

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 15.2-5136 of the Code of Virginia, relating to rates and charges of*
3 *water and waste authorities.*

[H 1100]

4 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 15.2-5136 of the Code of Virginia is amended and reenacted as follows:**

8 § 15.2-5136. Rates and charges.

9 A. The authority may fix and revise rates, fees and other charges (which shall include, but not be
10 limited to, a penalty not to exceed ten percent on delinquent accounts, and interest on the principal),
11 subject to the provisions of this section, for the use of and for the services furnished or to be furnished
12 by any stormwater control system or water or waste system, or streetlight system in a county having a
13 population between 13,200 and 14,000 according to the 1990 United States Census, or facilities incident
14 thereto, owned, operated or maintained by the authority, or facilities incident thereto, for which the
15 authority has issued revenue bonds as authorized by this chapter. Such rates, fees and charges shall be
16 so fixed and revised as to provide funds, with other funds available for such purposes, sufficient at all
17 times (i) to pay the cost of maintaining, repairing and operating the system or systems, or facilities
18 incident thereto, for which such bonds were issued, including reserves for such purposes and for
19 replacement and depreciation and necessary extensions, (ii) to pay the principal of and the interest on
20 the revenue bonds as they become due and reserves therefor, and (iii) to provide a margin of safety for
21 making such payments. The authority shall charge and collect the rates, fees and charges so fixed or
22 revised, subject to the jurisdiction of the State Corporation Commission and to any applicable regulation
23 of the State Corporation Commission or law pertaining thereto.

24 B. The rates for water (including fire protection) and sewer service (including disposal) shall be
25 sufficient to cover the expenses necessary or properly attributable to furnishing the class of services for
26 which the charges are made. However, the authority may fix rates and charges for the services and
27 facilities of its water system sufficient to pay all or any part of the cost of operating and maintaining its
28 sewer system (including disposal) and all or any part of the principal of or the interest on the revenue
29 bonds issued for such sewer or sewage disposal system, and may pledge any surplus revenues of its
30 water system, subject to prior pledges thereof, for such purposes.

31 C. Rates, fees and charges for the services of a sewer or sewage disposal system shall be just and
32 equitable, and may be based upon:

33 1. The quantity of water used or the number and size of sewer connections;

34 2. The number and kind of plumbing fixtures in use in the premises connected with the sewer or
35 sewage disposal system;

36 3. The number or average number of persons residing or working in or otherwise connected with
37 such premises or the type or character of such premises;

38 4. Any other factor affecting the use of the facilities furnished; or

39 5. Any combination of the foregoing factors.

40 However, the authority may fix rates and charges for services of its sewer or sewage disposal system
41 sufficient to pay all or any part of the cost of operating and maintaining its water system, including
42 distribution and disposal, and all or any part of the principal of or the interest on the revenue bonds
43 issued for such water system, and to pledge any surplus revenues of its water system, subject to prior
44 pledges thereof, for such purposes.

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

49 E. Rates, fees and charges for the service of a streetlight system shall be just and equitable, and may
50 be based upon:

51 1. The portion of such system used;

52 2. The number and size of premises benefiting therefrom;

53 3. The number or average number of persons residing or working in or otherwise connected with
54 such premises;

55 4. The type or character of such premises;

56 5. Any other factor affecting the use of the facilities furnished; or

57 6. Any combination of the foregoing factors.

58 However, the authority may fix rates and charges for the service of its streetlight system sufficient to
59 pay all or any part of the cost of operating and maintaining such system.

60 F. The authority may also fix rates and charges for the services and facilities of a water system or a
61 refuse collection and disposal system sufficient to pay all or any part of the cost of operating and
62 maintaining facilities incident thereto for the generation or transmission of power and all or any part of
63 the principal of or interest upon the revenue bonds issued for any such facilities incident thereto, and to
64 pledge any surplus revenues from any such system, subject to prior pledges thereof, for such purposes.
65 Charges for services to premises, including services to manufacturing and industrial plants, obtaining all
66 or a part of their water supply from sources other than a public water system may be determined by
67 gauging or metering or in any other manner approved by the authority.

68 G. No sewer, sewage disposal; ~~or stormwater control; or refuse collection and disposal~~ rates, fees or
69 charges shall be fixed under subsections A through ~~E~~ F until after a public hearing at which all of the
70 users of such facilities; the owners, tenants or occupants of property served or to be served thereby; and
71 all others interested have had an opportunity to be heard concerning the proposed rates, fees and
72 charges. After the adoption by the authority of a resolution setting forth the preliminary schedule or
73 schedules fixing and classifying such rates, fees and charges, notice of a public hearing, setting forth the
74 proposed schedule or schedules of rates, fees and charges, shall be given by two publications, at least
75 six days apart, in a newspaper having a general circulation in the area to be served by such systems at
76 least sixty days before the date fixed in such notice for the hearing. The hearing may be adjourned from
77 time to time. A copy of the notice shall be mailed to the governing bodies of all localities in which
78 such systems or any part thereof is located. After the hearing the preliminary schedule or schedules,
79 either as originally adopted or as amended, shall be adopted and put into effect.

80 *H. No refuse collection and disposal rates, fees or charges shall be fixed under subsections A*
81 *through F until after a public hearing at which all of the users of such facilities; the owners, tenants or*
82 *occupants of property served or to be served thereby; and all others interested have had an opportunity*
83 *to be heard concerning the proposed rates, fees and charges. After the adoption by the authority of a*
84 *resolution setting forth the preliminary schedule or schedules fixing and classifying such rates, fees and*
85 *charges, notice of a public hearing, setting forth the proposed schedule or schedules of rates, fees and*
86 *charges, shall be given by a single publication in a newspaper having a general circulation in the area*
87 *to be served by such systems at least fifteen days before the date fixed in such notice for the hearing.*
88 *The hearing may be adjourned from time to time. A copy of the notice shall be mailed to the governing*
89 *bodies of all localities in which such systems or any part thereof is located. After the hearing the*
90 *preliminary schedule or schedules, either as originally adopted or as amended, may be adopted and put*
91 *into effect.*

92 I. A copy of the schedule or schedules of the final rates, fees and charges *fixed in accordance with*
93 *subsection G or H* shall be kept on file in the office of the clerk or secretary of the governing body of
94 each locality in which such systems or any part thereof is located, and shall be open to inspection by all
95 interested parties. The rates, fees or charges so fixed for any class of users or property served shall be
96 extended to cover any additional properties thereafter served which fall within the same class, without
97 the necessity of a hearing or notice. *Any increase in any rates, fees or charges under this section shall*
98 *be made in the manner provided in subsection G. Any other change or revision of the rates, fees or*
99 *charges may be made in the same manner as the rates, fees or charges were originally established as*
100 *provided in this section subsection G or H.*