

ORDINANCE AMENDING AND RE-ENACTING TITLE 7, CHAPTER 1. – GENERAL PROVISIONS, SECTIONS 7-1-4 THROUGH 7-1-21, CHAPTER 2. – WATER SYSTEM, SECTIONS 7-2-16 AND 7-2-18, CHAPTER 3 – SEWER SYSTEM, ARTICLE D – BUILDING SEWERS AND CONNECTIONS, SECTION 7-3-63 – OWNER TO BEAR ALL COSTS AND EXPENSES FOR INSTALLATION AND CONNECTION OF BUILDING, AND CHAPTER 4. – RATES AND CHARGES, ARTICLE A. – GENERAL PROVISIONS, SECTIONS 7-4-1 THROUGH 7-4-9 OF THE CODE OF ORDINANCES CITY OF HARRISONBURG, VIRGINIA

Be it ordained by the Council of the City of Harrisonburg, Virginia:

That Sections 7-1-4 through 7-1-21 be amended as shown:

Sec. 7-1-4. Bills for water and sewer service generally; when payment required.

A statement shall be delivered to each water and sewer customer containing the amount due derived from service provided during the preceding billing period, including delinquent amounts and penalties or fees, if any. Delivery shall be accomplished by mail, email, or other appropriate method. Courtesy calls, door tags, and other communication may be made, but are not required to be. Failure to receive a bill shall not excuse responsibility for timely payment or prevent late fees or service disconnection.

Such statement shall contain notice of when such amount is due. If the account is delinquent, such statement shall state that if such bill is not paid on or before the shut off date, water and sewer services will be subject to discontinuation. After services are discontinued, services shall not be reinstated until the balance, including any administrative fees or surcharges for reconnection, has been paid.

Sec. 7-1-7. Procedure for payment of bills; disposition of receipts.

Utility billing payment entry, receipt, recording, and retention shall be in accordance with Sec. 4-1-24 and Sec. 4-1-31. Payment receipts shall be retained electronically. A physical receipt may be provided upon request, in person, to the account holder. If remittance is received and the customer desires a receipt to be returned via USPS, a self-addressed stamped envelope must be provided.

Sec. 7-1-8. Discontinuance of service generally.

(The director may discontinue water and sewer service without notice for any of the following reasons: for repairs; for want of supply; for any fraudulent representation in relation to the consumption of water; for violation of contract or of any rules or regulations applying at the time to the customer's service; in the event the customer's service is detrimental to the service in general or the immediate locality; on account of riots, strikes, insurrections, government, state or municipal authorities or acts of God or any other cause whatsoever. The city shall not be liable for damage resulting from discontinuance of service.

Sec. 7-1-9. Discontinuance of service for delinquency in payment of utility bills; generally.

The director is authorized to discontinue water and sewer service furnished by the city if the customer is delinquent in the payment of any account for water or sewer service due the city. Before water and sewer service is discontinued, the person whose account is delinquent shall be so notified by delivery methods set forth in Sec. 7-1-4. Notice of the payment date to avoid disconnection of water or sewer service shall be placed on the bill, which shall be mailed a minimum of five (5) working days before said date. Delinquency shall mean an amount due, equal to or greater than fifteen dollars and one cent (\$15.01), being sixty (60) days or more in arrears.

In the event a payment is returned for any reason, a return fee will be charged to the account as provided in Sec. 4-1-37. The next bill will serve as official notice of discontinuance of services, if applicable. Efforts will be made to notify the customer set forth in Sec. 7-1-4; however, ineffective communication shall not relieve the customer of responsibility for returned payments.

Accounts on automatic draft will continue to be drafted on the next scheduled due date unless otherwise directed by the customer ten (10) days or greater in advance of the payment due date. After payments on automatic draft are returned twice in a rolling twelve (12) month period, for any reason, the automatic draft may be removed from the account at the discretion of the director, or their designee. Should the account have a reduced deposit due to automatic draft set up during initialization the remainder deposit due will be billed to the utility account due in the next billing cycle.

Should the initial deposit required during account opening be returned, the customer shall have one (1) business day to reimburse the city for the balance due and the return fee before discontinuance of service.

Accounts sixty (60) days or more past due may be forwarded to a collection agency. Administrative charges incurred from the collection of past due accounts shall be charged to the account holder.

No payment arrangements or extensions shall be granted by the city.

A utility bond on all accounts with monthly billing averages over fifty thousand dollars (\$50,000) may be required at the director's discretion.

Cross reference – Return Fee, § 4-1-37 et seq.

Sec. 7-1-10. Reserve

Sec. 7-1-11. Re-establishment of utility service in another name.

