

NOTICE OF PUBLIC HEARING

COUNTY OF KING WILLIAM PROPOSED COUNTY CODE AMENDMENTS TO CHAPTER 78 UTILITIES

Pursuant to Section 15.2-1427 of the *Code of Virginia, 1950, as amended*, the Board of Supervisors of King William County, Virginia, shall conduct a public hearing on Monday, October 25, 2010, at 7:00 p.m. in the Board Meeting Room of the King William County Administration Building at King William Court House to receive public comment and to consider proposed amendments to Chapter 78 of the King William County Code entitled "Utilities". A summary of the proposed amendments is provided below.

- Other local taxes and fees must now be paid prior to service (in addition to property taxes).
- A deposit of \$200 will be charged under certain circumstances.
- A late payment fee of 10% will be applied on the first day a payment is past due, as currently applied on delinquent property taxes.
- Additional information on notice of termination procedure is provided.
- A \$25 reconnection fee has been added for water; a \$50 fee has been added for sewer.
- A payment plan is offered in extreme circumstances, to be determined by the county administrator.

The Board of Supervisors may establish time limits for speakers and other rules governing the conduct of the public hearing.

A copy of the proposed ordinance is available for public inspection at the King William County Administrator's Office during normal business hours. The office is located in the King William County Administration Building, 180 Horse Landing Road (Post Office Box 215), King William, Virginia 23086; telephone: (804) 769-4927. The proposed amendment is also available for review on the County web site at http://www.kingwilliamcounty.us/public_notices.htm.

Written comments regarding the proposed amendment may be submitted to the King William County Administrator's Office at the aforementioned address, by e-mail at wporter@kingwilliamcounty.us, by facsimile at (804) 769-4964 by 4:30 p.m., Monday, October 25, 2010, or presented to the Board of Supervisors during the public hearing.

William C. Porter, Jr.
Interim County Administrator

Publish: *Tidewater Review*, Wednesday, October 13, 2010; and
Tidewater Review, Wednesday, October 20, 2010

Post: County Web Site
Administration Building Lobby Bulletin Board
County Administrator's Office Bulletin Board

KING WILLIAM COUNTY CODE
Chapter 78 UTILITIES
Article III. PUBLIC UTILITY SERVICES REGULATIONS
DIVISION 3. UTILITY SERVICE TERMS AND PROCEDURES

Sec. 78-231. No free service.

There shall be no free service rendered by the utility. If any local, state or federal government, or any department, agency or instrumentality thereof, or any other public or private body shall desire service to be rendered by the utility, it shall apply for and receive such service pursuant to the regulations contained in this division and shall pay for the same at the rates, fees and other charges as established by the board of supervisors.

(Ord. of 9-24-2001, § 4-1)

Sec. 78-232. Fees and costs.

(a) Fees, costs and bills shall be paid to the utility at the time of submission of an application or when a bill is due per the fee schedule in this division. Delinquent real estate ~~and personal property taxes, other local taxes and fees~~ shall be paid prior to initiation of any application or service. Service charges for vacant property and/or newly constructed buildings shall begin on the date that service is requested by the customer, or the date on which beneficial occupancy begins, whichever is sooner.

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(b) The utility will transfer a current account balance to a new or different address. Past due accounts ~~shall be paid in full prior to processing applications for service at a new or different address.~~

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(Ord. of 9-24-2001, § 4-2)

Sec. 78-233. Application for service.

(a) *Required.* Any person qualified by the regulations of this article that either desires or is required to connect to water or wastewater service shall complete and submit to the utility at its office an application for service in accordance with the provisions of this section.

(b) *Generally.*

(1) All information requested by the utility shall be provided before an application is approved.

(2) A separate service connection shall be required for each premises unless otherwise determined by the utility in accordance with section 78-303.

(3) All applicable charges shall be paid before service is provided. Utility service shall not be provided to any prospective customer if that customer has any outstanding and unpaid utility charges arising from prior utility service to such prospective customer except as provided in section 78-239.

(c) *Service to existing connection.* Application for service may be made in person or by phone by the owner or tenant at which time a service request form will be filled out. When application is for a premises previously or currently billed for utility service, the account for that premises is transferred to the applicant's name on the date that service is requested. The service request form shall contain the following information:

(1) Date of application.

