

Code of the Town of Port Royal

DRAFT

Amendments to provide for Metered Billing

Chapter 13 – Public Facilities

ARTICLE IV. SERVICE CHARGES

§13.400. Account service fee.

Persons applying for service to property will be required to pay an account service fee to assure the payment of the charges prescribed in this article. Such service charge shall be as set forth in the Schedule for each single-family residence and in such amount as the Manager may deem necessary in consideration of anticipated consumption for other occupancies.

§13.401. Monthly rates; hydrant rental charges.

A. For all users connected to the Town Water System, the monthly water rates are as set forth in the Schedule.

B. For maintaining new fire hydrants on private property after the adoption of this Ordinance, an annual hydrant rental charge of \$100 per hydrant shall be charged.

§13.402. ~~Reserved. Elderly and disabled persons.~~

~~Those individuals in the Town who qualify for the real estate tax exemption provided in a Tax Relief Ordinance for the Elderly by July 1 of each year shall be entitled to a fifty percent reduction in their computed water charges on single family dwellings only. To qualify for this reduced charge, the individual must submit to the Manager a letter from the Commissioner of the Revenue verifying that he is qualified for such tax exemption.¹~~

§13.403. Rebates for leaks.

Beginning with the installation of the meter, all water passing through a meter will be charged for, whether used or wasted; provided, however, that where leaks occur in water pipes or metered services and the owner, agent or tenant immediately shuts off at the discovery of the break (two hours) and promptly makes all necessary repairs, the Council authorizes the Manager to approve a rebate of the amount in the excess of double the amount of the average monthly bill for the premises. Such average bill shall be determined by averaging the three previous bills. Approval of rebates for leaks to any individual account will not exceed one rebate in any three-year period.

§13.404. Charges when meter fails.

In the event that a water meter fails to register properly for any cause and the consumer has received the usual or necessary supply of water during the time of such failure, the charge shall

¹ Recommend deleting this provision per Va. Code § 15.2-2119.2 and e-mail explanation.

be such amount as is shown to be the average monthly amount of water consumed on his premises for the preceding six months or, where applicable, for the percentage of consumption shown by the test of the meter.

§13.405. Payment.

All water charges shall be billed monthly and payable upon receipt of the bill rendered by the Town and shall be considered delinquent 10 days following the billing date. At the expiration of this time a penalty of 10% of the total bill will be assessed. Such bills shall be paid at a Town office or to an agent appointed by the Town Council to receive such payments.

§13.406. Discontinuance of service.

If a bill for water shall remain unpaid for 20 days after becoming delinquent and written notice has been sent by first-class mail or by means of a door-hanger, the water supply to the premises shall be discontinued, the supply of water shall be discontinued and shall not be restored until the delinquent account, plus a charge set forth in the Schedule, for reconnecting the service has been paid in full to the Treasurer of Caroline County.

§13.407 Fees and Charges to become lien.

~~§ 3.1-295 of the Code of Virginia see enforcement of such lien, and for § 3.1-296.²~~

~~A. The charges made for water service pursuant to this article, if unpaid, shall, from the date such charges are due, be a lien on the real estate served by such water. This provision shall not relieve the tenant or resident of such property from his obligation to pay such charges.~~

~~B. If any charges made for water or the use thereof in the Town remain unpaid for a period of 60 days from the billing date, the Manager shall certify such charges as being unpaid, together with interest thereon, as of the date of such certification, to the Clerk of the Circuit Court, who shall docket the same in the judgment lien books in his office.~~

~~*A. For water services provided by localities, fees and charges may be charged to and collected from (i) any person contracting for the same; (ii) the owner who is the occupant of the property or where a single meter serves multiple units; or (iii) a lessee or tenant in accordance with § 15.2-2119.4 of the Code of Virginia, with such fees and charges applicable for water services; Such fees and charges shall be practicable and equitable and payable as directed by the respective locality operating or providing for the operation of the water system.*~~

~~*A locality providing water services may establish, by adoption of a resolution, that water services may be provided to a lessee or tenant pursuant to provision (iii) above without obtaining an authorization form from the property owner. For purposes of this section, a written or electronic authorization from the owner of the property to obtain water services in the name of such lessee or tenant substantially in the form as follows shall be sufficient compliance with this section.*~~

DATE:

² Believe this is a reference to an old and repealed Va. Code Section. The current Va. Code Sections applicable to this are §§ 15.2-2119 and 15.2-2120.

