

1 H.45

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

1 proper. ~~Such rates~~ Rates or rents may be ordered to be paid in advance, and all
2 necessary orders and provision may be made and enforced by ~~such~~ the
3 municipal corporation, relating to the supply or stoppage of water, as it may
4 deem necessary to insure such 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~~ A 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~~ the times and in ~~such~~ the manner as that the commissioners
14 may prescribe. The commissioners may establish annual charges separately
15 for bond repayment, fixed operations and maintenance costs (, not dependent
16 on actual use), and variable operations and maintenance costs dependent on
17 flow. ~~Such charges~~ 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~~ 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~~ single-family dwelling; however, the
4 commissioners may determine no user will be billed less than the minimum
5 charge determined for the ~~single family~~ single-family dwelling charge for fixed
6 operations and maintenance costs 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
2 time to time as may be reasonably required. ~~Where one of the bases of such~~
3 ~~charge is the appraised value and the premises to be appraised are tax exempt,~~
4 ~~the commissioners may cause the listers to appraise such property, including~~
5 ~~State property, for the purpose of determining the sewage disposal charges.~~
6 ~~The right of appeal from such appraisal shall be the same as provided in 32~~
7 ~~V.S.A. chapter 131.~~ The Commissioner of Finance and Management is
8 authorized to issue his or her warrants for sewage disposal charges against
9 State property and transmit to the State Treasurer who shall draw a voucher in
10 payment thereof. No charge so established and no tax levied under the
11 provisions of section 3613 of this title shall be considered to be a part of any
12 tax authorized to be assessed by the legislative body of any municipality for
13 general purposes, but shall be in addition to any ~~such~~ tax so authorized to be
14 assessed. Sewage disposal charges established in accord with this section may
15 be assessed by the board of sewage disposal commissioners as provided in
16 section 3614 of this title to derive the revenue required to pay pollution charges
17 assessed against a 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, 2018, established water supply rates
10 based on assessed property value.

11 Sec. 4. EFFECTIVE DATE

12 This act shall take effect on passage.