

Laundry suit against town goes through another cycle

By Robert King (Daily Staff Writer)

FRONT ROYAL — A laundry service company is in the midst of its third legal battle with Front Royal.

FDR Laundry Services Inc. filed a lawsuit against the town, arguing that Front Royal doesn't have the authority to require connections to the town's water system. The lawsuit is the third the company has filed against the town since July.

A hearing on the town's motion seeking the suit's dismissal was held Monday in Warren County Circuit Court, and the judge's decision is pending.

The Town Council approved an ordinance recently that required businesses hooked up to the town's sewer service to also connect to town water. The town and Warren County have an agreement to serve certain businesses outside town limits.

FDR, a county business that uses town water and sewer, contends that the town cannot do that under state law. The company wants to use wells constructed on its property for water.

"Localities only have authority delegated by the [state legislature]," said Philip C. Strother, a Richmond attorney representing FDR.

Yet the town argues it has the ability to require connections, citing a section in the code of Virginia.

The code reads that a locality can require connections for water services.

"Under this code section, the town was explicitly authorized to adopt this ordinance," said Brian Mitchell, a Winchester attorney representing the town.

Yet FDR cannot be affected by the town's ordinance because it is in the county, Strother said.

"The code doesn't allow the town to adopt an ordinance so broad that it can be taken outside town limits," Strother said.

Strother and Mitchell had conflicting interpretations about one part of the code section.

The code says only specific counties can require the connection. Warren County is not one of the counties that has authorization, according to the code.

Mitchell contends that the code allows localities, such as towns and cities, to require the connection. Yet it prohibits counties that don't have authorization.

A county government that isn't authorized cannot require the connections, but a local government inside that county can, Mitchell said.

Strother said that if a county is prohibited, it applies to everything in the county, including towns.

"It is the geographic location," he argued.

Mitchell also argued against another count in FDR's lawsuit, which charges that the town adopted the ordinance to get revenue.

"This facility has been connected to town water and sewer for 10 years," he said.

Water and sewer rates are the subject of another lawsuit between FDR and Front Royal that is still pending.

FDR argued in a suit filed in July that the town unfairly raised its water and sewer rates and overcharged the company.

FDR also is suing the Front Royal because the town prohibited the company from discharging its well water into the town's sewer system, according to the suit. FDR built two wells on its property and received county approval, but the town denied its request for discharge.

Circuit Court Judge Dennis L. Hupp said that he would rule at a later date on the town's demurrer. If Hupp rules in the town's favor, he could dismiss the suit.

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