

Chapter 72 Water and Sewer Service Charges

Sec. 72- 1. Purpose.

The purpose of this chapter is to prescribe the process for charging and collecting for Town water and sewer service.

Sec. 72- 2. Rates.

Charges for water and sewer service shall be at such rates as are prescribed from time to time by the Town Council.

Sec. 72- 3. When to Commence.

Charges for water and sewer service shall commence immediately upon completion of the installation of the connection or upon the use of service.

Sec. 72- 4. Testing Meters; Adjustment of Account for Error; Estimates for Meter Out of Order.

(a) Any consumer may request that his or her water meter be tested by filing a request to that effect with the Director of Public Utilities. The Director will ensure that the meter is properly tested.

(b) Whenever a meter is found to have an overage in registration an adjustment shall be made between the Town and the consumer on the basis of the error found. If the metering equipment is found to be out of order or fails to register for a certain period, the amount of water consumed shall be estimated, using as a basis the amount consumed during a similar period and under comparable conditions.

Sec. 72-5. Adjustment for Leaks.

If there is found to be a leak on the consumer's side of the meter there shall be an adjustment of the sewage portion of the utilities bill to the previous twelve month average or length of current account, whichever is the shorter time span. No consumer shall be entitled to more than one adjustment every three years. There shall be no charge for the turning off or on of water because of a leak, with the exception of services performed during other than normal business hours, which shall have a \$75.00 fee.

Sec. 72-6. Adjustment for Filling Pools.

There shall be an adjustment of the sewage portion of the utilities bill for the annual filling of pools. The consumer must notify the Director in advance of filling the pool. The adjustment will be based either on the volume of the pool to be filled or a pre and post filling read of the meter.

Sec. 72-7. When Due and Payable; Penalty for Delinquency; Discontinuance of Service for Delinquency.

Water and sewer bills shall be rendered monthly and shall be due and payable within 21 days from the date of the mailing of the bill. If not paid within such 21 days, a penalty of ten percent of the amount of the bill shall be added thereto and collected by the Town Treasurer. If not paid within 45 days from the date of mailing of the bill, water service may be discontinued and shall not be turned on again until all delinquent charges have been paid in full in addition to a \$30.00 delinquency/nonpayment charge. After appropriate payment is received, any service that is restored during other than normal working hours shall require an additional \$75.00 charge.

Sec. 72-8. Collection of Fees, Rents and Charges.

- (a) Such fees, rents and charges may be charged to and collected from any person contracting for the same, or from the owner or lessee or tenant, or some or all of them who use or occupy any real estate which directly or indirectly is or has been connected with the sewage disposal system, or from or on which originates or has originated sewage or industrial wastes, or either, which directly or indirectly have entered or will enter the sewage disposal system, and the owner or lessee or tenant of any such real estate shall pay to the town such fees, rents and charges at the time and place where the same are due and payable.
- (b) Such fees, rents and charges, being in the nature of use or service charges, shall, as nearly as the Council shall deem 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 on any combination of such factors, or on such other basis as the Council may determine. Such fees, rents and charges shall be due and payable at such time as the Council may determine, and the Council 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, rents and charges is hereby declared to be revenue of such water supply and sewage disposal system.
- (c) If the fees, rents or charges charged for the use and services of the sewage disposal system by or in connection with any real estate shall not be paid when due, interest shall at that time begin to accrue thereon at the rate of one percent per month, and the owner, lessee or tenant, as the case may be, of such real estate shall until such fees, rents and charges shall be paid with such 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, and if such owner, lessee or tenant shall not cease such disposal within two months thereafter, the Town shall cease supplying water thereto unless the health officers shall certify that shutting off the water will endanger the health of the occupants of the premises or the health of others.
- (d) Such fees, rents and charges and interest thereon may be recovered by the Town by action at law or suit in equity, and shall constitute a lien against the property, ranking on a par with liens for unpaid taxes.

Sec. 72-9. Liability for Minimum Charges.

- (a) The owner of any house, building or property which is used for commercial, industrial and/or residential purposes and is connected to the system shall be liable for the minimum water and sewer charges.
- (b) The owner of a vacant lot is not required to pay the minimum charges. Connection charges shall apply when a house or building is constructed on a qualifying vacant lot, per Sections 70-24 and 70-25.
- (c) If a connection existed as of June 30, 2007 and the house or building has since been demolished, the owner shall continue to be liable for the minimum charges. Connection charges shall not apply when the vacant lot is rebuilt.