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HOUSE BILL NO. 2305

Offered January 9, 2019

Prefiled January 8, 2019

A *BILL to amend and reenact §§ 15.2-1128, 15.2-1130, 15.2-1201.1, 15.2-1212, 15.2-1228, 15.2-2257, 15.2-4602, 15.2-4701, 15.2-4702, 15.2-4801, 15.2-5118, and 15.2-5120 of the Code of Virginia, relating to Title 15.2 sections not set out in Code of Virginia.*

Patron—Leftwich

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-1128, 15.2-1130, 15.2-1201.1, 15.2-1212, 15.2-1228, 15.2-2257, 15.2-4602, 15.2-4701, 15.2-4702, 15.2-4801, 15.2-5118, and 15.2-5120 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-1128. City of Norfolk authorized to exchange information regarding criminal history.

Applicants for employment as paramedics or emergency medical technicians making application to the personnel office of ~~any city having a population of not less than 260,000 nor more than 264,000 according to the 1990 United States Census~~ *the City Norfolk* shall be required to submit to fingerprinting and to provide personal descriptive information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange and the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such applicant; however, such applicants may be required, if required by local ordinance, to pay the cost of the fingerprinting or criminal records check or both.

The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no record exists, shall make a report to the ~~city~~ *City of Norfolk*. If an applicant is denied employment because of information appearing in his criminal history record, the ~~locality~~ *City of Norfolk* shall provide a copy of the information obtained from the Central Criminal Records Exchange to the applicant. The information shall not be disseminated except as provided in this section.

§ 15.2-1130. Liability for failure to provide adequate security or crowd control.

~~Any city having a population between 100,000 and 110,000 or between 150,000 and 160,000~~ *The Cities of Chesapeake and Portsmouth* may provide by ordinance that any person who has negligently failed to provide adequate security or crowd control at a sporting event, restaurant, night club, or other business or commercial activity that draws large crowds of people may be liable in a separate civil action for the cost associated with any emergency response by the law-enforcement agency or emergency medical services personnel of such city caused by the sponsor, owner, or tenant of any sporting event, restaurant, night club, or other business or commercial establishment who negligently failed to provide adequate security or crowd control. Such person shall be liable to the city in an amount not to exceed \$1,000.

§ 15.2-1201.1. Discharging employee for service on board prohibited; civil penalty.

A board member of a ~~county with a population between 31,000 and 31,500 in Buchanan County~~ shall not be discharged from employment as a result of his absence from employment due to attendance at regular board meetings upon giving reasonable notice to his employer of such absence. Any employer violating the provisions of this section shall be subject to a civil penalty of up to \$2,500.

§ 15.2-1212. Frederick County; resolution of board of supervisors; referendum; election.

A. Upon resolution passed by the board of supervisors of Frederick County and filed with the circuit court asking for a referendum on the question of Frederick County being governed by a board of supervisors, one or more, elected from each magisterial district and a chairman elected from the county at large, the court shall by order entered of record, require the regular election officials at the November, ~~nineteen hundred seventy-four~~ *1974* regular election to open a poll and take the sense of the qualified voters of the county on the question submitted as herein provided. The clerk of the county shall cause a notice of such election to be published in a newspaper published in or having a general circulation in the county, once a week for three consecutive weeks, and shall post a copy of such notice at the door of the courthouse of the county.

B. The regular election officers of the county at the time designated in the order authorizing the vote shall open the polls at the various voting places in the county and conduct the election in such manner as is provided by law for other elections, insofar as the same is applicable. The election shall be by ballot, and the ballots shall be prepared by the electoral board and distributed to the various election precincts as in other elections. The ballots used shall be printed to read as follows:

INTRODUCED

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59 "Do you approve the adoption of the county's board of supervisors being elected by magisterial
60 districts and the chairman elected from the county at large?

61 [] Yes

62 [] No"

63 The squares to be printed in such ballots shall not be less than one quarter nor more than one-half
64 inch in size.

65 Any person voting at such election shall place a () or a cross (X) or (+) mark or a line (-) in the
66 square before the appropriate word indicating how he desires to vote on the question submitted.