After water or sewer service has been discontinued to a property because of nonpayment of a bill, the city shall not again supply water or sewer service at such location in the name of any other person so long as the person whose service was discontinued for nonpayment of the bill shall continue to reside or conduct business or be one (1) of the lessees at such location and such bill remains unpaid.

Sec. 7-1-12. Complaint as to bill not ground for nonpayment.

Complaints regarding a water or sewer bill shall not exempt the customer from payment or penalties. Upon appeal request under Sec. 7-4-9, the city shall provide an average or typical consumption to the customer to be paid on such bill due dates until the appeal is closed at the discretion of the city. Penalties during the appeal period may be considered for refund.

Sec. 7-1-13. Reserve

Sec. 7-1-14. Reserve

Sec. 7-1-15. Deposit prerequisite to service—Required.

Every person applying for utility service furnished by the city who is not a utility user at the place, and for the purpose, for which the application is being made, and of whom a written application is required, shall be required to deposit with the city treasurer, or their designee, before such service is begun, and keep on deposit with the city treasurer until same is refunded, as provided in this chapter, a deposit in an amount as set out in section 7-1-16.

- (1) A deposit shall not be required of any person who is a member in good standing of the James Madison University Utility Deposit Assistance Program.
- (2) A deposit may not be required if, in the judgment of the director of public utilities or their designee, a customer provides a letter from another public utility, which verifies that they have made prompt payments for previous account billings during the preceding twelve (12) month period.
- (3) A deposit may not be required of any person who, in the judgment of the director of public utilities or their designee, has shown sufficient timeliness in payments for water and sewer for previous account billings with the City of Harrisonburg during the preceding twelve (12) month period.
- (4) No deposit shall be required for the same address for which the service is being furnished when it is desired to transfer the name of the account from one (1) member of a family to another member of the family or to a cohabitant with provided consent or in cases of death or inability of the person in whose name the account has been; provided, however, that all accounts due the city for utility services have been paid.

- (5) An additional deposit shall be required of any person, firm, or corporation whose utility service has been discontinued for nonpayment of account twice in a twelve (12) month rolling period. Additional deposits required shall not exceed three (3).
- (6) The director of public utilities, or their designee, may grant a waiver of one (1) incurred penalty for the purposes as set forth in subsections (2) and (3) of this section if such waiver is requested in writing by the customer and the reason for such incurred penalty is set forth in the written request.
- (7) Refunds of deposits shall be in accordance with Sec. 7-1-17.

Sec. 7-1-17. Same—Refund.

The city is authorized to automatically refund or apply to the customer's account the amount of their deposit in excess of the amount owed the city for utility services, if any, without interest, provided that if and when such customer discontinues their service at the place for which the deposit was placed, or transferred to, and ceases to be a user at such place, and the depositor shall not be indebted to the city for services furnished for any purpose, , for the previous twelve (12) month period per service address. In the event the depositor transfers service from one property to another the deposit start date shall be the start date of the new service.

Sec. 7-1-18. Reserved

Sec. 7-1-19. Same—Reserved

Sec. 7-1-20. Reserved

Sec. 7-1-21. Transfer of account; deposits and balances.

Account balances, whether credits or debits, of any person or entity relocating from one (1) location served by city water or sewer services to another location so served, shall be transferred from the old account to the new. Amounts due on any account of any person or entity that is terminated shall be transferred to any active account of the same person or entity. Credits remaining on any terminated account shall be paid to the account owner within thirty (30) days after final bill is generated

That Sections 7-2-16 and 7-2-18 be amended as shown:

Sec. 7-2-16. Permitting water to run wastefully.

It shall be unlawful for the owner or occupant of any premises having thereon a hydrant or other fixtures for supplying water to carelessly permit water to run in a wasteful manner. Service may be discontinued for violation of this section.

Sec. 7-2-18. Repairing leaking fixtures.

It shall be the duty of the owner or occupant of any premises whereon is located a private hydrant, or other water fixture(s), in or on the property, which is leaking to repair such leak immediately upon discovery, and if not required, service shall be discontinued.

That Section 7-3-63 be amended as shown:

Sec. 7-3-63. – Owner to bear all costs and expenses for installation and connection of building sewer.

