

1 H.609

2 Introduced by Representatives Dickinson of St. Albans Town, Gamache of
3 Swanton, Hebert of Vernon, Lewis of Berlin, McFaun of Barre
4 Town, and Savage of Swanton

5 Referred to Committee on

6 Date:

7 Subject: Municipal and county government; water works; rates

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

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

9 § 3615. RENTS; RATES

10 (a) Such municipal corporation, through its board of sewage disposal
11 commissioners, may establish charges to be called “sewage disposal charges,”
12 to be paid at such times and in such manner as the commissioners may
13 prescribe. The commissioners may establish annual charges separately for
14 bond repayment, fixed operations and maintenance costs (not dependent on
15 actual use), and variable operations and maintenance cost dependent on flow.
16 Such charges may be based upon: (1) the metered consumption of water on
17 premises connected with the sewer system, however, the commissioners may
18 determine no user will be billed for fixed operations and maintenance costs and
19 bond payment less than the average single family charge; (2) the number of
20 equivalent units connected with or served by the sewage system based upon
21 their estimated flows compared to the estimated flows from a single family

1 dwelling however, the commissioners may determine no user will be billed
2 less than the minimum charge determined for the single family dwelling charge
3 for fixed operations and maintenance costs and bond payment; (3) the strength
4 and flow where wastes stronger than household wastes are involved; (4) ~~the~~
5 ~~appraised value of premises, in the event that the commissioners shall~~
6 ~~determine the sewage disposal plant to be of general benefit to the municipality~~
7 ~~regardless of actual connection with the same; [Repealed.]~~ (5) the
8 commissioners' determination developed using any other equitable basis such
9 as the number and kind of plumbing fixtures, the number of persons residing
10 on or frequenting the premises served by those sewers, the topography, size,
11 type of use, or impervious area of any premises; or (6) any combination of
12 these bases, so long as the combination is equitable. The basis for establishing
13 sewer disposal charges shall be reviewed annually by sewage disposal
14 commissioners. No premises otherwise exempt from taxation, including
15 premises owned by the ~~state~~ State of Vermont, shall, by virtue of any such
16 exemption, be exempt from charges established hereunder. The
17 commissioners may change the rates of such charges from time to time as may
18 be reasonably required. Where one of the bases of such charge is the appraised
19 value and the premises to be appraised are tax exempt, the commissioners may
20 cause the listers to appraise such property, including ~~state~~ State property, for
21 the purpose of determining the sewage disposal charges. The right of appeal

1 from such appraisal shall be the same as provided in 32 V.S.A. chapter 131 of
2 ~~Title 32.~~ The ~~commissioner of finance and management~~ Commissioner of
3 Finance and Management is authorized to issue his or her warrants for sewage
4 disposal charges against ~~state~~ State property and transmit to the ~~state treasurer~~
5 State Treasurer who shall draw a voucher in payment thereof. No charge so
6 established and no tax levied under the provisions of section 3613 of this title
7 shall be considered to be a part of any tax authorized to be assessed by the
8 legislative body of any municipality for general purposes, but shall be in
9 addition to any such tax so authorized to be assessed. Sewage disposal charges
10 established in accord with this section may be assessed by the board of sewage
11 disposal commissioners as provided in section 3614 of this title to derive the
12 revenue required to pay pollution charges assessed against a municipal
13 corporation under ~~section~~ 10 V.S.A. § 1265 of Title 10.

14 (b) Notwithstanding any municipal charter provision to the contrary, a
15 municipal corporation shall not establish sewage disposal charges based on the
16 assessed value of the property to be served.

17 Sec. 3. TRANSITION; SUPERSEDED RATES

18 The prohibitions under 24 V.S.A. § 3311(b) and 24 V.S.A. § 3615(b) on
19 water supply rates and sewage disposal charges based on assessed value of
20 property shall preempt or supersede any municipal ordinance, municipal
21 bylaw, adopted water supply rates, or adopted sewage disposal charges that, as

1 of January 1, 2016, established water supply rates based on assessed property
2 value.

3 Sec. 4. EFFECTIVE DATE

4 This act shall take effect on passage.