



AGENDA
POWHATAN COUNTY BOARD OF SUPERVISORS
SPECIAL MEETING
AUGUST 1, 2016
4:00 PM CALL TO ORDER

1. **Call to Order**
2. **Invocation**
3. **Pledge of Allegiance**
4. **Requests to Postpone Agenda Items and Additions, Deletions or Changes in the Order of Presentation**
5. **Formal Approval of Agenda**
6. **Public Comment (time limit 3 minutes per individual/5 minutes per group, 30 minutes total time limit that can be extended by the Board)**
7. **Discussion Items** (estimated discussion times)
 - a. Powhatan County Fair Association Funding (15 minutes) Page 3
 - b. Convenience Center – Cost to Keep Open on Mondays (5 minutes) Page 11
 - c. Convenience Center – Effects of Recycling on Cost (5 minutes) Page 11
 - d. Electricity Costs for Ball Fields – Southside Electric Meeting (5 minutes) Page 11
 - e. Electricity Rates for Both Providers (5 minutes) Page 12
 - f. Building Use Policy (15 minutes) Page 17
 - g. Water and Sewer Utilities – Enforce Strong Waste Ordinance (10 minutes) Page 27
 - h. Water and Sewer Utilities – Changes to County Code/Ordinance (30 minutes) Page 51
 - i. Water and Sewer Utilities – Options to Make Fully Self-supporting – **Time Certain 6:30 p.m.** (60 minutes) Page 99
 - j. Lodging and Meals Taxes (15 minutes) Page 119

8. Public Comment (time limit 3 minutes per individual/5 minutes per group, 30 minutes total time limit that can be extended by the Board)

9. County Administrator Comments

10. Board Comments

11. ~~Closed Meeting, as authorized by the Code of Virginia, Section 2.2-3711(A), to discuss the following matter(s):~~

~~Consultation with legal counsel pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. —§2.2-3711(A)(7) of the Code of Virginia.~~

12. ~~Closed Meeting Certification~~

13. Adjournment

Board of Supervisors:
Carson L. Tucker, Chair
David T. Williams, Vice-Chair
Barry C. Hodge
William E. Melton
Jason Moore

County Administrator
Patricia A. Weiler

THE COUNTY OF
POWHATAN
VIRGINIA

3834 Old Buckingham Road, Suite A
Powhatan, Virginia 23139
Tel 804-598-5612 Fax 804-598-7835
Website: www.powhatanva.gov

July 3, 2014

VIA U.S. MAIL

Mr. Abel Harris
President
Powhatan County Fair Association
2303 Three Bridge Road
Powhatan, VA 23139

RE: Powhatan County Fair Association

Dear Mr. Harris:

We all concur that the fair sponsored and operated by the Powhatan County Fair Association (PCFA) is officially recognized as the Powhatan County Fair as per the Board of Supervisors (BOS) Resolution adopted on October 17, 2005 (2005 Resolution).

Since my becoming the County Administrator in February 2013, various members of the Powhatan County Fair Association (PCFA) have had meetings and phone calls with me, my staff and members of the BOS. Three issues are consistently raised at these meetings:

1. County permitting process
2. County's financial support of the PCFA
3. Communications between County staff and the PCFA

March Altman is working with his staff to streamline the permitting process and he will address this issue in a future letter.

The 2005 resolution addresses the County's financial support of the PCFA: "the Powhatan County Board of Supervisors are in no way obligated to funding or liability of the Powhatan County Fair Association."

We understand in prior years the BOS approved a \$5,000 contribution to the PCFA in the Annual Operating Budget. The current BOS cut all contributions to non-profit organizations from the FY 2013 budget and has not funded non-profits in the FY 2014 or FY 2015 budgets. It is each BOS's duty to adopt an annual operating budget that is balanced (expenditures do not exceed revenues) and to cut or reduce expenditures as needed to balance the budget.

Mr. Abel Harris
July 3, 2014
Page 2

In February 2008, the BOS created a Powhatan Fair Association Study Group (Study Group). The Study Group's final report was presented to and accepted by the BOS in a Resolution adopted on May 12, 2008 (2008 Resolution). The Study Group addressed the \$5,000 annual contribution by recommending that the BOS and the PCFA enter into a Memorandum of Understanding (MOU). We are not aware of a MOU and would appreciate a copy if you have one signed by both parties. The Study Group also concluded that the County should **not** pay for "physical plant (Capital Budget) improvements" of the PCFA.

The PCFA has asked the County to pay for portable restrooms because the County pays for portable restrooms for other organization's events. I cannot speak for what happened prior to July 2012. In the FY 2013, FY 2014 and FY 2015 Budgets, the County does not have the funds nor does it pay for the portable restrooms for any organization. The County pays for portable restrooms on the County owned parks and ball fields. These parks and ball fields are open for the use of all citizens and athletic organizations. Athletic organizations which are not Powhatan-based pay a fee to use the ball fields.

The County is committed to having an open and effective line of communication with the PCFA. To facilitate this goal, March Altman has been designated the County's liaison with the PCFA. Please address all of your concerns to March. We asked that the PCFA also designate one contact person to work with March.

The County values the contributions of the PCFA for organizing and sponsoring the Powhatan County Fair. We thank you for all that you do for the County and look forward to working with the PCFA in respectful and effective manner.

Sincerely,



Patricia A. Weiler
County Administrator

Enclosures

1. BOS Resolution dated October 17, 2005
2. BOS Resolution dated May 12, 2008 with Study Group Report

cc: Powhatan County Board of Supervisors
March Altman, Deputy County Administrator – Community Development

COUNTY OF POWHATAN

BOARD OF SUPERVISORS:
ROBERT R. COSBY, CHAIRMAN
C. SCOTT DANIEL, VICE CHAIRMAN
CHARLES D. GREEN
CARSON L. TUCKER
JOSEPH B. WALTON



COUNTY ADMINISTRATOR
CAROLYN CIOS

RESOLUTION

WHEREAS, for many years the Powhatan County Fair Association has sponsored and operated a county fair in Powhatan, and

WHEREAS, in the past, other organizations have also sponsored county fairs in Powhatan County, but these have ceased operation, and

WHEREAS, the county fair sponsored by the Powhatan County Fair Association is and has been for many years the only county fair offered to the citizens of Powhatan County, now, therefore

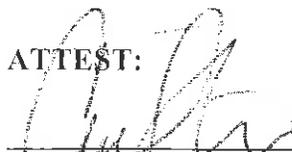
BE IT RESOLVED that the county fair sponsored and operated by the Powhatan County Fair Association is hereby recognized as the Powhatan County Fair.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Powhatan County Board of Supervisors are in no way obligated to funding or liability to the Powhatan County Fair Association.

ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON OCTOBER 17, 2005.