67 The ballots shall be counted, returns made and canvassed as in other elections, and the results
68 certified by the commissioners of election to the circuit court, *and the circuit court*, or the judge thereof
69 in vacation, shall enter of record the results of the election. If it ~~shall appear~~ *appears* by the report of
70 the commissioners of election that a majority of the qualified voters of the county voting approve the
71 adoption of the county's board of supervisors being elected from magisterial districts and the chairman
72 *being* elected from the county at large, the circuit court of the county, or the judge thereof in vacation,
73 shall enter of record such fact.

74 C. At the next succeeding election, following approval of the plan provided for herein, at which the
75 county's board of supervisors are to be elected, the form of organization of such county's board of
76 supervisors shall be in accordance with the form provided for herein.

77 D. All county and district officers of such county, unless otherwise sooner removed, shall continue to
78 hold office until their successors are elected and have qualified.

79 E. A referendum as described ~~hereinabove~~ *in this section* to revert to the former method of electing
80 the chairman and supervisors may be conducted upon a resolution of the board of supervisors as
81 provided ~~hereinabove~~ *in this section*. In lieu of such resolution by the board of supervisors, a
82 referendum as described ~~hereinabove~~ *in this section* may be conducted upon a petition filed with the
83 circuit court of the county, or the judge thereof in vacation, *and signed by ten 10* percent of the
84 qualified voters of such county requesting such referendum, *and the court of or the judge shall proceed*
85 as in the case of a resolution by the board of supervisors.

86 § 15.2-1228. Repair of foundation damage in Chesterfield County.

87 ~~Any county having a county charter with a population between 200,000 and 215,000~~ *Chesterfield*
88 *County* may by ordinance provide that the county may use public funds to repair existing residential
89 dwellings damaged by foundation failures caused by high clay content soil subject to moisture-related
90 shrinking and swelling. Such ordinance may place conditions on the use or expenditure of such public
91 funds. The expenditure of such public funds by the county under this subsection during a fiscal year
92 shall not exceed two percent of the county's locally derived revenues from that fiscal year.

93 For purposes of this subsection, the term "public funds" ~~shall include~~ *includes* only general tax
94 revenues from real and personal property, and ~~shall does~~ not include any special fee assessment, or other
95 tax or charge, however denominated.

96 The county shall keep funds collected for building permit fees and any funds received from any
97 other fees collected under any special act in separate accounts, and separate from other locally derived
98 revenues, and may not use fees collected for building permits or fees collected under any special act,
99 directly or indirectly, for purposes authorized under this subsection.

100 § 15.2-2257. Procedure to modify certain covenants in Shenandoah County.

101 Upon a verified petition signed by the owners, other than the original subdivider, of ~~ten 10~~ percent
102 of the lots in any subdivision previously recorded, the circuit court for ~~any county with a 1980~~
103 ~~population of more than 27,500 but less than 29,000~~ *Shenandoah County*, in which such subdivision
104 lies, shall have authority to conduct a hearing and modify any and all covenant provisions of any
105 previously recorded deed of dedication or other document relating to road maintenance fees as to any
106 roads located within the subdivision. Upon receipt of the petition, the court shall, if all owners of lots
107 within such subdivision are not before the court, enter an order of publication under the provisions of
108 subdivision 3 of § 8.01-316, making the owners of all lots not owned by petitioners parties to the cause,
109 which shall then be docketed and set for trial on the chancery side of the court. Should the court, after
110 hearing evidence and argument of counsel, find that the streets and roads in the subdivision require
111 maintenance in excess of that provided for with the road maintenance funds specified in the covenants
112 to permit emergency vehicles ready access to the residents of the subdivision to ensure the public health,
113 safety, and welfare, the court may increase the fees required for road maintenance to the extent
114 reasonably necessary to permit emergency vehicles ready access to the residents of the subdivision. The
115 funds collected shall be accounted for as provided in § 15.2-2256. Nothing herein shall be construed to
116 prohibit the members of a subdivision association from proceeding under the provisions of subsection C
117 of § 55-344 the Property Owners' Association Act (§ 55-508 et seq.).

