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HOUSE BILL NO. 149

Offered January 11, 2006

Prefiled December 28, 2005

A BILL to amend and reenact § 15.2-2403 of the Code of Virginia, relating to powers of service districts.

 Patron—Cole

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:**1. That § 15.2-2403 of the Code of Virginia is amended and reenacted as follows:**

§ 15.2-2403. Powers of service districts.

After adoption of an ordinance or ordinances or the entry of an order creating a service district, the governing body or bodies 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, 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 infestations of insects that may carry a disease that is dangerous to humans, gypsy moths, cankerworms or other pests identified by the Commissioner of the Department of Agriculture and Consumer Services in accordance with the Virginia Pest Law (§ 3.1-188.20 et seq.); public parking; extra security, street cleaning, snow removal and refuse collection services; sponsorship and promotion of recreational and cultural activities; upon petition of over 50 percent of the property owners who own not less than 50 percent of the property to be served, construction, maintenance and general upkeep of streets and roads that are not under the operation and jurisdiction of the Virginia Department of Transportation; 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. 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 1, transportation and transportation services within a service district, including, but not limited to: public transportation systems serving the district; transportation management services; road construction; rehabilitation and replacement of existing transportation facilities or systems; and sound walls or sound barriers. However, any transportation service, system, facility, roadway, or roadway appurtenance established under this subdivision that will be operated or maintained by the Virginia Department of Transportation shall be established with the involvement of the governing body of the locality and meet the appropriate requirements of the Department.

3. To acquire in accordance with § 15.2-1800, any such facilities and equipment and rights, title, interest or easements therefor in and to real estate in such district and maintain and operate the same as may be necessary and desirable to provide the governmental services authorized by subdivisions 1 and 2.

4. To contract with any person, municipality or state agency to provide the governmental services authorized by subdivisions 1 and 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 within 10 days from action by the governing body.

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 1, 2 and 11 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

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59 which is in addition to any other transient room rental tax imposed by the city. The proceeds from such
60 additional transient room rental tax shall be deposited in a special fund to be used only for the purpose
61 of beach and shoreline management and restoration. Any locality imposing a tax pursuant to this
62 subdivision may base the tax on the full assessed value of the taxable property within the service
63 district, notwithstanding any special use value assessment of property within the service district for land
64 preservation pursuant to Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1, provided the owner
65 of such property has given written consent.

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

71 8. To employ and fix the compensation of any technical, clerical or other force and help which from
72 time to time, in their judgment may be necessary or desirable to provide the governmental services
73 authorized by subdivisions 1, 2 and 11 or for the construction, operation or maintenance of any such
74 facilities and equipment as may be necessary or desirable in connection therewith.

75 9. To create and terminate a development board or other body to which shall be granted and
76 assigned such powers and responsibilities with respect to a special service district as are delegated to it
77 by ordinance adopted by the governing body of such locality or localities. Any such board or alternative
78 body created shall be responsible for control and management of funds appropriated for its use by the
79 governing body or bodies, and such funds may be used to employ or contract with, on such terms and
80 conditions as the board or other body shall determine, persons, municipal or other governmental entities
81 or such other entities as the development board or alternative body deems necessary to accomplish the
82 purposes for which the development board or alternative body has been created. If the district was
83 created by court order, the ordinance creating the development board or alternative body may provide
84 that the members appointed to the board or alternative body shall consist of a majority of the
85 landowners who petitioned for the creation of the district, or their designees or nominees.

86 10. To negotiate and contract with any person or municipality with regard to the connections of any
87 such system or systems with any other system or systems now in operation or hereafter established, and
88 with regard to any other matter necessary and proper for the construction or operation and maintenance
89 of any such system within the district.

90 11. To acquire by purchase, gift, devise, bequest, grant or otherwise title to or any interests or rights
91 of not less than five years' duration in real property that will provide a means for the preservation or
92 provision of open-space land as provided for in the Open-Space Land Act (§ 10.1-1700 et seq.).
93 Notwithstanding the provisions of subdivision 3, the governing body shall not use the power of
94 condemnation to acquire any interest in land for the purposes of this subdivision.

95 12. To contract with any state agency or state or local authority for services within the power of the
96 agency or authority related to the financing, construction or operation of the facilities and services to be
97 provided within the district; however, nothing in this subdivision shall authorize a locality to obligate its
98 general tax revenues, or to pledge its full faith and credit.

99 13. In the Town of Front Royal, to construct, maintain and operate facilities, equipment and
100 programs as may be necessary or desirable to control, eradicate and prevent the infestation of rats and
101 removal of skunks and the conditions that harbor them.