ROBERT R. COSBY, CHAIRMAN
POWHATAN COUNTY
BOARD OF SUPERVISORS

ATTEST:


CAROLYN CIOS, CLERK
POWHATAN COUNTY
BOARD OF SUPERVISORS

Recorded Vote:

Robert R. Cosby

AYE

Russell E. Holland

AYE

T. J. Bise

AYE

C. Scott Daniel

AYE

R. Kenneth Hatcher

AYE

COUNTY OF POWHATAN

BOARD OF SUPERVISORS:
ROBERT R. COSBY, CHAIRMAN
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COUNTY ADMINISTRATOR
CAROLYN CIOS



RESOLUTION POWHATAN COUNTY BOARD OF SUPERVISORS ACCEPTANCE OF THE POWHATAN FAIR ASSOCIATION STUDY GROUP'S FINAL REPORT

WHEREAS, the Powhatan County Board of Supervisors created a Powhatan Fair Association Study Group in February of 2008 to recommend a definition of the relationship between the Powhatan Fair Association and Powhatan County; and

WHEREAS, this Study Group - composed of a diverse cross-section of taxpayers, members of Powhatan Fair Association's Executive Committee, County Staff and the Powhatan County Board of Supervisors – completed its discussions, research, best-practices investigations and made concrete recommendations in May of 2008; and

WHEREAS, the Powhatan County Board of Supervisors believes the Study Group performed its due diligence;

NOW THEREFORE BE IT RESOLVED, that the Powhatan County Board of Supervisors hereby accepts the Study Group's final report and intends to use it as a guide in its future deliberations on the Powhatan Fair Association's funding requests; and

BE IT FURTHER RESOLVED, that the Powhatan County Board of Supervisors heartily thanks all the participants in the Study Group for their good faith and hard work.

**ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON
MAY 12, 2008.**


ROBERT R. COSBY, CHAIRMAN
POWHATAN COUNTY BOARD OF SUPERVISORS

ATTEST:


CAROLYN CIOS, CLERK
POWHATAN COUNTY BOARD OF SUPERVISORS

RECORDED VOTE:
ROBERT R. COSBY **AYE** C. SCOTT DANIEL **AYE** CHARLES D. GREEN **AYE**
CARSON L. TUCKER **AYE** JOSEPH B. WALTON **AYE**

Powhatan Fair Association Study Group

Notes on April 23, 2008 Meeting

1. Ms. Davis shared County financial policies on using taxpayer money for donations to non-government agencies, explaining the tier system (Tiers 1-4), including rationales for assigning an organization to a tier. She fielded questions.

2. Mr. Rick shared his research on the BOS's question about making donations for capital improvements on non-County land. He fielded questions and made a recommendation that we recommend a third-party deed search to put to rest any lingering questions in anybody's mind, now and in the future, about ownership or right to use.

» *Study Group's vote: unanimous "no" in proceeding with this recommendation.*

3. Mr. Snead urged the study group to recommend a Memorandum of Understanding between the Powhatan Fair Association and Powhatan County defining expectations. This Memorandum of Understanding would accompany any future requests that the Powhatan Fair Association might make for funding and would be initiated by Ms. Davis.

» *Study Group's vote: unanimous "yes."*

Note: The study group also discussed recommending to the Board of Supervisors that such Memorandum of Understandings be required of all—not just the Powhatan Fair Association—requestors in the future.

» *Study Group's decision: unanimous "yes."*

4. Question 2: Should the Board of Supervisors entertain requests in the future from the Powhatan Fair Association for physical plant (Capital budget) improvements...?

» *Study Group's vote: 5 "no," 4 "yes."*

5. Question 3: Should Powhatan County and Powhatan Fair Association enter into some kind of "contractual" arrangement...?

» *Study Group's vote: "no" except as outlined in a Memorandum of Understanding as discussed in #3 above.*

6. Question 4: Should Powhatan County agree to pay (\$38,000 or some other figure) for the installation of the safety/security fence?

» *Study Groups vote: 7 "no," 2 "yes."*

Powhatan County

POWHATAN FAIR ASSOCIATION STUDY GROUP

Notes of April 2, 2008 Meeting

RoE, Mission, Data, Refined Scope, Deliverables

Summary Document, Inaugural Meeting

1. Motion from the Board of Supervisors, passed unanimously on March 10, 2008, creating the PFASG and specifying mission: Attachment 1
2. Appointments to the SG, passed unanimously on March 10, 2008 by the BOS: Attachment 2.
3. Report from Ms. Swinson, Director of Economic Director, on other counties' contributions to their County Fairs: Attachment 3.
4. Report from Ms. Davis, Director of Finance, on other organizations receiving Powhatan tax-payer dollars: Attachment 4.
5. Further research requests made of staff (Ms. Davis):
 - a. definition of PFA's IRS designation
 - b. of Mr. Rick: Powhatan County having designated the PFA Fair as the "official Fair of Powhatan," does the County need to subsidize liability insurance coverage beyond that carried by PFA?
6. Decision: the SG decided, almost unanimously, at the insistence of PFA representatives, that the scope of work of the SG would be limited to the relationship between Powhatan County and PFA only as it applies to the yearly 5-day Fair event. This is a key point: it most probably renders moot many questions we initially sought answers to. Examples:
 - a. the ownership of the Fair land
 - b. the breach in the black community around Fair issues
 - c. other uses made of the Fair land/facilities, by non-profits, individuals, other event sponsors, County.
 - d. etc., etc.

This being the case, to reiterate, we are defining the PFA-Powhatan County relationship strictly to the operation of the Fair itself.

7. A "typical" 5-day Fair has roughly this break-even financial picture:

A.	Total cost to run the Fair:	±	\$60,000
B.	Income		
	(i) income generated by Fair event		\$22,000
	(ii) typical donation by County		5,000
	(iii) typical donations by local business		20,000
	(iv) income generated by purchased ads		<u>13,000</u>
		Total	\$60,000

8. Based on (6) & (7) above, the SG has now four questions to answer (& make

recommendations on to the BOS):

- Q1: Should the County donate \$5,000 to PFA for the running of the 5-day 2008 Fair?
Corollary 1a: if such a donation is made, should it be (i) a "block" donation to PFA's general fund to run the Fair, or...
(ii) should it be in some way ear-marked, with bills submitted directly to the PC Director of Finance for payment?
- Q2: Should PC entertain PFA's ongoing, yearly requests for physical plant improvements, as they can be shown to enhance the Fair's viability, security, image, movement toward total self-sufficiency, etc.?
- Q3: Should PC & PFA enter into some kind of contractual arrangement that might recognize and specify in-kind contributions from PC to PFA? For instance, sheriff & EMS coverage, grounds prep, utility payments (above normal monthly) associated with the running of the Fair?
- Q4: Should PC agree to pay (\$38,000? or some other figure) for the installation of the safety/security fence?

9. Assignments for next meeting:

- a. see #5 above (Ms. Davis)
- b. each SG member to consider Questions 1 through 4 in (8) above & come prepared to the next SG meeting ready to share her/his position and vote on an answer to each.