118 § 15.2-4602. Definitions.

119 As used in this chapter, unless the context indicates another meaning or intent:

120 "Commission " means the governing body of the local district.

"Cost" means all or any part of the cost of acquisition, construction, reconstruction, alteration, landscaping, or enlargement of a public mass transit system or highway ~~which~~ *that* is located in counties ~~which~~ *that* are authorized by this chapter to create a transportation improvement district, including the cost of the acquisition of land, rights-of-way, property rights, easements and interests acquired for such construction, alteration or expansion, the cost of demolishing or removing any structure on land so acquired, including the cost of acquiring any lands to which such structures may be removed, the cost of all labor, materials, machinery and equipment, financing charges, insurance, interest on all bonds prior to and during construction and, if deemed advisable by the commission, for a reasonable period after completion of such construction, reserves for principal and interest and for extensions, enlargements, additions, replacements, renovations, and improvements, provisions for working capital, the cost of surveys, engineering and architectural expenses, borings, plans and specifications and other engineering and architectural services, legal expenses, studies, estimates of costs and revenues, administrative expenses, and such other expenses as may be necessary, or incident to, the construction of the project or, solely as to districts created pursuant to this chapter after July 1, 1990, the creation of the district (the costs of which creation shall not exceed \$150,000), and of such subsequent additions thereto or expansion thereof, and to determining the feasibility or practicability of such construction, the cost of financing such construction, additions, or expansion and placing the project and such additions or expansion in operation.

"County" means ~~any county having a population of more than 500,000 and any adjoining county the Counties of Arlington, Fairfax, Loudoun, and Prince William.~~

"District" or "local district" means any transportation improvement district created under the provisions of § 15.2-4603.

"District advisory board" or "advisory board" means the board appointed by the commission in accordance with § 15.2-4605.

"Federal agency" means and includes the United States of America or any department, bureau, agency, or instrumentality thereof

"Owner" or "landowner" means the person or entity ~~which~~ *that* has the usufruct, control, or occupation of the taxable real property as determined by the commissioner of revenue of the jurisdiction in which the subject real property is located pursuant to § 58.1-3281.

"Revenues" means any or all fees, tolls, taxes, rents, notes, receipts, assessments, moneys, and income derived by the local district and includes any cash contributions or payments made to the local district by the Commonwealth or any agency, department, or political subdivision thereof or by any other source.

"Town" means any town having a population of more than 1,000.

"Transportation improvements" means any and all real or personal property utilized in constructing and improving (i) any mass transportation project and (ii) any primary highway or portion thereof, located within any district created pursuant § 15.2-4603. Such improvements include, without limitation, public mass transit systems, public highways, all buildings, structures, approaches, and other facilities and appurtenances thereto, rights-of-way, bridges, tunnels, transportation stations, terminals, areas for parking, and all related equipment and fixtures.

§ 15.2-4701. Definitions.

As used in this chapter, unless the context indicates another meaning or intent:

"Commission" means the governing body of the local district.

"Cost" means all or any part of the cost of acquisition, construction, reconstruction, alteration, landscaping, utilities, parking, or enlargement of a public mass transit system or highway ~~which~~ *that* is located in localities ~~which~~ *that* are authorized by this chapter to create a transportation improvement district, including the cost of the acquisition of land, rights-of-way, properly rights, easements and interests acquired for such construction, alteration, or expansion, the cost of demolishing or removing any structure on land so acquired, including the cost of acquiring any lands to which such structures may be removed, the cost of all labor, materials, machinery and equipment, financing charges, insurance, interest on all bonds prior to and during construction and, if deemed advisable by the commission, for a reasonable period after completion of such construction, reserves for principal and interest and for extensions, enlargements, additions, replacements, renovations, and improvements, provisions for working capital, the cost of surveys, engineering and architectural expenses, borings, plans and specifications, and other engineering and architectural services, legal expenses, studies, estimates of costs and revenues, administrative expenses, and such other expenses as may be necessary or incident to the construction of the project; or creation of the district (which shall not exceed \$150,000), and of such subsequent additions thereto or expansion thereof, and to determining the feasibility or practicability of such construction, the cost of financing such construction, additions, or expansion and placing the project and such additions or expansion in operation.

