

Issue Analysis Form



Date: August 31, 2018

Item: Authorization to hold a Public Hearing for amendments to Chapter 2 – Administration and Chapter 82 - Utilities

Lead Department: Engineering & Utilities

Contact Persons: Frank Haltom, Director

Description and Current Status

Amendment of Chapter 2 - Administration:

Repeal Article V. – Departments, which requires the creation of a Public Works department and the appointment of a Director of Public Works. These requirements are fulfilled in Chapter 82 -Utilities of the County code. Sections 2-523 through 2-256 of Article V are moved to Sections 82-49 through 82-52, respectively.

Amendments to Chapter 82:

Amend the definitions of “Availability” and “Director.”

Development outside the Prince George Planning Area. Revises the requirement to construct “a public water (or wastewater) system” to “a private water (or wastewater) system.”

Clarifies requirement to pay water and sewer availability fees and corrects minor discrepancy to the ordinance.

Removes the set discount percentage for connections for new water lines and allows 2 years instead of 60 days to pay the connection fee.

Revises the water and sewer reconnection fees from \$45 to \$50.

Adds Sec. 82-427. - Restrictions on connections to the County utility system. Restricts private connections to public force main without prior approval by the Department. Grants Board authority to restrict new connections to the sewer system due to existing capacity agreements.

Government Path

Does this require IDA action? Yes No

Does this require BZA action? Yes No

Does this require Planning Commission action? Yes No

Does this require Board of Supervisors action? Yes No

A public hearing must be held prior to amending the ordinance.

Fiscal Impact Statement

None.

Prince George County Impact

None.

Notes

None.

Board of Supervisors
County of Prince George, Virginia

Resolution

At a regular meeting of the Board of Supervisors of the County of Prince George held in the Boardroom, Third Floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia this 11th day of September, 2018:

Present:

Vote:

Alan R. Carmichael, Chairman
Donald R. Hunter, Vice-Chairman
Floyd M. Brown, Jr.
Marlene J. Waymack
T. J. Webb

A-2

On motion of M. _____, seconded by M. _____, which carried unanimously, the following Resolution was adopted:

RESOLUTION; AUTHORITY TO ADVERTISE A PUBLIC HEARING FOR ORDINANCE AMENDMENTS TO CHAPTER 2 – ADMINISTRATION AND CHAPTER 82 - UTILITIES

NOW, THEREFORE, BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 11th day of September, 2018, does hereby authorize the advertisement of a public hearing for Ordinance Amendments to Chapter 2 – Administration and Chapter 82 – Utilities.

A Copy Teste:

Percy C. Ashcraft
County Administrator

CHAPTER 2 – ADMINISTRATION

ARTICLE V. - DEPARTMENTS

DIVISION 2. - DEPARTMENT OF PUBLIC WORKS

Sec. 2-521. - Created.

There shall be created a department of public works. The department of public works shall be an enterprise function of the county and shall have responsibility for the operation and maintenance of the county water and wastewater systems and the sanitary landfill.

Sec. 2-522. - Director's appointment and duties.

- a) The county administrator shall appoint a director of public works who shall have general supervision and direct charge of the department of public works and who shall have general supervision and direct responsibility for the operation and maintenance of the utility systems.
- b) The director shall have direct charge of all equipment, personnel and operations of the department and shall be accountable for all expenditures of the department.
- c) The director shall, at the end of each fiscal year, deliver a complete financial statement of the department, together with a detailed report of the utility operations for the preceding year.

Sec. 2-52382-49. - Right of access.

The owner or tenant of any premises other than single-family residential units connected to the county utility systems shall permit the director of public works or any other authorized employee of the department of public works to enter the premises at reasonable hours to inspect the work and the plumbing therein. If a person refuses to permit such inspection, water service shall be cut off from the premises.

Sec. 2-52482-50. - Defacing or destroying county utility property.

- a) No person shall place any building material, rubbish or any other matter in a manhole or cleanout of a sewer main or service connection or on the curbstop or valve of a water main or service connection; obstruct access to any fixture connected with the county utilities; remove or injure any pipe, fire hydrant, meter, meter box, valve, cleanout, manhole or other appurtenance; or operate any appurtenance so as to obstruct the flow of wastewater. The owner of the premises shall be responsible for any unauthorized or illegal use of the owner's service connection.
- b) Any person defacing or destroying county utility property shall be held liable for its repair or replacement.
- c) No person shall enter any pump station or manhole without the permission of the director of public works.

Sec. 2-52582-51. - Utility easements.

If any person shall construct or cause to be constructed a permanent structure, fence, slab or other improvement within a utility easement; plant or cause to be planted any tree, shrub or hedge within a utility easement; or place or cause to be placed any other obstacle within a utility easement, any or all of which will impede access by the department of public works to any part or all of the underground utility lines and appurtenances installed within the easement; and if any such obstruction is encountered in attempting to gain access to a utility line, the obstruction shall be removed at the expense of the property owner and shall not be replaced by the department. Nothing in this section, however, shall in any way supersede the provisions contained in any deed of easement duly executed by the county and by the owner of the property.

