

C I T Y O F M A R T I N S V I L L E , V I R G I N I A
W A T E R A N D S E W E R S E R V I C E S
T E R M S A N D C O N D I T I O N S

Approved by City Council
Effective July 1, 2008

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CITY OF MARTINSVILLE, VIRGINIA

TERMS AND CONDITIONS
OF
WATER AND SEWER SERVICE

ARTICLE I

Rates, Types of Service and General

Sec. 1.1 Rates

Rates charged to customers shall be those established from time to time by the City Council through adoption of an appropriate ordinance.

The current rates are reflected in Appendix A for all types of service.

Sec. 1.2 Types of Service

All services to customers will be rendered by contract according to the rate schedule, as shown in Appendix A, and classification as to the type.

The types of service include the following:

- a. Water(1) General (2) Fire Only
- b. Sewer(1) General

Sec. 1.3 Mandatory Connection to Sewer Service

All buildings in the City in which persons live, stay or are employed will be required to be equipped with all necessary fixtures incident to the disposal of human wastes, connected so as to discharge into the sewer system through approved sewer pipe, properly trapped.

Sec. 1.4 Resale of Water and Connections to Private Supply

No customer shall be allowed to convey water to any other person not lawfully entitled to its use or to resell such water for any purpose.

Sec. 1.5 Avoiding the Waste of Water and Correction of Leaks

No customer shall allow a water service to flow in a careless or wasteful manner through a fixture on his premises.

All leaks occurring on the customer's side of the meter shall be the responsibility of the customer for repair, and payment in full for any such water lost shall be required of the customer. Failure of the customer to repair a leak in a timely way will result in disconnection of the service.

Sec. 1.6 Special Regulations on the Discharge of Other Than Normal Sewerage Wastes

Special permits will be required, special conditions may be ordered and surcharges will be levied on discharges of wastes considered other than normal. Wastes may be considered other than normal when they exceed certain concentrations of pollutants, when they are of certain flows or temperatures, or when they are excessively toxic. The regulations which prevail in such cases are to be found in Appendix B.

ARTICLE II

Inspections

Sec. 2.1 Compliance with Applicable Regulations

It is to the interest of the customer to properly install and maintain his water and sewage systems, the customer shall at all times be responsible for the character and conditions thereof.

The City will withhold furnishing service to new installations until it has received evidence of compliance with all City inspection laws or ordinances.

ARTICLE III

Determination of Rate and Contract

Sec. 3.1 Determination of Schedule

Upon request of a prospective customer, the Billing Division of the City Finance Department will provide a copy of these Terms and Conditions.

Sec. 3.2 Contract

Each service will be provided under the terms of a written contract, (Appendix C), signed by the customer in his capacity as the owner, the agent of the owner, or tenant of the property to be served. A copy of the contract will be furnished the customer.

Where a single customer desires service at more than one point of delivery, each such point of delivery will require a separate contract and separate billing.

ARTICLE IV

Deposits

Sec. 4.1 Required

As security for the payment of bills, a deposit will be required of a customer. Such deposit is set forth in Appendix F and is due at the time the contract is executed. At the request of a residential customer, a schedule will be arranged to allow payment of the required deposit in no more than three consecutive equal monthly installments. Failure to pay the deposit installments when due will result in discontinuance of service. In such cases, service will not be reconnected until the deposit is paid in full and all utility charges and reconnection fees have been paid.

In lieu of a deposit, a customer may present documentation demonstrating a satisfactory credit record.

Good residential credit cannot be used to waive a deposit on a professional/commercial/industrial account. Deposits for a second or third business may be waived if good credit exists on a City located business and the owner agrees to allow recourse against an existing business in case of non-payment. However, a security bond or an irrevocable letter of credit from a lending organization will be accepted in lieu of such deposit.

Sec. 4.2 Interest

Deposits held for a minimum of twelve (12) months will receive simple interest at the rate of 3.00 percent for the total period of time that the deposit is held. Deposits held less than twelve (12) months will receive no interest.

Sec. 4.3 Refunds

Deposits and earned interest will ordinarily be refunded after the customer has maintained satisfactory payment practices for twelve (12) consecutive months. A customer with more than two (2) late payments in the preceding twelve (12) months is deemed to have an UNSATISFACTORY payment record. Should the customer terminate service prior to refund of a deposit, the City will have a reasonable time to read the meter and determine that all obligations of the customer have been met before returning the deposit. Deposit refunds will normally be accomplished by crediting the customer's account with the amount of the deposit.

ARTICLE V

Water Service

Sec. 5.1 Separate Services Required

There shall be a separate service connection from the water main to each residence or commercial enterprise in the City. In no case shall water be served to two or more residences or commercial enterprises through a single meter except as permitted below.

