

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

H.679

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

Referred to Committee on

Date:

Subject: Municipal government; water works; rates

Statement of purpose of bill as introduced: This bill proposes to require voter  
approval of water rates that are:

(1) set by a separate municipal corporation outside of the municipality

where the vote is to be held; and

(2) based on the appraised or assessed value of the property to be served.

An act relating to voter approval of water supply rates

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

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

§ 3311. RATES

(a) ~~Such~~ A municipal corporation may establish rates by meter service or  
annual rents to be charged and paid at ~~such~~ the times, and in ~~such~~ the manner  
as ~~such~~ the municipal corporation shall determine for the supply of water to the  
inhabitants of ~~such~~ the municipal corporation and others. From time to time, it  
may alter, modify, increase, or diminish ~~such~~ rates and extend them to any

1 description of property or use as ~~such~~ the municipal corporation may deem  
2 proper. ~~Such rates~~ Rates or rents may be ordered to be paid in advance, and all  
3 necessary orders and provision may be made and enforced by ~~such~~ the  
4 municipal corporation, relating to the supply or stoppage of water, as it may  
5 deem necessary to ~~insure~~ ensure such advance payments.

6 (b) A municipal corporation shall not establish water supply rates based on  
7 the appraised or assessed value of property within another town, city, or  
8 incorporated village, unless the voters of that town, city, or incorporated  
9 village approve the rate basis at an annual or special meeting warned for that  
10 purpose.

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

12 § 3615. RENTS; RATES

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

20 (1) the metered consumption of water on ~~premises~~ property connected  
21 with the sewer system; however, the commissioners may determine no user

1 will be billed for fixed operations and maintenance costs and bond payment  
2 less than the average ~~single family~~ single-family charge;

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

9 \* \* \*

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

13 \* \* \*

14 (b) The basis for establishing sewer disposal charges shall be reviewed  
15 annually by sewage disposal commissioners. No ~~premises~~ property otherwise  
16 exempt from taxation, including ~~premises~~ property owned by the State of  
17 Vermont, shall, by virtue of any such exemption, be exempt from charges  
18 established ~~hereunder~~ pursuant to this section.

19 (c)(1) The commissioners may change the rates of ~~such~~ charges from time  
20 to time as may be reasonably required.

1           (2) ~~Where~~ Whenever one of the bases of ~~such~~ a charge is the appraised  
2 value and the ~~premises~~ property to be appraised ~~are~~ is tax exempt, the  
3 commissioners may cause the listers to appraise ~~such~~ property, including State  
4 property, for the purpose of determining the sewage disposal charges. The  
5 right of appeal from ~~such~~ the appraisal shall be the same as provided in 32  
6 V.S.A. chapter 131.

7           (3) Whenever one of the bases of a charge is the appraised value and the  
8 property to be appraised is within a separate city, town, or incorporated village,  
9 the commissioners shall not establish or change the rate on this basis unless the  
10 voters of the city, town, or incorporated village approve the basis at an annual  
11 or special meeting warned for that purpose.

12           (d) The Commissioner of Finance and Management is authorized to issue  
13 his or her warrants for sewage disposal charges against State property and  
14 transmit to the State Treasurer who shall draw a voucher in payment thereof.

15           (e) No charge so established and no tax levied under the provisions of  
16 section 3613 of this title shall be considered to be a part of any tax authorized  
17 to be assessed by the legislative body of any municipality for general purposes,  
18 but shall be in addition to any ~~such~~ tax so authorized to be assessed. Sewage  
19 disposal charges established in accord with this section may be assessed by the  
20 board of sewage disposal commissioners as provided in section 3614 of this

1 title to derive the revenue required to pay pollution charges assessed against a  
2 municipal corporation under 10 V.S.A. § 1265.

3 ~~(e)~~(f) When a sewage disposal charge established under this section for the  
4 management of stormwater is applied to property owned, controlled, or  
5 managed by the Agency of Transportation, the charge shall not exceed the  
6 highest rate category applicable to other properties in the municipality, and the  
7 Agency of Transportation shall receive a 35 percent credit on the charge. The  
8 Agency of Transportation shall receive no other credit on the charge from the  
9 municipal corporation.

10 Sec. 3. TRANSITION; SUPERSEDED RATES AND AUTHORITY

11 The amendments contained in Sec. 1 and Sec. 2 of this act shall supersede  
12 any conflicting charter provision, municipal ordinance, municipal bylaw,  
13 adopted water supply rate, or adopted sewer disposal charge that takes effect  
14 prior to July 1, 2020.

15 Sec. 4. EFFECTIVE DATE

16 This act shall take effect on July 1, 2020.