

# **WEST VIRGINIA LEGISLATURE**

**2024 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 631**

BY SENATORS BARRETT AND MARTIN

[Originating in the Committee on Government

Organization; reported February 14, 2024]



1 A BILL to amend and reenact §16-13-16 of the Code of West Virginia, 1931, as amended; to  
2 amend and reenact §16-13A-9 of said code; and to amend and reenact §24-3-10 of said  
3 code, all relating to prohibiting utilities from shutting off a user's water service for  
4 nonpayment of stormwater fees; prohibiting municipal utilities from discontinuing water  
5 service to user delinquent in stormwater services fees and charges but allowing lien on  
6 premises served; prohibiting public service districts from discontinuing water service to  
7 user delinquent in stormwater service fees and charges but imposing lien on premises  
8 served; and prohibiting privately or publicly owned utility from discontinuing water service,  
9 or contracting with other utilities to discontinue water service, for delinquency in  
10 stormwater services fees and charges but allowing lien on premises served.

*Be it enacted by the Legislature of West Virginia:*

## **CHAPTER 16. PUBLIC HEALTH.**

### **ARTICLE 13. SEWAGE WORKS AND STORMWATER WORKS.**

**§16-13-16. Rates for service; deposit required for new customers; forfeiture of deposit;  
reconnecting deposit; tenant's deposit; change or readjustment; hearing; lien and  
recovery; discontinuance of services.**

1 A governing body has the power and duty, by ordinance, to establish and maintain just  
2 and equitable rates, fees, or charges for the use of and the service rendered by:

3 (a) Sewerage works, to be paid by the owner of each lot, parcel of real estate or building  
4 that is connected with and uses the works by or through any part of the sewerage system of the  
5 municipality or that in any way uses or is served by the works; and

6 (b) Stormwater works, to be paid by the owner of each lot, parcel of real estate or building  
7 that in any way uses or is served by the stormwater works or whose property is improved or  
8 protected by the stormwater works or any user of such stormwater works.

9 (c) The governing body may change and readjust the rates, fees, or charges from time to  
10 time. However, no rates, fees, or charges for stormwater services may be assessed against  
11 highways, road and drainage easements or stormwater facilities constructed, owned, or operated  
12 by the West Virginia Division of Highways.

13 (d) All new applicants for service shall indicate to the governing body whether they are an  
14 owner or tenant with respect to the service location. An entity providing stormwater service shall  
15 provide a tenant a report of the stormwater fee charged for the entire property and, if appropriate,  
16 that portion of the fee to be assessed to the tenant.

17 (e) (1) The governing body may collect from all new applicants for service a deposit of \$50  
18 or two twelfths of the average annual usage of the applicant's specific customer class, whichever  
19 is greater, to secure the payment of service rates, fees, and charges in the event they become  
20 delinquent as provided in this section. In any case where a deposit is forfeited to pay service  
21 rates, fees, and charges which were delinquent at the time of disconnection or termination of  
22 service, service may not be reconnected or reinstated by the governing body until another deposit  
23 equal to \$50 or a sum equal to two twelfths of the average usage for the applicant's specific  
24 customer class, whichever is greater, is remitted to the governing body. After 12 months of prompt  
25 payment history, the governing body shall return the deposit to the customer or credit the  
26 customer's account with interest at a rate as the Public Service Commission may prescribe:  
27 *Provided, That* where the customer is a tenant, the governing body is not required to return the  
28 deposit until the time the tenant discontinues service with the governing body. Whenever any  
29 rates, fees, rentals, or charges for services or facilities furnished remain unpaid for a period of 20  
30 days after they become due, the user of the services and facilities provided is delinquent. The  
31 user is liable until all rates, fees, and charges are fully paid. The governing body may, under  
32 reasonable rules promulgated by the Public Service Commission, shut off and discontinue water  
33 services to a delinquent user of sewer facilities 10 days after the sewer services become  
34 delinquent regardless of whether the governing body utilizes the security deposit to satisfy any

35 delinquent payments: *Provided, however,* That nothing contained within the rules of the Public  
36 Service Commission may require agents or employees of the governing body to accept payment  
37 at the customer's premises in lieu of discontinuing service for a delinquent bill.