- (a) All responsibilities and cost incidental to the installation and connection of the sewer lateral from the main to the R-O-W or easement limits shall conform to Section 7-4-22 as applicable. The responsibilities and cost of the building sewer shall be managed and paid privately by the owner to conform to code requirements and building permit process as adopted by the City of Harrisonburg.
- (b) For maintenance responsibilities, any stoppage in the public sewer shall be removed by the City at no cost to the property owner. If the stoppage occurs in the sewer between the city sewer main and the building, then the property owner who connects with the public sewer shall remove the obstruction. If the owner fails to remove the obstruction within forty-eight (48) hours after the notice from the city, the obstruction may be removed by the city and at the cost as determined per Section 7-4-23 shall be paid by the property owner.
- (c) If maintenance of the existing sewer lateral requires an upgrade to the pipe between the public main and the R-O-W or easement limit, then the applicant and City may enter a shared expense program (Sewer Renewal Program) whereby the City shall oversee or perform the work to repair the pipe and the property owner and City shall equally bear the cost as determined per Section 7-4-23; however, the cost to the property owner shall not exceed the full connection cost of a new installation per Section 7-4-22.
- (d) In the case of abandonment of existing laterals, building sewers, and on-site treatment systems, the property owner shall bear the total responsibility and cost except as modified per section 7-3-3. Any work performed by the City shall be billed per Section 7-4-23.

That Sections 7-4-1 through 7-4-9 be amended as shown:

Sec. 7-4-1. Schedule of rates and charges generally.

The rates for water and sewer services, or specific sewer metering applications as approved by the director, to be applied to one hundred (100) percent of the water meter readings, shall be as follows:

- (a) *Water rates, per month:*
 - (1) City water rates, per month:
 - a. First zero (0) gallons to two hundred fifty thousand (250,000) gallons at three dollars and seventy-nine cents (\$3.79) per one thousand (1,000) gallons;
 - b. All over two hundred fifty thousand (250,000) gallons at three dollars and forty-nine cents (\$3.49) per one thousand (1,000) gallons.
 - (2) Rural water rates, per month:

- a. First zero (0) gallons to two hundred fifty thousand (250,000) gallons at five dollars and eighty-six cents (\$5.86) per one thousand (1,000) gallons;
 - b. All over two hundred fifty thousand (250,000) gallons at four dollars and ninety-two cents (\$4.92) per one thousand (1,000) gallons.
- (3) In addition to the city and rural water rates as set forth above, there shall be added to all water bills generated in the months of July, August, September, October, and November of each year a seasonal water rate charge of twenty-five cents (\$0.25) per one thousand (1,000) gallons.
- (4) Minimum water charges per month by meter: (Three thousand (3,000) gallons for $\frac{5}{8}$ meter; AWWA equivalent multiplier for larger sizes):

Meter Size (inches)	AWWA Multiplier	City Minimum (per month)	Rural Minimum (per month)
$\frac{5}{8}$ or $\frac{3}{4}$	1.0	\$11.37	\$17.58
1	2.5	\$28.43	\$43.95
1½	5.0	\$56.85	\$87.90
2	8.0	\$90.96	\$140.64
3	16.0	\$181.92	\$281.28
4	25.0	\$284.25	\$439.50
6	50.0	\$568.50	\$879.00
8	80.0	\$909.60	\$1,406.40
10	210.0	\$2,273.70	\$3,334.60

- (5) Rockingham County Water Agreement of 1995 (north and east areas): Rates shall conform to the contract or any amendments to the same.
- (6) When using storm water or surface water for "green water" purposes as set forth in section 7-3-81 of this Code, water shall be billed at the city and county water rates; as published in section 7-4-1; however, less the operating component of the rate. The operating component of the rate is calculated as follows: [annual pumping, storage and monitoring costs, plus annual transmission and distribution costs, plus annual water treatment costs; the sum divided by total annual consumption per one thousand (1,000) gallons].
- (b) *Sewer plus authority rates, per month:*
- (1) City sewer plus authority rates, per month (includes two dollars and twenty-six cents (\$2.26) per one thousand (1,000) gallons for each of the following rate groups for sewer charge):
- a. First zero (0) gallons to two hundred fifty thousand (250,000) gallons at five dollars and eighty-nine cents (\$5.89) per one thousand (1,000) gallons;
 - b. All over two hundred fifty thousand (250,000) gallons at five dollars and sixty-nine cents (\$5.69) per one thousand (1,000) gallons.