Sec. 2-52682-52. - Access to property.

The director of public works or other duly authorized employees of the department of public works bearing proper credentials and identification shall be permitted to enter all premises other than single-family residential units connected or proposed to be connected to the utility system for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Code.

ARTICLE II. - WATER SERVICE

DIVISION 1. - GENERALLY

Sec. 82-31. - Definitions.

Available. A public water main shall be deemed available to any premises if the premises abut or adjoin any street, alley, easement, or right-of-way containing a public water main, or if the house, building, or other improvement containing sanitary facilities public water is located within 200 feet (61 meters) of the street, alley, easement or right-of-way. Public water is considered available if the site is designated to be served by public utilities as indicated in the most recently adopted comprehensive plan, subject to the existing five (5) acre exception process.

Director means the Director of Engineering and Utilities county engineer and his authorized agents and/or assistants.

DIVISION 2. - WATER SYSTEM EXTENSIONS

Sec. 82-76. - Development outside the Prince George Planning Area.

(a) When any development is proposed to be located outside the Prince George Planning Area, as shown in the most recently adopted comprehensive plan, the developer shall design and construct at his expense a public private water distribution system supply to serve his development. and shall design and construct at his expense water system improvements to expand as necessary and extend the county facilities to his property. Groundwater source systems will not be allowed to be extended for residential subdivisions in any county planning area. Upon completion and approval of the system by the county, it shall be conveyed to the county. The public water system may be extended outside the planning area upon approval of the Board of Supervisors.

(b) When any development is proposed to be located outside the Prince George Planning Area, as shown in the most recently adopted comprehensive plan, and the water system to which the developer desires to connect is not of sufficient capacity to meet the needs of the entire development, the developer shall provide additional storage capacity and pumping supply, in addition to the requirements of subsection (a) of this section, so as to provide sufficient capacity to serve the needs of the development while not decreasing the supply of water available to existing users of the water supply system.

(c) At such time as the developer or any subsequent owner of any lot or premises within the development initially applies for water utility service to that lot or premises, the applicant shall pay the county the connection charge specified in [section 82-261](#), subject to the credits provided for in [section 82-73](#).

Sec. 82-106. - Requirements for payment of availability fees, physical connections.

Whenever a water line is constructed or acquired which is considered available, according to [section 82-31](#), to any building, trailer, mobile home, manufactured home, or modular home used for human occupancy, employment, recreation or other purpose, where sanitary sewerwater service is required, such building, trailer, mobile home, manufactured home, or modular home is required to pay availability fees as outlined in [section 82-261](#). For Whenever a water line is considered available for any multifamily residences, condominiums, townhouses, motels, hotels, trailer, mobile home or manufactured home parks and commercial establishments, if any such multifamily residences, condominiums, townhouses, motels, hotels, trailer, mobile home or manufactured home parks and commercial establishments is within 200 feet of such water line, the availability fees as outlined in [section 82-261](#) are required to be paid for the entire development. The actual physical connection is not required; however, the connection charge fees as outlined in [section 82-261](#) must be paid.

Sec. 82-110. - New connections; application and fee.

(e) Applicants along newly constructed water lines shall may be eligible to receive a 56-percent discount from established connection fees as approved by the director, provided:

- (1) The connection is for a single-family dwelling;
- (2) Application for service is made within 60 days of notification by the director of availability of the utility line; and
- (3) All applicable charges and fees are paid in full within a the same 62-year 0-day period from the date of application of service.

Sec. 82-265. - Other charges.

The department shall make the following charges for the respective water services to utility customers:

- (1) Turn-on water, account charge (payable in advance); new service, new account: \$25.00
- (2) Meters shall be read every two months by the properly authorized personnel, and utility bills shall be prepared therefrom by the utility department and rendered by deposit in the U.S. mail no later than the 20th working day of the month after the meters are read. Such bills so rendered shall be due and payable by cash, check, charge card or money order in the office of the county treasurer on or before 5:00 p.m. of the 15th calendar day of the following the month the bill was rendered, and, if not so paid, a ten percent penalty shall be added thereon and the department shall mail the customer a delinquent notice. The bill may be exempted from this penalty once in a 12-month period if a good faith effort can be shown that the customer attempted to pay the bill and the customer has had no payments late in the previous 12 months.

If such bill is not so paid on or before 5:00 p.m. ten days subsequent to the mailing of the delinquent notice, the utility service to such delinquent customer shall be discontinued. Any utility service discontinued under this subsection shall only be reconnected after all delinquent amounts and penalties have been paid by cash or money order along with a reconnection fee of \$4550.00.