Powhatan County
 FY 2017 Budget Process
 BOS Requests for Information

as of March 23, 2016

#	Date	BOS	Item	Staff	Date Completed	Page #
1	29-Feb	BM	Add student enrollment to Pages 1-13 & 1-14	CWS		
2	29-Feb	DW	Future workshop: Utility Fund - options for make self supporting	PAW		
3	29-Feb	DW/LN	Director of Community Development Grade and Salary Range	LJ	3/7/2016	
4	29-Feb	DW	Future workshop: Purchase order system as a cost savings measure	PAW		
5	29-Feb	DW BM	Compensation for BOS for membership on Board related regional committees (travel expenses): mileage v. flat rate v. \$0.00. Add to BOS travel line item	CWS		
6	29-Feb	LN	Provide copy of Code of VA related contributions (YMCA/Salvation Army) P. 5-56	PAW	3/7/2016	
7	29-Feb	LN	BOS Advertising P. 5-3 Difference between FY 14 and FY 15 Actual and FY 17 Proposed Budget	CWS	3/7/2016	
8	20-Jan	LD	CIP Cost of a Trailer for one year at a school	CWS		
9	3-Feb	DW	CIP Estimate of maintenance of elevated tower vs ground tank	RC		
10	3-Feb	DW	CIP List of all options for Radio System	SS		
11	7-Mar	BM	Cost to keep Convenience Center open on Mondays	RC		
12	7-Mar	BM	Meeting with Southside Electric on rates for ballfields	RC		
13	7-Mar	CT	What do we save in solid waste fees because of recycling	RC		
14	7-Mar	LN	Are electricity rates up for both providers.	RC		
15	14-Mar	LN	Treasurer's Office maint service fee	FB	3/16/2016	
16	14-Mar	LN	Definition of Inland Marine insurance	CWS	3/21/2016	
17	14-Mar	DW	CIP - Cost to County of paying interest only the first 4 year of bond	PAW	3/21/2016	
18	21-Mar	LN	Breakdown of the cost to Reynolds for all the services provided to Powhatan	PAW		
19	21-Mar	DW	Cost to Sheriff's Office if remove E-911 from Sheriff's Office	CWS		
20						
21						
22						
23						
24						

Item #9: Maintenance cost estimate for elevated tower versus ground tank/fire pump:

First Ten years after construction:
 Ground Tank/Fire Pump = \$45,000
 Elevated Tank = \$5,000

Over the estimated 75 year life:
 Ground Tank/Fire Pump = \$967,500
 Elevated Tower = \$550,000

Item #11: Cost to keep Convenience Center open seven days a week:

3 additional part-time employees = \$46,800.00 per year (approx. \$14/hr)
 Electricity= \$750/ year
 Uniforms= \$3,000/year
 Fuel= \$116
 PPE= \$850/yr

Total annual increase \$51,516.00/year

Item #12: Scheduling a meeting with Southside Electric Cooperative the week of April 25th/2016

Item #13: What do we save in solid waste fees because of recycling?

The cost to dispose of one ton of waste to the landfill Jan 2016 = \$29.60/ton
 The cost to dispose of one ton of recycled material is \$77.90 (Feb 2016)/ton
 The cost to dispose of recycling material is higher than to dispose of in a landfill.

In 1989 Agenda for Action targeted 25% of waste stream to be recycled, and by 2010 to be 35%.

In FY 2014 our recycle rate was 9.0% and in FY 2015 it was 9.2%.

Powhatan County is a member of the Regional Waste Authority which calculates the recycle rates based on the entire region.

In FY 2015 the Regional recycle rate was 53% which includes the residential collection programs in Chesterfield and Henrico.

Without participation in the Regional Authority we could not meet the required recycle rates dictated by the 1989 Agenda for Action and supported by DEQ.

Item #14 Are electricity rates up for both Southside Electric and Dominion;

Both Southside Electric and Dominion Power have held their rates the same since 2014.

From: [Ramona Carter](#)
To: [Pat Weiler](#)
Subject: Meeting with Southside Electric Cooperative
Date: Friday, April 29, 2016 4:53:55 PM
Attachments: [Memo to Pat Southside Electric.docx](#)
[email regarding fighting creek park lights.pdf](#)

Pat;

Back in March at my Budget Workshop, Mr. Melton requested that we meet with Southside Electric Cooperative to see if we could reduce the charges for the lights at Fighting Creek. Mark and I met with four individuals from Southside Electric today (April 29th). I have attached a memo summarizing the meeting and some action steps that we are going to do to investigate possible operational savings. I have also included an email sent out by Mary Anne addressing the staggered approach to operating the lights...this policy was implemented several years ago however an analysis of the power consumption showed that the policy is not being followed. The Smart Hub program will allow us to continue to monitor and track the usage to ensure we are conserving energy whenever possible. I thought you may want to update Mr. Melton on the meeting and the steps we are taking to try and minimize power costs.

Ramona Carter, P.E., MPA
Director of Public Works
Powhatan County Public Works
Office (804)598-5764
Cell (804) 385-6204
rcarter@powhatanva.gov

Lights at Fighting Creek Park

Mary Anne Woodel

Sent: Friday, April 29, 2016 4:00 PM

To: lilman4fire@aol.com; Jay, Heckel [jay.heckel@classiccomforthvac.com]; Layman, James [James.Layman@capitalone.com]; woodetal@aol.com; bobbygray857@comcast.net; mbr7@vt.edu; jmyers@pllbaseball.com; john.altier1@gmail.com; lestep@luckecosystems.com; jsnellings@pllbaseball.com; vrg1cjl@gmail.com; fwoodel@pllbaseball.com; whitneyrhoden@gmail.com; Chris (Biscuit) Bryant [bry12@henrico.us]; Donald E Robinson (Services - 6) [donald.e.robinson@dom.com]

Importance: High

Hi Everyone,

I wanted to send a quick reminder that the Lights at Fighting Creek Park (baseball/softball) must **never** be cut on at the same time for all 4 fields.

In fact, they must be turned on in no less than **15 Minute Intervals** between striking each switch. I understand that this will take some coordination among the Directors and Coaches, and some of the lights will need to be cut on earlier than you would normally cut them on, but it must be done!

Reports from Southside Electric appear to show that a **15 minute interval** has **not** been taking place with the lights at Fighting Creek Park, which has been causing higher electric bills.

Please inform all coaches and any Directors that I may have missed on this email so we can get the word out and help conserve energy.

Thanks so much for your continued support.

Mary Anne

Mary Anne Woodel

Recreation Coordinator

County of Powhatan, VA

804-598-5275

mwoodel@powhatanva.gov



"Our Government Works With
And For Our Community."

