



Memorandum

May 24, 2023

To: Street and Ordinance Committees

From: Mandy Helsley, Town Clerk

Cc: Mayor & Town Council; Town Manager; Town Administration; Media

Re: **Street and Ordinance Committee Meetings – 30 May 2023**

The purpose of this memorandum is to notify you of the following meetings to be held on **Tuesday, May 30, 2023, at 5:30 pm** in the Planning Commission Room of the Municipal Office. Agenda topic(s) include:

Meeting/Topic	Date/Time
Street Committee Meeting: <ul style="list-style-type: none">• Discussion of updates to Bike-Ped Phase II project and contract supplement• Overview safety improvement pilot project on Southridge Court	May 30, 2023 at 5:30pm
Ordinance Committee Meeting: <ul style="list-style-type: none">• Consideration of an ordinance to amend Section 82-57 of Town Code pertaining to utility cut-off for nonpayment	Immediately following the Street Committee meeting

If you should have any questions or concerns, please contact me at the Municipal Office.

Sec. 82-57. - Procedure in case of failure to pay bill for water or sewer charges.

Should any bill for water or sewer charges not be paid by the fifteenth day of the month following the billing date, a penalty of ten percent of the amount of such bill shall be added thereto. Should ~~any such charge~~ **the full amount of charges, penalty, and interest** for water or sewer remain unpaid after the ~~25th~~ **60th** day of the month following the ~~billing~~ **bill due** date, the town treasurer shall notify the superintendent, who shall cause the water to be stopped from the premises or tenement of the user so in default. When water is cut off for nonpayment of water or sewer charges, all charges in arrears and penalties thereon, plus an additional service charge to be determined by general resolution of the town council, shall be paid to the town treasurer before the supply is turned on again. **At least 10 business days prior to ceasing the supply of water or sewage disposal services, the locality shall provide the owner with a written notice of such cessation.**

(Code 1968, § 27-21; Ord. of 3-4-2008)

Code of Virginia
 Title 15.2. Counties, Cities and Towns
 Chapter 21. Franchises, Sale and Lease of Certain Municipal Public Property; Public Utilities

§ 15.2-2119. Fees and charges for water and sewer services provided to a property owner.

- A. For water and sewer 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; (iii) a lessee or tenant in accordance with § 15.2-2119.4 with such fees and charges applicable for water and sewer services (a) which directly or indirectly is or has been connected with the sewage disposal system and (b) from or on which sewage or industrial wastes originate and have directly or indirectly entered or will enter the sewage disposal system; or (iv) any user of a municipality's water or sewer system with respect to combined sanitary and storm water sewer systems where the user is a resident of the municipality and the purpose of any such fee or charge is related to the control of combined sewer overflow discharges from such systems. 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 or sewer system.
- 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 and sewer 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 and sewer 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 and sewer 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 or sewer charges when the water or sewer 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. Notwithstanding any provision of law to the contrary, any town with a population between 11,000 and 14,000, with the concurrence of the affected county, that provides and operates sewer services outside its boundaries may provide sewer services to industrial and commercial users outside its boundaries and collect such compensation therefor as may be contracted for between the town and such user. Such town shall not thereby be obligated to provide sewer services to any other users outside its boundaries.
- G. 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.