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HOUSE BILL NO. 2297

Offered January 12, 2011

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A BILL to amend and reenact §§ 15.2-2119, 15.2-2120, 15.2-5138, 15.2-5138.1, 21-118.4, 21-184, 21-264, and 56-264.1 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 15.2-2143.1 and 15.2-5138.2, relating to procedure for suspending water services.

Patron—Englin

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-2119, 15.2-2120, 15.2-5138, 15.2-5138.1, 21-118.4, 21-184, 21-264, and 56-264.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 15.2-2143.1 and 15.2-5138.2 as follows.

§ 15.2-2119. Fees and charges for sewer services. For sewer service provided by localities, fees and charges may be charged to and collected from: (i) any person contracting for the same; (ii) the owner, lessee or tenant, or some or all of them who use or occupy any real estate (a) which directly or indirectly is or has been connected with the sewage disposal system and (b) from or on which sewage or industrial wastes originate or have originated and have directly or indirectly entered or will enter the sewage disposal system; or (iii) any user of a municipality's water or sewer system with respect to combined sanitary and storm water sewer systems where the user is a resident of the municipality and the purpose of any such fee or charge is related to the control of combined sewer overflow discharges from such systems. Such fees and charges shall be practicable and equitable and payable as directed by the respective locality operating or providing for the operation of the water or sewer system.

Such fees and charges, being in the nature of use or service charges, shall, as nearly as the governing body deems practicable and equitable, be uniform for the same type, class and amount of use or service of the sewage disposal system, and may be based or computed either on the consumption of water on or in connection with the real estate, making due allowances for commercial use of water, or on the number and kind of water outlets on or in connection with the real estate or on the number and kind of plumbing or sewage fixtures or facilities on or in connection with the real estate or on the number or average number of persons residing or working on or otherwise connected or identified with the real estate or any other factors determining the type, class and amount of use or service of the sewage disposal system, or any combination of such factors, or on such other basis as the governing body may determine. Such fees and charges shall be due and payable at such time as the governing body may determine, and the governing body may require the same to be paid in advance for periods of not more than six months. The revenue derived from any or all of such fees and charges is hereby declared to be revenue of such sewage disposal system.

Water and sewer connection fees established by any locality shall be fair and reasonable. Such fees shall be reviewed by the locality periodically and shall be adjusted, if necessary, to assure that they continue to be fair and reasonable. Nothing herein shall affect existing contracts with bondholders which are in conflict with any of the foregoing provisions.

If the fees and charges charged for the use and services of the sewage disposal system by or in connection with any real estate are not paid when due, a penalty and interest shall at that time be owed as provided for by general law, and the owner, lessee or tenant, as the case may be, of such real estate shall, until such fees and charges are paid with such penalty and interest to the date of payment, cease to dispose of sewage or industrial waste originating from or on such real estate by discharge thereof directly or indirectly into the sewage disposal system. If such owner, lessee or tenant does not cease such disposal within two months thereafter, the locality or person supplying water for the use of such real estate shall cease supplying water thereto ~~unless the health officers certify that shutting off the water will endanger the health of the occupants of the premises or the health of others pursuant to the procedures set forth in § 15.2-2143.1.~~

Such fees and charges, and any penalty and interest thereon shall constitute a lien against the property, ranking on a parity with liens for unpaid taxes. However, prior to recording a lien against the property owner, the locality or service authority shall obtain a judgment in a court of competent jurisdiction against the lessee or tenant who contracted for such services for the amount of any delinquencies. After obtaining judgment against the lessee or tenant as contracting party and using reasonable efforts to collect on the judgment, if the locality or service authority is unable to collect the balance due on the money judgment, the locality or service authority shall provide the property owner

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HB2297

59 with 30 days written notification to allow the property owner a reasonable opportunity to pay the
60 amount of the lien and avoid the recordation of a lien against the property. If the property owner fails to
61 pay the amount of the outstanding judgment within the 30-day period, the locality or the service
62 authority may record a lien in the amount of the outstanding judgment against the property owner. Upon
63 payment of the outstanding judgment, or any portion thereof, the property owner shall be subrogated
64 against the lessee or tenant in place of the locality or the service authority in the amount paid by the
65 property owner. The locality or service authority shall execute all documents necessary to perfect such
66 subrogation in favor of the property owner. Such amounts, plus reasonable attorney's or collection
67 agency's fees which shall not exceed 20 percent of the delinquent tax bill, may be recovered by the
68 locality by action at law or suit in equity. In any city with a population greater than 390,000, such fees
69 and charges, along with delinquent water and sewer connection fees, and any penalty and interest
70 thereon shall constitute a lien against the property, ranking on a parity with liens for unpaid taxes. Such
71 amounts, plus reasonable attorney's or collection agency's fees which shall not exceed 20 percent of the
72 delinquent fee or charge, may be recovered by such city by action at law or suit in equity.