Date: May 2, 2016
To: Pat Weiler, County Administrator
From: Ramona Carter 
Subject: Meeting with Southside Electric Cooperative Regarding Fighting Creek

Attendees:

George Felts, Vice President Engineering & Operations, Southside Electric Cooperative
Michael Bender, Director of Engineering Services, Southside Electric Cooperative
Fred Davis, Key Accounts Manager, Southside Electric Cooperative
Allan Sharrett, Vice President, Public & Member Relations, Southside Electric Cooperative
Mark Piper, Powhatan County
Ramona Carter, Powhatan County

- The meeting was arranged to discuss the current rate structure for the Fighting Creek Park and determine if any new rate structures could offer Powhatan County any relief from the high peak demand billing.
- Fighting Creek is Three Phase Power and last time Southside met with Powhatan County they were in the process of negotiations with their whole sale provider to develop new rates. The negotiations have been completed and new rates were implemented. Powhatan County is on the new rates. The new rates also developed a time of use rate structure however this was only for the residential sector.
- Fighting Creek is currently the only customer set up with three phase power that has intermittent peak demand use. The rate structure is developed by averaging Powhatan (small industrial user) with higher industrial users. If Southside were to pull Powhatan out of the averaging and develop a rate structure based on their usage alone, the rates would be much higher. Powhatan is benefiting from the averaging.
- Since Powhatan is tied to the rate structure there is really nothing Southside can do to provide any relief on the rates however they recommend evaluating the operational side to determine if there are any cost savings.
- Southside suggested looking at grants from Department of Energy for upgrading lighting to more energy efficient lights such as LED. Powhatan County will conduct further investigation into grants and LED lighting.
- Southside asked if Powhatan could provide them with as-build drawings for Fighting Creek and they will evaluate to determine if it is possible to separate the lights from the three phase and put them on a single phase where they could be rated by time of use instead of the Three Phase rate structure. Mark to obtain as-built drawings.

- Southside suggested we conduct an investigation into the equipment that is being used at the park during the winter months...if coolers/water heaters etc. are inefficient and are running all the time it could account for the high usage shown in winter months when fields are not in use. Mark to conduct an inspection of the equipment in the concession area, kitchen, bathrooms, HVAC etc. to see if the equipment is old and outdated and could be replaced to prevent frequent running.
- Southside said they would look at all the accounts with Powhatan County to ensure that any single phase accounts are on the time use rate structure.
- Southside suggested that we start using the Smart Hub program which will let us track and manage all of our accounts in one place. We can track and trend usage and monitor when we are running in peak demand.
- Mark indicated that there is a policy in place that instructs anyone using the lights at Fighting Creek to only put one bank of lights on every 15 minutes, this avoid a huge spike in the peak demand (that is charged in 15 minute increments), stagger the demand.

A handwritten signature in black ink, appearing to read "Damm", with a large, stylized flourish extending from the end of the signature.

Building Use Policy Powhatan County

1.0 Purpose

1.1 To establish guidelines and procedures for the use of Powhatan County facilities by agencies, local units of government, schools, and residents. It is the intent of the Powhatan County Board of Supervisors to allow non-profit groups, local units of government, and county residents the use of available public meeting areas in county buildings and grounds whenever feasible, provided the use of such facilities presents no maintenance problems, is consistent with policies and procedures and presents no additional liability to the county.

1.2. This policy shall govern the use of any public meeting areas in facilities or on land owned, leased or otherwise occupied exclusively by Powhatan County. This policy shall govern groups wishing to use such facilities or land for its own purpose.

2.0 Authority

2.1 The Powhatan County Board of Supervisors has the authority to enforce this policy.

2.2 The County Administrator shall direct the management of this policy through the Powhatan County Public Works Department.

2.3 Approval of applications and scheduling shall be performed under the direction of the Public Works Director.

3.0 Responsibility

3.1 The County Administrator and/or designee shall be responsible for implementation of this policy.

4.0 Definitions

4.1 Public Meeting areas: Areas that are accessible without having to enter office or work spaces.

4.2 County Sponsored: Groups which are supported financially, or otherwise, by the County at the direction of the Board of Supervisors.

5.0 Exemptions

This policy shall not be applicable to;

5.1 County agencies or department, or committees formed by the County or by any of its officers, agents, or employees for the purpose of carrying out the County's work;

5.2 Groups which are sponsored by the County

5.3 Groups or individuals invited by the County to meet on County property for purposes associated with the governance of Powhatan County; government entities using County facilities for public hearing, meetings with constituents, and for the execution of government programs.

5.4 Groups which have a written agreement with the Board of Supervisors which addresses use of specific facilities or lands. In such cases, the agreement shall prevail.

5.5 Athletic fields; which are governed by a separate policy

6.0 Permissions

6.1 The Public Works Director shall have the authority to grant or deny exceptions to this policy which are in accordance with State law, and to grant or deny permission to use county facilities or land when this policy does not address the requested use.

6.2 Permission to use County buildings, facilities and public areas for purposes not related to the conduct of the government of the County shall be granted by the Director of Public Works only in accordance with this policy. The Public Works Director may require approval of the Building Department, Risk Management or other departments prior to granting approval.

6.3 Permission for county facility use between the hours of 8:30AM and 5:00PM may be granted by the County Administrator when County offices are open for business. If Courts wish to allow room usage for an attorney for depositions or other business, it will be authorized by the Court scheduling the meeting.

6.4 Applications should be made to the Powhatan County Public Works Department 3834 Old Buckingham Road, Suite A, Powhatan County 23139. Application forms are available on the County website. Completed applications can be emailed to the email address indicated on the web page, can be mailed to the address above or hand delivered to 3849 Old Buckingham Road, Powhatan VA 23139. Applicants shall state at a minimum, the name and address of the group (applicant), and its officers; the date, time and site(s) requested for use; the expected length of use; the set up and any county equipment that will be used or required, the nature and purpose of the use; and the number of people expected to attend. In addition the applicant shall agree to accept responsibility for damages and cleanup costs, if necessary.

6.5 Applications must be received at least two (2) weeks before the proposed use, but not more than thirty (30) days prior to proposed use as per the priority system shown in section 11.0 of this policy.

7.0 Scope of Permissible Use

7.1 Number of Uses: No group covered by this Policy will be granted permission to use County facilities more frequently than twelve (12) times in any calendar year unless specific terms and conditions are approved by the Board of Supervisors, the County Administrator or the Public Works Director.

7.2 Non-Commercial Purposes: County facilities and/or lands may not be used for any commercial purposes, fund raisers, campaigns or promotional purposes. No admission or public sales are allowed unless expressly authorized by written agreement with the Board of Supervisors.

7.3 This policy shall apply to all groups and individuals applying to use County buildings or facilities. No group or individual shall be excluded from equal access to County buildings and facilities because of considerations of race, sex, religious or political persuasion, or because of the political, religious, or social aims expressed by individual or group, or by any group's members.