ARTICLE III. - WASTEWATER SERVICE

DIVISION 1. - GENERALLY

Sec. 82-351. - Definitions.

Available. A pPublic sewer shall be deemed available to any premises if the premises abuts or adjoins any street, alley, easement, or right-of-way containing a gravity sanitary sewer, and or if the house, building, or other improvement containing sanitary facilities is located within 200 feet (61 meters) of the street, alley, easement or right-of-way. Public sewer is considered available if the site is designated to be served by public utilities as indicated in the most recently adopted comprehensive plan, subject to the existing five (5) acre exception process.

Director means the Director of Engineering and Utilitiescounty engineer and his authorized agents and/or assistants.

Sec. 82-396. - Development outside the Prince George Planning Area.

(a) When any development is proposed to be located outside the Prince George Planning Area, as adopted in the most recently adopted comprehensive plan, the developer shall design and construct at his expense privatea public wastewater collection system to serve his development. and shall design and construct at his expense a sewer system to extend and expand as necessary improvements and to expand as necessary and extend the county facilities to his property. Upon completion and approval of the system by the county, it shall be conveyed to the county. Stand-alone or independent wastewater treatment facilities will not be allowed to be constructed in any county planning area to meet the requirements of this section. The public wastewater collection system may be extended outside the planning area upon approval of the Board of Supervisors.

(b) At such time as the developer or any subsequent owner of any lot or premises within the development initially applies for wastewater utility service, the applicant shall pay the county the connection charge specified in [section 82-536](#), subject to the credits provided for in [section 82-393](#).

Sec. 82-426. - Requirements for payment of availability fees, physical connections.

Whenever a sanitary sewer line is constructed or acquired which is considered available, according to [section 82-351](#) of this article, to any building, trailer, mobile home, manufactured home, or modular home used for human occupancy, employment, recreation or other purpose, where sanitary sewer service is required, such building, trailer, mobile home, manufactured home, or modular home is required to pay availability fees as outlined in [section 82-536](#). Whenever a sanitary sewer line is considered availableFor for any multifamily residences, condominiums, townhouses, motels, hotels, trailer, mobile home or manufactured home parks and commercial establishments, if any such multifamily residences, condominiums, townhouses, motels, hotels, trailers, mobile home or manufactured home parks and commercial establishments is within 200 feet of such sanitary sewer line, the availability fees as outlined in [section 82-536](#) are required to

be paid for the entire development. The actual physical connection is not required; however the connection charge fees as outlined in [section 82-536](#) must be paid.

Add section:

Sec. 82-427. - Restrictions on connections to the County utility system.

(a) No private connections to a public sewer force main are permitted without prior approval from the director. Connections to a sewer force main shall only be made through a public pump station.

(b) The board of supervisors may restrict connections to the utility system when the board finds that shortages in capacity or treatment capabilities exist or are likely to occur. If the board of supervisors restricts connections, the director shall prepare a system for allocating connections and present the recommendation to the board of supervisors for the board's approval as soon as practical.

Sec. 82-428. - Service connection pipe.

(a) No person shall install a sewer service tap or otherwise make any connection to the county wastewater system, nor shall any person install a sewer service connection pipe, except authorized employees and contractors of the department or except as otherwise authorized in writing by the director and under the supervision of the department.

(b) The size of the wastewater building connection pipe shall be determined by the director, but in no case shall the pipe be smaller than four inches (ten cm) inside diameter.

Sec. 82-429. - Application and fee for new connections.

(f) Applicants along newly constructed wastewater lines shall may be eligible to receive a 56-percent discount from established connection fees as approved by the director, provided:

- (1) The connection is for a single-family dwelling;
- (2) Application for service is made within 60 days of notification by the director of availability of the utility line; and
- (3) All applicable charges and fees are paid in full within at the same 2-year 60-day period from the date of application of service.

Sec. 82-540. - Other charges.

Under this division, meters shall be read every two months by the properly authorized personnel, and utility bills shall be prepared therefrom by the utility department and rendered by deposit in the U.S. mail no later than the 20th working day of the month after the meters are read. Such bills so rendered shall be due and payable by cash, check, charge card or money order in the office of the county treasurer on or before 5:00 p.m. of the 15th calendar day of the month following the month the bill was rendered. If not so paid, a ten percent penalty shall be added thereon and the department shall mail the customer a delinquent notice. The bill may be exempted from this penalty once in a 12-month period if a good faith effort can be shown that the customer attempted to pay the bill and the customer has had no payments late in the previous 12 months. If such bill is not so paid on or before 5:00 p.m. ten days subsequent to the mailing of the notice, the utility service to such delinquent customer shall be discontinued. Any utility service discontinued under this subsection shall only be reconnected after all delinquent amounts and penalties have been paid by cash or money order along with a reconnection fee of \$4550.00.