"District" or "local district" means any transportation improvement district created under the

182 provisions of § 15.2-4702.

183 "District advisory, board" or "advisory board" means the board appointed by the commission in
184 accordance with § 15.2-4704.

185 "Federal agency" means and includes the United States of America or any department, bureau,
186 agency, or instrumentality thereof.

187 "Locality" means (i) any county that has the county executive form of government and is located
188 adjacent to a county with a population of more than 500,000 according to the 1980 or any subsequent
189 census; (ii) any county that has been granted a county charter and has a population of more than
190 100,000 according to the 1980 or any subsequent census; and (iii) any city that is located adjacent to a
191 county that has been granted a county charter and has a population of more than 100,000 according to
192 the 1980 or any subsequent census *the Counties of Chesterfield and Prince William and the City of*
193 *Richmond.*

194 "Owner" or "landowner" means the person or entity ~~which~~ *that* has the usufruct, control, or
195 occupation of the taxable real property as determined by the commissioner of revenue of the jurisdiction
196 *in* which the subject real property is located pursuant to § 58.1-3281.

197 "Revenues" means any or all fees, tolls, taxes, rents, notes, receipts, assessments, moneys, and
198 income derived by the local district and includes any cash contributions or payments made to the local
199 district by the Commonwealth or any agency, department, or political subdivision thereof or by any
200 other source.

201 "Town" means any town having a population of more than 1,000, as determined by the 1980 census.

202 "Transportation improvements" means any and all real or personal property utilized in constructing
203 and improving any public mass transit system or any highway or portion or interchange thereof
204 including utilities and parking facilities within the secondary, primary, or ~~interstate highway system~~
205 *Interstate Highway System* of the Commonwealth or any highway included in the county's land use and
206 transportation plan located within the district created pursuant to § 15.2-4702. Such improvements
207 include, without limitation, public mass transit systems or public highways, all buildings, structures,
208 approaches, and other facilities and appurtenances thereto, rights-of-way, bridges, tunnels, transportation
209 stations, terminals, areas for parking, and all related equipment and fixtures.

210 § 15.2-4702. Creation of district.

211 A. A transportation improvement district shall be created under this chapter only by the resolution of
212 the local governing body of the locality in which the proposed district is located, upon the petition to
213 the governing body (i) of the owners of at least ~~fifty-one~~ 51 percent of either the land area or assessed
214 value of land ~~which that~~ is within the boundaries of the proposed district and ~~which that~~ has been zoned
215 for commercial or industrial use or is used for such purposes or (ii) in a county with a population of
216 ~~more than 100,000 according to the 1980 or any subsequent census which has been granted a county~~
217 ~~charter~~ *Chesterfield County*, of ~~fifty-one~~ 51 percent of the owners of land ~~which that~~ is designated for
218 such purposes in the county's land use and transportation plan and is not zoned for residential use at the
219 time the district is created.

220 The roads, intersections, and rights-of-way thereof ~~which that~~ form boundaries of these districts shall
221 be considered as part of each respective district. Any proposed district may include any land within a
222 town in such county. Such petitions ~~should~~ *shall*:

223 1. Set forth the name and describe the boundaries of the proposed district;

224 2. Describe the transportation facilities proposed within the district;

225 3. Describe a proposed plan for providing such transportation facilities within the district and
226 describe specific terms and conditions with respect to all commercial and industrial zoning classifications
227 and uses, densities, and criteria related thereto ~~which that~~ the petitioners request for the proposed
228 district;

229 4. Describe the benefits ~~which that~~ can be expected from the provision of such transportation
230 facilities within the district; and

231 5. Request the local governing body to establish the proposed district for the purposes set forth in the
232 petition.