73 Notwithstanding any provision of law to the contrary, any town with a population between 11,000
74 and 14,000, with the concurrence of the affected county, which provides and operates sewer services
75 outside its boundaries may provide sewer services to industrial and commercial users outside its
76 boundaries and collect such compensation therefor as may be contracted for between the town and such
77 user. Such town shall not thereby be obligated to provide sewer services to any other users outside its
78 boundaries.

79 § 15.2-2120. Enforcement of liens for water or sewer charges.

80 A. Any lien for water and sewer charges when properly docketed in the clerk's office may be
81 enforced in the same manner as taxes due a locality or by cutting off water or sewer service *pursuant to*
82 *§ 15.2-2143.1* provided the public health or safety will not be endangered thereby.

83 B. Such lien shall not bind or affect a subsequent bona fide purchaser of such real estate for valuable
84 consideration without actual notice of such lien, until and except from the time that the amount of such
85 fees and charges are entered in a judgment lien book in the circuit court for the locality wherein the real
86 estate or a part thereof is located. It shall be the duty of the circuit court clerk to cause entries to be
87 made and indexed therein from time to time upon certification by the locality.

88 C. Such lien on any real estate may be discharged by the payment to the locality of the total amount
89 of such lien and the interest which may accrue to the date of such payment. It shall be the duty of the
90 locality to deliver a certificate thereof to the person paying the same, and upon presentation thereof, the
91 clerk having the record of such lien shall mark the entry of such lien satisfied.

92 § 15.2-2143.1. *Procedure for terminating water services.*

93 *Prior to stopping the supply of water as provided for in this chapter, the locality or person supplying*
94 *water for the use of the affected real estate shall send notice to the owner, lessee, or tenant that water*
95 *service will be terminated on a certain date, no less than 30 days from the date of such notice. This*
96 *notice shall also contain contact information for the owner, lessee, or tenant to use to reinstate water*
97 *services. At the time the water supply is terminated, the individual terminating the service shall attempt*
98 *to make contact with any current occupant of the affected real estate to inform him that the water*
99 *service will be suspended that day, and shall provide him, either verbally or, if the occupant is not*
100 *present, by leaving in writing, contact information to use to reinstate water service.*

101 *The water supply to or for any person, or for use on real estate of any person, shall not be shut off*
102 *or stopped under this section if the State Health Commissioner, upon application of the local board of*
103 *health or health officer of the locality in which such water is supplied or such real estate is located, has*
104 *found and certifies to the authorities charged with the responsibility of ceasing to supply or sell such*
105 *water, or to shut off the supply of such water, that ceasing to supply or shutting off such water supply*
106 *will endanger the health of such person and the health of others in the locality.*

107 § 15.2-5138. Enforcement of charges.

108 Any resolution or trust agreement providing for the issuance of revenue bonds under the provisions
109 of this chapter may include any of the following provisions, and may require the authority to adopt such
110 resolutions or to take such other lawful action as is necessary to effectuate such provisions. The
111 authority may adopt such resolutions and take such other actions as follows:

112 1. Require the owner, tenant or occupant of each lot or parcel of land who is obligated to pay rates,
113 fees or charges for the use of or for the services furnished by any system acquired or constructed by the
114 authority under the provisions of this chapter to make a reasonable deposit with the authority in advance
115 to insure the payment of such rates, fees or charges and to be subject to application to the payment
116 thereof if delinquent.

117 2. If any rates, fees or charges for the use of and for the services furnished by any system acquired
118 or constructed by the authority under the provisions of this chapter are not paid within thirty days after
119 due, the authority may at the expiration of such thirty-day period *begin the procedures set forth in*
120 *§ 15.2-5138.2 in order to* disconnect the premises from the water or sewer system, or otherwise suspend

services and proceed to recover the amount of any such delinquent rates, fees or charges, with interest, in a civil action.

