

**An Ordinance of the Council for the Town of Abingdon, Virginia  
to repeal, amend and reenact the Town Ordinance Chapter 74, Utilities, Sewers and Sewage  
Disposal, Division 5. Fees and Charges**

**WHEREAS**, §§15.2-1425 and 15.2-1429 of the Code of Virginia 1950, as amended, grants the local governing body in the performance of its duties, obligations and functions may adopt, as appropriate, ordinances and resolutions and motions; and

**WHEREAS**, the Town of Abingdon's current Code, Chapter 74, Utilities, Sewers and Sewage Disposal, Division 5. Fees and Charges, the Council for the Town of Abingdon has found it in the best interest to repeal, amend, and reenact the body of its ordinance; and

**NOW, THEREFORE BE IT ORDAINED** by the council of the Town of Abingdon that:

1. Should any section or provision of this ordinance be decided to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or the Code of the Town of Abingdon, Virginia; and
2. The Town of Abingdon's current Code, Chapter 74. Utilities, Sewers and Sewage Disposal, Division 5. Fees and Charges, that are proposed for amendment currently appear as follows:

**Division 5  
Fees and Charges**

**§ 74-232 Connections.  
[Ord. of 2-7-2011]**

- (a) The tap fee or charge for a sewer connection, either inside or outside the Town, shall be as authorized by the Town Council from time to time.
- (b) In addition to such tap fees or charges for sewer connections, persons making such connections shall pay refundable deposits for such sewer service, as authorized by the Town Council from time to time.

**§ 74-233 Availability charges.  
[Ord. of 2-7-2011]**

Availability charges shall be as authorized by the Town Council from time to time.

**§ 74-234 Rates for sewer service.  
[Ord. of 2-7-2011]**

The charges for sewer service shall be as authorized by the Town Council from time to time. These include:

- (a) Base rates for all sewage works users. These fees reflect the cost for the treatment of normal domestic

wastewater.

- (b) High strength surcharge:
  - (1) All users who discharge a waste which contains more than 250 milligrams per liter of BOD or more than 250 milligrams per liter of suspended solids shall pay a surcharge on the amount of BOD and suspended solids that exceed the above amounts. Other wastes containing concentrations of constituents that require treatment in excess of that required for normal wastewaters may be subject to surcharge at rates established by the Town.
  - (2) Surcharges for high strength shall be based on samples collected and analyzed by the Town or from results submitted to the Town in accordance with the requirements of an industrial discharger permit. Samples shall be collected on a periodic basis but not less than once a year.
  - (3) High strength wastes will only be accepted when it can be demonstrated that they will not damage the collection or treatment facilities and will not impair the treatment process.
  - (4) The rate for high strength wastes shall be calculated on the basis of the number of pounds of BOD and suspended solids discharged to the sewer in excess of 250 milligrams per liter of BOD and 250 milligrams per liter of suspended solids.
- (c) Hauled wastewater fees. Fees for the treatment of hauled wastes shall be established by the Town to reflect the costs of treating these wastes. These fees shall be authorized by the Town from time to time.
- (d) Sewer line maintenance fees. All costs associated with the cleaning and repairing of sewer lines and restoring service to the affected areas plus any damages as may be assessed by the Town due to blockages or manhole overflows in the collection system that are caused by residential, industrial or other users. Successive occurrences within 12 months of the previous occurrence - A \$1,000 penalty plus all costs associated with cleaning the sewer lines and restoring service to the affected areas, plus any damages as may be assessed by the Town.

**§ 74-235 Churches.**  
**[Ord. of 2-7-2011]**

For the purpose of assessing sewer use fees, churches will be classified as residential accounts. However, churches are not exempt from pretreatment fees or regulations as specified by the Town Manager. Churches are defined for this purpose to exclude those which operate day schools on a routine continuing basis.

**§ 74-236 Additional metering.**  
**[Ord. of 2-7-2011]**

Owners or occupants using private water supplies which are disposed of in the public sewer shall install at their own expense a metering installation satisfactory to the Town for determining the volume of such water as a basis for sewer service charge. Similarly, owners or occupants who use significant amounts of water in such a way that the water is not discharged to the sewer may, upon approval of the Town, establish separate accounts for the purpose of separating such usage.

