

TOWN OF BERRYVILLE

Water and Sewer Billing Adjustment Policy

Purpose

This policy applies to the adjustment of unusually high water and sewer bills resulting from water leaks or other circumstances resulting in abnormally high water usage. This policy enumerates the authority of the Town Manager, or designee, to grant adjustment of unusually high water and sewer bills upon request of the person or entity responsible for a water account. This policy also establishes standards for appeals to the Town Council.

Background

In accordance with Chapter 17 of the Berryville Code (available at the Town Business Office and the Town's website (www.berryvilleva.gov), where properties are connected to the Town of Berryville's water and sewer systems, the customer is responsible for: 1) the proper provision, monitoring, operation, maintenance, repair, and replacement of all water lines and components of the system from the customer's side of the water meter and 2) the proper provision, monitoring, operation, maintenance, repair, and replacement of all sewer lines and components of the system from where it intersects the Town's main.

Burden of Proof

The implicit burden of proof in the adjustment requests made pursuant to these policies rests with the customer, not the Town of Berryville. Failure to comply with the requirements of this policy may result in the denial of the adjustment request.

Procedure

All requests for bill adjustment must be made within 15 days of the billing date. Said requests must be submitted to the Town Business Office.

Requests must be made utilizing the Town of Berryville Water and Sewer Billing Adjustment Request Form (available at the Town Business Office and the Town's website (www.berryvilleva.gov)).

Customers requesting a bill adjustment must submit the following items before the request will be reviewed:

- a completed Town of Berryville Water and Sewer Billing Adjustment Request Form, and
- a written statement that includes the following information:

- date and approximate time the owner was made aware of the unusual usage,
- the date and approximate time the person making the repair was contacted about the leak or potential leak,
- the date and approximate time the person making the repair responded to the customer's property,
- the date and approximate time the repair was completed,
- a description of the repairs that were made to stop the leak (including a list of materials used to complete the repair),
- the name and contact information of the person (or firm) who repaired the leak, and
- a copy of the repair invoice (if applicable).

The Town Manager, or designee, will review the request and provide written notice of his/her decision. All such adjustment decisions shall be rendered within 30 days of receipt of a complete adjustment request.

Limitations on Adjustments

Only one bill adjustment may be made for the water portion of a bill on any account in any given twelve-month period. However, the Town Manager, at his or her discretion, may grant a second adjustment to the sewer portion of a subsequent bill on an account within a given twelve-month period, if the Manager determines that the adjustment request meets this policy's submission requirements and review criteria, and the owner took reasonable steps to prevent the second incident that led to unusually high usage.

Review Criteria

The Town Manager, or designee, will review adjustment requests in accordance with the following criteria:

- For leaks occurring in the service line between the water meter and the building the meter serves, the Town may approve adjustment to the sewer usage if it is found that the leaking water did not enter the sewer system. Such adjustment may not exceed the difference between the account's average usage over the past twelve months and the high usage resulting from the leak. The Town may approve adjustment to the water usage if it finds that the leak was repaired in a timely fashion after discovery. Such adjustment may not exceed one-half of the difference between the account's average usage over the past twelve months and the high usage resulting from the leak.

- For leaks or unintended usage from exterior hose connections, the Town may approve adjustment to the sewer usage if it finds that the leaking water did not enter the sewer system. Such adjustment may not exceed the difference between the account's average usage over the past twelve months and the high usage resulting from the leak.
- For abnormal water usage attributable to usage in or by faucets, pipes, water heaters, furnaces or other interior plumbing facilities within the building the water meter serves, the Town may adjust the sewer usage if it finds that the leaking water did not enter the sewer system. Such adjustment may not exceed the difference between the account's average usage over the past twelve months and the high usage resulting from the leak.
- The Town will not approve adjustments for abnormal water or sewer usage attributable to use by toilets.
- The Town will not approve adjustments for abnormal water usage attributable to filling of pools or watering of lawns or landscaping.
- The Town will not approve adjustments for abnormal water usage which has not or cannot be sufficiently explained.

When reviewing adjustment requests the Town will take into account, among other factors, whether any of the usage resulted from another party's negligence. Where negligence is found, the Town may determine that no adjustment is warranted.

Meter Testing

Customers may at any time request that their water meter be tested for accuracy. If a customer wants to have the water meter that serves their account to be tested, then they must contact the Town Business Office and request the test. At the time of the request, the customer must pay a meter testing fee as established by the Town Council. The fee in question will be refunded if it is found that the meter in question does not meet American Water Works Association standards for accuracy. Further, if it is found that the meter does not meet American Water Works Association standards for accuracy, then the Town will review the account for possible adjustment.

Adjustment determinations made because a meter has been found to be inaccurate (after testing) may be appealed to the Town Council if the customer believes that the adjustment is not sufficient.

The Town Council will review all adjustment appeals and will provide written notice of their decision to the customer.

Appeals to the Town Council

A customer seeking a water and sewer bill adjustment may request that their application be reviewed by the Town Council if:

- 1) they believe that the Town Manager erred in making a decision on their adjustment application (which may include failing to render a decision within 30 days of the Manager's receipt of a complete adjustment application), or
- 2) said adjustment request does not qualify for adjustment under this policy's criteria, but the applicant believes that the circumstances that led to the high usage were extraordinary and not generally shared by other water/sewer customers in the Town's system, and the circumstances that led to the high usage were unforeseen and out of the control of the applicant.

If the applicant is submitting an appeal in accordance with section 1 as listed above, then they shall submit a detailed letter to the Town Business Office in which the review errors are enumerated. Such appeal shall be filed with the Town Business Office not more than 10 days after the Town Manager's decision was communicated to the applicant or if the Town Manager has failed to make a decision in a timely manner, then the appeal shall be filed with the Town Business Office within 40 days of the submission of a complete adjustment request.

If the applicant is submitting an appeal in accordance with section 2 as listed above, then such appeal shall be filed with the Town Business Office not more than 10 days after the Town Manager's decision was communicated to the applicant.

All appeals will be forwarded to the Town Council at their next regular meeting. The Council shall render a decision on the appeal within 40 days of the first regular meeting at which the appeal was heard. The appellant will be informed in writing of the Council's determination on the appeal.

Customer Responsible for Payment during Review

While an adjustment request and/or appeal is being processed, the customer is responsible for:

- payment of the entire amount due or
- payment of fifty (50)% of the bill and entry into a payment plan for the remainder of the bill.

Such payment and/or entry into a payment plan must occur before the bill cut-off date. If the customer fails to make payment during the payment period as outlined above, then the customer is subject to all applicable collection activities and termination of service.

Any refunds due to a customer as a result of the adjustment process will be credited to the account unless a refund is requested. If a refund is requested, then the refund will be paid within 10 days of request.

Any remaining payment due on account after the adjustment request has been finalized must either be paid in full not more than 30 days from the bill adjustment decision or in accordance with the approved payment plan.

Approved by the Town Council: March 11, 2025

Effective date: March 12, 2025