3. If any rates, fees or charges for the use and services of any sewer system acquired or constructed by the authority under the provisions of this chapter are not paid within thirty days after they become due, require that the owner, tenant or occupant of such premises cease disposing of sewage or industrial wastes originating from or on such premises by discharge directly or indirectly into the sewer system until such rates, fees or charges, with interest, are paid. If such owner, tenant or occupant does not cease such disposal at the expiration of the thirty-day period, the authority may require any political subdivision, district, private corporation, board, body or person supplying water to or selling water for use on such premises to *begin the procedures set forth in § 15.2-5138.2 in order to* cease supplying water to or selling water for use on such premises *within five days after the receipt of notice of such delinquency from the authority.* If such political subdivision, district, private corporation, board, body or person does not, *at the expiration of such five-day period, cease supplying water to or selling water for use on such premises, then the authority may shut off the supply of water to such premises after five days from the receipt of notice of such delinquency from the authority, begin the procedures set forth in § 15.2-5138.2, then the authority may shut off the supply of water to such premises pursuant to the procedures set forth in § 15.2-5138.2.*

The water supply to or for any person, or for use on real estate of any person, shall not be shut off or stopped under this section if the State Health Commissioner, upon application of the local board of health or health officer of the locality in which such water is supplied or such real estate is located, has found and certifies to the authorities charged with the responsibility of ceasing to supply or sell such water, or to shut off the supply of such water, that ceasing to supply or shutting off such water supply will endanger the health of such person and the health of others in the locality.

§ 15.2-5138.1. Enforcement of certain charges when authority does not provide water services.

A. This section shall apply only to an authority operating in Planning District 1 or Planning District 2.

B. If any rates, fees or charges for the use and services of any sewer system acquired or constructed by the authority under the provisions of this chapter are not paid within 60 days after they become due, the authority may require that the owner, tenant or occupant of such premises cease disposing of sewage or industrial wastes originating from or on such premises by discharge directly or indirectly into the sewer system until such rates, fees or charges, with interest, are paid. If such owner, tenant or occupant does not cease such disposal at the expiration of the 60-day period, the authority may require any political subdivision, district, private corporation, board, body or person supplying water to or selling water for use on such premises to *begin the procedures set forth in § 15.2-5138.2 within five days after the receipt of notice of such delinquency from the authority in order to* cease supplying water to or selling water for use on such premises *within five days after the receipt of notice of such delinquency from the authority.* If such political subdivision, district, private corporation, board, body or person does not, *at the expiration of such five-day period, cease supplying water to or selling water for use on such premises begin the procedures set forth in § 15.2-5138.2 after five days from the receipt of notice of such delinquency from the authority,* then the authority may shut off the supply of water to such premises *pursuant to the procedures set forth in § 15.2-5138.2.*

C. The water supply to or for any person, or for use on real estate of any person, shall not be shut off or stopped under this section if the State Health Commissioner, upon application of the local board of health or health officer of the locality in which such water is supplied or such real estate is located, has found and certifies to the authorities charged with the responsibility of ceasing to supply or sell such water, or to shut off the supply of such water, that ceasing to supply or shutting off such water supply will endanger the health of such person and the health of others in the locality.

§ 15.2-5138.2. Procedure for terminating water services.

Prior to stopping the supply of water as provided for in this section, the political subdivision, district, private corporation, board, body, person, authority, or locality supplying water for the use of the affected real estate shall send notice to the owner, lessee, or tenant that water service will be terminated on a certain date, no less than 30 days from the date of such notice. This notice shall also contain contact information for the owner, lessee, or tenant to use to reinstate water services. At the time the water supply is terminated, the individual terminating the service shall attempt to make contact with any current occupant of the affected real estate to inform him that the water service will be suspended that day, and shall provide him, either verbally or, if the occupant is not present, by leaving in writing, contact information to use to reinstate water service.

The water supply to or for any person, or for use on real estate of any person, shall not be shut off or stopped under this section if the State Health Commissioner, upon application of the local board of health or health officer of the locality in which such water is supplied or such real estate is located, has found and certifies to the authorities charged with the responsibility of ceasing to supply or sell such

182 *water, or to shut off the supply of such water, that ceasing to supply or shutting off such water supply*
183 *will endanger the health of such person and the health of others in the locality.*

184 § 21-118.4. Certain additional powers of governing body.