38 (2) The water service for a user may not be shut off or discontinued for the nonpayment  
39 of a stormwater fee, but the governing body may impose a lien pursuant to subsection (k) of this  
40 section.

41 (f) The rates, fees, or charges shall be sufficient in each year for the payment of the proper  
42 and reasonable expense of operation, repair, replacements and maintenance of the works and  
43 for the payment of the sums herein required to be paid into the sinking fund. Revenues collected  
44 pursuant to this section shall be considered the revenues of the works.

45 (g) No such rates, fees, or charges may be established until after a public hearing, at which  
46 all the users of the works and owners of property served or to be served thereby and others  
47 interested shall have an opportunity to be heard concerning the proposed rates, fees or charges.

48 (h) After introduction of the ordinance fixing the rates, fees or charges, and before the  
49 same is finally enacted, notice of the hearing, setting forth the proposed schedule of rates, fees  
50 or charges, shall be given by publication as a Class I legal advertisement in compliance with §59-  
51 3-1 *et seq.* of this code and the publication area for the publication shall be the municipality. The  
52 first publication shall be made at least five days before the date fixed in the notice for the hearing.

53 (i) After the hearing, which may be adjourned, from time to time, the ordinance establishing  
54 rates, fees or charges, either as originally introduced or as modified and amended, shall be  
55 passed and put into effect. A copy of the schedule of the rates, fees, and charges shall be kept  
56 on file in the office of the board having charge of the operation of the works, and also in the office  
57 of the clerk of the municipality, and shall be open to inspection by all parties interested. The rates,  
58 fees, or charges established for any class of users or property served shall be extended to cover  
59 any additional premises thereafter served which fall within the same class, without the necessity  
60 of any hearing or notice.

61 (j) Any change or readjustment of the rates, fees, or charges may be made in the same  
62 manner as the rates, fees, or charges were originally established as hereinbefore provided:  
63 *Provided*, That if a change or readjustment be made substantially pro rata, as to all classes of  
64 service, no hearing or notice shall be required. The aggregate of the rates, fees, or charges shall  
65 always be sufficient for the expense of operation, repair and maintenance and for the sinking fund  
66 payments.

67 (k) All rates, fees, or charges, if not paid when due, shall constitute a lien upon the  
68 premises served by the works. If any service rate, fee, or charge is not paid within 20 days after  
69 it is due, the amount thereof, together with a penalty of 10 percent and a reasonable attorney's  
70 fee, may be recovered by the board in a civil action in the name of the municipality. The lien may  
71 be foreclosed against the lot, parcel of land, or building in accordance with the laws relating  
72 thereto. Where both water and sewer services are furnished by any municipality to any premises,  
73 the schedule of charges may be billed as a single amount or individually itemized and billed for  
74 the aggregate thereof.

75 (l) Whenever any rates, rentals, fees or charges for services or facilities furnished shall  
76 remain unpaid for a period of 20 days after they become due, the property and the owner thereof,  
77 as well as the user of the services and facilities shall be delinquent until such time as all rates,  
78 fees, and charges are fully paid. When any payment for rates, rentals, fees, or charges becomes  
79 delinquent, the governing body may use the security deposit to satisfy the delinquent payment.

80 (m) The board collecting the rates, fees, or charges shall be obligated under reasonable  
81 rules to shut off and discontinue both water and sewer services to all delinquent users of water or  
82 sewer ~~or stormwater~~ facilities and shall not restore either water facilities or sewer facilities to any  
83 delinquent user of any such facilities until all delinquent rates, fees, or charges for water or sewer  
84 ~~and stormwater~~ facilities, including reasonable interest and penalty charges, have been paid in  
85 full, as long as the actions are not contrary to any rules or orders of the Public Service  
86 Commission: *Provided*, That nothing contained within the rules of the Public Service Commission

87 may be considered to require any agents or employees of the municipality or governing body to  
88 accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill:  
89 Provided, however, That nonpayment of a stormwater fee is not grounds to shut off or discontinue  
90 water services to a user.

