

# ORDINANCE PROVIDING FOR INSTALLMENT PAYMENTS OF SEWER USER CHARGES

BE IT ORDAINED by the Town Council of the Town of Plainville, in meeting duly assembled, that pursuant to the Charter of the Town of Plainville, and Section 7-255, as amended, of the Connecticut General Statutes, the following Ordinance is adopted:

## **Section 1. Purpose**

Pursuant to Section 7-255 of the Connecticut General Statutes, the Town Council sitting as the Water Pollution Control Authority is authorized to provide for the payment of sewer user charges in installments. The Town Council, after investigation and study, finds it in the best interest of the Town to implement installment payments of sewer charges.

## **Section 2. Definitions**

- A. **Sewer User.** A user is an individual, firm, entity, corporation, public, private or municipal which owns or is in legal possession of real estate that is built upon and is served or benefits by its connection to the sewer system.
- B. **Sewer User Charges.** Charges levied on users of the sanitary sewer system and treatment facility for the payment of debt service, operational expenses and maintenance costs. Charges shall assure that each user of the sewer system pays their proportional share of the cost of the services provided.
- C. **Regular Sewer User Accounts.** Accounts of those users classified as residential, commercial, industrial, minimum charge or well user.
- D. **Special Sewer User Accounts.** Accounts of those users that are charged by special agreement due to unusual usage. The charges may be based on but not limited to per capita usage, seasonal usage or other appropriate deemed method.
  - 1. **Restricted Occupancy Sewer User Charge.** The sewer user charge assessed, by special agreement only, to those sewer users whose occupancy is restricted by an Owners Association or other entity's by-laws. Such by-laws must restrict occupancy of the properties to no greater than six months per year. Such restricted occupancy sewer user charge will equal 75% of the Minimum Charge.
- E. **Billing Period.** The billing period of each account shall be from the current calendar year's November 1, to the following calendar year's October 31.
- F. **Consumption Period.** The previous winter quarter as determined by the sewer user's water utility, Valley Water System or others water system.
- G. **Sewer Water Consumption.** The amount of water consumed during the winter quarter multiplied times four or other negotiated consumption rate.

- H. **Minimum Charge.** A charge assessed to those accounts that water consumption in the previous winter was less than or equal to 1750 cubic feet.
- I. **Well Charge.** A charge assessed to those accounts that are connected to the sewer system and do not receive their domestic water from Valley Water Systems or any other water utility.

### **Section 3. Billing Procedure**

- A. The Revenue Collector shall prepare and mail statements to all accounts during November of each year. These statements represent charges for the current billing period's sewer use.
- B. The sewer user charge shall be paid semi-annually, November 1, and May 1. Each installment shall equal one half of the total charge, except the Restricted Occupancy Charge, which shall be paid annually November 1. All bills shall be paid in full within 30 calendar days of those dates. Delinquent accounts shall pay interest, shall be subject to liens upon their real estate and shall be subject to penalties in the same manner as property liens as provided by the Connecticut General Statutes.
- C. The property owner, whether prior or new, shall be responsible for payment of all sewer user fees attributed to the parcel of land with non-payment making said realty subject to being liened.
- D. Sewer user fees shall be assessed based upon the water consumption of the previous winter quarter as provided by Valley Water Systems or any other applicable water utility. Those accounts in which the winter water consumption is less than 1750 cubic feet shall be assessed the minimum charge. Well users shall be assessed the well user charge.
- E. Any user that believes their sewer user fee was improperly calculated or was inequitable may petition to the Water Pollution Control Superintendent for an adjustment within sixty (60) calendar days of the due date of such charges, first due date November. The Water Pollution Control Authority shall appoint a committee of three individuals. The Director of Technical Services, Revenue Collector and the Water Pollution Control Superintendent. This committee shall review the charges and recommend to the Authority whether any adjustment is warranted. The Authority shall receive the committee's recommendation within forty-five (45) days of the Water Pollution Control Superintendent receiving the initial inquiry. The party requesting reconsideration of their user charge shall be responsible for providing all reasonable information, data and explanations why the charge should be adjusted. The recommendation shall be based on the information provided.

### **Section 4. No Conflict with State or Federal Statutes.**

This Ordinance shall not be construed to conflict with any state or federal statute, rule or regulation.

**Section 5. Effective Date.**

The effective date of this Ordinance shall be thirty (30) days after notice of its passage has been published in accordance with Chapter III, Section 8 of the Charter of the Town of Plainville.

Adopted by the Town Council March 21, 1994

Amended August 2, 2004, November 15, 2004