185 Notwithstanding any other provisions of law, when an order has been entered creating a sanitary
186 district in such county, the board of supervisors or other governing body hereinafter referred to as
187 "board of supervisors," shall have the following powers and duties, in addition to such powers and
188 duties created by any law, subject to the conditions and limitations hereinafter prescribed:

189 (a) To construct, reconstruct, maintain, alter, improve, add to and operate motor vehicle parking lots,
190 water supply, drainage, sewerage, garbage disposal, heat, light, power, gas, sidewalks, curbs, gutters,
191 streets and street name signs and fire-fighting systems, for the use and benefit of the public in such
192 sanitary district and as to such motor vehicle parking lots systems to make such charges for the use of
193 such facilities as may be prescribed by said board or body;

194 (a1) To acquire, construct, maintain and operate, or to contract for such acquisition, construction,
195 maintenance and operation, within such sanitary district, such community buildings, community centers,
196 other recreational facilities and advisory community planning councils as the board may deem expedient
197 or advisable, and to make such charges for the use of such facilities as may be prescribed by the board;

198 (b) To acquire by gift, condemnation, purchase, lease or otherwise, and to maintain and operate any
199 such motor vehicle parking lots, water supply, drainage, sewerage, garbage disposal, heat, light, power,
200 gas, sidewalks, curbs, gutters, streets and street name signs and fire-fighting systems in such district;

201 (c) To contract with any person, firm, corporation, municipality, county, authority or the federal
202 government or any agency thereof to acquire, construct, reconstruct, maintain, alter, improve, add to and
203 operate any such motor vehicle parking lots, water supply, drainage, sewerage, garbage removal and
204 disposal, heat, light, power, gas, sidewalks, curbs, gutters, streets and street name signs and fire-fighting
205 systems in such district, and to accept the funds of, or to reimburse from any available source, such
206 person, firm, corporation, municipality, county, authority or the federal government or any agency
207 thereof for either the whole or any part of the costs, expenses and charges incident to the acquisition,
208 construction, reconstruction, maintenance, alteration, improvement, addition to and operation of any such
209 system or systems;

210 (d) To require owners or tenants of any property in the district to connect with any such system or
211 systems, and to contract with the owners or tenants for such connections. In order to require owners or
212 tenants of any property in the district to connect with any such system or systems, the board of
213 supervisors shall have power and authority to adopt ordinances so requiring owners or tenants to connect
214 with such systems, and to use the same, and the board of supervisors shall have power to provide for a
215 punishment in the ordinance of not exceeding a fifty-dollar fine for each failure and refusal to so
216 connect with such systems, or to use the same. Before adopting any such ordinance the board of
217 supervisors shall give public notice of the intention to propose the same for passage by posting handbill
218 notices of such proposal in three or more public places in the sanitary district at least ten days prior to
219 the time the ordinance shall be proposed for passage. The ordinance shall not become effective after its
220 passage until ten days' like notice has been given by posting copies of such ordinance in three or more
221 public places in the district. The board of supervisors, in lieu of giving notice in such manner, may
222 cause notice to be published in the manner provided in § 15.2-1427 for imposing or increasing any tax
223 or levy. Violations of such ordinances shall be tried before the county court of the county as is provided
224 for trial of misdemeanors, and with like right of appeal;

225 (e) To fix and prescribe or change the rates of charge for the use of any such system or systems, the
226 rate of charge for connection to any such system or systems, a late charge not to exceed ten percent of
227 the amount due or ten dollars, whichever is the greater, and interest on outstanding bills at the rate
228 provided for in § 58.1-3918, after a public hearing upon notice as provided in subdivision (d) and to
229 provide for the collection of such charges. In fixing such rates the sanitary district may seek the advice
230 of the State Corporation Commission. The Commission may charge the district a reasonable fee for any
231 advice given pursuant to this section. The board of supervisors may provide for the exemption from,
232 deferral of or reduction of the rates of charge for the use of any garbage disposal system or systems by
233 persons at least sixty-five years of age or persons permanently and totally disabled as defined in
234 § 58.1-3217. Any such exemptions, deferrals or reductions may be conditioned upon only the income
235 criteria as provided by § 58.1-3211. And to enable the board to enforce the collection of charges for the
236 use of any such system against the person or persons, firm or corporation using the same, the charges
237 when made for the use of any such system shall be collectible by distress, levy, garnishment, attachment
238 or otherwise without recourse to court procedure, except so far as the selected procedure may require the
239 same. And the board shall have power to designate as its agent for the purpose of collection such officer
240 or officers, person or persons as it may determine, and the officer or officers, person or persons shall be
241 vested with the same power and authority as a sheriff or constable may have in like procedure.