[INSERT NAME OF WATER SERVICES PROVIDER AND ADDRESS]

RE: [INSERT FULL TENANT NAME AND ADDRESS]

To Who it May Concern:

[INSERT TENANT NAME] has entered into a lease for the property located at [INSERT ADDRESS] and is authorized to obtain services at this address as a tenant of [INSERT PROPERTY OWNER NAME].

Signed: _____

PROPERTY OWNER

B. Such fees and charges, being in the nature of use or service charges, shall, as nearly as the governing body deems practicable and equitable, be uniform for the same type, class and amount of use or service of the sewage disposal system and may be based or computed either on the consumption of water on or in connection with the real estate, making due allowances for commercial use of water, or on the number and kind of water outlets on or in connection with the real estate or on the number and kind of plumbing or sewage fixtures or facilities on or in connection with the real estate or on the number or average number of persons residing or working on or otherwise connected or identified with the real estate or any other factors determining the type, class and amount of use or service of the sewage disposal system, or any combination of such factors, or on such other basis as the governing body may determine. Such fees and charges shall be due and payable at such time as the governing body may determine, and the governing body may require the same to be paid in advance for periods of not more than six months. The revenue derived from any or all of such fees and charges is hereby declared to be revenue of such sewage disposal system.

C. Water connection fees established by any locality shall be fair and reasonable. Such fees shall be reviewed by the locality periodically and shall be adjusted, if necessary, to assure that they continue to be fair and reasonable. Nothing herein shall affect existing contracts with bondholders that are in conflict with any of the foregoing provisions.

D. If the fees and charges charged for water service or the use and services of the sewage disposal system by or in connection with any real estate are not paid when due, a penalty and interest shall at that time be owed as provided for by general law, and the owner of such real estate shall, until such fees and charges are paid with such penalty and interest to the date of payment, cease to dispose of sewage or industrial waste originating from or on such real estate by discharge thereof directly or indirectly into the sewage disposal system. If such owner does not pay the full amount of charges, penalty, and interest for water provided or cease such disposal within 30 days thereafter, the locality or person supplying water or sewage disposal services for the use of such real estate shall notify such owner of the delinquency. If such owner does not pay the full amount of charges, penalty, and interest for water provided or cease such disposal within 60 days after the delinquent fees and charges charged for water or sewage disposal services are due, the locality or person supplying water or sewage disposal services for the use of such real estate may cease supplying water and sewage disposal services thereto unless the health officers certify that shutting off the water will endanger the health of the occupants of the premises or the health of others. At least 10 business days prior to ceasing the supply of water or sewage disposal services, the locality or person supplying such services shall provide the owner with written notice of such cessation.

E. Such fees and charges, and any penalty and interest thereon, shall constitute a lien against the property, ranking on a parity with liens for unpaid taxes.

A lien may be placed on the property when the owner has been advised in writing that a lien may be placed upon the property if the owner fails to pay any delinquent water charges. Such written notice shall be provided at least 30 days in advance of recordation of any lien with a copy of the bill for delinquent water charges to allow the property owner a reasonable opportunity to pay the amount of the outstanding balance and avoid the recordation of a lien against the property. The lien may be in the amount of (i) up to the number of months of delinquent water charges when the water is, or both are, provided to the property owner; (ii) any applicable penalties and interest on such delinquent charges; and (iii) reasonable attorney fees and other costs of collection not exceeding 20 percent of such delinquent charges. In no case shall a lien for less than \$25 be placed against the property.