**ARTICLE 13A. PUBLIC SERVICE DISTRICTS.**

**§16-13A-9. Rules; service rates and charges; discontinuance of service; required water and sewer connections; lien for delinquent fees.**

1 (a)(1) The board may make, enact, and enforce all needful rules in connection with the  
2 acquisition, construction, improvement, extension, management, maintenance, operation, care,  
3 protection, and the use of any public service properties owned or controlled by the district. The  
4 board shall establish, in accordance with this article, rates, fees, and charges for the services and  
5 facilities it furnishes, which shall be sufficient at all times, notwithstanding the provisions of any  
6 other law or laws, to pay the cost of maintenance, operation, and depreciation of the public service  
7 properties and principal of and interest on all bonds issued, other obligations incurred under the  
8 provisions of this article, and all reserve or other payments provided for in the proceedings which  
9 authorized the issuance of any bonds under this article. The schedule of the rates, fees, and  
10 charges may be based upon:

11 (A) The consumption of water or gas on premises connected with the facilities, taking into  
12 consideration domestic, commercial, industrial, and public use of water and gas;

13 (B) The number and kind of fixtures connected with the facilities located on the various  
14 premises;

15 (C) The number of persons served by the facilities;

16 (D) Any combination of paragraphs (A), (B), and (C) of this subdivision; or

17 (E) Any other basis or classification which the board may determine to be fair and  
18 reasonable, taking into consideration the location of the premises served and the nature and  
19 extent of the services and facilities furnished. However, no rates, fees, or charges for stormwater

20 services may be assessed against highways, road, and drainage easements or stormwater  
21 facilities constructed, owned, or operated by the West Virginia Division of Highways.

22 (2) The board of a public service district with at least 4,500 customers and annual  
23 combined gross revenue of \$3 million providing water or sewer service separately or in  
24 combination may make, enact, and enforce all needful rules in connection with the enactment or  
25 amendment of rates, fees, and charges of the district. At a minimum, these rules shall provide for:

26 (A) Adequate prior public notice of the contemplated rates, fees, and charges by causing  
27 a notice of intent to effect such a change to be provided to the customers of the district for the  
28 month immediately preceding the month in which the contemplated change is to be considered  
29 at a hearing by the board. The notice shall include a statement that a change in rates, fees, and  
30 charges is being considered, the time, date, and location of the hearing of the board at which the  
31 change will be considered, and that the proposed rates, fees, and charges are on file at the office  
32 of the district for review during regular business hours. The notice shall be printed on, or mailed  
33 with, the monthly billing statement, or provided in a separate mailing.

34 (B) Adequate prior public notice of the contemplated rates, fees, and charges by causing  
35 to be published, after the first reading and approval of a resolution of the board considering the  
36 revised rates, fees, and charges but not less than one week prior to the public hearing of the  
37 board on the resolution, as a Class I legal advertisement, of the proposed action, in compliance  
38 with the provisions of §59-3-1 *et seq.* of this code. The publication area for publication shall be all  
39 territory served by the district. If the district provides service in more than one county, publication  
40 shall be made in a newspaper of general circulation in each county that the district provides  
41 service.

42 (C) The public notice of the proposed action shall summarize the current rates, fees, and  
43 charges and the proposed changes to said rates, fees, and charges; the date, time, and place of  
44 the public hearing on the resolution approving the revised rates, fees, and charges, and the place  
45 or places within the district where the proposed resolution approving the revised rates, fees, and



46 charges may be inspected by the public. A reasonable number of copies of the proposed  
47 resolution shall be kept at the place or places and be made available for public inspection. The  
48 notice shall also advise that interested parties may appear at the public hearing before the board  
49 and be heard with respect to the proposed revised rates, fees, and charges.

50 (D) The resolution proposing the revised rates, fees, and charges shall be read at two  
51 meetings of the board with at least two weeks intervening between each meeting. The public  
52 hearing may be conducted by the board prior to, or at, the meeting at which the resolution is  
53 considered for adoption on the second reading.

