

**BOARD OF SUPERVISORS
COUNTY OF NEW KENT
VIRGINIA**

O-34-21

At the regular meeting of the Board of Supervisors of the County of New Kent, in the Boardroom of the Administration Building in New Kent, Virginia, on the 12th day of November 2021:

| Present: | Vote: |
|-----------------------|-------|
| John N. Lockwood | Aye |
| C. Thomas Tiller, Jr. | Aye |
| Patricia Paige | Aye |
| Ron Stiers | Aye |
| Thomas W. Evelyn | Aye |

Motion was made by Ms. Paige, which carried 5:0, to adopt the following ordinance:

**AN ORDINANCE TO AMEND
CHAPTER 38 (HEALTH AND SANITATION)
OF THE NEW KENT COUNTY CODE
TO COMPLY WITH THE VIRGINIA CODE
REGARDING DELIQUENT UTILITY BILLS**

WHEREAS, Virginia Code § 15.2-2119 enables localities to charge a penalty and interest if the fees and charges charged for water service or the use and services of the sewage disposal system are not paid when due, to notify such owner if the full amount of charges, penalty, and interest are not paid within thirty (30) days thereafter, and to cease supplying water and sewage disposal services if such owner does not pay the full amount of charges, penalty, and interest within sixty (60) days after the delinquent fees and charges for water or sewage disposal services are due;

WHEREAS, the New Kent County Board of Supervisors desires to mirror the language of the Virginia Code regarding delinquent utility bills for water and sewer services;

WHEREAS, the Code Amendments have been advertised for public hearing before the Board of Supervisors in full accord with applicable provisions of the Code of Virginia;

NOW THEREFORE, BE IT ORDAINED, effective the 8th day of November, 2021, by the New Kent County Board of Supervisors, that the following section of the New Kent County Code be readopted as follows:

Chapter 38 – HEALTH AND SANITATION

ARTICLE II. – WATER AND WASTEWATER RATES/FEEES; ETC.

Sec. 38-15. – Time of payment; overdue accounts; returned checks.

- (a) *Monthly payment* . All charges for water and wastewater service levied by this department shall be due and payable bi-monthly at the county treasurer's office upon receipt of the bill. Failure of the customer to receive either a public utilities bill or disconnect notice mailed to the address on file shall neither be considered cause for nonpayment, nor justification for an extension of the payment date.
- (b) ~~*Delinquent utility bills*. Any utility bill that is not paid by the last day of the month following water and/or wastewater service shall be delinquent. A disconnect notice shall be mailed when a bill is delinquent, and in the event the bill is delinquent for 15 days, the director shall discontinue the water and/or wastewater supply without notice.~~ *Delinquent utility bills* . The due date for all utility bills for water and sewer service shall be thirty (30) days from the issuance of the bill. If the total amount due for water or sewer service is not remitted by the due date, the account is deemed delinquent and a late charge will be assessed as provided below. The late charge shall be applied once per account per delinquency regardless of the type of service provided (water, sewer, or both). A notice of delinquency will be issued if the delinquent amount and late charge are not paid within thirty (30) days of the due date.
- If the delinquent charges, fees, and interest are not paid within sixty (60) days after the due date, the supply of water to the premises shall be discontinued. A written notice that water service will be discontinued shall be issued at least ten (10) business days prior to cessation of service. If the delinquent charges, fees, and interest are not paid within those ten (10) business days, water service will be discontinued.
- (c) *Late payment fee* . A late payment fee of ten percent of the delinquent amount due or \$5.00, whichever is greater, shall be added to a bill the first day the bill becomes delinquent.
- (d) *Payment extension fee* . For those property owners who are delinquent and cannot pay their bill by the disconnect date, an extension may be granted, provided the customer has not been terminated for nonpayment during the past two years, has contacted the department to work out an extension and agrees to pay an extension fee as provided in Appendix A to this Code. Extension of payments shall not exceed 15 days from the date the extension was granted.
- (e) When a check, which has been received in payment of a utility bill or in payment of a utility deposit or installation fee, is returned by the bank for insufficient funds, or any other reason, the consumer shall pay a service charge for each returned check as provided in Appendix A. This charge is to defray the administrative cost to the county for handling and processing such returned checks.

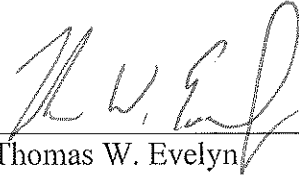
(Ord. No. O-05-11(R1), 4-11-2011; Ord. No. O-06-12, 7-9-2012)

State Law reference— Authority for above section, Code of Virginia, § 15.2-2119.

Attest:



Rodney A. Hathaway
County Administrator



Thomas W. Evelyn
Board Chairman