- (2) Name of prospective customer and types of uses.
- (3) Social security number, driver's license number or taxpayer identification number of customer, as applicable.
- (4) Name of owner (if different than the applicant).
- (5) The county map number and street address, if assigned, to be supplied utility service.
- (6) The address to which the utility bill is to be sent (if different than the premises).
- (7) The desired date for commencement of utility service.
- (8) Written assurance to the prospective customer that the customer shall receive, upon request, a copy of the regulations of this division.
- (9) Written acknowledgment by the prospective customer, that as a customer, they are responsible for the timely and complete payment of all utility charges arising from utility service supplied to the premises identified in the application for service and contract form, which charges are due and payable upon receipt of the utility bill; and that, in the event of nonpayment of such charges, the utility shall either terminate service or institute any action at law to satisfy unpaid bills, or both.

When the situation arises and there is an anticipated need to prevent water damage, the applicant for water service to existing premises to which public water has been supplied previously must arrange to have someone present with access to the premises when the water is turned on. Twenty-four hours' notice shall be given to schedule such turn-on.

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(d) *Service to new connection on existing facilities.* Application for service and contract for initial service to serve either an existing or future structure to which facilities of the utility are adjacent and available shall be made by the owner or authorized agent on a form prescribed and furnished by the utility for the purpose of such application. The application shall be in writing, signed and verified by the owner of the premises to which the service is to be connected, and contain the following information and attachments:

- (1) The information identified in subsection (c) of this section.
- (2) Name and social security number, driver's license number, employer identification number or taxpayer identification number, as applicable, of owner and tenant, if applicable, of the premises to be supplied utility service.
- (3) Name of subdivision.
- (4) County map number and street address, if assigned, of the parcel to which the service connection is to be made.
- (5) The desired date for commencement of utility service.
- (6) Size of service requested
- (7) Address to which bills are to be mailed or delivered if different than the premises.
- (8) The square feet and proposed uses of the structures which the owner or tenant intends to build (not required if a site plan has been submitted and approved or for residential structures).
- (9) The anticipated water demand and sewage flow, in gallons, except single-family dwelling units and manufactured homes (not required for developments that have submitted and have approved site plans or for residential structures).
- (10) Other information as may reasonably be required.
- (11) Agreement to abide by the regulations of the utility.

(e) *Service to new connection on new facilities.* When either water service or wastewater service is desired to serve existing or future structures or new development, which requires the construction of new facilities, application for service and contract,

shall be made by the owner as required in division 4 of this article, facilities extensions and expansions.

(f) *Facilities capacity.* Facility capacity shall be obligated by contract on a first come, first served basis and in the best interest of the utility.

(Ord. of 9-24-2001, § 4-3)

Sec. 78-234. Temporary service.

(a) Temporary service shall be provided to builders and developers at construction sites and for such special purposes as a circus, bazaar, fair, outdoor music or entertainment festival and similar uses when the following conditions are observed:

(1) Temporary service is available for a period not to exceed six months; such service is billed in accordance with section 78-232.

(2) Completion and execution of an agreement on a form provided by the utility that describes the nature of the temporary service.

(3) Remit with the application for temporary service a sum of money equal to the estimated cost of installing, maintaining, replacing and removing the facilities that are required to furnish such service.

(4) No wastewater may enter a sewer service connection until the installation of the service connection is approved by the utility.

(b) If the temporary service becomes a permanent connection, the cost of facilities installed with funds advanced by the applicant, which are used in providing regular service to such applicant, shall be credited to such applicant when facilities charges are remitted for the regular service connection.

(Ord. of 9-24-2001, § 4-4)

Sec. 78-235. Deposit.

(a) *Generally.* To secure the utility against loss, the regulations of this division require certain customers and applicants for service to provide a deposit to guarantee payment for utility services received when certain conditions apply.

(b) *Required deposit.* Each applicant for service or for reinstatement of service shall post a deposit ~~of \$200~~ if one or more of the following circumstances ~~apply~~:

(1) The applicant is a tenant and the owner does not execute an application for service and contract.

(2) The applicant has previously had service terminated for nonpayment or had been assessed an ~~interest~~ charge for late payment during last 24 months of prior service.

(3) The applicant currently has a utility bill, which is past due.

(4) The applicant desires temporary service for any purpose other than at a construction site.

(5) Service is terminated, and the customer requests that the service be reinstated.

(c) *Receipt.* Upon receiving a cash deposit, the utility shall furnish the applicant for service or customer a receipt showing:

(1) The date thereof;

(2) The name of the applicant or customer and address of the premises to be served;

(3) The utility service to be furnished; and

(4) The amount of the deposit.