F. The lien shall not bind or affect a subsequent bona fide purchaser of the real estate for valuable consideration without actual notice of the lien until the amount of such delinquent charges is entered in the official records of the office of the clerk of the circuit court in the jurisdiction in which the real estate is located. The clerk shall make and index the entries in the clerk's official records for a fee of \$5 per entry, to be paid by the locality and added to the amount of the lien.

G. The lien on any real estate may be discharged by the payment to the locality of the total lien amount and the interest which has accrued to the date of the payment. The locality shall deliver a fully executed lien release substantially in the form set forth in this subsection to the person making the payment. The locality shall provide the fully executed lien release to the person who made payment within 10 business days of such payment if the person who made such payment did not personally appear at the time of such payment. Upon presentation of such lien release, the clerk shall mark the lien satisfied. There shall be no separate clerk's fee for such lien release. For purposes of this section, a lien release of the water lien substantially in the form as follows shall be sufficient compliance with this section:

Prepared By and When

Recorded Return to:

Tax Parcel/GPIN Number:

CERTIFICATE OF RELEASE OF WATER SERVICE LIEN

Pursuant to Va. Code Annotated § 15.2-2119 (H), this release is exempt from recordation fees.

Date Lien Recorded: Instrument Deed Book No.:

Grantee for Index Purposes:

Claim Asserted: Delinquent water service charges in the amount of \$.

Description of Property: [Insert name of property owner and tax map parcel/GPIN Number]

The above-mentioned lien is hereby released.

BY:

TITLE:

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF , to-wit:

Acknowledged, subscribed, and sworn to before me this day of by as of the [Insert Water Provider Name] on behalf of [Insert Water Provider Name].

Notary Public

My commission expires:

Notary Registration Number:

§13.408. Special Calculation of monthly charges, meter reading, and turn-on/turnoff charges.

A. Monthly³ charges shall be based upon water usage determined by monthly readings of meters installed for this purpose and calculated with regard to the Fees Schedule set forth herein.

³ Unsure whether the Town/County is capable of monthly meter reading/billing. This can be changed to bi-monthly.

AB. Special meter readings. Whenever a customer requests a special meter reading out of the normal cycle or rereading of a meter, a special charge shall apply unless it is determined by the Town that the Town is at fault. The fee charged shall be as set forth in the Schedule.

BC. Turn-on/turn-off of water. When a customer requests the Town to have water, service turned off for non-emergency reasons, a charge as set forth in the Schedule shall be made for this service if the service.

D. Any unmetered utility account that is physically connected to the water system and using services shall be charged a minimum [bi-]monthly bill based upon the average customer consumption, which is 9,000 gallons per bi-monthly cycle. The bill will be calculated at the applicable prevailing rates specified herein or as amended and approved by the Town Council.

§13.409. Dedicated capacity charges.

Dedicated capacity charges shall be applied to all customers in accordance with the Schedule.

§13.410. No Free Service.

There shall be no utility service provided to any customer without the assessment of service charges.

§13.4110. Fee Schedule

Water system schedule of fees, which may be amended from time to time or as necessary, shall be as follows:

Service:	Fee:
Extension of the Water System	Actual Cost + 20%
Availability fee for standard ¾-inch pipe and meter	\$8,000
Availability fee for 1-inch pipe and meter	\$20,000
Availability fee for 1-1/2-inch pipe and meter	\$40,000
Availability fee for 2-inch pipe and meter	\$64,000
Connection fee for all size pipe and meter	\$750

Deposit (account service fee)	\$100
Reconnection fee after disconnection of service	\$100
Voluntary turn-off and turn-on fees	\$25
Monthly water rate – residential	\$45 <i>XX.XX per 1,000 gallons of use</i>
Monthly water rate - commercial	\$60 <i>XX.XX per 1,000 gallons of use</i>