54 (E) Rates, fees, and charges approved by resolution of the board shall be forwarded in  
55 writing to the county commission with the authority to appoint the members of the board. The  
56 county commission shall publish notice of the proposed revised rates, fees, and charges by a  
57 Class I legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code.  
58 Within 45 days of receipt of the proposed rates, fees, and charges, the county commission shall  
59 take action to approve, modify, or reject the proposed rates, fees, and charges, in its sole  
60 discretion. If, after 45 days, the county commission has not taken final action to approve, modify,  
61 or reject the proposed rates, fees, and charges, as presented to the county commission, the  
62 proposed rates, fees, and charges shall be effective with no further action by the board or county  
63 commission. In any event, this 45-day period shall be mandatory unless extended by the official  
64 action of both the board proposing the rates, fees, and charges, and the appointing county  
65 commission.

66 (F) Enactment of the proposed or modified rates, fees, and charges shall follow an  
67 affirmative vote by the county commission and shall be effective no sooner than 45 days following  
68 action. The 45-day waiting period may be waived by public vote of the county commission only if  
69 the commission finds and declares the district to be in financial distress such that the 45-day  
70 waiting period would be detrimental to the ability of the district to deliver continued and compliant  
71 public services.

72 (G) The public service district, or a customer aggrieved by the changed rates or charges  
73 who presents to the circuit court a petition signed by at least 750 customers or 25 percent of the  
74 customers served by the public service district, whichever is fewer, when dissatisfied by the  
75 approval, modification, or rejection by the county commission of the proposed rates, fees, and  
76 charges under the provisions of this subdivision may file a complaint regarding the rates, fees,  
77 and charges resulting from the action of, or failure to act by, the county commission in the circuit  
78 court of the county in which the county commission sits: *Provided*, That any complaint or petition  
79 filed hereunder shall be filed within 30 days of the county commission's final action approving,  
80 modifying, or rejecting the rates, fees, and charges, or the expiration of the 45-day period from  
81 the receipt by the county commission, in writing, of the rates, fees, and charges approved by  
82 resolution of the board, without final action by the county commission to approve, modify, or reject  
83 the rates, fees, and charges, and the circuit court shall resolve the complaint: *Provided, however*,  
84 That the rates, fees, and charges so fixed by the county commission, or those adopted by the  
85 district upon which the county commission failed to act, shall remain in full force and effect, until  
86 set aside, altered, or amended by the circuit court in an order to be followed in the future.

87 (3) Where water, sewer, stormwater, or gas services, or any combination thereof, are all  
88 furnished to any premises, the schedule of charges may be billed as a single amount for the  
89 aggregate of the charges. The board shall require all users of services and facilities furnished by  
90 the district to designate on every application for service whether the applicant is a tenant or an  
91 owner of the premises to be served. If the applicant is a tenant, he or she shall state the name  
92 and address of the owner or owners of the premises to be served by the district. Notwithstanding  
93 the provisions of §24-3-8 of this code to the contrary, all new applicants for service shall deposit  
94 the greater of a sum equal to two twelfths of the average annual usage of the applicant's specific  
95 customer class or \$50 with the district to secure the payment of service rates, fees, and charges  
96 in the event they become delinquent as provided in this section. If a district provides both water  
97 and sewer service, all new applicants for service shall deposit the greater of a sum equal to two