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(d) *Refund of deposit.* Upon termination of service, the utility shall automatically refund the customer's deposit, or the balance, if any, in excess of the unpaid utility bills for service furnished by the utility within 45 days. A transfer of service from one premises to another within the service area of the utility shall not be deemed a termination of service within the meaning of the regulations of this division. After the customer has paid bills for service for 12 consecutive bimonthly billings (24 consecutive months) without having had service terminated for nonpayment of a utility bill or had more than three occasions in which the utility bill was not paid within the period prescribed by the regulations of this division, and the customer is not currently delinquent in payment of his bills, the utility may, upon request, refund the deposit. After the initial 24-month determination, if the customer does not qualify for the refund of deposit, the utility may review the account yearly to determine if the customer qualifies.

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(e) *Record of deposit.* The utility shall keep a record of each cash deposit until the deposit is refunded. The record shall show:

- (1) The name and current billing address of each depositor;
- (2) The amount and date of the deposit; and
- (3) Each transaction concerning the deposit.

(f) *Appeal by applicant or customer.* The utility customer representative shall inform an applicant for service or customer if a deposit is required. If the applicant expresses dissatisfaction with the decision of the utility customer representative on the matter of the deposit, the utility customer representative shall inform the applicant of the right to have the problem considered and acted upon by the county administrator. The decision of the county administrator shall be final and binding on the utility and the applicant or customer.

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(g) *Number of deposits.* If the utility holds a deposit of a customer who has service terminated as a result of nonpayment, the deposit will not be applied to the outstanding balance if the customer desires service to be reinstated. In addition, a second deposit will be required before service is reinstated under the provisions of subsection (b) of this section. The utility will hold no more than two deposits at any given time for the same customer account.

(Ord. of 9-24-2001, § 4-5)

Sec. 78-236. Notices.

The following regulations shall be observed when either an applicant or customer, as appropriate, gives notice to the utility and when the utility gives notice to an applicant or customer:

(1) *Applicant and customer notices.* The applicant or customer shall give to the utility written notice at the office of the utility or shall notify the utility in person on the following matters:

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- a. Application for service, including temporary service.
- b. Request to either turn on or terminate service; if notice is to terminate service, then a forwarding address shall be supplied.
- c. Request for a meter for private water supply.
- d. Request for a meter accuracy test.
- e. Disputed utility bill.
- f. Change in mailing address if different than that of the premises.

g. Request for change in service, notice of compliant, notice of mailing address changes notices for a service connection, or request for a line inspection.

(2) *Utility notice.* The utility shall give to the applicant or customer, as appropriate, written notice at the last known mailing address on the following matters:

- a. Amount of bill due.
- b. Failure to observe a regulation.
- c. Scheduled temporary shutdown for repairs, improvements.
- d. Termination of service.

In an emergency or when conditions warrant, the utility may give notice either by phone or in person.

(Ord. of 9-24-2001, § 4-6)

Sec. 78-237. Customer billing.

(a) Customers are responsible for furnishing the utility with their correct address and to notify the utility of any change of address. Failure to receive bills will not be considered as an excuse for nonpayment or grounds for an extension of the date when an account will be considered delinquent.

(b) If bills are to be sent to an address other than that of the premises served, the customer shall so notify the utility in writing.

(c) If requested in writing by the owner, the utility will send bills to and receive payments from agents or tenants of the owner; however, this accommodation will in no way relieve the owner of the liability for all charges, and the utility will not be obligated to notify the owner of the nonpayment of bills by such agent or tenant.

(d) Payment shall be made at the ~~finance department~~, or at such other places as may be designated by the utility.

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(e) The utility reserves the right to correct any bills rendered in error.

(f) Each customer shall be billed separately for service. Billings will be rendered bimonthly or as determined by the utility.

(Ord. of 9-24-2001, § 4-7)

Sec. 78-238. Meter tests; adjustment of bill.

(a) *Test for accuracy.* A customer may request the county to examine and to test the meter serving a property to ascertain the accuracy of the registration of the amount of water delivered through it. The request for such test shall be made by written application to the county. A deposit in an amount determined by meter size reflected in section 78-232 shall accompany the application to cover the cost of the test.

(b) *Written report.* The county shall then remove the meter and conduct a test of the accuracy of such meter. A written report of the results of the test shall be delivered to the customer within ten calendar days after completion of the test.

(c) *Bill adjustment.*

(1) *Fast meter.* When the meter is found to have registered three percent or greater increase on any flow level, the customer shall receive a refund of the overcharge, either in cash or a credit against future charges at the option of the customer, for the period that the meter was in use, but not to exceed six months. In addition, the deposit remitted with the application for test shall be refunded in full. No refund of the deposit shall be made when the meter registration is less than three percent fast.