**§ 74-237 Billing, when due and payable.**  
**[Ord. of 2-7-2011]**

- (a) For residential, industrial and commercial users, monthly user charges will be based on actual water usage. If a residential, commercial or industrial user has a consumptive use of water, or in some other manner uses water which is not discharged into the wastewater collection system, the user charge for that contributor may be based on readings of a wastewater meter or separate water meter installed and

maintained at the user's expense.

- (b) Each user shall pay for the services provided by the Town based on each user's use of the treatment works as determined by water meter readings acceptable to the Town.
- (c) All users, including those who have sewer services available to them under this division even though not connected to their premises, shall be billed monthly. Payments are due within 10 days after the billing date. Any payment not received within 25 days after the billing date shall be delinquent. A late payment penalty of 10% of the user charge bill will be added to each delinquent bill. When any bill is more than 20 days in default, water and/or sewer service to such premises shall be discontinued until such bill is paid.

**§ 74-238 Annual review of charges.**

**[Ord. of 2-7-2011]**

- (a) The Town will review the user charges at least annually and recommend to the Town Council the revision, if any, of rates as necessary to ensure that adequate revenues are generated to pay the costs of operation and maintenance, including replacement, and to provide for the systems' continuance for the proportional distribution of operation and maintenance, including replacement costs among users and user classes.
- (b) The Town will notify all users by appropriate public notice of any change in the rate being charged or to be charged for operation and maintenance, including replacement of the treatment works.

**§ 74-239 Fee for reconnection of water service upon payment of delinquent charges.**

**[Ord. of 2-7-2011]**

For restoring the water supply to any premises in which the sewer account is delinquent, the property owner or occupant shall pay to the Town such fee as specified by the Washington County Service Authority for restoring the service. Such fee shall be collected by the Washington County Service Authority as a part of the delinquent account.

**§ 74-240 Lien for unpaid service charges.**

**[Ord. of 2-7-2011]**

All unpaid charges for sewer service, together with the penalties and interest thereon, shall constitute a lien on the property served and shall be collected in the same manner as delinquent real estate taxes or such other method as may be permitted by applicable law at the discretion of the Town.

**BE IT FURTHER ORDAINED**, that upon the recommendation of the Council for the Town of Abingdon Code, Chapter 74. Utilities, Sewers and Sewage Disposal, Division 5. Fees and Charges 58 Solid Waste, Division 2 – Town Collection and Division 3 – Containers be repealed, amended, and reenacted as follows:

**Division 5  
Fees and Charges**

**§ 74-232 Connections.**

- (a) The tap fee or charge for a sewer connection, either inside or outside the Town, shall be as authorized by the Town Council from time to time.

- (b) In addition to such tap fees or charges for sewer connections, persons making such connections shall pay refundable deposits for such sewer service, as authorized by the Town Council from time to time.

~~§ 74-233 Availability charges.~~

~~Availability charges shall be as authorized by the Town Council from time to time.~~

§ 74-234 Rates for sewer service.

The charges for sewer service shall be as authorized by the Town Council from time to time. These include:

- (a) Base rates for all sewage work users. These fees reflect the cost for the treatment of normal domestic wastewater.
- (b) High strength surcharge:
- (1) All users who discharge waste which contains more than 250 milligrams per liter of BOD or more than 250 milligrams per liter of suspended solids shall pay a surcharge on the amount of BOD and suspended solids that exceed the above amounts. Other waste containing concentrations of constituents that require treatment more than that required for normal wastewater may be subject to surcharge at rates established by the Town.
  - (2) Surcharges for high strength shall be based on samples collected and analyzed by the Town or from results submitted to the Town in accordance with the requirements of an industrial discharge permit. Samples shall be collected on a periodic basis but not less than once a year.
  - (3) High strength wastes will only be accepted when it can be demonstrated that they will not damage the collection or treatment facilities and will not impair the treatment process.
  - (4) The rate for high strength waste shall be calculated based on the number of pounds of BOD and suspended solids discharged to the sewer more than 250 milligrams per liter of BOD and 250 milligrams per liter of suspended solids.
- (c) Hauled wastewater fees. Fees for the treatment of hauled waste shall be established by the Town Council to reflect the costs of treating this waste. These fees shall be authorized by the Town Council from time to time.
- (d) Sewer line maintenance fees. All costs associated with the cleaning and repairing of sewer lines and restoring service to the affected areas plus any damages as may be assessed by the Town due to blockages or manhole overflows in the collection system that are caused by residential, industrial, or other users. Successive occurrences within 12 months of the previous occurrence - A \$1,000 penalty plus all costs associated with cleaning the sewer lines and restoring service to the affected areas, plus any damage as may be assessed by the Town.