- (2) Rural sewer plus authority rates, per month (includes two dollars and twenty-six cents (\$2.26) per one thousand (1,000) gallons for each of the following rate groups for the sewer charge):
- First zero (0) gallons to two hundred fifty thousand (250,000) gallons at eight dollars and seventy cents (\$8.70) per one thousand (1,000) gallons;
 - All over two hundred fifty thousand (250,000) gallons at eight dollars and twenty-eight cents (\$8.28) per one thousand (1,000) gallons.
- (3) Minimum sewer charges, per month by meter: (Three thousand (3,000) gallons for $\frac{5}{8}$; meter; AWWA equivalent multiplier for larger sizes):

Meter Size (inches)	AWWA Multiplier	City Minimum (per month)	Rural Minimum (per month)
$\frac{5}{8}$ or $\frac{3}{4}$	1.0	\$17.67	\$26.10
1	2.5	\$44.18	\$65.25
1½	5.0	\$88.35	\$130.50
2	8.0	\$141.36	\$208.80
3	16.0	\$282.72	\$417.60
4	25.0	\$441.75	\$652.50
6	50.0	\$883.50	\$1,305.00
8	80.0	\$1,413.60	\$2,088.00
10	210.00	\$3,634.70	\$5,321.40

All minimum charges for both city and rural include authority O & M and debt charge. There shall be a separate minimum charge for each meter.

- (4) Rockingham County Water Agreement of 1995 (north and east areas): Rates shall conform to the contract or any amendments to the same.
- (c) *Utility tax:* A twenty (20) percent utility tax is added to the total water bills of city and rural users, maximum two dollars (\$2.00) residential, twenty dollars (\$20.00) commercial.

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- (d) *Other charges:*

Administrative/field call—Next business day	\$25.00
Administrative/field call—Same day service before cutoff time	\$75.00
Administrative/field call—After business hours	\$175.00
Re-connection—Next business day	\$35.00
Re-connection—Same day service before cutoff time	\$75.00
Re-connection—After business hours	\$175.00
Tapping order per meter \geq 72 hours' notice	\$25.00
Tapping order per meter $<$ 72 hours' notice	\$75.00
Tapping order per meter—After business hours	\$175.00

Meter test < 2" in size	\$150.00
Meter test ≥ 2" in size	\$350.00
Site visit fee	\$25.00

- (e) (1) Field call charge for turning on the water service, transferring account ownership or turn on or off of meter for repairs that are not constituted as an emergency which charges shall be included on the next monthly statement submitted after service is provided;
- (2) There is no charge for turning service off;
- (3) Cost shall be as defined in section 7-4-23 of this Code; business hours and cutoff time shall be established by the director.
- (4) Re-connection charge applies to any person, firm, or corporation whose utility service has been scheduled for disconnection due to nonpayment of account, or who fail to comply with delinquent payment cutoff time, and shall, before the service is re-established, pay balance in full to include administrative fees.
- (5) When a date and time to establish a connection has been agreed to between the customer and the city public utilities department and the customer fails to be present at such date and time then the customer shall be charged a site visit fee of twenty-five dollars (\$25.00).
- (6) Installation of meters will be assessed a twenty-five-dollar (\$25.00) fee per meter when scheduled, equal to or greater than, seventy-two (72) hours in advance; if less than seventy-two (72) hours a seventy-five dollar (\$75.00) fee will be assessed per meter. If after business hours, a one hundred seventy-five dollar (\$175.00) fee will be assessed per meter. There will be no additional administrative/field call fee subject to section 7-4-1.
- (f) *[Exemptions.]* The director is authorized on application to exempt the payment of all charges imposed by this section, those citizens, or spouse of those, who qualify for active military service deployment on foreign soils.
- (g) *[Changes to fees.]* Subsequent to July 1, 2012, any changes to the fees and rates as set forth in this section shall be made by city council.

Sec. 7-4-3. Utility accounts—When bills due and payable; penalty for delinquent payment.

- (a) All bills for utility service shall be due and payable on or before the date posted on the face of the bill.
- (b) If bills for utility service shall not be paid in full prior to the next billing date, a penalty of ten (10) percent of the previous month's billed charges shall be added to the next bill.
- (c) Upon request of the customer, in writing, a one (1) time waiver of the penalty shall be granted by the director, or their designee, as per that particular bill and the customer shall no longer be eligible for the waiver of any penalty for a period of thirty-six (36) months.

- (d) The director, or their designee, may authorize an adjustment in the amount of the penalty should the customer present documentation that the payment was postmarked on or before the due date. The burden of documentation shall be with the customer and shall include certified mail, confirmation from financial institutions making the payment or other documentation of similar authenticity acceptable to the director. Adjustments pursued under delayed mail delivery, and without acceptable documentation, shall be addressed pursuant to subsection (c) above.

Sec. 7-4-5. Reserved

Sec. 7-4-6. Same—Adjustment of erroneous accounts.