(2) *Slow meter.* When the meter for a domestic service is more than 25 percent slow on any flow level, the customer shall be billed for the undercharge for the period that the meter was in use, but not to exceed six months. When a meter used ~~for other~~ than domestic service is more than five percent slow, the customer shall be billed for the undercharge for the period that the meter was in service, but not to exceed six months. The deposit remitted with the application for test shall be refunded.

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(3) *No registration.* When a defective meter does not register, the county shall bill the customer an average of the consumption shown on the last three consecutive utility bills, or, if historical data is absent, then base bill on the minimum monthly-metered rate. The deposit remitted with the application for test shall be refunded.

(Ord. of 9-24-2001, § 4-8)

Sec. 78-239. Utility bill.

(a) *Frequency; address.* A utility bill may be mailed bimonthly, as determined by the utility, to every customer for utility service supplied during the time period shown on the utility bill.

(b) *Contents of bill.* Each utility bill may contain, as a minimum, the following information:

(1) The date of the utility bill.

(2) The time period of utility service covered by the utility bill.

(3) The utility charges due.

(4) The date when complete payment is due, usually 30 days from the date of the utility bill.

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(5) Notice whether the bill is based on an actual or an estimated measurement of the amount of utility service supplied.

(6) Notice that the customer may call the county customer representative whose telephone number shall be listed on the utility bill, in order to:

a. Dispute the amount of the utility charges.

b. Avoid the termination of utility service for nonpayment of the amounts shown on the utility bill.

c. Apply for restoration of utility service.

d. Request answers to any other questions about utility service.

(c) *Mailing address.* The utility bill shall be sent to the mailing address shown on the application for service; provided, however, that the utility bill shall be sent to a different address when the customer has given written notice to the county of such different address.

(d) *Correction of utility bill.* The county reserves the right to correct a utility bill rendered in error.

(e) *Payment.* A utility bill is due and payable upon receipt by the customer. Failure of the customer to receive either a utility bill or notice of termination shall neither be considered cause for nonpayment, nor justification for extension or the payment date, nor affect the right of the utility to either terminate service or to file a lien or a motion for judgment for money in accordance with the regulations of this division.

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(f) *Estimated bill.* An estimated utility bill shall be mailed to the customer if the meter fails to register for any reason or the reader is unable to gain access to the premises at the time the meter is scheduled to be read. Such estimated utility bill shall be based on an

average of the consumption shown on the last six consecutive bimonthly utility bills (12 consecutive months), if available.

(g) *Partial period bill.* The utility service charge for an initial or final utility bill for less than a full billing period shall be based upon actual consumption.

(h) *Final bill.* A customer who requests that utility service is terminated shall give to the utility a termination date and a forwarding address. The meter shall be read on the termination date and a final utility bill shall then be prepared and mailed, or personally delivered, to the terminating customer. Any deposit, held by the county shall be deducted from the final utility bill, and the balance then due shall be billed or the unapplied portion of the deposit refunded. A duplicate copy of the final bill to the tenant-customer shall be mailed upon preparation to the owner of such leased or rented real estate (premises).

(i) *Miscellaneous bill.* A utility bill, other than a regular utility bill rendered by the county, is due and payable upon receipt by the customer and shall be paid in accordance with the provisions of the regulations of this division.

(j) *Abatement; refund.* The county is not responsible for water charges incurred due to leakage or for water wasted by water service pipes or fixtures that are either damaged or in disrepair that belong to the customer. However, in certain cases, the public works director may at the county administrator's discretion, determine a fair and reasonable settlement of the disputed bill, when, in his opinion, the circumstances justify such consideration and without which, an injustice to the consumer will result. However, in the event of broken water lines caused by excessively cold weather or an underground leak, and upon presentation of evidence that the leak has been promptly repaired, the utility bill may be adjusted as follows:

(1) One-half of the amount in excess water reflected on the utility bill due to this cause, based on the average of the last three bills; and

(2) If connected to the public sewer, all of the estimated amount of water that did not enter the public sewer.

Adjustments shall not be considered for disputed bills that are over six months old.

(l) *Transfer of charges.* A customer who terminates service at one may transfer outstanding utility charges incurred at such premises to any other account for a premises in the name of such customer, which, if unpaid within the time specified in section 78-243, shall subject the latter account to termination.

(m) *Customer liable for utility charges.* A customer who has either made "application for service" or who has received utility service at a premises shall be liable for all utility service furnished to such premises until such time as the customer has properly notified the utility to terminate the service to such premises.