8.0 Limitation on Use

8.1 Permission to use a County facility or land is limited to the approved room(s) or space described on the application form, which all users shall be required to execute. No permission is granted to any groups or individuals to enter other rooms, except rest rooms, stairwells and entry ways which must be traversed to gain access to the meeting room. No activity will infringe on the ability of staff or other organizations to access the facility. All groups using the facilities must limit participation to the posted maximum "allowable" persons in room per fire regulations and as noted on the application form.

8.2 Signs and Emblems: Signs on County property advertising the time and place of the authorized meeting, and the name of the group will be limited in size to no greater than 4' x 4'. Signs may be put in place no sooner than one (1) hour prior to the scheduled start of the meeting. No other signs, emblems, or symbols may be erected on County property by any group or individual. A copy or image of any sign or emblem to be used shall accompany the application form. Signs may not block the view of the public, cause a distraction, or obscure any other signs and must be taken down at the conclusion of the rental or use of the facility. Certain types of signs and banners, such as political or for profit materials will not be approved.

8.3. Facilities may not be used past midnight unless approved as part of the application process as a waiver.

8.4. The use of alcoholic beverages on County property is prohibited.

8.5 Smoking inside County facilities is prohibited.

8.6 Occupancy limits must be observed.

8.7 All entrances and exits must remain open and barrier free.

8.8 Parking for facility use shall be in designated areas only. Parking on grass areas or blocking access are not permitted. Overnight parking is strictly prohibited.

8.9 Only properly documented guide/service dogs or other service animals are permitted inside of County facilities. Dogs are permitted on the grounds provided they are on a leash and owners clean up after their pet.

8.10 In the event of an accident or injury, an Accident Report must be filled out and a copy submitted to the County as soon as possible. A copy of the accident form is included with the application.

8.11 Any action or event organized by a campaign committee or group designed specifically to promote or oppose a candidate or ballot issue is not permitted. Meetings at which candidates discuss current election issues are permitted provided the event is hosted by a non-partisan, non-profit organization (i.e. League of Women Voters) and all candidates for the same office are invited. Meetings held by a campaign committee or political party/group to plan a campaign or political activity are permissible. Also permissible are meetings held by elected officials to gather input or communicate with his/her constituents.

8.12. Discussion groups studying religious topics are permitted.

8.13. Attempting to raise funds for any purpose during a meeting is not permissible, however use of meeting rooms to plan a fund-raising campaign or event is permitted.

8.14 Some of the County facilities are equipped with audiovisual and/or lighting equipment. County equipment shall only be operated by County technicians. Groups requesting use of County equipment will be charged per hour technician fee as outlined in the application. Applicants must note on the application that they are requesting use of County equipment and the anticipated number of hours the technician will be required. Groups may arrange to bring their own equipment and/or supplies with prior notification on application. The County is not responsible for equipment, supplies, or any other material owned by groups and used in County facilities/grounds.

8.15. Groups are responsible for their own set-up of meeting rooms and are responsible for returning the room to the set-up/layout/orientation that was present before the meeting. Staging and decorations shall be done as to not deface or damage any property and must be approved by the Director of Public Works. All decorations must meet all building and fire prevention codes. Groups shall not be permitted access to the facility to decorate when other groups are using the facility.

8.16 Events for purely social purposes which include but are not limited to parties or receptions (e.g. weddings, birthday parties, anniversary parties, or other celebrations) are permitted but groups or individuals reserving the meeting room will be charged for use according to the fee schedule attached to the application.

8.17 Organizations using County facilities or grounds shall keep the area free of trash, litter and debris.

9.0 Revocation of Use

9.1 Permission granted for use of any such facility or land by any group or individual covered by this policy may be revoked up to 24 hours prior to the scheduled start of the requested use in order to allow use of the facility or building by the County.

9.2 Priority of County Use; For all such applications, priority for the use of any portion of any County facility or land will be given to the County and to users who meet the definitions set out in the paragraph entitled “exemptions” above. No use of any County facility or land will be permitted which inhibits the regular, uninterrupted use of any County facility or land by the County or other excepted user by reason of conflicting need for the facility or land. Facility and Grounds use will be approved according to the priority system noted in Section 11.0 of this policy.

9.3 The use of County buildings and facilities shall be denied to any group which has, at any time prior to any requested use, been responsible for, or caused, any damage to County property through or because of acts of vandalism, violence, or rowdiness, or has failed to clean up facilities, by any members of such group or invites to the proposed meeting. Subsequent approval may require a higher insurance level or additional security and custodial charges. No individual or group shall be denied access under this section to use the County facilities because of damages not caused directly by the group or individual, group members, or invited guest.

9.4 Any permission granted under this policy to use county facilities or land may be withdrawn by the County Administrator in the event the County government is closed because of inclement weather or other emergency.

9.5 In the event that the County Administrator closes County offices, all reserved facility use will also be cancelled.

9.6 The County reserves the right to terminate a reservation and deny future reservations if any individual or group is acting in a derogatory manner.

10.0 Liability

10.1 Any group using any County facility or land pursuant to this policy shall be required to execute a release of liability which releases the County from liability for any damages caused to the user, or its property, during the time of the use. Moreover, any such group using County property or facilities shall be required to execute an agreement to guarantee and hold harmless the County from any liability to third party injury caused by the group, or any persons or groups invited to attend the meeting or session on County property. The group shall be liable to the County for any and all damage to County property or injuries to County employees, officers, or agents caused by the group, or by any of the group’s officers, agents or employees, or by any person attending or seeking to attend the group’s meeting, whether or not such damage is the result of negligence, intentional acts, or accident. Moreover, as part of any application for use, any such user whose use for a particular function will involve 30 or more persons must provide evidence of liability insurance available to finance the obligations assumed in the policy, and providing coverage in an amount shown below.

10.2 A certificate of insurance is required for all user organizations. It must contain the following terms and coverage and be submitted with the application form;

- Public liability and property damage insurance in an amount not less than \$1,000,000 per occurrence; The County of Powhatan must be named as the certificate holder as follows;
 - “County of Powhatan, 3834 Old Buckingham Road, Powhatan, VA, 23139”
- The County of Powhatan must be named as additional insured as follows: “County of Powhatan, Virginia, its officers, agents, and employees”; and
- The coverage shall not be canceled or reduced without at least thirty (30) days written notice to the County.

11.0 Application Procedure

11.1 Application forms are available online on the County’s webpage www.powhatanva.gov. Applicants must complete the form and email to sgoins@powhatanva.gov. Advance payment of fees (if applicable) shall be required and refunded if disapproval of the application is necessary.

11.2 Approving authority will review the application, determine if the space is available and respond to the applicant via the email provided on the application form.

11.3 The e-mail response from the County will indicate if the application is approved or denied. **THE RESERVATION OF THE FACILITY WILL NOT BE CONFIRMED UNTIL PAYMENT IS RECEIVED BY THE COUNTY.**

11.4 If fees are not required to reserve the facility, the County will confirm the date and time of the reservation in the e-mail.