Industrial buildings, under a single ownership and situated on an undivided parcel of land, may receive water service through a single service connection and a single meter, provided that the owner of the buildings pay all connection fees to secure an appropriately sized service connection.

Apartment buildings, mobile home courts and unified housing projects developed and operated in conformance with the City's Zoning Ordinance may receive water service through a single service connection and a single meter, and; shopping centers situated on an undivided parcel of land may receive water service through one or more service connections and one or more meters serving multiple commercial establishments, provided:

- a. That the facility is under a single ownership;
- b. That the owner of the facility pays all connection fees to provide an appropriately sized service connection;
- c. That the owner pay a water rate for each apartment, living unit, or usable mobile home space, or commercial establishment as though each apartment, living unit mobile home space, or commercial establishment were separately metered and in accordance with the City's water rate schedule for 3/4-inch metering regardless of the master meter size. The number of applicable apartments, living units, mobile home spaces or commercial establishments for minimum water/sewer service billing shall be determined by the number of functional electric meters serving the facility, except as allowed below.

Whenever the electric service to a unit has been inactive for more than 30 days, the owner may request, by completing a form available from the Billing Office, that the corresponding charge for water/sewer also be deleted. Normal minimum charges will be reinstated upon the owner or tenant reactivating the electric service. Minimum charges within each billing cycle will still apply. (7-1-08)

Sec. 5.2 Existing Service

Where a water service connection has previously been made by the City and a meter is in place satisfactory in size to the needs of the customer, he can secure water service by completing a contract and placing a deposit as described above in the office of the City Treasurer.

No such contract shall be entered with any such customer who is in arrears to the City for water and/or sewer service under the terms of a prior contract.

Should a customer request a new service connection and meter of a larger size than the existing service, he shall pay the full charges thereof, as provided in Appendix D.

Sec. 5.3 New Service

Where no service connection exists, a customer must submit an application to the City to have such a connection made by the City and pay certain connection charges. (See Appendix D for application form and list of connection fees.)

All pipe, fittings, cut-offs, meters and meter boxes required to make a new service connection between the main and the curb line shall be furnished, set and maintained thereafter by the City.

The location of a new service and the meter shall be determined by the City.

Sec. 5.4 Customer Responsibility

Whether served by an existing service or a newly installed service connection, the customer is responsible for all piping and water on the private property side of the meter.

As part of this responsibility, the customer shall place a brass stop and waste cock in his private service line just inside or outside the wall of the premises being served. The stop and waste cock shall be equipped with a lever or handle, easily accessible to the occupants, so as to enable turning off the water in event of a leak or draining the pipes inside the premises to avoid freezing. A similar stop and waste cock shall be placed on each separate branch and at the base of each outside hydrant so that each branch or outside hydrant may be controlled separately. When any premises are vacated, it shall be the responsibility of the owner or any agent to see that all stop and waste cocks are closed.

No customer shall restrict access to any City meter in any manner. The customer shall maintain easy access to all City meters; free of weeds, shrubbery, fences, parked vehicles, screened porches, locked doors (unless a key is permanently

provided), dangerous dogs (in the opinion of the meter reader) or any other obstruction. Failure to comply with this section will result in the monthly consumption being estimated followed by a written notice regarding the circumstances. The estimate will be the average of the previous 12 months bills of the specific customer affected. If the obstruction is not eliminated within 60 days of the written notice, the monthly estimate will be doubled. Prior billings will be adjusted when access is secured. If the service is new or less than a year old, the Utility Billing Division may establish an estimate based upon available data appropriate to the specific customer.

Sec. 5.5 Fire Service Connections

Special connections are required to buildings that are equipped with fire lines, sprinkler systems, booster pumps and water storage tanks, or whose interior water system may contain more than 1,000 gallons of water and which can drain back into the water system of the City when pressure is decreased. (see Appendix E for details of such connections.)

Such connections may be tested by the City at any time; and, if found defective, the customer shall be required to remedy such defects immediately.

No water passing through such connections may be used for any purpose other than to operate the sprinkler system or to extinguish fires.

Sec. 5.6 Cross Connection and Backflow Prevention Control

No person shall install or maintain a water service connection to any premises where cross connection to the City's water system may exist unless such cross connection is approved by the City.

No person shall install or maintain any connection whereby water from an auxiliary system may enter the City's waterworks system, unless the auxiliary water system and method of connection and use of such system shall have been approved by the City.

Cross connection/backflow prevention controls shall be in accordance with an ordinance on this subject available from the Inspection Division of the Department of Community Development.

Sec. 5.7 Swimming Pools

Swimming pools may be filled from any approved general water service connection. The filling of pools from fire hydrants or non-metered connections will not be allowed.