233 B. Upon the filing of such a petition, the governing body shall fix a day for a hearing on the
234 question of whether the proposed district shall be created. The hearing shall consider whether the
235 residents and owners of real property within the proposed district would benefit from the establishment
236 of the proposed district. All interested persons who either reside in or who own taxable real property
237 within the boundaries of the proposed district shall have the right to appear and show cause why any
238 property or properties should not be included in the proposed district. If real property within a town is
239 included in the proposed district, the governing body shall deliver a copy of the petition and notice of
240 the public hearing thereon to the town council at least ~~thirty~~ 30 days prior to the public hearing, and the
241 town council may, by resolution, determine if it wishes such property to be included within the proposed
242 district, and shall deliver a copy of any such resolution to the board of supervisors at the public hearing
243 required hereunder; the resolution shall be binding upon the governing body with respect to the

inclusion or exclusion of such properties within the proposed district. The petition shall comply with the provisions of this section with respect to minimum acreage or assessed valuation. Notice of the hearing shall be given by publication once a week for three consecutive weeks in a newspaper of general circulation within the locality. At least ~~ten~~ 10 days shall intervene between the third publication and the date set for the hearing.

C. If the local governing body finds the creation of the proposed district would be in furtherance of the applicable comprehensive plan for the development of the area, in the best interests of the residents and owners of real property within the proposed district, and in furtherance of the public health, safety, and general welfare, the governing body of the qualifying locality may, at its option, pass a resolution, which shall be reasonably consistent with the petition, creating the district and providing for the appointment of all advisory board in accordance with § 15.2-4704. The resolution shall provide: (i) a description with specific terms and conditions of all commercial and industrial zoning classifications ~~which~~ *that* shall be in force in the district upon its creation, together with any related criteria, and a term of years, not to exceed ~~twenty~~ 20 years, as to which each such zoning classification and each related criteria set forth therein shall not be eliminated, reduced, or restricted, except upon the written request or approval of the owner of any property affected by a change, or as specifically required to comply with the Chesapeake Bay Preservation Act (§ 10.1-2100 et seq.) or other state law and (ii) that the district shall expire either ~~thirty-five~~ 35 years from the date upon which the resolution is passed or when the district is abolished in accordance with § 15.2-4714.

After the public hearing, the local governing body shall deliver a true copy of its proposed resolution creating the district to the petitioning landowners or their attorney-in-fact. Any petitioning landowner may then withdraw his signature on the petition in writing at any time prior to the vote of the local governing body. If any signatures on the petition are withdrawn as provided herein, the local governing body may pass the proposed resolution in conformance herewith only upon certification that the petition continues to meet the provisions of subsection A ~~of this section~~ with respect to minimum acreage or assessed value, as the case may be. After the local governing body has adopted resolutions creating the district, the district shall be established and the name of the district shall be "The Transportation Improvement District."

§ 15.2-4801. Definitions.

As used in this chapter, unless the context indicates another meaning or intent:

"Board of supervisors" means the governing body of a county empowered to act under the provisions of this chapter.

"Commission" means the governing body of the district created under § 15.2-4802.

"Cost" means all or any part of the cost of acquisition, construction, reconstruction, alteration, landscaping, enlargement, conservation, remodeling, or equipping of a transportation facility or portion thereof, including the cost of the acquisition of land, rights-of-way, property rights, easements and interests acquired for such construction, alteration, or expansion, the cost of demolishing or removing any structure on land so acquired, including the cost of acquiring any lands to which such structures may be removed, the cost of all labor, materials, machinery and equipment, financing charges, insurance, interest on all bonds prior to and during construction and, if deemed advisable by the governing body, for a reasonable period after completion of such construction, reserves for principal and interest and for extensions, enlargements, additions, replacements, renovations, and improvements, provisions for working capital, the cost of surveys, engineering and architectural expenses, borings, plans and specifications, and other engineering and architectural services, legal expenses, studies, estimates of costs and revenues, administrative expenses, and such other expenses as may be necessary or incident to the creation of the district (which shall not exceed \$150,000), construction of the project, and the provision of equipment therefor, and of such subsequent additions thereto or expansion thereof, and to determining the feasibility or practicality of such construction, the cost of financing such construction, additions, or expansion, and placing the project and such additions or expansion in operation.

