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HOUSE BILL NO. 2748

Offered January 22, 1999

A BILL to amend and reenact § 3, as amended, of Chapter 161 of the Acts of Assembly of 1926, which chapter was continued in effect by § 21-120 of the Code of Virginia, relating to sanitary districts.

Patrons—Scott, Callahan, Hull and Puller; Senator: Howell

Consent to introduce

Referred to Committee on Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 3, as amended, of Chapter 161 of the Acts of Assembly of 1926, which chapter was continued in effect by § 21-120 of the Code of Virginia, is amended and reenacted as follows:

§ 3. After the entry of such order creating a sanitary district of such county, the board of supervisors or other governing body hereinafter referred to as "board of supervisors" thereof shall have the following powers and duties, subject to the conditions and limitations hereinafter prescribed.

(a) To construct, reconstruct, maintain, alter, improve, add to and operate motor vehicle parking facilities, water supply, drainage, sewerage, garbage (including trash and refuse) disposal, heat, light, power, gas, sidewalk, curbs, gutters, streets, tunnels, bridges, street names, pedestrian bridges or tunnels, community buildings, recreational facilities, parks, playgrounds, open spaces, lighting and fire-fighting systems for the use and benefit of the public in such sanitary district. When the words "system," "systems," project," "projects," "facility," or "facilities" or "public improvements" are used in this act, they shall include all of the foregoing unless the context clearly indicates otherwise.

(a-1) To provide for ~~undergrounding of existing and future utility wires, and such provision shall for purposes of this act relocating aboveground distribution lines for electricity, telephone, cable television and similar services and utilities to underground locations, and for the purposes of this act, the relocation of such lines shall~~ be considered to be construction of a "system."

(a-2) To construct, reconstruct, acquire, maintain, alter, improve, add to and operate a public transportation system of any kind except as otherwise provided herein, subject to the approval of the transportation district commission having jurisdiction of the physical area, if such a commission exists. Such approval shall be given if the commission finds that the proposed public transportation system is consistent with the commission's transportation plan for the area or with such other transportation plan for the area which has been adopted as provided in the Transportation District Act of 1964, as amended, or other appropriate legislation. "Public transportation system" shall not include "shared ride taxi system" as that phrase is used in § ~~15.1-37.3:3~~ 15.2-949 or taxicab-type vehicles or other motor vehicles which carry no more than six passengers.

(b) To acquire by gift, condemnation, purchase, lease or otherwise, such systems and the real property interests on which such systems are located or are to be located.

(c) To contract with any person, firm, corporation, municipality, county, authority or the federal government or the ~~State~~ state government or any agency thereof to acquire, construct, reconstruct, maintain, alter, improve, add to and operate any such systems, and to accept the funds of, or to reimburse from any available source, such person, firm, corporation, municipality, county, authority or the federal government or the ~~State~~ state government or any agency thereof for either the whole or any part of the costs, expenses and charges incident to the acquisition, construction, reconstruction, maintenance, alteration, improvement, addition to and operation of any such system or systems.

(d) 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. In order to require owners or tenants of any property in the district to connect with any such system or systems, the board of supervisors shall have the power and authority to adopt ordinances so requiring owners or tenants to connect with such systems, and to use the same, and the board of supervisors shall have the power to provide for a punishment in the ordinance of not exceeding a fifty-dollar fine for each failure and refusal to so connect with such systems, or to use the same. Before adopting any such ordinance the board of supervisors shall give public notice of the intention to propose the same for passage by posting ~~hand bill~~ handbill notices of such proposal in three or more public places in the sanitary district at least ten days prior to the time the ordinances shall be proposed for passage. The ordinance shall not become effective after its passage until ten ~~days~~ days' like notice has been given by posting copies of such ordinance in three or more public places in the district. Violations of such ordinances shall be tried before the ~~county~~ general district court of the county as is provided for trial of misdemeanors, and with

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60 the like right of appeal.

61 (e) To fix and prescribe the rates of charge for the use of any such system or systems and to provide
62 for the collection of such charges. ~~And to~~ To enable the board to enforce the collection of charges for
63 the use of any such system against the person or persons, firm or corporation using the same, the
64 charges when made for the use of any such system shall be collectible by distress, levy, garnishment,
65 attachment or otherwise without recourse to court procedure, except so far as the selected procedure may
66 require the same. ~~And the~~ The board shall have the power to designate as its agent for the purpose of
67 collection such officer or officers, person or persons as it may determine, and the officer or officers,
68 person or persons shall be vested with the same power and authority as a sheriff or constable may have
69 in like procedure.

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

81 Such lien on any real estate may be discharged by the payment of the board of the total amount of
82 such lien, and interest at the *annual* rate of six ~~per centum per annum~~ percent to the date of such
83 payment, and the entry fee of fifty cents, and it shall be the duty of the board to deliver a certificate
84 thereof to the person paying the same, and upon presentation thereof and the payment of the further fee
85 of twenty-five cents by such person, the clerk having the record of such lien shall mark the entry of
86 such lien satisfied.

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

90 Nothing contained herein shall be construed to prejudice the right of the board to recover the amount
91 of such lien, or of the charge, and the interest which may accrue, by action at law or otherwise.

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

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

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

101 (i) With respect to the maintenance and operation of said motor vehicle parking facilities, the board
102 is authorized to purchase, install, maintain and operate, and to fix and charge parking meter fees for the
103 use of, such parking facilities.