(n) *Late payment fee. A late payment fee of 10% of the delinquent amount due, or \$10, whichever is greater, shall be added to a bill the first day it becomes delinquent.*

(o) *Returned check charge.* A charge of \$25.00 shall be assessed for any check in payment of a utility bill that is returned for insufficient or uncollected funds, or drawn on a closed account, or drawn on a nonexistent account. If such check was presented in order to avoid ration of service for nonpayment of a utility bill, or to have service restored after such termination, utility service shall be terminated and this charge, as well as all others due and payable, shall be submitted in cash, cashier's check, certified check or money order before utility service is restored.

(Ord. of 9-24-2001, § 4-9)

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Deleted: (k) *Account charge.* An account charge shall be paid by each applicant for service, whether for a new account or for a transfer of account from one premises to another premises. Such charge shall be collected at the time application is made or shall be added to the first utility bill for new and transferred accounts. Such charge is used to defray bookkeeping and clerical costs. ¶

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Deleted: *Transaction charge for late payment.* A transaction charge for late payment shall be added to each bill if the bill is not paid by the due date.

Sec. 78-240. Customer dispute with utility bill.

(a) *Generally.* At any time before the date of termination of utility service for nonpayment of the amounts shown on either a utility bill or a notice of termination, a customer may dispute the correctness of all or part of the amounts shown in accordance with the provisions of the regulations of this division. A customer shall not be entitled to dispute the correctness of all or part of the amounts if all or part of the amounts were the subject of a previous dispute under this section.

(b) *Procedure.* The procedure for customer disputes shall be as follows:

(1) Before the date of termination the customer shall notify the county in writing at its office that there is a dispute regarding all of the amounts shown on a utility bill, or a notice of termination, stating as completely as possible the basis for the dispute.

(2) If the county determines that the present dispute is either untimely or that the customer previously disputed the correctness of all or part of the amounts shown, the utility shall mail to the customer a notice stating that the present dispute is untimely or invalid. The utility shall then proceed as if the customer had not notified the utility of the present dispute.

(3) If the county determines that the present dispute is timely or valid under this section, the county, within three days after receipt of the customer's notice, shall arrange an informal meeting between the customer and the utility customer representative.

(4) Based on the county records, the customer's allegations and all other relevant materials available to the customer representative, the customer representative shall resolve the dispute, attempting to do so in a manner satisfactory to both the customer and the utility.

(5) Within five days of completion of the meeting, the customer representative shall mail to the customer a notice of the decision resolving the dispute.

(6) If the decision is unsatisfactory to the customer, the customer, within seven days of the date of notice of the customer representative's decision, may request in writing a hearing before the public works director.

(7) The hearing before the public works director shall be held within ten days of the utility's receipt of the customer's written request.

(8) At the hearing the county and the customer shall be entitled to present all evidence that is, in the view of the public works director, relevant and material to the dispute.

(9) Based on the record established at the hearing, the public works director, within five days of completion of the hearing, shall issue a written decision formally resolving the dispute. The public works director's decision shall be final and binding on the utility and the customer.

(c) *Payment of undisputed charges.* Use of this dispute procedure shall not relieve a customer of his obligation to timely and completely pay all other undisputed utility charges and the undisputed portions of the amounts which are the subject of the present dispute. Notwithstanding subsection (d) of this section, failure to timely and completely pay all such undisputed amounts shall subject the customer to termination of utility service in accordance with the provisions of this division.

(d) *Payment of disputed charges.* Until the date of the public works director's decision, the county shall not terminate the utility service of the customer and shall not issue a notice of termination to the customer solely for nonpayment of the disputed amounts. If it

is determined that the customer must pay some or all of the disputed amounts, the county shall promptly mail to, or personally serve upon, the customer a notice of termination which shall contain the following:

- (1) The amount to be paid.
- (2) The date of the notice of termination.
- (3) The date of termination, which shall be ten days after the date of notice of termination
- (4) Notice that unless the ~~finance department~~ receives complete payment of the amount shown prior to the date of termination, utility service shall be terminated under sections 78-242 and 78-243.
(Ord. of 9-24-2001, § 4-10)

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Sec. 78-241. Delinquent accounts; actions at law.

To secure monies due and payable to the utility from the customer whose account is delinquent because of the nonpayment of a utility bill, the public works director and attorney may perform the following tasks:

(1) *Lien for charges.*

a. *Real estate.* Charges for utility services shall be a lien upon the premises as provided by the Code of Virginia. Two weeks after the date that utility service is terminated, as provided in sections 78-242 and 78-243, the ~~county administrator or his designee~~ shall file with the clerk of the county circuit court a statement of lien. This statement shall contain the following:

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1. Legal description of the premises served.
2. Amount of the unpaid bill.
3. Notice that the utility claims a lien for the amount of the unpaid bill and for all charges for utility service subsequent to the period covered by such bill.
4. Petition the clerk to record the lien in the judgment lien book.