"County" means (i) any county organized under the urban county executive form of government, (ii) any county adjoining a county organized under the urban county executive form of government, and (iii) any county with a population of at least 32,000 but not more than 36,000 according to the most recent United States census *the Counties of Arlington, James City, Loudoun, Prince William, Pulaski, and Smyth.*

"District" means any transportation service district created under the provisions of § 15.2-4802.

"District advisory board" means the board appointed by the board of supervisors in accordance with § 15.2-4804.

"Federal agency" means and includes the United States of America or any department, bureau, agency, or instrumentality thereof.

"Owner" or "landowner" means the person or entity ~~which~~ *that* has the usufruct, control, or occupation of the real property as determined annually by the county.

305 "Public highways" includes any public highways, roads, or streets, whether maintained by the
306 Commonwealth or otherwise.

307 "Revenues" means any or all fees, tolls, rents, notes, receipts, assessments, taxes, moneys, and
308 income derived by the district and includes any cash contributions or payments made to the district by
309 the Commonwealth, any political subdivision thereof, or by any other source.

310 "Town" means any town having a population of more than 1,000, as determined by the 1980 census.

311 "Transportation facilities" means any real or personal property acquired, constructed or improved, or
312 utilized in constructing or improving any public highway or portion thereof or any publicly owned mass
313 transit systems situated or operated within the district created pursuant to appurtenances thereto,
314 rights-of-way, bridges, tunnels, transportation stations, terminals, areas for parking, and all related
315 equipment and fixtures.

316 § 15.2-5118. Powers of Authority; streetlights in King George County.

317 Notwithstanding any contrary provision of law in this chapter, an authority may lease as lessee or
318 otherwise contract for the provision of, operate, and maintain streetlights in a ~~county having a~~
319 ~~population between 13,200 and 14,000 according to the 1990 United States Census~~ *King George County*.
320 The lessor or other contractual provider of such streetlights shall be a public service corporation ~~which~~
321 ~~that~~ holds a certificate of public convenience and necessity to provide retail electric service in the
322 territory in which such streetlights are located. King George County may contribute funds to the
323 authority by act of its governing body for use by the authority in carrying out the authority's powers
324 listed in this section. In addition, the authority may fix, charge, and collect ~~fees~~, rates, ~~fees~~ and charges
325 for the use of the service described in this section or for such service furnished by the authority. Such
326 ~~fees~~, rates, ~~fees~~, and charges shall be charged to and collected from any person contracting for the
327 service, or lessee, or tenant, or any other person who uses or occupies any real estate served by or
328 benefiting from the service.

329 § 15.2-5120. Powers of authority in certain counties and cities.

330 An authority or authorities created pursuant to the provisions of this chapter by ~~counties that have~~
331 ~~adopted the county manager plan of government and a city contiguous thereto having a 1980 population~~
332 ~~of more than 100,000~~ *Arlington County and the City of Alexandria*, singularly or jointly, ~~two or all of~~
333 ~~such counties and cities~~ may enter into contracts relating to the furnishing of services and facilities for
334 refuse collection and disposal and conversion of same to energy (system) with any person or partnership
335 or corporation (entity). The contract shall not have a term in excess of ~~thirty~~ 30 years from the date on
336 which service is first provided. It may make provisions for:

337 1. The use by the authority of all or a portion of the disposal capacity of such system for the
338 authority's present or future requirement,;

339 2. The delivery by or for the account of the authority of specified quantities of refuse, whether or not
340 the authority collects such refuse,;

341 3. The making of payments in respect of such quantities of refuse, whether or not the refuse is
342 delivered, including payments in respect of revenues lost if such refuse is not delivered,;

343 4. Adjustments to payments to be made by the authority because of inflation, changes in energy
344 prices or residue disposal costs, taxes imposed upon the system ~~ore~~, or other events beyond the control
345 of the entity or in respect of the actual costs of maintaining, repairing, or operating the system,
346 including debt service or capital lease payments, capital costs, or other financing charges relating to the
347 system,; and

348 5. The collection by the entity of fees, rates, or charges from persons using disposal capacity for
349 which the authority has contracted.