The utility billing supervisor may, at any time upon discovering an error in the reading of a meter or a water or sewer customer's account, make the necessary correction in the water or sewer bill and make settlement for same. If at any time it is discovered that an error has been made in a water or sewer bill (i.e., charges for services which have not been provided to the customer or services provided to the customer for which charges have not been made) for some reason other than the erroneous reading of a meter, the utility billing supervisor may make an adjustment of the account. Adjustments shall be made for the duration of which the error existed, however, not to exceed thirty-six (36) months. The customer shall be provided the opportunity for completing back payments through equal amounts over a period of the same total duration for which the charge is being applied, no late charge shall be implemented.

Sec. 7-4-7. Reserved.

Editor's note(s)—An ordinance adopted and approved June 11, 1996, repealed § 7-4-7, which pertained to the discontinuance of utility service for delinquent payment, and which derived from Code 1973, § 29-105.

Sec. 7-4-8. Reserved

Sec. 7-4-9. Adjustments for excessively high consumption.

- (a) *Procedures.* Where there occurs an unusual and excessively high monthly increase in a customer's water and sewer bill, which excessively high increase is consistent with in subsection (b) below, the following shall be undertaken with the permission of the customer:
 - (1) The department, at no charge to the customer, shall re-read the meter to assure accurate collection and transfer of data.
 - (2) The department, at no charge to the customer, shall assist customer efforts to identify abnormal usage or leakage by observing metering patterns during customer performed activities.
 - (3) The department, at no charge to the customer, may provide consultation and recommendations to assist the customer, however, provided the customer shall hold

harmless the city with recognition that total responsibility for matters beyond the meter reside with the customer.

- (4) The department may conduct a meter accuracy test pursuant to AWWA approved procedures upon request by the customer. The charge for the test shall be according to section 7-4-1(d) (other charges) however, such fee shall be waived if the meter fails to conform to accepted AWWA metering accuracy tolerances.
- (b) *Qualification and adjustment policy.* Circumstances accepted to validate an adjustment shall be limited to one (1) adjustment event. An event shall not extend greater than three (3) months, otherwise subject to compliance under section 7-2-16.

Type of Adjustment	Qualification	Water Charges	Sewer and Authority Charges
Water only	(1)	(5)	(6)
Full service	(2)	(5)	(5)
Excessive-unidentified	(3)	(5)	(5)
Errant data	(4)	(6)	(6)

- (1) Circumstance supported by documentation of repairs by the customer and where lost water did not return to the sewer. (Example: Outdoor leak.)
- (2) Circumstances supported by documentation of repairs by the customer and where lost water returned to the sewer. (Example: Leaking toilet.)
- (3) Circumstances, without documentation of cause, or repairs, resulting in a consumption that is both (i) greater than previous monthly consumption pattern by five thousand (5,000) gallons or more and (ii) greater than the typical previous consumption by five thousand (5,000) gallons or more.
- (4) Circumstances where the meter reading data or account information is proven incorrect and cannot be retrieved.
- (5) The amount to be paid by the customer shall be the "typical previous consumption" at current rates plus the additional consumption at "incremental operational rates."
- (6) The amount to be paid by the customer shall be the "typical previous consumption" at current rates.
- (7) "Typical previous consumption" as applied above shall be, as approved by the director, or their designee, the highest monthly consumption on record for a month in the same season of the same or previous years, or within the previous three (3) months if limited historical data is available. If sufficient historical data is not available, the director, or their designee, may elect to wait until future data becomes available.
- (8) At the beginning of each year, the director shall establish "incremental operational rates" for water and sewer/authority by summing the annual cost to pump, convey, and treat water or sewer; and then divide the cost by the gallons sold during the same period. The results shall be considered to give value to the actual cost incurred by the utility for the delivery or collection of water and sewer, respectively.

(c) *Exceptions:*

- (1) Where in the judgment of the director there are abnormal or atypical activities being performed and they are deemed to be conducive to increase water usage, the qualifications for an adjustment shall be forfeited.
- (2) For accounts that exceed twenty-five thousand (25,000) gallons monthly the director may consider an exemption under the circumstances requiring consumption to be greater than twice the monthly consumption pattern if documentation, cause, and validation are presented by the customer.

(d) *Validation of adjustment:*

- (1) Prior to any adjustment, the customer must agree to any procedure as set forth in subsection (a) above, as requested by the department of public utilities.
- (2) For item (c)(2), the adjustment shall be made only upon correction of the problem as verified by documentation of repair work being performed and a change in the customer's consumption pattern.

Secs. 7-4-10—7-4-20. Reserved.

This ordinance shall be effective from the ____ of _____, 2023. Adopted and approved this ____ day of _____, 2023.

MAYOR

ATTESTE:

CITY CLERK