98 twelfths of the average annual usage for water service or \$50 and the greater of a sum equal to  
99 two twelfths of the average annual usage for wastewater service of the applicant's specific  
100 customer class or \$50. In any case where a deposit is forfeited to pay service rates, fees, and  
101 charges which were delinquent at the time of disconnection or termination of service, no  
102 reconnection or reinstatement of service may be made by the district until another deposit equal  
103 to the greater of a sum equal to two twelfths of the average usage for the applicant's specific  
104 customer class or \$50 has been remitted to the district. After 12 months of prompt payment  
105 history, the district shall return the deposit to the customer or credit the customer's account at a  
106 rate as the Public Service Commission may prescribe: *Provided*, That where the customer is a  
107 tenant, the district is not required to return the deposit until the time the tenant discontinues service  
108 with the district. Whenever any rates, fees, rentals, or charges for services or facilities furnished  
109 remain unpaid for a period of 20 days after the same become due and payable, the user of the  
110 services and facilities provided is delinquent and the user is liable at law until all rates, fees, and  
111 charges are fully paid. The board may, under reasonable rules promulgated by the Public Service  
112 Commission, shut off and discontinue water or gas services to all delinquent users of either water  
113 or gas facilities, or both, 10 days after the water or gas services become delinquent: *Provided*,  
114 *however*, That nothing contained within the rules of the Public Service Commission may be  
115 considered to require any agents or employees of the board to accept payment at the customer's  
116 premises in lieu of discontinuing service for a delinquent bill: *Provided further*, That the water  
117 service for a user may not be shut off or discontinued for nonpayment of a stormwater fee or  
118 charges but shall be a lien on the premises served pursuant to subsection (f) of this section.

119 (b) If any publicly or privately owned utility, city, incorporated town, other municipal  
120 corporation or other public service district included within the district owns and operates separate  
121 water facilities, sewer facilities, or stormwater facilities, and the district owns and operates another  
122 kind of facility, either water or sewer, or both, as the case may be, then the district and the publicly  
123 or privately owned utility, city, incorporated town or other municipal corporation, or other public

124 service district shall covenant and contract with each other to shut off and discontinue the  
125 supplying of water service for the nonpayment of sewer ~~or stormwater~~ service fees and charges:  
126 *Provided*, That any contracts entered into by a public service district pursuant to this section shall  
127 be submitted to the Public Service Commission for approval. Any public service district which  
128 provides water and sewer service, water and stormwater service or water, sewer, and stormwater  
129 service has the right to terminate water service for delinquency in payment of water or sewer ~~or~~  
130 ~~stormwater~~ bills. Where one public service district is providing sewer service and another public  
131 service district or a municipality included within the boundaries of the sewer or stormwater district  
132 is providing water service and the district providing sewer or stormwater service experiences a  
133 delinquency in payment, the district or the municipality included within the boundaries of the sewer  
134 or stormwater district that is providing water service, upon the request of the district providing  
135 sewer or stormwater service to the delinquent account, shall terminate its water service to the  
136 customer having the delinquent sewer ~~or stormwater~~ account: *Provided, however*, That any  
137 termination of water service must comply with all rules and orders of the Public Service  
138 Commission: *Provided further*, That nothing contained within the rules of the Public Service  
139 Commission shall be deemed to require any agents or employees of the public service districts  
140 to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill;  
141 *And provided further*, That the water service for a user may not be shut off or discontinued for  
142 the nonpayment of a stormwater fee, but the delinquent stormwater charges shall be a lien on the  
143 premises served pursuant to subsection (f) of this section.

144 (c) Any district furnishing sewer facilities within the district may require or may, by petition  
145 to the circuit court of the county in which the property is located, compel or may require the Bureau  
146 for Public Health to compel all owners, tenants, or occupants of any houses, dwellings, and  
147 buildings located near any sewer facilities where sewage will flow by gravity or be transported by  
148 other methods approved by the Bureau for Public Health, including, but not limited to, vacuum  
149 and pressure systems, approved under the provisions of §16-1-9 of this code, from the houses,

