

ADOPTED DRAFT OF  
TOWN OF WASHINGTON WATER SERVICE ORDINANCE

SECTION 1: This ordinance may be known as and cited as the 1999 Town of Washington Water Service Ordinance, the object of which is to establish the policies and charges for the provision of water service within the town.

SECTION 2: Definitions. As used in this ordinance, unless the context clearly shows otherwise, the term or phrase

A. "tap" means an actual connection to the Town of Washington water system by means of pipes or other devices whether or not water is actually drawn from the system and specifically including connections which may be unused from time to time or for extended periods of time.

B. "tap right" means a legal and binding obligation upon the town in favor of a property owner to connect to the town water system. This legally binding right is conferred in one of two ways:

- i. by payment of a tap connection fee as may be set by the town council from time to time and the acceptance of such payment by the town so as to obligate the town to provide water service in accordance with the tap fee and any associated agreement but such right expiring as set forth hereinbelow; or
- ii. the right to connect to the town water system conferred by an ordinance or a legally binding resolution of the town which entitles a property owner to connect to the town water system in consideration for some value or accommodation given to

the town in exchange for the tap right.

In either case, no water meter has ever been installed, nor has any actual connection ever been made to the town water system so as to furnish water.

C. "delinquent water customer" means any user of a tap, whether property owner or tenant or any other person or entity without limitation, who has not paid all charges as may be fixed by the town council from time to time for water service or the supplying of water to such tap within 60 days of the date of billing for such services or water supply.

D. "date of billing" means the date of mailing of any bill or invoice for water usage or services by first class U.S. mail to the property address where the water or service is provided and/or any other address specified in the user's account or the posting by any town employee or the sheriff's department on the door of any structure on the property where water or services is provided of the bill or invoice.

E. "minimum monthly charge" means as a precondition to any new connection to the town water system or as a condition to remaining connected to the town water system, or to retain an existing tap, the property owner as shown by the Commissioner of Revenue's office of each property connected or hereafter connected to the town water system, shall pay a minimum monthly charge as may be set from time to time by the town council for ordinary residential use and a minimum monthly charge as may be

set from time to time for each commercial or nonresidential user. If a tenant or person or entity other than the owner establishes an account with the town for water usage, the monthly payments received from such tenant or other user shall be credited to the foregoing amounts to the extent such are actually received by the town. To the extent any tenant or other user of a property fails to make any payments, it shall be the responsibility of the owner of each property to pay the minimum monthly charges. The purpose of the minimum monthly charge is to provide for the capital costs of maintaining the water system and does not represent a charge for minimum monthly usage of any water. Such minimum monthly charges are payable whether or not any water is actually used during all or a portion of any month. A voluntary or involuntary disconnection from the system shall not end the payment of the minimum monthly charge unless the owner shall abandon the tap as provided hereinbelow.

SECTION 3: The town council may, by resolution, from time to time and at their discretion fix or modify the charges for the supplying of water and all other charges for the providing of water services including, among other things, tap connection fees, connection fees, re-connection fees, minimum monthly usage charges and all other water service charges.

SECTION 4: In furtherance of Section 3, the town hereby establishes until supplemented, modified or changed, the charges for water usage and water services as set forth in Appendix "A", which is incorporated by reference.

SECTION 5: A tap fee as may be set from time to time by the town council shall be paid to the town, for the privilege of connecting to the system for each ordinary, single family residential unit containing one to four bedrooms and specifically excluding all commercial uses, bed and breakfast establishments, and residential units containing more than four bedrooms. The town shall be under no obligation to provide water service upon the tendering of any tap fee payment. The town may become obligated to provide such water service only upon a resolution duly adopted by the town council authorizing the acceptance of such tap fee and the providing of water service and the payment of all fees and the doing of all other things as specified in such resolution as may be adopted by town council.

SECTION 6: The tap fee for any nonresidential or nonordinary, single family residential units or commercial uses shall be fixed by resolution of the town council considering the nature of the use and the potential demands, both day to day and periodically placed upon the water system. The town shall be under no obligation to provide water service or any connection to the water system for any commercial or nonordinary residential use unless and until a resolution has been duly adopted by the town council setting the tap fees, agreeing to the providing of such service by the town, and the payment of all fees and the doing of all other things as specified in such resolution as may be adopted by the town council.

SECTION 7: For any delinquent water customer, the

treasurer or other person as may be designated by the treasurer or town council may send by U.S. first class mail a notice of delinquency to the customer at the street address where the water or service is supplied and/or such address as is set forth in the user's account or may post the notice of delinquency on the door of any structure of such property. If all amounts then due and owing the town are not paid within fifteen days of the date of the mailing or posting of such notice of delinquency, water service to such customer may be thereafter discontinued.

