

## What are the drawbacks of forming a sanitary district?

- In addition to the 50% of qualified voters required to sign the petition to create the district, there also needs to be the support of 50% of all real property owners.
- In order to become a sanitary district, BOS approval must be secured.

## What are the drawbacks of sanitary district status?

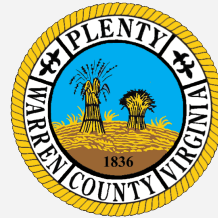
- The BOS must approve the annual budget, tax rate, and any building impact fees.
- If not operated properly, the County has the authority to step in and take over operations.
- Must follow County/State procurement requirements.
- Must have an annual audit performed
- County would charge a 5% plus \$350 annual fee for collection.

## How do we get started?

The residents of the subdivision must circulate a petition for the creation of a sanitary district. Interested registered voters who reside in the subdivision should sign the petition. Once the required number of signatures has been obtained, an attorney may draft the necessary paperwork to file the petition with the County Administrator's Office for the creation of the sanitary district.

Currently there are 14 sanitary districts in Warren County. They include:

- Blue Mountain
- Cedarville Heights
- High Knob
- Lake Front Royal
- Linden Heights
- Osprey Lane
- Riverside
- Shangri-La
- Shannon Woods
- Shenandoah Farms
- Shenandoah Shores
- Skyland Estates
- South River Estates
- Wildcat Drive



If your subdivision is interested in becoming a sanitary district, or if you would like to receive more information regarding the process to become one, please contact Edwin C. Daley, Interim County Administrator by phone at (540) 636-4600 or via email at [edaley@warrencountyva.net](mailto:edaley@warrencountyva.net).



## Sanitary Districts



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## What is a sanitary district and what are its powers and duties?

A sanitary district is a special taxing district allowed by the Code of Virginia. The governing body of a sanitary district has the following powers and duties:

- To construct, maintain and operate water supply, sewerage, garbage removal and disposal, heat, light, fire-fighting equipment, power, gas, streets, parking lots, curbs, gutters, sidewalks, community buildings, community centers and other recreational facilities for the use and benefit of the public in such sanitary districts.
- To acquire by gift, condemnation, purchase, lease or otherwise the systems listed above.
- To levy and collect an annual tax upon all property in such sanitary district.
- To abate nuisances that may exist within the district.

## How is a sanitary district created?

The Board of Supervisors of any county, upon the petition of 50 qualified voters of a proposed district, or if the proposed district contains less than 100 qualified voters upon petition of 50% of the qualified voters of the proposed district, may adopt an ordinance creating a sanitary district. The ordinance shall create the boundaries and powers for such district. To approve, the Board of Supervisors must find that creation of the proposed district or enlargement of the existing district is necessary, practical, fiscally responsible, and supported by at least 50% of persons who own real property in the district or, in the case of enlargement, the area proposed to be included.

## How would sanitary district status affect an existing Homeowners'/ Property Owners' Association (HOA/ POA) and current fees?

The Warren County Board of Supervisors (BOS) would be designated as the governing board of the sanitary district. The HOA/POA would submit an annual budget and proposed tax rate to the BOS for approval. Once a subdivision is designated as a sanitary district, the subdivision governing body could waive or eliminate the annual fees currently paid to the association.

## What are the benefits of becoming a sanitary district?

There are a number of benefits that the residents of a subdivision would receive from becoming a sanitary district, which include:

- Sanitary district status will not affect the privacy of roads, gate, pool, etc.
- The ability to establish uniform fees throughout the entire subdivision (some subdivisions have different covenanted rates).
- All lots, including those owned by a developer, would be subject to sanitary district taxes.
- Sanitary district taxes would be collected by the Warren County Treasurer's Office, thereby increasing the collection rate and freeing the HOA/POA from the burden of collection. Currently the County charges a fee of 5% plus \$350.00 for collecting the Sanitary District tax, much less than collection firms charge for collecting on delinquent accounts.
- Sanitary district fees are treated as taxes and therefore may be deductible on one's

Federal Income Tax Return. Taxpayers should consult a tax advisor to determine if this general rule applies to their particular tax situation.

- For the majority of homeowners, sanitary district taxes would be collected along with County taxes on one's mortgage escrow each year.
- Sanitary district tax rates could be set up on a tiered system to allow for a lower rate for undeveloped lots.
- Builders could be required to pay impact fees prior to the issuance of a building permit.
- The district would be eligible for various State and Federal disaster relief funds and be allowed to acquire surplus government property.
- The district could have the ability to raise additional revenue to make necessary improvements to the community.
- There would no longer be a need for the HOA/POA to place liens on property as any unpaid sanitary district taxes would have to be paid before the sale of any property. The HOA/POA could lose unpaid fees if there is no lien placed on individual properties when they are sold.
- Sanitary district status can provide stability for a subdivision and can likely increase property values. It could also improve the credit status of the district.

## Can a sanitary district be dissolved?

The Code of Virginia contains provisions to abolish any sanitary district created after July 1, 2017 upon petition by ordinance of the Board of Supervisors.