350 The authority may fix, charge, and collect fees, rates, and charges for services furnished or made
351 available by the entity operating the system to provide sufficient funds at all times during the term of
352 the contract, together with other funds available to the authority for such purposes, to pay all amounts
353 due from time to time under such contract and to provide a margin of safety for such payment. The
354 authority may covenant with the entity to establish and maintain fees, rates, and charges at such levels
355 during the term of the contract for such purposes.

356 Such fees, rates, and charges shall not apply to refuse generated, purchased, or utilized by any
357 enterprise located in the service area and engaged in the business of manufacturing, mining, processing,
358 refining, or conversion, ~~which that~~ is not disposed at or through such system.

359 The ~~fees~~, rates, ~~fees~~ and charges may be imposed upon the owners, tenants, or occupants of each
360 occupied lot or parcel of land ~~which that~~ the authority determines (with the concurrence at the time of
361 such determination of the local government in which such parcel is located) is in the service area, or
362 portion thereof, of the system for which the authority has contracted, whether or not refuse generated
363 from such parcel ~~are~~ is actually delivered to such system.

364 The ~~fees~~, rates, ~~fees~~ and charges shall be fixed in accordance with the procedures set forth in the
365 subsection D of § 15.2-5136. Such ~~fees~~, rates, ~~fees~~ and charges may be allocated among the owners,
366 tenants, or occupants of each lot or parcel of land ~~which that~~ the authority determines is in the service

area, or portion thereof, of the system for which the authority has contracted. Such allocation may be based upon:

1. Waste generation estimates, the average number of persons residing, working in, or otherwise connected with such premises, the type and character of such premises, or upon any combination of the foregoing factors; or;

2. The amount of refuse delivered to such system; or;

3. The assessed value of such parcels; or

4. A combination of the foregoing.

There shall be a lien on real estate for the amount of such fees, rates, and charges as provided in § 15.2-5139. The authority is empowered by resolution or other lawful action to enforce the payment of the lien by means of the actions described in § 15.2-5138.

The power to establish such fees, rates, and charges shall be in addition to any other powers granted hereunder, and such fees, rates, and charges shall not be subject to the jurisdiction of any commission, authority, or other unit of government. The entity contracting with the authority, except to the extent that rights herein given may be restricted by the contract, either at law or in equity, by suit, mandamus, or other proceedings, may protect and enforce any and all rights granted under such contract and may face and compel the performance of all duties required by this chapter or by such contract to be performed by the authority or by any officer thereof, including without limitation the fixing, charging, and collecting of *fees*, rates, ~~fees~~ and charges in accordance with this chapter and such contract.

Such contract, with the irrevocable consent of the entity, may be made directly with the trustee for indebtedness issued to finance such system and provide for payment directly to such trustee. The authority may pledge fees, rates, and charges made in respect of the contract with the entity, and such pledge shall be valid and binding from the time ~~when~~ it is made. Fees, rates, and charges so pledged and thereafter received by the authority shall immediately be subject to the lien of such pledge without any physical delivery or further act, and the lien of such pledge shall be valid and binding against all parties having claims of any kind, in tort, contract, or otherwise, irrespective of whether such parties have notice thereof. Neither the contract nor any assignment thereof need be filed or recorded except in the records of the authority.

The requirements and restrictions of § 15.2-5121 shall not apply to any contract of the authority with respect to the system if the entity for such system will not collect refuse from the generators of the same, and there are no such facilities located in the area served by the authority.