150 dwellings, or buildings into the sewer facilities, to connect with and use the sewer facilities and to  
151 cease the use of all other means for the collection, treatment, and disposal of sewage and waste  
152 matters from the houses, dwellings, and buildings where there is gravity flow or transportation by  
153 any other methods approved by the Bureau for Public Health, including, but not limited to, vacuum  
154 and pressure systems, approved under the provisions of §16-1-9 of this code and the houses,  
155 dwellings, and buildings can be adequately served by the sewer facilities of the district and it is  
156 declared that the mandatory use of the sewer facilities provided for in this subsection is necessary  
157 and essential for the health and welfare of the inhabitants and residents of the districts and of the  
158 state. If the public service district requires the property owner to connect with the sewer facilities  
159 even when sewage from dwellings may not flow to the main line by gravity and the property owner  
160 incurs costs for any changes in the existing dwellings' exterior plumbing in order to connect to the  
161 main sewer line, the public service district board shall authorize the district to pay all reasonable  
162 costs for the changes in the exterior plumbing, including, but not limited to, installation, operation,  
163 maintenance, and purchase of a pump or any other method approved by the Bureau for Public  
164 Health. Maintenance and operation costs for the extra installation should be reflected in the users  
165 charge for approval of the Public Service Commission. The circuit court shall adjudicate the merits  
166 of the petition by summary hearing to be held not later than 30 days after service of petition to the  
167 appropriate owners, tenants, or occupants.

168 (d) Whenever any district has made available sewer facilities to any owner, tenant, or  
169 occupant of any house, dwelling, or building located near the sewer facility and the engineer for  
170 the district has certified that the sewer facilities are available to and are adequate to serve the  
171 owner, tenant, or occupant and sewage will flow by gravity or be transported by other methods  
172 approved by the Bureau for Public Health from the house, dwelling, or building into the sewer  
173 facilities, the district may charge, and the owner, tenant, or occupant shall pay, the rates and  
174 charges for services established under this article only after 30 days' notice of the availability of  
175 the facilities has been received by the owner, tenant, or occupant. Rates and charges for sewage

176 services shall be based upon actual water consumption or the average monthly water  
177 consumption based upon the owner's, tenant's, or occupant's specific customer class.

178 (e) The owner, tenant, or occupant of any real property may be determined and declared  
179 to be served by a stormwater system only after each of the following conditions is met: (1) The  
180 district has been designated by the Environmental Protection Agency as an entity to serve a West  
181 Virginia Separate Storm Sewer System community, as defined in 40 C. F. R. § 122.26; (2) the  
182 district's authority has been properly expanded to operate and maintain a stormwater system; (3)  
183 the district has made available a stormwater system where stormwater from the real property  
184 affects or drains into the stormwater system; and (4) the real property is located in the Municipal  
185 Separate Storm Sewer System's designated service area. It is further hereby found, determined,  
186 and declared that the mandatory use of the stormwater system is necessary and essential for the  
187 health and welfare of the inhabitants and residents of the district and of the state. The district may  
188 charge and the owner, tenant, or occupant shall pay the rates, fees, and charges for stormwater  
189 services established under this article only after 30 days' notice of the availability of the  
190 stormwater system has been received by the owner. An entity providing stormwater service shall  
191 provide a tenant a report of the stormwater fee charged for the entire property and, if appropriate,  
192 that portion of the fee to be assessed to the tenant.

193 (f) All delinquent fees, rates, and charges of the district for either water facilities, sewer  
194 facilities, gas facilities, or stormwater systems or stormwater management programs are liens on  
195 the premises served of equal dignity, rank, and priority with the lien on the premises of state,  
196 county, school, and municipal taxes. Nothing contained within the rules of the Public Service  
197 Commission may require agents or employees of the public service districts to accept payment  
198 at the customer's premises in lieu of discontinuing service for a delinquent bill. In addition to the  
199 other remedies provided in this section, public service districts are granted a deferral of filing fees  
200 or other fees and costs incidental to the bringing and maintenance of an action in magistrate court  
201 for the collection of delinquent water, sewer, stormwater, or gas bills. If the district collects the

202 delinquent account, plus reasonable costs, from its customer or other responsible party, the  
203 district shall pay to the magistrate the normal filing fee and reasonable costs which were  
204 previously deferred. In addition, each public service district may exchange with other public  
205 service districts a list of delinquent accounts: *Provided*, That an owner of real property may not  
206 be held liable for the delinquent rates or charges for services or facilities of a tenant, nor may any  
207 lien attach to real property for the reason of delinquent rates or charges for services or facilities  
208 of a tenant of the real property unless the owner has contracted directly with the public service  
209 district to purchase the services or facilities.