242 Water and sewer connection fees established by any county, city, town or sanitary district shall be
243 fair and reasonable. Such fees shall be reviewed by the county, city, town or sanitary district

periodically and shall be adjusted, if necessary, to assure that they continue to be fair and reasonable. Nothing herein shall affect existing contracts with bondholders which are in conflict with any of the foregoing provisions.

If any rates, fees or charges for the use of and for the services furnished by any system acquired or constructed by the sanitary district under the provisions of this chapter shall not be paid within thirty days after the same shall become due and payable, and the person who incurred the debt is the occupant of such premises, the board may at the expiration of such thirty-day period *initiate the steps necessary to disconnect the premises from the water and/or sewer system, or otherwise suspend services by sending notice to the occupant of the premises that water service will be terminated on a certain date, no less than thirty days from the date of such notice. This notice shall also contain contact information to assist the occupant in reinstating water services.* ~~and the~~ The board may proceed to recover the amount of any such delinquent rates, fees or charges, with interest, in a civil action *after water service has been discontinued.*

If any rates, fees or charges for the use and services of any water or sewer system acquired or constructed by the sanitary district under the provisions of this chapter shall not be paid within thirty days after the same becomes due and payable, the occupant-debtor of such premises shall cease to dispose of sewage or industrial wastes originating from or on such premises by discharge thereof directly or indirectly into the sewer system until such rates, fees or charges with interest, shall be paid. If such occupant-debtor does not cease such disposal at the expiration of such thirty-day period, the political subdivision or district or other public corporation, board, or body supplying water to or selling water for use on such premises may, within five days after the receipt of notice of such delinquency, *send notice to the occupant-debtor that water service will be terminated on a date certain, no less than thirty days from the date of such notice. This notice shall also contain contact information to assist the occupant in reinstating water services. On the specified date, the political subdivision or district or other public corporation, board, or body shall cease to supply water to or to sell water to such occupant-debtor.* If such political subdivision or district or public corporation, board, or body shall not, at the expiration of such five-day period, ~~cease supplying water to or selling water for use by~~ *send the aforementioned notice to such occupant-debtor, then the governing body within whose geographical boundaries such sanitary district lies may shut off the supply of water to such person, after sending notice to the occupant of the premises that water service will be terminated on a certain date, no less than thirty days from the date of such notice. This notice shall also contain contact information to assist the occupant in reinstating water services.*

At the time the water supply is terminated, the individual terminating the service shall attempt to make contact with the occupant-debtor of the affected real estate to inform him that the water service will be suspended that day, and shall provide him, either verbally or, if he is not present, by leaving in writing, contact information to use to reinstate water service.

The water supply to or for any occupant-debtor shall not be shut off or stopped under the provisions of this section, if the State Health Commissioner, upon application of the local board of health or health officer of the county, city or town wherein such water is supplied or such real estate is located, shall have found and shall certify to the authorities charged with the responsibility of ceasing to supply or sell such water, or to shut off the supply of such water, that ceasing to supply or shutting off such water supply will endanger the health of such person or the health of others in such county, city or town.

Any unpaid charge shall become a lien superior to the interest of any owner, lessee or tenant, and next in succession to county taxes, on the real property on which the use of any such system was made and for which the charge was imposed. However, such lien shall not bind or affect a subsequent bona fide purchaser of such real estate for valuable consideration without actual notice of such lien, except and until from the time that the amount of such charge is entered in the Judgment Lien Docket kept in the office where deeds may be recorded in the political subdivision wherein the real estate or a part thereof is located. It shall be the duty of the clerk in whose office deeds may be recorded to keep and preserve and hold available for public inspection such Judgment Lien Docket and to cause entries to be made and indexed therein from time to time upon certification by the board for which he shall be entitled to a fee of five dollars per entry to be paid by the board and added to the amount of the lien.