Notwithstanding any of the above, the town treasurer or other designee shall have the authority to accept a payment arrangement providing for the payment of all delinquent charges due from the water customer within a period not to exceed 90 days from the date of such arrangement. Such agreement shall be reduced to writing and signed by the customer and the town treasurer or designated person. If any payment is not received by the town in accordance with said payment arrangement, water service may be discontinued after five days of non-receipt of any such payment without further notice to the delinquent water customer. As a precondition of accepting any payment arrangement, the delinquent water customer shall waive any further notices as to disconnection, if the payments called for in the payment arrangement are not received in strict conformity with the dates set forth in payment arrangement.

SECTION 8: A tap shall be abandoned if the minimum monthly charge for such tap has not been paid for any

combination, whether successive or otherwise, of 12 or more months. This loss of the tap shall also apply if the owner or other person disconnects voluntarily or involuntarily from the water system and fails to pay the minimum monthly charge for any combination, whether successive or otherwise, of 12 or more months.

SECTION 9: In addition to the tap fees and other charges as may be in effect from time to time, the following shall apply to all applications for new taps or the installation of new taps:

A. If an application for a tap is approved by the town council as provided above, the tap fee established by such resolution shall be received by the town within 30 days of the date such resolution is adopted, otherwise the resolution shall be void and of no further effect.

B. If a tap is approved by the town council, such tap right must be used and an actual connection made to the town water system within one year of the date of the adoption of the resolution approving such tap. If the connection is not made within one year, the tap right shall expire and any sums paid to the town for the tap fee shall be retained by the town and not refunded to the applicant. If the payment of a tap fee is required as a condition of zoning, subdivision or site plan approval by the town council, and such tap fee is timely paid as provided in the policy and appendices, then in that event, the tap right shall not expire or abate by reason of non-connection

to the town water system provided that an amount equal to the minimum monthly charge is paid for each and every month after a period of one year from the date of approval by the town council until such connection is actually made. The provisions of this paragraph shall not apply to tap rights conferred in conformity with Section 1.B.(ii) where no tap fee payment is required.

C. The applicant applying for connection or modification of an existing connection shall notify the town as to when they wish to have the meter in place, the size of meter being requested, and the desired location of the meter. The town will seek to accommodate the requested location to the extent possible, noting that the location should be on the shoulder, off the road and in the public right of way. The standard size meters available are: 3/4 inch, one inch or two inches, unless justification for a different capacity meter can be provided.

D. Sufficient time, but not to exceed 90 days, must be allotted the town for obtaining the necessary Virginia Department of Transportation permits and contracting for and completing the work. The town will contract for connection to its water distribution system, the installation of piping from the system to the meter location and the installation of a meter casing and an approved meter.

E. The applicant shall be responsible for the reimbursement to the town of all costs associated with installing the meter, to include the cost of the meter and other materials. The applicant shall also be responsible for all plumbing labor

and materials on the applicant's side of the meter. The applicant will further specify to the town when the water supply is to be activated. All payments to the town for the connection to the town water system shall be made prior to the activation of the water supply. When installation of the connection is complete and all fees and charges have been paid the town, the service shall be activated to the meter.

SECTION 10: In addition to providing water to accounts as established and maintained in accordance with the previous paragraphs, only the Town of Washington may sell the town's water. Resale of any water is expressly prohibited. Requests to purchase water may be made to any member of Town Council or to the Town Administrative Assistant. Approval of such sales may be provided by the Mayor, Vice-Mayor, Treasurer or the Town Council and a written permit shall be issued by such official or the council and shall be in the possession of any person drawing water. Purchasers will be required to provide their own means of loading and transporting the water and will make arrangements to meet with a town employee to connect to the town water system through a meter maintained by the town employee. Those procuring water from the town under this section will be billed or must prepay for such water at the rates as may be set from time to time by the town council.

SECTION 11: In providing water services as defined above and as a general condition of providing any water service whatsoever, the Town retains for itself the right to regulate the




use of water in the Town and the amount of water provided to any user. Without limiting the generality of the foregoing, the Town retains for itself the right to regulate by future resolution or ordinance water usage and the right to declare emergencies. In the event of an emergency situation, the Mayor, or in his or her absence or inability to act, the Vice-Mayor, is hereby authorized to prescribe such emergency rules and regulations pertaining to the water system and water usage as may be reasonably necessary to address any such emergency situation provided that such rules and regulations shall be effective only from the time declared by the Mayor or Vice-Mayor until the next regular meeting of the Town Council or until an emergency or special meeting of the Town Council as may be called, whichever shall first occur. The Mayor or Vice-Mayor or the Town Council, as the case may be, is hereby specifically authorized to provide in any rule or regulation, resolution or ordinance, that water service be discontinued to any user or property owner violating the rule or regulation promulgated on an emergency basis by the Mayor or Vice-Mayor or the resolution or ordinance promulgated by the Town Council.