§ 74-235 Churches.

To assess sewer use fees, churches will be classified as residential accounts. However, churches are not exempt from pretreatment fees or regulations as specified by the Town Manager. Churches are defined for this purpose to exclude those which operate day schools on a routine continuing basis.

§ 74-236 **Additional metering.**

Owners or occupants using private water supplies which are disposed of in the public sewer shall install at their own expense a metering installation satisfactory to the Town for determining the volume of such water as a basis for sewer service charge. Similarly, owners or occupants who use significant amounts of water in such a way that the water is not discharged to the sewer may, upon approval of the Town, establish separate accounts for the purpose of separating such usage.

§ 74-237 **Billing, when due and payable.**

- (a) For residential, industrial, and commercial users, monthly user charges will be based on actual water usage. If a residential, commercial, or industrial user has a consumptive use of water, or in some other manner uses water which is not discharged into the wastewater collection system, the user charge for that contributor may be based on readings of a wastewater meter or separate water meter installed and maintained at the user's expense.
- (b) Each user shall pay for the services provided by the Town based on each user's use of the treatment works as determined by water meter readings acceptable to the Town.
- (c) **Payments are due on or before the sixth (6<sup>th</sup>) day of each month.**
- (d) **A late fee equal to 10% of the monthly charge will be added to delinquent bills.**

§ 74-238 **Annual review of charges.**

- (a) The Town will review the user charges at least annually and recommend to the Town Council the revision, if any, of rates as necessary to ensure that adequate revenues are generated to pay the costs of operation and maintenance, including replacement, and to provide for the systems' continuance for the proportional distribution of operation and maintenance, including replacement costs among users and user classes.
- (b) The Town will notify all users by appropriate public notice of any change in the rate being charged or to be charged for operation and maintenance, including replacement of the treatment works.

§ 74-239 **Fee for disconnect and reconnection of water service upon payment of delinquent charges.**

**Delinquent accounts may be disconnected in conformance with Code of Virginia, 1950, as amended, §15.2-2121.1(c), et seq. A disconnect fee shall be established by the Town Manager and will be charged the day before service is disconnected, unless payment is received to the Town of Abingdon by 4:30 pm the day before service is due to be disconnected.**

**A reconnection fee shall be established by the Town Manager for restoring the water supply to any premises which has been disconnected. The property owner or occupant shall pay such fee to the Town of Abingdon.**

§ 74-240 **Lien for unpaid service charges.**

All unpaid charges for sewer service, together with the penalties and interest thereon, shall constitute a lien on the property served and shall be collected in the same manner as delinquent real estate taxes or such other method as may be permitted by applicable law at the discretion of the Town.

**CERTIFICATE**

Pursuant to Section 2-100 of the Code of the Town of Abingdon, Virginia, I hereby certify that I have reviewed the foregoing proposed ordinance to amend, and find it to be in correct form, as set forth above.

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Cameron Bell, Counsel

This ordinance was adopted on the 6<sup>th</sup> day of May, 2024 to take effect on the 6<sup>th</sup> day of May 2024.

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Amanda Pillion, Mayor

The undersigned Clerk of the Town of Abingdon, Virginia (the "Town"), hereby certifies that the foregoing constitutes a true and correct copy of an ordinance duly adopted at a meeting of the Council held on May 6, 2024. I hereby certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing ordinance, a quorum was present. I further certify that the minutes of meeting was a regularly scheduled meeting and that, during the consideration of the foregoing ordinance, a quorum was present. I further certify that the minutes of such meeting reflect the attendance of the members and the voting on the foregoing ordinance was as follows:

MEMBERS	ATTENDANCE	VOTE
Amanda Pillion, Mayor	Yes	Aye
Dwyane Anderson, Vice Mayor	Yes	Aye
Derek Webb	Yes	Aye
Donna Quetsch	Yes	Aye
Wayne Austin	Yes	Aye

WITNESS MY HAND and the seal of the Town of Abingdon as of May 6, 2024.

(SEAL)

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Kimberly Kingsley, Clerk