Such lien, when properly entered, shall be enforced by the utility attorney as described in subsection (2) of this section. Normally, such statements shall be batched monthly by the public works director and filed with the clerk.

b. *Personal property.* Two days after the date that utility service is terminated, as provided in sections 78-242 and 78-243, the public works director shall file with the utility attorney a statement of delinquent account when such account is \$100.00 or more in arrears. This statement may contain the following:

1. Name and last known address of the customer.
2. Amount of the unpaid bill, the amounts classified according to utility services furnished.
3. Time period covered by the unpaid bill.
4. Date complete payment was due and payable.
5. A copy of the application for service.
6. Petition to the utility attorney to file for a judgment in the county general district court (the county circuit court when the sum of unpaid bill exceeds \$7,000.00).

The utility attorney shall immediately file for a judgment in the proper court of the county. When a judgment is rendered against the customer and the customer defaults in the payment thereof; the utility attorney shall immediately request the ruling court for a writ of fieri facias, and he shall docket the same in all jurisdictions in which the customer

is known to own or have interest in real or personal property, or both, thereby creating a lien upon such property.

(2) *Enforcement of lien.*

a. *Writ of fieri facias.* When a writ of fieri facias has been issued, the utility attorney shall petition the county court having jurisdiction to issue to the customer a summons to answer interrogatories to ascertain the personal estate (goods and chattels) and the real estate in and out of the commonwealth, on which the writ is lien.

b. *Interrogatories.* Upon the issuance and service of such summons to the customer to answer interrogatories, the utility attorney shall secure from the customer sufficient information about ownership and interest in real and personal estate to determine the appropriate action to satisfy the judgment.

c. *Garnishment; levy; creditor's suit.* The utility attorney, on facts learned during the interrogatories, shall initiate at his election the following actions:

1. *Garnishment.* A petition to the clerk of the county general district court to issue a summons to one or more garnishees (a third party, e.g., an employer, who is indebted to the customer) to enforce the lien created by the writ. Payments rendered to the utility by the garnishee shall be applied in satisfaction of the judgment for money.

2. *Levy.* A petition to the county sheriff to levy on the personal property (e.g., savings account, checking account, notes, securities, automobiles) of the customer. The utility attorney shall request the sheriff to levy on certain personal estate (goods, and chattels) at a certain location. The sheriff seizes and then sells the goods and chattels of the customer and returns to the utility the proceeds there from to satisfy the judgment for money. At the request of the sheriff; the utility attorney shall cause the procurement of a bond to indemnify the sheriff in such seizure and sale.

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3. *Creditor's suit; sale of land.* When the judgment cannot be satisfied by the personal estate of the customer, the utility attorney may institute a suit in equity to have the real estate, if any, of the customer sold.

4. *Enforcement priority; customer-tenant.* The utility attorney, without delay, shall obtain judgment against a customs tenant who is delinquent in the payment of a utility bill, and cause the clerk of court to issue a writ of fieri facias upon the property of such customer-tenant. The utility attorney may make a reasonable effort to satisfy the judgment from the personal and real estate of the customer-tenant before instituting action at law to satisfy the judgment against the owner of the real estate the use of which by the customer-tenant gave cause for the judgment for money.

5. *Suspension of action.* The utility attorney, at his discretion, and after conferring with the county director of social services, may suspend action to file for judgment, or to initiate a creditor's suit, when a customer is the recipient of either unemployment compensation, or workers compensation, or a participant in a social services program.

(Ord. of 9-24-2001, § 4-11)

Sec. 78-242. Termination of utility service.

(a) *Causes for termination.* Utility service, after proper notice as required by this division, shall be terminated for any of the following causes:

(1) Nonpayment of utility charges due.

(2) Contamination of the water supplied by the utility when caused by an appliance or apparatus of the customer.

(3) Service to a customer is of such magnitude or such character that utility service to other customers is adversely affected.

(4) Failure to protect and maintain the water service pipe or building sewage drain on the property of the customer in a condition satisfactory to the utility.

(5) For tampering or altering by the customer, or others with the knowledge of the customer, with any meter, service connection, utility service line, ~~curb stop~~, seal or any other appliance or apparatus of the utility which controls or regulates the customer's utility service or the service of other customers.

