

## VIRGINIA ACTS OF ASSEMBLY — CHAPTER

*An Act 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.*

[H 2748]

Approved

**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 distribution lines for electricity, telephone, cable television and similar services and utilities, and for the purposes of this act, such provision 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 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 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 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' 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 the like right of appeal.

(e) To fix and prescribe the rates of charge for the use of any such system or systems and to provide for the collection of such charges. And To enable the board to enforce the collection of charges for the

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57 use of any such system against the person or persons, firm or corporation using the same, the charges  
58 when made for the use of any such system shall be collectible by distress, levy, garnishment, attachment  
59 or otherwise without recourse to court procedure, except so far as the selected procedure may require the  
60 same. ~~And~~ The board shall have the power to designate as its agent for the purpose of collection such  
61 officer or officers, person or persons as it may determine, and the officer or officers, person or persons  
62 shall be vested with the same power and authority as a sheriff or constable may have in like procedure.

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

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

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

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

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

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

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

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