ARTICLE VI

Water Service Metering

Sec. 6.1 All Services to be Metered

All water services shall be accurately metered to determine the quantity of water received by the customer, whether used, lost or wasted.

Any action to bypass the meter by a customer, without written permission of the City, shall be considered criminal and subject to prosecution.

Sec. 6.2 Standards of Accuracy

The performance of a water meter is considered to be acceptable when it does not register more than 5% fast or slow under a calibrated test. Meters will be replaced by the City only if found to be defective in accordance with this standard.

Sec. 6.3 Requests for Tests

The City will, without charge, test the accuracy of any meter upon request of the customer, provided the customer does not request such tests more frequently than once in a twelve-month period. If more frequent tests are requested, the customer will be charged \$30.00 for each test, refundable only if the registration of the meter exceeds 105%.

Sec. 6.4 Adjustments to Billings

Whenever a meter is tested and found to have an error in registration of more than 5% fast, the City shall recalculate the monthly bills for a period of time equal to one-half the time lapsed since the last test, but in no case for longer than twelve months. A cash refund or a credit will then be given to the customer.

ARTICLE VII

Sewer Service

Sec. 7.1 General

Sewer service is not ordinarily measured or metered separately, except as provided herein, and is directly related in many ways to water service. Sewer service charges are based on customer water consumption.

Sec. 7.2 Existing Service

Where a sewer service connection has previously been made by the City, a customer is entitled to such service when he completes a contract for water service and places a deposit (see Sec. 5.2 above) in the office of the City Treasurer.

Sec. 7.3 New Service

Where no sewer service connection exists, a customer must submit an application to the City to have such a connection made by the City and pay certain connection charges. (See Appendix D for application form and list of connection charges.)

The sewer service connection lateral between the sewer main and the applicant's property shall be furnished, set and maintained thereafter (if a proper cleanout is provided) by the City, except in cases where the applicant extends a lateral line through other private property to a point of connection with the City's system.

The location of a new service shall be determined by the City.

Sec. 7.4 Customer Responsibility

Whether served by an existing service or a newly constructed sewer service connection, the customer is responsible for providing a cleanout at the property line (or City sewer easement boundary) and is responsible for all maintenance and flow throughout all piping and cleanouts extending into private property, except for service connections situated on private property which were constructed by the City within easements granted to the City.

ARTICLE VIII

Payment of Service Charges

Sec. 8.1 Regular

Water meters will be read and service charges for both water and sewer computed from those readings on a monthly basis.

Readings may be estimated on occasion as necessary, but all initial and final bills will be based on actual meter readings. In the event of a bypass, the stoppage of or the failure of any meter to register the full amount of water consumed, the customer will be billed for such period on an estimated consumption based upon his use of water in a similar period of like use.

A delayed payment service charge will be applied to all accounts if a bill is not paid within twenty-two (22) days of the billing date. The delayed payment charge shall be

ten (10) percent of any balance in arrears. The delayed payment charge shall not apply to any amount of the bill which the City collects as a consumer utility tax.

The customer will be charged a service charge of \$20.00 for any check received by the City and returned by a bank.

Postmarks are not acceptable as proof of payment. To avoid late charges, the payment must be in the Treasurer's office before 5:00 p.m. on the due date.

Sec. 8.2 Water Leaks

In the event of a water leak exterior to the structure being served and on the customer's side of the meter, a billing credit may be given on normal sewer charges, based upon prior records of water consumption.

Sec. 8.3 Irrigation Water

Sewer charges may be deleted from a separately metered non-domestic water service dedicated to irrigation or other usage with absolutely no return to sewer, if requested by the owner and verified to qualify by the city. (7-1-08)

Sec. 8.4 Other Water Source

Where a customer secures all or any part of his water service from a source other than the City, all or part of which is discharged into the City's sewers, that customer shall install and maintain at his expense a water meter of a type approved by the City. Such meter shall be read regularly by the City to determine the volume of water secured from the other source and sewer service charges shall be computed from such readings.

Sec. 8.5 Place of Payment

All bills are payable at the City Treasurer's Office. Drive through and night depository facilities are available for customer convenience.

Sec. 8.6 Direct Payment (Debit) by Bank Option

All customers with satisfactory records of payment shall have the option to have their bills paid directly by cooperating local banks. Such an arrangement shall require execution by a customer of a standard authorization form to be supplied by the City. Upon acceptance of the authorization form by the City and the customer's bank, the customer's bill will be forwarded to the customer's bank for direct debiting to the customer's checking account.

The customer will receive a duplicate of the bill, stamped "Advisory Notice" three to five days before the original of the bill is processed by the bank.