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(6) Failure to provide to employees of the utility free and reasonable access to the premises served, or for obstructing ingress to the meter or other appliances which control or regulate the customer's water supply.

(7) Failure to correct a backflow or cross connection violation as required by the waterworks regulations of the state department of health or the Virginia Uniform Statewide Building Code, as the same may be in effect from time to time.

(8) Failure to comply with the regulations of this division.

(9) For fraud or abuse, including the nondisclosure of information on the application for service and contract, or any false statement or misrepresentation.

(10) Negligent or wasteful use of water during periods when restrictions on consumption are imposed to conserve water.

(11) For abandonment of the premises.

(12) For the willful or indifferent introduction of strong wastes into the sewer system above that provided for in the written contract with the utility.

(b) *Other action.* Termination of utility service to any premises for any cause shall not prevent the utility from pursuing any lawful remedy by action at law or otherwise for the collection of monies or damages due from the customer.

(c) *Payment required before service restored.* When utility service to a customer has been terminated for any of the causes described in subsection (b) of this section, other than temporary vacancy of the premises, it shall be restored only after the conditions, circumstances, or practices which caused the utility service to be terminated are corrected to the satisfaction of the utility and upon payment of all utility charges due and payable by the customer in accordance with this division.

(Ord. of 9-24-2001, § 4-12)

Sec. 78-243. Utility service termination procedure.

(a) *Nonpayment of utility charge.* The provisions of this section shall govern all terminations of utility service for nonpayment of utility charges.

(1) *Notice of termination.* If by the payment date shown on a utility bill the utility has not received complete payment of the amounts shown on the bill, the utility shall mail to, or personally serve upon, the customer a second notice of termination on the first day the payment is delinquent. ~~If full payment is not received within ten days of the date on the second notice, a door tag shall be placed at the service address. If full payment is not received within ten days of the date on the door tag, service shall be terminated.~~ In case of a customer-tenant, the utility shall mail a copy of such notice to the owner of the premises.

Deleted: within seven days after the payment date.

(2) *Content of notice.* The notice of termination shall contain the following:

a. The amount to be paid.

- b. The date of the notice of termination.
 - c. The date of termination, which shall be at least ten days from the date of the notice of termination.
 - d. Notice that unless the utility receives at its office complete payment of the amount shown prior to the date of termination, utility service shall be terminated under subsection (a)(3) of this section.
 - e. Notice that in lieu of paying the entire amount shown, a customer, prior to the date of termination, may notify the utility that he disputes the correctness of all or part of the amount shown, if all or part of the amount shown was not the subject of a previous dispute under section 78-240.
 - f. The telephone number of the utility customer representative.
- (3) *Termination of utility service.* If, prior to the date of termination:
- a. The utility has not received at its office complete payment of the amount shown on the notice of termination; or
 - b. The customer has not notified the utility that he disputes the correctness of all or part of the amount shown on the notice of termination, then the utility shall terminate utility service provided to the customer on the date of termination.
- (4) *Payment prior to termination date.* If the utility receives payment at its office of the entire amount shown on the notice of termination prior to the date of termination, such payment shall be considered a timely and complete payment for purposes of this section.
- (5) *Payment in the field.* If an employee of the utility goes to a site for the purpose of terminating service to a customer for nonpayment, and such customer requests to pay the employee the amount owed to the utility in order to avoid service termination, then an additional \$10.00 fee shall be assessed. Payment, of the entire amount, shall be made only by check.
- (b) *Other causes.* Normally, the notice and period of time for compliance provisions of subsection (a) of this section shall govern the termination of service for causes other than the nonpayment of utility charges; provided, however, that when warranted by the circumstances, the period of time for compliance may be either collapsed or suspended.
- (1) *Content of notice.* The notice of termination for causes other than the nonpayment of utility charges shall contain the following:
- a. The cause of the termination.
 - b. The corrective action required by the customer when such action is under the control of the customer and the cause can be corrected by the customer without loss or injury to the utility.
 - c. The date of the notice of termination.
 - d. The date of termination of service.
 - e. Notice that unless the corrective action is completed prior to the date of termination, utility service shall be terminated on the date of termination.
- (2) *Copy of notice to owner.* In case of a customer-tenant, the utility shall mail a copy of such notice to the owner of the premises.
- (c) *Method of termination.* When utility service is terminated, one or more of the following methods shall be used:
- (1) Sewer service shall be terminated by one of the following methods:
- a. If water service is furnished to the customer by the utility, the water supply shall be cut off and the meter locked or removed.

b. If water supply is furnished to the customer by the owner, or an entity other than the utility, the utility reserves the right to:

1. Remove the meter used for measuring the water supply to the public sewer;
2. Seal the building sewer; or
3. Remove the sewer service connection to the public sewer.