11.5 Applicants are encouraged to verify reservations 48 hours in advance of the reservation to confirm reservation. The County will not send out reservation confirmations after the initial approval.

11.6 Reservations are on a first come first serve basis for the public with preference given to County and County sponsored events. Groups shall be scheduled in the order of date of application, as space permits, based on the following priority system;

Priority 1: County government and educational uses

Priority 2: Non-profit, community group and civic club uses

Priority 3: For profit uses.

Priority 1 applicants may reserve facilities into the future as needed.

Priority 2 applicants may reserve facilities for up to six months in advance of the requested date of use.

Priority 3 applicants may only reserve facilities for up to 30 days in advance for the requested date of use.

Powhatan County
Application for Use of County Facilities/Grounds

Date of Application: _____

Facility Requested: _____

Purpose: _____

Sponsoring Organization: _____

Is sponsoring organization non-profit? Yes _____ No _____

Organization Representative:

Name: _____

Address: _____

Telephone: _____

Email for sending application status updates: _____

Approximate number of people expected to attend: _____

Date of Event: _____

Is this a recurring use: Yes _____ No _____ if yes, how often? _____

Will you be setting up any audio/sound equipment/audio visual? _____

Will you require County audiovisual/light technician? _____ How many hours? _____

Will you require County staff for event? _____

Power Requirements for Applicant supplied equipment: _____

Time of use: Start Time: _____ End Time: _____

Do you require additional time to setup and take down meeting area: _____ Yes _____ No if yes please specify how much time prior to event you will need:

Setup _____ minutes Take Down: _____ minutes

Certificate of Insurance included with application: _____ Yes _____ No

I, _____, representing the above-named organization, assume responsibility for the above-requested facility and declare this activity to be in compliance with County regulations, fire codes and applicable laws.

Date: _____

Signature of Representative

FOR COUNTY USE

Application approved: Yes _____ No _____

Date: _____

Fees Due (if applicable): _____

Comments regarding facility use:

Director of Public Works/Facility Manager

FEE SCHEDULE

Village Building

Auditorium	\$250.00/day	\$350.00 (2 day)	\$450.00 (3 day)
Sound equipment c/w Technician - \$30/hr			
Conference Room	\$50.00/day	\$75.00 (2 day)	\$100.00 (3 day)
Front Grounds c/w restroom access in building	\$150.00/day		

Fighting Creek Park

Large Picnic Shelter	\$30/day
Small Picnic Shelter	\$25/day

Library

Large Meeting Room	\$50/day
Sound equipment c/w Technician - \$30/hr	
Small Conference Room	\$20/day

Company #2

Large Training Room - \$40/day	
Sound equipment c/w Technician - \$30/hr	

Occupancy Limits

Village Building Auditorium	325
Village Conference Room	40
Company #2 Training Room	78
Library Large Meeting Room	100 (50 with tables and chairs)
Library Small Conference Room	19

Board of Supervisors:
William E. Melton, Chairman
Laurence J. Nordvig, Vice-Chairman
Angela Cabell
Carson L. Tucker
David T. Williams
County Administrator
Patricia A. Weiler

THE COUNTY OF
POWHATAN
VIRGINIA

3834 Old Buckingham Road, Suite A
Powhatan, Virginia 23139

Tel 804.598.5612
Fax 804-598-7835

Website: www.powhatanva.gov

INCIDENT REPORT

DATE _____

INVOLVED PERSON (S): _____

ADDRESS: _____

PHONE NO. (H) _____ **(W)** _____

LOCATION OF ALLEGED INCIDENT: _____

DESCRIPTION OF INCIDENT:

DATE AND TIME: _____

PROBLEMS: _____

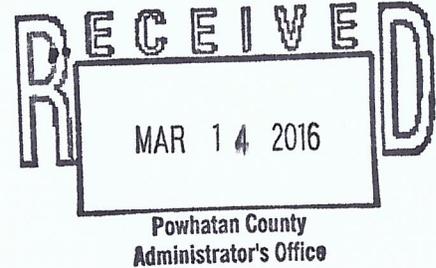
REPORTED BY: _____

ORIGINAL TO INSURANCE AGENCY: _____

ATTACHMENTS? _____ **PAGES**

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Date: March 11, 2016
To: Pat Weiler, County Administrator
March Altman, Deputy County Administrator
From: Ramona Carter
Subject: Strong Waste Program



I have attached a copy of the proposed changes to the Strong Waste Ordinance. I included the revenue from this program in my revenue projections for FY17 at \$5,000. There is the potential to be closer to the \$20,000 if the program is implemented early in the fiscal year. I recommended removing the County schools from the fine structure and placing them only on a reporting/mitigating status. The schools will still be responsible for meeting the ordinance and implementing any corrective action needed but I did not see much point in moving money from one County Department to another.

I also proposed changes to how the fines are calculated to more closely align with other Counties and with flow rate of the wastewater. I would appreciate any feedback you have regarding the proposed program and when we could bring to the Board of Supervisors.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ramona Carter".

Ramona Carter

PROPOSAL FOR STRONG WASTE ORDINANCE AMMENDMENT

Public Works Department-Powhatan County

Section 80 of the Powhatan Municipal code outlines water and wastewater operating rules for Powhatan County. Section 80-73 is attached and outlines maximum acceptable discharge limits for four parameters related to pollutants in wastewater (CBOD-carbonaceous biochemical oxygen demand, TSS-total suspended solids, FOG-fats, oils and grease, TKN-Total Kjeldahl Nitrogen). Appendix A of Section 80 of the Powhatan Municipal Code identifies the formulas to calculate the fees for wastewater that is discharged with higher than acceptable limits for the four parameters and is summarized below;

$$\text{CBOD Fee} = \text{Total Bill Amount} \times 0.5 \times (\text{CBOD mg/L}/250\text{mg/L})$$

$$\text{TSS Fee} = \text{Total Bill Amount} \times 0.1 \times (\text{TSS mg/L}/250 \text{ mg/L})$$

$$\text{TKN Fee} = \text{Total Bill Amount} \times 0.5 \times (\text{TKN mg/L}/25 \text{ mg/L})$$

$$\text{FOG Fee} = \text{Total Bill Amount} \times 0.5 \times (\text{FOG mg/L}/100 \text{ mg/L})$$

The total bill amount is defined in Section 80-73 as the total bi-monthly bill and includes a capacity fee based on the meter size and a commodity fee based on usage.