No such lien shall be placed by the board unless the board or its billing and collection agent (i) shall have advised the owner of such real estate at the time of initiating service to a lessee or tenant of such real estate that a lien will be placed on such real estate if the lessee or tenant fails to pay any fees, rents or other charges when due for services rendered to such lessee or tenant; (ii) shall have mailed to the owner of such real estate a duplicate copy of the final bill rendered to such lessee or tenant at the time of rendering the final bill to such lessee or tenant; and (iii) shall employ the same collection efforts and practices to collect amounts due the board from a lessee or a tenant as are employed with respect to collection of such amounts due from customers who are owners of the real estate for which service is provided.

305 Such lien on any real estate may be discharged by the payment to the board of the total amount of
306 such lien, and interest accrued thereon to the date of such payment, and the entry fee of two dollars, and
307 it shall be the duty of the board to deliver a certificate thereof to the person paying the same, and upon
308 presentation thereof and the payment of the further fee of one dollar by such person, the clerk having
309 the record of such lien shall mark the entry of such lien satisfied.

310 Jurisdiction to enforce any such lien shall be in equity and the court may decree the real estate
311 subject to the lien, or any part thereof, to be sold and the proceeds applied to the payment of such lien
312 and the interest which may accrue to the date of such payment.

313 Nothing contained herein shall be construed to prejudice the right of the board to recover the amount
314 of such lien, or of the charge, and the interest which may accrue, by action at law or otherwise, which
315 relief shall be cumulative and not alternative;

316 (f) To employ and fix the compensation of any technical, clerical, or other force and help which
317 from time to time, in their judgment, may be deemed necessary for the construction, operation or
318 maintenance of any such system or systems;

319 (g) To negotiate and contract with any person, firm, corporation, county, authority or municipality
320 with regard to the connection of any system or systems with any other system or systems now in
321 operation or hereafter to be established, and with regard to any other matter necessary and proper for the
322 construction or operation and maintenance of any such system within the sanitary district;

323 (h) To contract for the extension of any such system into territory outside of the district, and for the
324 use thereof, upon such terms and conditions as the board may from time to time determine upon;

325 (i) With respect to the maintenance and operation of said motor vehicle parking lots system, the
326 board is authorized to purchase, install, maintain and operate, and to fix and charge parking meter fees
327 for the use of, such parking lot or lots;

328 (j) Insofar as is permitted by Article VIII, Section 5 and Article VIII, Section 7 of the Constitution
329 of Virginia, to construct or contract to construct within such sanitary district, at the request of the school
330 board and subject to all provisions of law applicable to the construction of school buildings, and
331 additions thereto;

332 (k) To borrow not earlier than January 1 of any year, or the first day of the fiscal year of the district,
333 for the purpose of meeting casual deficits in the revenue of the district or creating a debt in anticipation
334 of the collection of the revenue of the district, a sum of money not to exceed one-half of the amount
335 reasonably anticipated to be produced by the revenues of the district, including taxes levied pursuant to
336 § 21-119, for the year in which the loan is negotiated; provided, there shall be excluded from the
337 amount reasonably anticipated to be produced by the revenue of the district any anticipated tax revenues
338 of the district which have not actually been levied and assessed against property within the district.

339 Notwithstanding any provisions of law to the contrary, any sanitary district is empowered to borrow
340 in advance of grants and reimbursements due the district from the federal and state governments for the
341 purpose of meeting appropriations for the then current fiscal year. "Grants" and "reimbursements" as
342 used herein shall mean grants which the district has been formally advised in writing it will receive, and
343 reimbursements on moneys which the federal or state governments are obligated to pay the district on
344 account of expenditures made in anticipation of receiving such payment from the federal or state
345 government. The district may borrow the full amount of the grant or reimbursement that the federal or
346 state government is obligated to pay at the time the loan is issued. The loan shall be repaid within sixty
347 days of the time the grant or reimbursement is received, but in any event, the loan shall be repaid within
348 one year from the date of its issue.