210 (g) Anything in this section to the contrary notwithstanding, any establishment, as defined  
211 in §22-11-3 of this code, now or hereafter operating its own sewage disposal system pursuant to  
212 a permit issued by the Department of Environmental Protection, as prescribed by §22-11-11 of  
213 this code, is exempt from the provisions of this section.

214 (h) Notwithstanding any code provision to the contrary, a public service district may accept  
215 payment for all fees and charges due, in the form of a payment by a credit or check card  
216 transaction or a direct withdrawal from a bank account. The public service district may set a fee  
217 to be added to each transaction equal to the charge paid by the public service district for use of  
218 the credit or check card or direct withdrawal by the payor. The amount of the fee shall be disclosed  
219 to the payor prior to the transaction and no other fees for the use of a credit or check card or direct  
220 withdrawal may be imposed upon the payor and the whole of the charge or convenience fee shall  
221 be borne by the payor: *Provided*, That to the extent a public service district desires to accept  
222 payments in the forms described in this subsection and does not have access to the equipment  
223 or receive the services necessary to do so, the public service district shall first obtain three bids  
224 for services and equipment necessary to affect the forms of transactions described in this  
225 subsection and use the lowest qualified bid received. Acceptance of a credit or check card or  
226 direct withdrawal as a form of payment shall comport with the rules and requirements set forth by  
227 the credit or check card provider or banking institution.

## **CHAPTER 24. PUBLIC SERVICE COMMISSION.**

### **ARTICLE 3. DUTIES AND PRIVILEGES OF PUBLIC UTILITIES SUBJECT TO REGULATIONS OF COMMISSION.**

#### **§24-3-10. Termination of water service for delinquent sewer bills.**

1           (a) In the event that any publicly or privately owned utility, city, incorporated town,  
2 municipal corporation, or public service district owns and operates either water facilities or sewer  
3 facilities, and a privately owned public utility or a public utility that is owned and operated by a  
4 homeowners' association owns and operates the other kind of facilities, either water or sewer,  
5 then the privately owned public utility or the homeowners' association may contract with the  
6 publicly or privately owned utility, city, incorporated town, or public service district which provides  
7 the other services to shutoff and discontinue the supplying of water service for the nonpayment  
8 of sewer service fees and charges.

9           (b) Any contracts entered into by a privately owned public utility or by a public utility that  
10 is owned and operated by a homeowners' association pursuant to this section must be submitted  
11 to the Public Service Commission for approval.

12           (c) Any privately owned public utility or any public utility that is owned and operated by a  
13 homeowners' association which provides water and sewer service to its customers may terminate  
14 water service for delinquency in payment of either water or sewer bills.

15           (d) Where a privately owned public utility or a public utility that is owned and operated by  
16 a homeowners' association is providing sewer service and another utility is providing water  
17 service, and the privately owned public utility or the homeowners' association providing sewer  
18 service experiences a delinquency in payment, the utility providing water service, upon the  
19 request of the homeowners' association or the privately owned public utility providing sewer  
20 service to the delinquent account, shall terminate its water service to the customer having the  
21 delinquent sewer account.



22 (e) Any termination of water service must comply with all rules and orders of the Public  
23 Service Commission. Nothing contained within the rules of the Public Service Commission shall  
24 be deemed to require any agents or employees of the water or sewer utility to accept payment at  
25 the customer's premises in lieu of discontinuing water service for a delinquent water or sewer bill.

26 (f) A publicly or privately owned utility, city, incorporated town, municipal corporation, or  
27 public service district that owns or operates water facilities, or a public utility that is owned and  
28 operated by a homeowners' association that owns or operates water facilities may not discontinue  
29 or shut off water service to its customers for delinquency in payment of stormwater fees or  
30 charges, nor may it contract with any other utility, public or private, to which it provides water  
31 service to terminate water service to customers of the other utility for delinquency in the payment  
32 of stormwater services fees and charges. A utility providing stormwater services is not prohibited  
33 by this subsection from placing a lien for delinquent stormwater service fees and charges on the  
34 premises being served.