other public corporation, board, or body supplying water to or selling

491 water for use on such premises may, within five days after the receipt of notice of such delinquency,
 492 cease to supply water to or to sell water to such occupant-debtor. If such political subdivision or district
 493 or public corporation, board or body shall not, at the expiration of such five-day period, cease supplying
 494 water to or selling water for use by such occupant-debtor, then the governing body within whose
 495 geographical boundaries such sanitary district lies may shut off the supply of water to such person.

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

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

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

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

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

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

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

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

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

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

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

548 (k) To borrow not earlier than January 1 of any year, or the first day of the fiscal year of the district,
 549 for the purpose of meeting casual deficits in the revenue of the district or creating a debt in anticipation
 550 of the collection of the revenue of the district, a sum of money not to exceed one-half of the amount
 551 reasonably anticipated to be produced by the revenues of the district, including taxes levied pursuant to

552 § 21-119, for the year in which the loan is negotiated; provided, there shall be excluded from the
553 amount reasonably anticipated to be produced by the revenue of the district any anticipated tax revenues
554 of the district which have not actually been levied and assessed against property within the district.

555 Notwithstanding any provisions of law to the contrary, any sanitary district is empowered to borrow
556 in advance of grants and reimbursements due the district from the federal and state governments for the
557 purpose of meeting appropriations for the then current fiscal year. "Grants" and "reimbursements" as
558 used herein shall mean grants which the district has been formally advised in writing it will receive, and
559 reimbursements on moneys which the federal or state governments are obligated to pay the district on
560 account of expenditures made in anticipation of receiving such payment from the federal or state
561 government. The district may borrow the full amount of the grant or reimbursement that the federal or
562 state government is obligated to pay at the time the loan is issued. The loan shall be repaid within sixty
563 days of the time the grant or reimbursement is received, but in any event, the loan shall be repaid within
564 one year from the date of its issue.

565 Such temporary loans shall be evidenced by notes or bonds, negotiable or nonnegotiable as the board
566 of supervisors may determine; shall bear interest at a rate as provided in § 2.1-326.1; and shall be repaid
567 not later than either December 15 of the year in which they are borrowed or fifteen days before the last
568 day of the fiscal year of the district. No extension of any such loan shall be valid. No additional loan
569 under this subsection shall be made until all temporary loans of preceding years shall have been paid.
570 No election shall be required for the issuance of any bond pursuant to the provisions of this subsection.
571 Except as this subsection otherwise provides, any bonds issued pursuant to this subsection may be issued
572 in accordance with the provisions of §§ 21-130 through 21-136.

573 (1) Notwithstanding any other provision of this chapter to the contrary, where the use of any water
574 or sewer systems described in this section is contracted for by an occupant who is not the owner of the
575 premises and where such occupant's premises are separately metered for service, the owner of any such
576 premises shall be liable only for the payment of delinquent rates or charges applicable to three
577 delinquent billing periods but not to exceed a period of ninety days for such delinquency. No board
578 shall refuse to service other premises of the owner not occupied by an occupant who is delinquent in the
579 payment of such rates or charges on account of such delinquency provided that such owner has paid in
580 full any delinquent charges for which he would be responsible for paying. No board shall refuse to
581 service or unreasonably delay reinstatement of service to premises where such occupant who is
582 delinquent has vacated the premises and a new party has applied for service provided such owner has
583 paid in full such delinquent charges as he would be responsible for paying.

584 § 21-118.5. Unified water supply and sewerage systems for counties and sanitary districts; power of
585 county governing body to fix rates; application of Public Finance Act.

586 Whenever the board of supervisors of any county, as the governing board of such county, shall enter
587 into, or has heretofore entered into, an agreement with one or more sanitary districts located within such
588 county whereby the county has agreed to connect, operate, maintain, alter, improve, add to and extend
589 within and without the territory of such sanitary district or districts the water supply or sewerage
590 systems, or the water supply and sewerage systems, of such county and such district or districts, or the
591 water supply or sewerage systems, or the water supply and sewerage systems, of two or more such
592 sanitary districts, in the manner of and as a unified single water supply or sewerage system, or a unified
593 single water supply and sewerage system, each of which is hereinafter referred to in this chapter as a
594 "unified system," then, notwithstanding the provisions of the first sentence of § 21-118.4 (e), such board
595 of supervisors is empowered to fix and prescribe the rate of charge for the use of such unified system
596 with a view to the needs of such unified system as a whole. Such unified system shall constitute a
597 "project" and a "revenue producing undertaking" for the purposes of and as defined in the Public
598 Finance Act, Chapter 5.1 (§ 15.1-227.1 et seq.) of Title 15.1. Such county in respect of such project and
599 revenue producing undertaking shall have all the powers granted to counties by the Public Finance Act.
600 *Water and sewer connection fees established by any county, city, town or sanitary district shall be fair
601 and reasonable and bear a substantial relation to the allocable costs of providing the individual
602 services. Rates of charge for connection fees shall include only the actual cost of installing the
603 connections to the systems, the allocable cost of administration for the installations, and the allocable
604 capital cost of providing the necessary services to the new user. Such water and sewer connection fees
605 shall be reviewed at least every three years and adjusted, if necessary, to achieve compliance with the
606 foregoing provisions. Nothing herein shall affect existing contracts with bondholders which are in
607 conflict with any of the foregoing provisions.*