

TOWN OF BRANDON, VERMONT POLICY ON SEWER BILL ABATEMENTS

Policy Objectives:

This policy is intended to provide clear guidance and consistent practice of hearing and taking action requests for abatements of sewer charges.

Definitions:

1. Abatement: The reduction or waiver of any or all charges for usage of the public sewer services.
2. Board of Abatement: The Board of Civil Authority (which includes Justices of the Peace and the Selectboard) and the Town Treasurer.
3. Customer: Any owner whose property receives sewer service from the public system, as applicable.
4. Department: The Town of Brandon
5. Water Department: Brandon Fire District No. 1

General Requirements:

- A. Any person requesting an abatement of his or her sewer bill shall provide such a request in writing within 1 year from the due date of the bill. Only requests from persons who are customers of the service from which an abatement is being sought shall be considered. Failure to request an abatement within the aforementioned 1 year shall render the bill final and payable as indicated on the bill.
- B. An abatement request does not absolve the customer from having to pay the bill in question in a timely manner and interest may be assessed as is protocol for overdue bills.
- C. Once an abatement has been granted:
 1. If the bill has been paid in full, the abatement shall be reflected as a credit on the next bill. No refunds shall be paid unless the customer will not own the property at the time of the next bill.
 2. If the bill has not been paid in full or not paid at all, a revised bill shall be prepared and mailed to the customer.

Allowable Sewer Bill Abatements:

In general, requests for sewer bill abatements shall be granted if it can be ascertained that an unusual event occurred whereby there was no discharge into the public sewer system or the

Water Department authorized running water for system maintenance. Specific situations which qualify for a sewer abatement are as follows:

1. A broken water pipe where the water did not enter into the public sewer system.
2. Running of water to prevent freezing ONLY if authorization to do so is received from the Water Department prior to allowing it to run. Such authorization must be obtained each year and a prior authorization does not automatically carry over to subsequent years.
3. Although it is specific to property taxes, the statutory criteria set forth in 24 V.S.A. §1535(a) may also apply in determining the specific criteria for sewer abatement.

The amount of the abatement shall be for the sewer service not used by the customer or as otherwise determined to reflect the amount not used. For the specific situations described above, the amount of the abatement shall be as follows:

1. For a broken water pipe – the difference between the current bill and the average bill for that billing cycle from the past 3 years.
2. For authorized running of water – the difference between the current bill and the average bill for that billing cycle from 3 previous years when water was not running.

Typical Unallowable Abatements

Below is a list of typical situations for which sewer bills will not be abated. It is not intended to be an exhaustive list but is included only to clarify the most common situations for which abatements are requested and to illustrate the types of situations for which abatements will not be granted.

1. Vacancy and/or non-use of a structure, either in whole or in part.
2. Outdoor use of water for car washing or lawn watering.
3. Leaking toilets, dripping faucets or other such faulty appliance or indoor plumbing.
4. Excessive use by tenants.
5. Unauthorized running of water to prevent freezing.
6. Filling of or topping off of swimming pools.

Appeals

- A. All appeals shall be in writing, addressed to the Chair of the Board of Abatement and shall state the reason for the appeal. The appeals may be mailed or delivered to the Town Clerk's office at 49 Center Street, Brandon, VT 05733.
- B. Any person aggrieved by a decision of the Board of Abatement may avail him or herself to any remedy allowed by state statute.

Repeal of Prior Policies, Ordinances, Regulations


This policy shall amend and replace any provisions of any policy or ordinance of the Town of Brandon in effect at the time of enactment of this policy that governs any activity included in this policy. Nothing in this policy shall be constructed to supersede or replace any Vermont Statute.

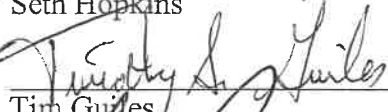
Severability

Each of the provisions of this policy is severable, and if any provision is held invalid for any reason, the remaining provisions shall not be affected but shall remain in full force and effect.

Effective

This policy is hereby adopted by the Brandon Selectboard, acting as the Board of Sewer Commissioners, this 24th day of June, 2019, and is effective as of this date until amended or repealed.


Seth Hopkins


Tim Guiles

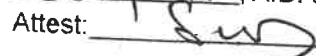

Brian Coolidge

Doug Bailey


Tracy Wyman

A true record made this 9th day of

July 2019, A.D. at 3 pm

Attest:  Brandon Town Clerk