(2) *Water service.* Either subsection (c)(1)a or b of this section shall be observed.

(d) *Limitations on termination of utility service.*

(1) *Hours and days of termination.* The utility shall terminate utility service for nonpayment of utility charges or for other causes only during the hours of 8:00 a.m. to 4:00 p.m, Monday through Thursday. No termination shall be permitted on a legal holiday or on the day before a legal holiday.

(2) *Suspension of limitations.* When warranted by the circumstances, the limitations in subsection (d)(1) of this section shall not apply to the termination of utility service for causes other than nonpayment of utility charges.

(3) *Health.* Service shall not be discontinued if the state health commissioner shall have found and shall certify to the utility that suspending such service will endanger the health of the persons occupying such premises or the health of others.

(Ord. of 9-24-2001, § 4-13)

Sec. 78-244. Restoration of utility service.

(a) *Conditions for restoration.* When it has been necessary to terminate utility service to any premises because of a violation of this division, or because of nonpayment of any utility bill, utility service shall be restored upon payment of the following charges:

(1) If service was terminated only by turning off of water that supplies the premises, the customer shall pay ~~a \$25 reconnection fee~~ for turning on the water plus arrears in charges that may be due and payable to the utility by the customer.

Deleted: charges as prescribed in section 78-232

(2) If service was terminated by sealing the building sewage drain, or by removal of the service connection to the public sewer, the customer shall pay ~~a \$50 reconnection fee.~~

Deleted: the charge as prescribed in section 78-232. Such charge shall be estimated by the utility upon application for restoration of service and the customer shall pay the amount of the estimate prior to restoration of service. Any adjustment in actual cost shall be made upon completion of the restoration of service.

(b) *Hours and days for restoration.* Restoration of water service for nonpayment of a utility bill is made during working hours, 8:30 a.m. to 4:30 p.m., Monday through Friday, within 12 hours of the utility receipt of complete payment of the amount the nonpayment of which prompted the termination. Such payment shall not be considered a timely payment for purposes of this division.

(c) *Deposit.* Prior to restoration of service for nonpayment of a utility bill, the customer shall make a deposit as provided in section 78-235.

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(d) *Other causes.* Restoration of service for causes other than nonpayment of utility charges shall be made upon completion of the work necessitated by the termination of service.

(Ord. of 9-24-2001, § 4-14)

Sec. 78-245. Fee schedule.

The following are the fee charge and service rate schedules:

FACILITIES CHARGE SCHEDULES

TABLE INSET:

Water Meter Size	Water System Charge	Sewer System Charge
5/8"	\$3,500.00	\$7,750.00
3/4"	\$5,250.00	\$11,630.00
1"	\$8,750.00	\$19,380.00
1 1/2"	\$15,310.00	\$33,890.00
2"	\$28,000.00	\$62,000.00
3"	\$56,000.00	\$124,000.00
4"	\$87,500.00	\$193,750.00
6"	\$175,000.00	\$387,500.00

SERVICE RATE SCHEDULES

Water System

Minimum monthly charge: \$22.50 for 0 to 3,000 Gallons.

Over 3,000 gallons: \$5.50 per 1,000 Gallons.

Number of billings per year: 6.

Number of gallons for minimum monthly charges: 0 to 3,000.

Sewer System

Minimum monthly charge: \$28.50 for 0 to 3,000.

Over 3,000 gallons: \$7.00 per 1,000 Gallons.

Number of billings per year: 6.

Number of gallons for minimum monthly charge: 0 to 3,000.

(Ord. of 9-24-2001, App. II; Ord. of 6-25-2007(2))

Secs. 78-247, 78-270. Reserved.

Sec. 78-246. Payment plan for delinquent amounts.

Payment plans for delinquent amounts may be considered on a case by case basis and approved by the county administrator if all of the following conditions are met. If any of the conditions are not met at any time during the payment plan period, the payment plan is null and void and the total delinquent amount, including penalty and interest, is immediately due. Payment plans will not be routinely granted. To be considered for a payment plan, there must be a significant hardship.

(a) All current amounts due must be paid on time during the payment plan period.

(b) A payment contract will be executed by the customer and the County, setting forth the dates due, payment amount and interest amount.

(c) Delinquent amounts and interest amounts must be paid on time, as set forth in (b) of this section.

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* Adopted by the county board of supervisors on October 23, 2000.

** Adopted by the county board of supervisors on August 27, 2001.