SECTION 12: Each section and subsection hereof shall be independent; and, if declared invalid or unenforceable by any Court, shall be severable. All remaining sections or subsections shall remain in full force and effect despite the invalidity or unenforceability of any section or sections or subsection or subsections.

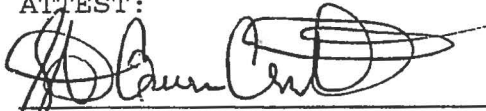
SECTION 13: This resolution shall be effective on the

1st day of January, 2000 and shall remain in full force and effect unless or until supplemented, modified or changed by appropriate resolution of the town council.

Said resolution was duly adopted by the Town Council of the Town of Washington by a roll call vote on the 10th day of November, 1999 on the motion of Steven Owen Critzer, seconded by Charles Tompkins.

  
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Mayor  
Town of Washington, Virginia

ATTEST:

  
\_\_\_\_\_  
Secretary

VOTING AYE: James Stewart Willis, Elaine Viquerie, Steven Owen  
Critzer, Charles Tompkins, Alice King, Reinhardt  
Lynch and Alice Butler

VOTING NAY: none

APPENDIX "A"

In furtherance of the provisions of Section 3 of the Town of Washington Water Service Ordinance as lawfully adopted by the Town Council, the Town Council does hereby adopt and set the following charges for water usage and water services:

1. A minimum monthly rate for each ordinary residential unit of \$12.00 per month, or for new accounts or discontinued accounts, the pro-rata amount of the first or last month based on the billing cycle of the town, to include up to 3,000 gallons of water usage per month.

- A. for usage of 3,000 to 10,000 gallons per month, the rate shall be \$.40 per 100 gallons (rounded to the next hundred) over 3,000 gallons plus the minimum monthly charge.
- B. for usage of over 10,000 gallons per month, the rate shall be the amount specified in 1.A plus \$.50 per 100 gallons (rounded to the next hundred) over 10,000 gallons.

2. The minimum monthly rate for all uses other than those in Section 1.A shall be \$12.00 per month, or for new accounts or discontinued accounts, the pro-rata amount of the first or last month based on the billing cycle of the town, to include up to 3,000 gallons of water usage per month.

- A. for usage of 3,000 to 10,000 gallons per month, the rate shall be \$.40 per 100 gallons (rounded to the next hundred) over 3,000 gallons plus the minimum monthly charge.

B. for usage of over 10,000 gallons per month, the charge shall be the amount specified in 2.A plus \$.50 per 100 gallons (rounded to the next hundred) over 10,000 gallons.

3. Any water sold by the town in accordance with Section 10 shall be billed at a rate equal to \$1.00 per hundred gallons or any fraction thereof.

4. A tap fee of \$1,500.00 shall be paid to the town for the privilege of connecting to the town water system for each single family residential unit in accordance with the provisions of Section 5 of the Town of Washington Water Service Ordinance.

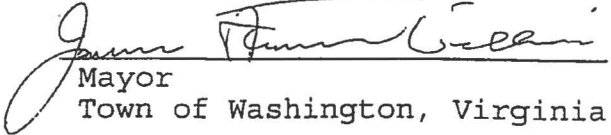
5. A connection fee in addition to all tap fees and minimum monthly fees is hereby established in the amount of \$50.00 for each and every new account or account being reactivated after disconnection.

6. Notwithstanding the provisions of paragraph 2 of Appendix "A" above and any other provisions of the Town of Washington Water Service Ordinance including among others, the provisions of Section 8 as to the abandonment of a tap, the Rec Center property shall not be subject to the minimum monthly rate and shall pay for water only when used.

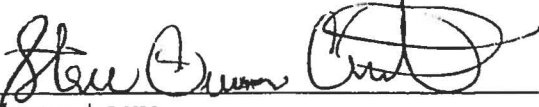
The foregoing Appendix "A" to the Town of Washington Water Service Ordinance shall be effective on the 1st day of January, 2000 and shall remain in full force and effect unless and until supplemented, modified or changed by appropriate resolution of the Town Council.

Said resolution was duly adopted by the Town Council of the Town of Washington by roll call vote on the 10th day of

November, 1999 on the motion of Steven Owen Critzer, seconded by Elaine Viguerie.

  
Mayor  
Town of Washington, Virginia

ATTEST:

  
Secretary

VOTING AYE: James Stewart Willis, Elaine Viguerie, Steven Owen  
Critzer, Alice King and Alice Butler

VOTING NAY: Charles Tompkins and Reinhardt Lynch

ABSTAINING: none