Strong waste discharge programs were evaluated for the following surrounding counties; Henrico, Hanover, Spotsylvania, Chesterfield, Louisa, Goochland, Amelia and New Kent. Only two of the surrounding counties have strong waste surcharge programs.

$$\text{Henrico: Volume used (CCF)} \times (\text{measured BOD-250}) \times 0.001447 = \text{BOD fee}$$

$$\text{Volume used (CCF)} \times (\text{measured TSS-250}) \times 0.001042 = \text{TSS fee}$$

$$\text{Hanover: Flow in million gallons} \times (\text{measured BOD-250}) \times 8.34 \times (1/100) \times \$24.24 = \text{BOD fee}$$

$$\text{Flow in million gallons} \times (\text{measured TSS-250}) \times 8.34 \times (1/100) \times \$15.83 = \text{TSS fee}$$

Both Henrico and Hanover only charge strong waste fees for BOD and TSS parameters. BOD is a measure of the oxidation of carbons and nitrogenous compounds present in the water whereas CBOD is a measure of the oxidation of carbons present in water. Although the testing procedures are different they are both typically limited to 250 mg/L for wastewater. Powhatan County uses CBOD₅ as a measure of the contaminants present in the wastewater.

Based on the formulas above, a spreadsheet for 2015 is attached indicating what the total yearly fees would be for the commercial properties in Powhatan that currently sample and test their wastewater discharge. The spreadsheet also includes calculations for the properties if the Henrico and Hanover

formulas are used. The calculations shown in the attached spreadsheet represent only 11 of the 35 accounts with monitoring manholes and/or grease interceptors.

For 2015 the total fees for strong waste for the nine reporting accounts would have been \$196,438.44 according to Powhatan formulas, \$34,353.74 based on Henrico formulas and \$34,421.83 based on Hanover formulas. The calculations indicate that Powhatan's strong waste fees are excessively punitive when compared to Henrico and Hanover however Powhatan charges based on four parameters rather than just the two that Henrico and Hanover charge for. The spreadsheet also shows calculations with TKN and FOG parameters removed to allow for a direct comparison to Henrico and Hanover. With TKN and FOG charges removed Powhatan charges for 2015 would be \$146,018.92, more than 4 times higher than Henrico and Hanover.

Research online indicates that a significant number of industrial pre-treatment programs and strong waste water programs sample for three parameters CBOD, TSS and FOG. However due to nutrient allocations associated with the James River Basin, TKN should be included in the fees charged for strong waste water. The City of Richmond is currently considering adding TKN to their strong waste program. Richmond was not used as a comparison locality because they have a much larger customer and commercial base.

Powhatan County currently has 35 commercial accounts (including County owned facilities and schools) with sampling manholes however testing is only being submitted for 11 of the accounts. The potential revenue stream calculated in the attached spreadsheet does not include the accounts not submitting testing information. The calculations include samples submitted for Powhatan Elementary School, Powhatan Junior High School, Pocahontas Elementary School and The Powhatan High School. The schools are the largest user for water and represent the largest fees. Both Henrico and Hanover County include public schools in the strong waste program and charge them associated fees.

Justification for Charges

The fees charged by Powhatan County are excessive when compared to neighboring jurisdictions however, it needs to be pointed out that the number of commercial/industrial customers in Powhatan County is very small. The small number of customers limits the ability to charge lesser fees and obtain the necessary funds through quantity. The funds obtained for strong waste surcharges are used to offset the additional treatment costs (chemicals, labor, power and equipment) necessary to treat wastewater with higher quantities of the four measured parameters and allow Powhatan County to comply with their discharge permit. Powhatan County should base the charges on usage only and not on capacity fees and should revise the methodology in order that it not be based on a ratio or percentage of the results to the threshold limit. Basing the fees on a ratio/percentage results in a fee that increases as the test result increases above the threshold, rather than a fee based on the difference between the threshold limit and the test result; for example consider CBDO test results of 275 and 300 mg/L and a total bill of \$50

Percentage would result in;

$$\$50 \times 0.5 \times (275/250) = \$27.50$$

$$\$50 \times 0.5 \times (300/250) = \$30.00$$

Difference methodology would result in

$$\$50 \times 0.5 \times (275-250/250) = \$2.50$$

$$\$50 \times 0.5 \times (300-250/250) = \$ 5.00$$

By using the difference instead of the percentage the user is being charge the amount over the threshold and not the allowable plus the amount over the threshold.

Benefits of enforcing the Strong Waste Water Ordinance;

- 1) Allows for more efficient operation of the wastewater plants thereby avoiding enforcement action from DEQ and other regulating agencies.
- 2) Promotes user accountability and encourages users to reduce pollution. Reducing pollution extends the life of the existing infrastructure and extends the time for required plant upgrades.
- 3) Promotes green initiatives.
- 4) Improves the County's ability to respond and mitigate the impacts of strong waste water.
- 5) Allows isolation of contamination sources and improved ability to work with customers to find low cost solutions to discharge violations.

Drawbacks of enforcing the Strong Waste Water Ordinance

- 1) The current fees are substantial and could be discouraging to businesses wanting to locate to Powhatan County. It could hinder economic development.
- 2) The current fee structure is based on the total pounds discharged by the customer thus high volume users, such as schools, could receive substantial bills as there is no cap. For example in July 15 the Powhatan Jr High School would have been billed \$75,000.
- 3) The current fees are based on bimonthly bills however the sampling and testing is only required to be performed quarterly. Thus a high reading when the sample is taken is carried over the entire month. Composite or monthly sampling would alleviate the problem associated with grab sampling however it would require more complex sampling and increased testing costs.
- 4) Using the total bimonthly bill increases fees because capacity (fixed) fees are included in the total monthly bill. Capacity fees are charged based on the infrastructure provided and not based on the flow rate. Strong waste violations are based on flow thus calculations of fines should be based on the bimonthly flow (in gallons) only.
- 5) Large water users can receive substantial fines for only a few mg/L over the limit due to the high flow rate (gallons). In Powhatan County, the schools are the highest user and would receive the highest amount for a violation of the strong waste ordinance.

RECOMMENDATIONS

- Revise the fine structure to calculations using the difference rather than the percentage of the violation. Revise County Municipal Code Section 80

- Revise the fine structure to use the bimonthly usage portion of the bill only and not the capacity and other fixed costs.
- Change sampling frequency to better match with bimonthly billing. Change sampling to months of February, June, August and December. Strong waste test results must be received prior to the billing cut off.
- Develop a written policy outlining expectations and requirements of commercial properties with monitoring manholes and/or grease interceptors (see attached strong waste program proposal)
- Send out letters to all commercial/industrial customers with existing sampling manholes informing them of the discharge limits and the due dates for test results. Indicate that fees will be charged with the next billing cycle.
- Waive previous violations but provide customers with the fee schedule and required sampling times and parameters.
- Implement a relief program. If a company receives testing information back with elevated levels and a hefty bill, the company could sample the following month and the results averaged. This approach would still penalize for discharge violations but would keep high grab samples from being weighted for the entire two months.
- Recommend removing schools from the fine structure but maintain sampling, testing and reporting requirements. Any violations of TSS, CBOD, FOG and/or TKN will require a detailed action plan to be submitted with specific action tasks to identify sources of noncompliance and bring the waste water into compliance. Failure to submit the required documentation or failure to submit in a timely manner may result in issuance of fines as outlined in Section 80 of the Powhatan Municipal Code.