349 Such temporary loans shall be evidenced by notes or bonds, negotiable or nonnegotiable as the board
350 of supervisors may determine; shall bear interest at a rate as provided in § 2.2-5000; and shall be repaid
351 not later than either December 15 of the year in which they are borrowed or fifteen days before the last
352 day of the fiscal year of the district. No extension of any such loan shall be valid. No additional loan
353 under this subsection shall be made until all temporary loans of preceding years shall have been paid.
354 No election shall be required for the issuance of any bond pursuant to the provisions of this subsection.
355 Except as this subsection otherwise provides, any bonds issued pursuant to this subsection may be issued
356 in accordance with the provisions of §§ 21-130 through 21-136;

357 (l) Notwithstanding any other provision of this chapter to the contrary, where the use of any water or
358 sewer systems described in this section is contracted for by an occupant who is not the owner of the
359 premises and where such occupant's premises are separately metered for service, the owner of any such
360 premises shall be liable only for the payment of delinquent rates or charges applicable to three
361 delinquent billing periods but not to exceed a period of ninety days for such delinquency. No board
362 shall refuse to service other premises of the owner not occupied by an occupant who is delinquent in the
363 payment of such rates or charges on account of such delinquency provided that such owner has paid in
364 full any delinquent charges for which he would be responsible for paying. No board shall refuse to
365 service or unreasonably delay reinstatement of service to premises where such occupant who is
366 delinquent has vacated the premises and a new party has applied for service provided such owner has

paid in full such delinquent charges as he would be responsible for paying.

§ 21-184. Effect of failure to pay.

In the event that the fees, rents or charges charged by the commission for the use and services of the sewage disposal system by or in connection with any real estate shall not be paid as and when due, then and at that time interest shall begin to accrue thereon at the rate of one per centum per month and the owner, lessee or tenant, as the case may be of such real estate shall, until such fees, rents and charges shall be paid with such interest to the date of payment, cease to dispose of sewage or industrial waste originating from or on such real estate by discharge thereof directly or indirectly into the sewage disposal system, and if such owner, lessee or tenant shall not cease such disposal within two months thereafter, it shall be the duty of each county, city, town and other public corporation, board or body supplying water to or selling water for use on, such real estate, within five days after receipt of notice of such facts from the commission, to ~~cease supplying water to, and selling water for use on, such real estate~~ send notice to the owner, lessee, or tenant of such real estate that water service will be terminated on a certain date, no less than 30 days from the date of such notice. This notice shall also contain contact information to assist the occupant in reinstating water services. On the specified date, the county, city, town and other public corporation, board, or body shall cease supplying water to, and selling water for use on, such real estate. If such county, city, town or other public corporation, board or body shall not within such time ~~cease supplying water to, and selling water for use on, such real estate~~, the commission may shut off the supply of water to such real estate and for send the aforementioned notice, the commission may send notice to the owner, lessee, or tenant of such real estate that water service will be shut off on a certain date, no less than 30 days from the date of such notice. This notice shall also contain contact information to assist the occupant in reinstating water services. For such purpose, the commission may enter on any lands, waters and premises of such county, city, town or other public corporation, board, or body, or of any person.

At the time the water supply is shut off, the individual terminating the service shall attempt to make contact with the occupant-debtor of the affected property to inform him that the water service will be suspended that day, and shall provide him, either verbally or, if the occupant is not present, by leaving in writing, contact information to use to reinstate water service. The water supply to or for any person, or for use on real estate of any person, shall not be shut off or stopped under the provisions of this section, if the State Health Commissioner, upon application of the local board of health or health officer of the county, city or town wherein such water is supplied or such real estate is located, shall have found and shall certify to the authorities charged with the responsibility of ceasing to supply or sell such water, or to shut off the supply of such water, that ceasing to supply or shutting off such water supply will endanger the health of such person and the health of others in such county, city or town.

§ 21-264. Effect of failure to pay.

In the event that the fees, rents or charges charged by the commission for the use and services of the sewage disposal system by or in connection with any real estate shall not be paid as and when due, then and at that time interest shall begin to accrue thereon at the rate of one per centum per month and the owner, lessee or tenant, as the case may be of such real estate shall, until such fees, rents and charges shall be paid with such interest to the date of payment, cease to dispose of sewage or industrial waste originating from or on such real estate by discharge thereof directly or indirectly into the sewage disposal system, and if such owner, lessee or tenant shall not cease such disposal within two months thereafter it shall be the duty of each county, city, town and other public corporation, board or body supplying water to or selling water for use on, such real estate, within five days after receipt of notice of such facts from the commission, to ~~cease supplying water to, and selling water for use on, such real estate~~ send notice to the owner, lessee, or tenant that water service will be terminated on a certain date, no less than 30 days from the date of such notice. This notice shall also contain contact information to assist the owner, lessee, or tenant in reinstating water services. On the specified date, the county, city, town and other public corporation, board, or body supplying water to or selling water for use on such real estate shall cease to supplying water to, and selling water for use on, such real estate.

