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SENATE BILL NO. 1146

Offered January 20, 1997

A BILL to amend and reenact § 15.1-292.4 of the Code of Virginia, relating to local regulation of stormwater.

Patrons—Earley and Quayle; Delegates: Nelms and Spruill

Referred to the Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That § 15.1-292.4 of the Code of Virginia is amended and reenacted as follows:

§ 15.1-292.4. Regulation of stormwater.

A. The governing body of every county, city or town, by ordinance, may adopt a stormwater control program consistent with Article 1.1 (§ 10.1-603.1 et seq.) of Chapter 6 of Title 10.1, or any other state or federal regulation, by establishing a utility or enacting a system of service charges. Any locality which administers a stormwater control program may recover costs associated with planning, design, land acquisition, construction, operation and maintenance activities. Income derived from these charges shall be dedicated special revenue and may be used only for the following:

1. The acquisition by gift, purchase, or condemnation of real and personal property, and interest therein, necessary to construct, operate and maintain stormwater control facilities;

2. The cost of administration of such programs;

3. Engineering and design, debt retirement, construction costs for new facilities and enlargement or improvement of existing facilities;

4. Facility maintenance;

5. Monitoring of stormwater control devices; and

6. Pollution control and abatement, consistent with state and federal regulations for water pollution control and abatement.

B. The charges may be assessed to property owners or occupants, including condominium unit owners or tenants (when the tenant, or tenants, is the party to whom the water and sewer service is billed), and shall be based upon their contributions to stormwater runoff; however, prior to adopting such a system, a public hearing shall be held after giving notice as required by § 15.1-504 or by charter. A locality adopting such a system shall provide for full waivers of charges to federal, state, or local government agencies when the agency owns and provides for maintenance of storm drainage and stormwater control facilities or is a unit of the locality administering the program. *A locality shall also provide full waivers of charges for roads and public street rights of way that are owned and maintained by federal, state or local agencies.* A locality adopting such a system shall also provide for full waivers of charges to any person who owns and provides for complete private maintenance of storm drainage and stormwater facilities, provided such person has obtained the proper permits from the Department of Environmental Quality. Income derived from service charges may not exceed the actual costs incurred by a locality operating under the provisions of this title.

C. Every county, city and town is hereby authorized to issue general obligation bonds or revenue bonds in order to finance the cost of infrastructure and equipment for a stormwater control program. Infrastructure and equipment shall include structural and natural stormwater control systems of all types, including, without limitation, retention basins, sewers, conduits, pipelines, pumping and ventilating stations, and other plants, structures, and real and personal property used for support of the system. The procedure for the issuance of any such general obligation bonds or revenue bonds pursuant to this section shall be in conformity with the procedure for issuance of such bonds as set forth in the Public Finance Act (§ 15.1-227.1 et seq.).

D. In the event charges are not paid when due, interest thereon shall at that time accrue at the rate, not to exceed the maximum amount allowed by law, determined by the governing body of such county, city or town until such time as the overdue payment and interest is paid. Charges and interest may be recovered by the county, city or town by action at law or suit in equity and shall constitute a lien against the property, ranking on a parity with liens for unpaid taxes.

E. Any two or more counties, cities or towns may enter into cooperative agreements concerning the management of stormwater.

INTRODUCED

SB1146