Upon receiving the bill, the bank will handle it as though the bill were a check, debiting the account and forwarding payment to the City Treasurer within three working days. The customer's portion of the bill will be forwarded by the bank to the customer in accordance with the bank's standard procedures.

In the event a bank returns a debit bill, the customer will be required to pay a \$20.00 service charge. Should a second such incident occur, a second charge will be incurred and the customer's option for Direct Payment (Debit) by Bank will be terminated.

ARTICLE IX

Disconnection and Reconnection

Sec. 9.1 Disconnection for Non-Payment

A customer whose bill is unpaid after twenty-two (22) days will receive by mail a "final notice", including, as a minimum, the following information:

- a. Name of customer.
- b. Account number.
- c. Billing address.
- d. Date of notice.
- e. Total amount due.
- f. Reason for disconnection.
- g. Date on which service will be disconnected in the absence of payment--no less than ten days after notice.
- h. Place of payment.
- i. Telephone number to call to dispute the disconnection notice.

A customer whose bill remains unpaid on the tenth (10th) day after the final notice will have his service disconnected, subject to the following conditions or exceptions:

- a. Service shall not be disconnected earlier than 8:00 a.m. nor later than 4:00 p.m.
- b. Service shall not be disconnected after 1:00 p.m. on a day preceding a day on which the City's offices are not open to accept payment and reconnect service.
- c. Service shall not be disconnected when the outside temperature is below 35 degrees F.

- d. Service shall not be disconnected at a residence without making personal contact with the customer when a customer is emotionally handicapped or provides documentation from a medical professional certifying a medical condition exists requiring the uninterrupted provision of utilities (water, sewer, electric). The documentation must state which specific utility or utilities are essential.
- e. Service shall not be disconnected at a residence where there is known to have been a death in the household during the preceding three days.
- f. Service shall not be disconnected when a written agreement concerning payment of amounts in arrears has been entered into between the customer and the City. The City's representative in all such cases will be the Director of Finance or his representative.

Accounts that have had service terminated and that are over ninety (90) days past due may be referred to a private agency for collection.

Sec. 9.2 Disconnection for Fraud or Violation of Rules

Upon 72 hours written notice to customer, the City may disconnect the service for any violation of these terms and conditions, other than non-payment and as follows.

Where fraudulent use of water is detected or where the City's meters and/or equipment is tampered with, service may be disconnected without notice and criminal prosecution may be instigated. In cases where water service is reconnected fraudulently to a residence, after the City has disconnected such service, the City will remove the water meter. The customer will be required to pay a \$100 reconnect fee and a deposit if none is on file, prior to the reconnection of service.

Service may also be disconnected without notice when a dangerous condition involving the service is known to exist on or within the customer's premises.

Sec. 9.3 Reconnection

Where disconnection has occurred as a result of non-payment, service will be reconnected within eight (8) regular working hours after receipt of payment.

In cases of disconnection for non-payment, the City will levy a reconnection charge, as follows:

- a. For residential and small general service customers - a \$10.00 charge multiplied by the number of times the customer has been disconnected for non-payment over the last 12 months.
- b. For all other customers - actual cost.
- c. Customers will be required to pay the reconnection fee once personnel have left the Municipal Building to disconnect the service.

In cases of disconnection for fraud or violation of these terms and conditions, the City will charge the customer the actual cost in the event of reconnection. In all cases of disconnection, a deposit will be required (where none previously existed) prior to reconnection.

ARTICLE X

Respective Liability of City and Customer

Sec. 10.1 City

The City shall use reasonable diligence in furnishing a regular and uninterrupted supply of water but does not guarantee uninterrupted service. The City shall not be liable for damage resulting from the customer's use of his equipment or occasioned by water supplied by the City beyond the delivery point.

The City shall provide and maintain the necessary line of service connections, meters and other apparatus which may be required for the proper measurement of its service. All such apparatus shall be and remain the property of the City.

Sec. 10.2 Customer

The customer shall provide and maintain suitable protective devices on his equipment to prevent any loss, injury or damage that might result from any fluctuation or irregularity in the supply of water.

In the event of loss or injury to the property of the City through miss-use by or negligence of the customer, the cost of the necessary repairs or replacement thereof shall be paid to the City by the customer.

WATER DEPOSITS

Residential

\$25 for each separately metered residential unit located within the City.

\$30 for each separately metered residential unit located outside the City.

Where more than one residential unit is served through a single meter, \$25 for the first unit and \$15 for each additional unit.

Professional Offices

\$50 for each metered service.

If more than one professional office is serviced through the same meter, the deposit shall be \$50 for each such office.

Commercial (All Business Enterprises Other Than Professional)

As set forth by utility billing based upon the nature of the enterprise.

Industrial

As set forth by the Water Resources Director based upon the nature of the enterprise.