

1 H.48

2 Introduced by Representatives Dickinson of St. Albans Town, Gamache of
3 Swanton, and Savage of Swanton

4 Referred to Committee on

5 Date:

6 Subject: Municipal and county government; waterworks; rates

7 Statement of purpose of bill as introduced: This bill proposes to prohibit a
8 municipal corporation from establishing rates for the supply of water to
9 customers based on the appraised or assessed value of the property to be
10 served.

11 An act relating to water supply rates

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 24 V.S.A. § 3311 is amended to read:

14 § 3311. RATES

15 (a) Such municipal corporation may establish rates by meter service or
16 annual rents to be charged and paid at such times, and in such manner as such
17 municipal corporation shall determine for the supply of water to the inhabitants
18 of such municipal corporation and others. From time to time, it may alter,
19 modify, increase, or diminish such rates and extend them to any description of
20 property or use as such municipal corporation may deem proper. Such rates or

1 rents may be ordered to be paid in advance, and all necessary orders and
2 provision may be made and enforced by such municipal corporation, relating
3 to the supply or stoppage of water, as it may deem necessary to insure such
4 advance payments.

5 (b) Notwithstanding any municipal charter provision to the contrary, a
6 municipal corporation shall not establish rates for the supply of water to
7 customers based on the appraised or assessed value of the property to be
8 served.

9 Sec. 2. 24 V.S.A. § 3615 is amended to read:

10 § 3615. RENTS; RATES

11 (a) Such municipal corporation, through its board of sewage disposal
12 commissioners, may establish charges to be called “sewage disposal charges,”
13 to be paid at such times and in such manner as the commissioners may
14 prescribe. The commissioners may establish annual charges separately for
15 bond repayment, fixed operations and maintenance costs (not dependent on
16 actual use), and variable operations and maintenance costs dependent on flow.
17 Such charges may be based upon:

18 (1) the metered consumption of water on premises connected with the
19 sewer system; however, the commissioners may determine no user will be
20 billed for fixed operations and maintenance costs and bond payment less than
21 the average single family charge;

1 (2) the number of equivalent units connected with or served by the
2 sewage system based upon their estimated flows compared to the estimated
3 flows from a single family dwelling; however, the commissioners may
4 determine no user will be billed less than the minimum charge determined for
5 the single family dwelling charge for fixed operations and maintenance costs
6 and bond payment;

7 (3) the strength and flow where wastes stronger than household wastes
8 are involved;

9 (4) ~~the appraised value of premises, in the event that the commissioners~~
10 ~~shall determine the sewage disposal plant to be of general benefit to the~~
11 ~~municipality regardless of actual connection with the same; [Repealed.]~~

12 (5) the commissioners' determination developed using any other
13 equitable basis such as the number and kind of plumbing fixtures, the number
14 of persons residing on or frequenting the premises served by those sewers, the
15 topography, size, type of use, or impervious area of any premises; or

16 (6) any combination of these bases, so long as the combination is
17 equitable.

18 (b) The basis for establishing ~~sewer~~ sewage disposal charges shall be
19 reviewed annually by sewage disposal commissioners. No premises otherwise
20 exempt from taxation, including premises owned by the State of Vermont,
21 shall, by virtue of any such exemption, be exempt from charges established

1 hereunder. The commissioners may change the rates of such charges from time
2 to time as may be reasonably required. Where one of the bases of such charge
3 is the appraised value and the premises to be appraised are tax exempt, the
4 commissioners may cause the listers to appraise such property, including State
5 property, for the purpose of determining the sewage disposal charges. The
6 right of appeal from such appraisal shall be the same as provided in 32 V.S.A.
7 chapter 131. The Commissioner of Finance and Management is authorized to
8 issue his or her warrants for sewage disposal charges against State property
9 and transmit to the State Treasurer who shall draw a voucher in payment
10 thereof. No charge so established and no tax levied under the provisions of
11 section 3613 of this title shall be considered to be a part of any tax authorized
12 to be assessed by the legislative body of any municipality for general purposes,
13 but shall be in addition to any such tax so authorized to be assessed. Sewage
14 disposal charges established in accord with this section may be assessed by the
15 board of sewage disposal commissioners as provided in section 3614 of this
16 title to derive the revenue required to pay pollution charges assessed against a
17 municipal corporation under 10 V.S.A. § 1265.

18 (c) When a sewage disposal charge established under this section for the
19 management of stormwater is applied to property owned, controlled, or
20 managed by the Agency of Transportation, the charge shall not exceed the
21 highest rate category applicable to other properties in the municipality, and the

1 Agency of Transportation shall receive a 35 percent credit on the charge. The
2 Agency of Transportation shall receive no other credit on the charge from the
3 municipal corporation.

4 Sec. 3. TRANSITION; SUPERSEDED RATES

5 The prohibition under 24 V.S.A. § 3311(b) and the repeal of authority under
6 24 V.S.A. § 3615(a) on water supply rates and sewage disposal charges based
7 on assessed value of property shall preempt or supersede any municipal
8 ordinance, municipal bylaw, adopted water supply rates, or adopted sewage
9 disposal charges that, as of January 1, 2016, established water supply rates
10 based on assessed property value.

11 Sec. 4. EFFECTIVE DATE

12 This act shall take effect on passage.