If such county, city, town or other public corporation, board or body shall not within such time ~~cease supplying water to, and selling water for use on, such real estate~~ send the aforementioned notice to the owner, lessee, or tenant, the commission may shut off the supply of water to such real estate after sending notice to the owner, lessee, or tenant that water service will be terminated on a certain date, no less than 30 days from the date of such notice. This notice shall also contain contact information to assist the owner, lessee, or tenant in reinstating water services. ~~and for such purpose~~ For the purpose of terminating the water supply, the commission may enter on any lands, waters and premises of such county, city, town or other public corporation, board or body, or of any person.

At the time the water supply is shut off, the individual terminating the service shall attempt to make contact with the occupant of the affected property to inform him that the water service will be suspended that day, and shall provide him, either verbally or, if the occupant is not present, by leaving

428 *in writing, contact information to use to reinstate water service.* The water supply to or for any person,
429 or for use on real estate of any person, shall not be shut off or stopped under the provisions of this
430 section, if the State Health Commissioner, upon application of the local board of health or health officer
431 of the county, city or town wherein such water is supplied or such real estate is located, shall have
432 found and shall certify to the authorities charged with the responsibility of ceasing to supply or sell such
433 water, or to shut off the supply of such water, that ceasing to supply or shutting off such water supply
434 will endanger the health of such person and the health of others in such county, city or town.

435 § 56-264.1. Collection of rates, fees and charges.

436 In the event that the rates, fees or charges charged by any private sewage disposal system company
437 for the services and facilities of any sewage disposal system or sewer improvements by or in connection
438 with any real estate or other property served shall not be paid as and when due, the owner, tenant or
439 occupant, as the case may be, of such property shall, until such rates, fees and charges shall be paid,
440 cease to dispose of sewage or industrial wastes originating from or on such property by discharge
441 thereof directly or indirectly into the sewerage system, and if such owner, tenant or occupant shall not
442 cease such disposal within two months thereafter, it shall be the duty of each county, city, town or other
443 public corporation, board or body, supplying water to or selling water for use on, such property, within
444 five days after receipt of notice of such facts from the private sewage disposal system company to ~~cease~~
445 ~~supplying water to, and selling water for use on, such property~~ *send notice to the owner, tenant, or*
446 *occupant of such real estate that water service will be terminated on a certain date, no less than 30*
447 *days from the date of such notice. This notice shall also contain contact information to assist the*
448 *occupant in reinstating water services. On the specified date, the county, city, town, or other public*
449 *corporation, board, or body shall cease supplying water to or selling water for use on, such property.* If
450 such county, city, town or other public corporation, board or body, shall not within such time cease
451 supplying water to, and selling water for use on, such property, *after sending notice to the owner,*
452 *tenant, or occupant that water will be terminated on a certain date, no less than 30 days from the date*
453 *of such notice, the private sewage disposal system company may disconnect such property from such*
454 *sewage disposal system or sewer improvements, and for such purposes may enter on any lands, waters*
455 *and premises of such county, city, town or other public corporation, board or body. The notice sent to*
456 *the owner, tenant, or occupant shall contain contact information to assist the owner, tenant, or occupant*
457 *in reinstating water services.*

458 *At the time the water supply is shut off, the individual terminating the service shall attempt to make*
459 *contact with the occupant of the affected property to inform him that the water service will be*
460 *suspended that day, and shall provide him, either verbally or, if the occupant is not present, by leaving*
461 *in writing, contact information to use to reinstate water service. The water supply to or for any person,*
462 *or for use on real estate of any person, shall not be shut off or stopped under the provisions of this*
463 *section, if the State Health Commissioner, upon application of the local board of health or health officer*
464 *of the county, city, or town wherein such water is supplied or such real estate is located, shall have*
465 *found and shall certify to the authorities charged with the responsibility of ceasing to supply or sell*
466 *such water, or to shut off the supply of such water, that ceasing to supply or shutting off such water*
467 *supply will endanger the health of such person and the health of others in such county, city, or town.*

468 The county, city, town or other public corporation, board or body supplying water to or selling water
469 for use on such property may establish a reasonable fee for discontinuing such service and shall
470 establish administrative regulations ~~to insure proper notice to the customer,~~ to provide for
471 reestablishment of service and to protect it against liability for action taken pursuant hereto.