

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 15.2-2403 of the Code of Virginia, relating to powers of service districts;*
 3 *control of invasive plant species.*

4 [H 388]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 15.2-2403 of the Code of Virginia is amended and reenacted as follows:**8 **§ 15.2-2403. Powers of service districts.**9 After adoption of an ordinance or ordinances or the entry of an order creating a service district, the
 10 governing body or bodies shall have the following powers with respect to the service districts:

11 1. To construct, maintain, and operate such facilities and equipment as may be necessary or desirable to
 12 provide additional, more complete, or more timely governmental services within a service district, including
 13 ~~but not limited to~~ general government facilities; water supply, dams, sewerage, garbage removal and disposal,
 14 heat, light, fire-fighting equipment and power and gas systems and sidewalks; economic development
 15 services; promotion of business and retail development services; beautification and landscaping; *control of*
 16 *the spread of plants on the list of invasive plant species established by the Department of Conservation and*
 17 *Recreation pursuant to § 10.1-104.6:2; beach and shoreline management and restoration; dredging of creeks*
 18 *and rivers to maintain existing uses; control of infestations of insects that may carry a disease that is*
 19 *dangerous to humans, gypsy moths, cankerworms, or other pests identified by the Commissioner of the*
 20 *Department of Agriculture and Consumer Services in accordance with the Virginia Pest Law (§ 3.2-700 et*
 21 *seq.); public parking; extra security, street cleaning, snow removal, and refuse collection services;*
 22 *sponsorship and promotion of recreational and cultural activities; upon petition of over 50 percent of the*
 23 *property owners who own not less than 50 percent of the property to be served, construction, maintenance,*
 24 *and general upkeep of streets and roads; construction, maintenance, and general upkeep of streets and roads*
 25 *through creation of urban transportation service districts pursuant to § 15.2-2403.1; and other services,*
 26 *events, or activities that will enhance the public use and enjoyment of and the public safety, public*
 27 *convenience, and public well-being within a service district. Such services, events, or activities shall not be*
 28 *undertaken for the sole or dominant benefit of any particular individual, business, or other private entity. Any*
 29 *transportation service, system, facility, roadway, or roadway appurtenance established under this subdivision*
 30 *that will be operated or maintained by the Virginia Department of Transportation shall be established with the*
 31 *involvement of the governing body of the locality and meet the appropriate requirements of the Department.*

32 2. Notwithstanding the provisions of § 33.2-326, to provide, in addition to services authorized by
 33 subdivision 1, transportation and transportation services within a service district, regardless of whether the
 34 facilities subject to the services are or will be operated or maintained by the Virginia Department of
 35 Transportation, including, but not limited to: public transportation systems serving the district; transportation
 36 management services; road construction, including any new roads or improvements to existing roads;
 37 rehabilitation and replacement of existing transportation facilities or systems; and sound walls or sound
 38 barriers. However, any transportation service, system, facility, roadway, or roadway appurtenance established
 39 under this subdivision that will be operated or maintained by the Virginia Department of Transportation shall
 40 be established with the involvement of the governing body of the locality and meet the appropriate
 41 requirements of the Department. The proceeds from any annual tax or portion thereof collected for road
 42 construction pursuant to subdivision 6 may be accumulated and set aside for such reasonable period of time
 43 as is necessary to finance such construction; however, the governing body or bodies shall make available an
 44 annual disclosure statement, which shall contain the amount of any such proceeds accumulated and set aside
 45 to finance such road construction.

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

49 4. To contract with any person, municipality, or state agency to provide the governmental services
 50 authorized by subdivisions 1 and 2 and to construct, establish, maintain, and operate any such facilities and
 51 equipment as may be necessary and desirable in connection therewith.

52 5. To require owners or tenants of any property in the district to connect with any such system or systems,
 53 and to contract with the owners or tenants for such connections. The owners or tenants shall have the right of
 54 appeal to the circuit court within 10 days from action by the governing body.

55 6. To levy and collect an annual tax upon any property in such service district subject to local taxation to
 56 pay, either in whole or in part, the expenses and charges for providing the governmental services authorized

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57 by subdivisions 1, 2, and 11 and for constructing, maintaining, and operating such facilities and equipment as
 58 may be necessary and desirable in connection therewith; however, such annual tax shall not be levied for or
 59 used to pay for schools, police, or general government services not authorized by this section, and the
 60 proceeds from such annual tax shall be so segregated as to enable the same to be expended in the district in
 61 which raised. Such tax may be levied on taxable real estate zoned for residential, commercial, industrial, or
 62 other uses, or any combination of such use classification, within the geographic boundaries of the service
 63 district; however, such tax shall only be levied upon the specific classification of real estate that the local
 64 governing body deems the provided governmental services to benefit. In addition to the tax on property
 65 authorized herein, in the City of Virginia Beach, the city council shall have the power to impose a tax on the
 66 base transient room rentals, excluding hotels, motels, and travel campgrounds, within such service district at a
 67 rate or percentage not higher than five percent which is in addition to any other transient room rental tax
 68 imposed by the city. The proceeds from such additional transient room rental tax shall be deposited in a
 69 special fund to be used only for the purpose of beach and shoreline management and restoration. Any locality
 70 imposing a tax pursuant to this subdivision may base the tax on the full assessed value of the taxable property
 71 within the service district, notwithstanding any special use value assessment of property within the service
 72 district for land preservation pursuant to Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1, provided
 73 the owner of such property has given written consent. In addition to the taxes and assessments described
 74 herein, a locality creating a service district may contribute from its general fund any amount of funds it deems
 75 appropriate to pay for the governmental services authorized by subdivisions 1, 2, and 11 of this section.

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

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

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

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

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

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

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

112 14. In Accomack County, to construct, maintain, and operate in the Wallops Research Park, consistent
 113 with all applicable federal, state, and local laws and regulations, such infrastructure, services, or amenities as
 114 may be necessary or desirable to provide access for aerospace-related economic development to the
 115 NASA/Wallops Flight Facility runway and related facilities, and to create and terminate a Wallops Research
 116 Park Partnership body, which shall consist of one representative of the NASA/Wallops Research Flight
 117 Facility, one representative of the U.S. Navy Surface Combat Systems Center, one representative of the
 118 Marine Science Consortium, one representative of the Accomack County government, the Chancellor of the

119 Virginia Community College System, and one representative of the Virginia Economic Development
120 Partnership. The Partnership body shall have all of the powers enumerated in § 15.2-2403. Federal appointees
121 to the Partnership body shall maintain their absolute duties of loyalty to the U.S. government.

122 15. To contract with a nongovernmental broadband service provider who will construct, maintain, and
123 own communications facilities and equipment required to facilitate delivery of last-mile broadband services
124 to unserved areas of the service district, provided that the locality documents that less than 10 percent of
125 residential and commercial units within the project area are capable of receiving broadband service at the
126 time the construction project is approved by the locality.

127 As used in this subdivision:

128 "Area unserved by broadband" means a designated area in which less than 10 percent of residential and
129 commercial units are capable of receiving broadband service, provided that the Department of Housing and
130 Community Development for its Virginia Telecommunication Initiative may by guidelines modify such
131 percentage from time to time.

132 "Broadband" means Internet access at speeds greater than 10 Mbps download speed and one Mbps upload
133 speed, provided that the Department of Housing and Community Development for its Virginia
134 Telecommunication Initiative may by guidelines modify such speeds from time to time.

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