Powhatan County Department of Public Works

Strong Waste Program

Industrial and commercial customers, which include food service establishments, nursing homes, manufacturing and commercial developments generate wastewater streams that are higher in strength than the average residential customer. The indicators of "strength" are Carbonaceous Biochemical Oxygen Demand (CBOD₅), Total Suspended Solids (TSS), Total Kjeldahl Nitrogen (TKN), Fats, Oils and Greases (FOG), Zinc and Copper. Higher strength wastes cost more to treat and are often more troublesome for maintenance of the sanitary sewer system. To recover costs and to make the difference between industrial/commercial and residential customers more equitable, a strong waste surcharge program has been developed by Powhatan County. The rate is determined and established by Powhatan County code in the same manner as other water and sewer rates outlined in Section 80 of the code.

In Powhatan County the CBOD₅ threshold is 250 milligram per liter (mg/L), the TSS threshold is 250 mg/L, the TKN threshold is 25mg/L, the FOG threshold is 100 mg/L, the Copper threshold is .031 mg/L and the Zinc threshold is 0.300 mg/L. Above these numbers, a customer is subject to receiving a surcharge on the water/sewer bill. The volume of wastewater discharged to the sanitary sewer system is an important factor in a strong waste bill. The higher the flow discharged to the sewer system, the higher the total amount of contaminant discharged. Powhatan County bases the bi-monthly bill on the volume of water used. The bi-monthly bill based on usage only and the laboratory test results of the CBOD₅, TSS, TKN and FOG are used to calculate the strong waste charge. The formulas for calculating a strong waste charge are;

$$\text{CBOD}_5 \text{ Fee} = \text{Bimonthly Bill for usage} \times 0.5 \times ((\text{CBOD}_5 \text{ mg/L} - 250 \text{ mg/L}) / 250 \text{ mg/L})$$

$$\text{TSS Fee} = \text{Bimonthly Bill for usage} \times 0.1 \times ((\text{TSS mg/L} - 250 \text{ mg/L}) / 250 \text{ mg/L})$$

$$\text{TKN Fee} = \text{Bimonthly Bill for Usage} \times 0.5 \times ((\text{TKN mg/L} - 25 \text{ mg/L}) / 25 \text{ mg/L})$$

$$\text{FOG Fee} = \text{Bimonthly Bill for Usage} \times 0.5 \times ((\text{FOG mg/L} - 100 \text{ mg/L}) / 100 \text{ mg/L})$$

The total bimonthly bill amount is based on thousand gallons per day measured, multiplied by the volume charge of \$5.81/1000 gallons plus capacity based on the size of the water meter and service charges. For calculations of fines for strong waste the bimonthly bill for usage only will be used with no capacity or service fees added.

Strong waste monitoring samples are taken quarterly and reported to the Public Works Department. For each customer sampled, the values of CBOD₅, TSS, TKN and FOG are recorded and used to calculate strong waste surcharges on the next bill. Powhatan County bills customers for water and sewer on a bimonthly basis. In order for the strong waste sampling to line up with the bimonthly billing cycle, samples must be obtain in January (For February billing), March (For April billing), May (For June billing), and September (For October billing). Test results from the samples will be applied to the current two months prior to the bill date (see below sampling scheduled).

Zinc and Copper are considered restricted wastes and are monitoring according to Section 80-122 of the Powhatan Municipal Code. Exceeding the allowable limits of these elements will result in development of a corrective action plan and additional testing. Continued failure to comply with the restricted waste

limits may result in issuance of a pre-treatment permit and any expenses resulting from the permit will be borne by the user.

Sampling Procedure

Strong waste sampling involves collecting wastewater from customers that have the potential to release CBOD₅, TSS, TKN, FOG, Zinc and Copper into the wastewater. Samples are collected from monitoring manholes installed on the discharge line from a property in order to facilitate collection of wastewater isolated for that one user. Monitoring manholes and grease interceptors are required to be installed on new commercial/industrial customers who are likely to discharge high strength waste. Grease interceptors are required to be installed on customers who are likely to discharge high levels of fats, oils and greases, for example facilities that prepare food products.

A. Safety and PPE Considerations

At a minimum the following PPE (personal protective equipment) shall be worn for sampling waste streams;

- Safety Glasses
- Reflective vest
- Latex gloves

B. Types of Sampling

There are two accepted methods to sample waste water for testing; grab sample and composite sample. A grab sample is a single sample collected at a particular time and place that represents the composition of the waste water being sampled. A grab sample is the simplest and most cost effective method for sampling however it does not allow buffering or averaging of the waste water characteristics. A composite sample is made up of individual smaller samples taken at periodic intervals and composited into one representative sample for analysis. A composite sample buffers severe fluctuations in the wastewater characteristics however it requires more complex sample equipment and procedures.

C. Required Sampling Frequency and Deadlines

Sampling and testing are required to be submitted quarterly. In order to match up with the bimonthly billing cycle, samples must be submitted for testing according to the following schedule;

Prior to January 31st for February billing-(January/December usage)

Prior to March 31st for April billing-(February/March usage)

Prior to May 31st for June billing-(April/May usage)

Prior to September 30th for October billing-(August/September usage)

Test results must be received in the Powhatan County Public Works Department office located at 3834 Old Buckingham Road, Powhatan, VA 23139 before the last day of the month. Based on the bimonthly water bill and the test results, any charges for strong

waste will be added to the bill to be sent out to customers the month following the two months of usage.

Failure to submit test results by the required deadline will result in an initial penalty charge of \$100 and an addition \$10 per day until the test results are received.

D. Requirements for Sampling and Testing

Customers with monitoring manholes and/or grease interceptors shall arrange for an independent third party to take samples and a certified testing laboratory to conduct CBOD₅, TSS, TKN, FOG, Zinc and Copper testing. All testing results must be complete according to the schedule outlined in Section C. The certified laboratory must be independent with no affiliation to the customer. All costs for testing and sample shipment will be borne by the customer.

Samples shall be taken during normal business hours and shall be shipped overnight to the testing laboratory. Samples shall be taken and preserved as outlined below;

	Sample size	Container Type	Preservation	Max Hold Time
CBOD ₅	1 liter	Plastic	Ice	48 hours
TSS	500 mL	Plastic	Ice	7 days
FOG	500 mL	Wide Glass	H ₂ SO ₄ , pH<2	28 days
TKN	500 mL	Plastic	H ₂ SO ₄ , pH<2	28 days
Metals	500 mL	Plastic	HNO ₃ , pH<2	28 days

Samples shall be labelled with the following information;

- Date and time of sample collection; if composite samples then date and time of first and last aliquot
- Name of the person collecting sample
- Site address
- Description of sampling site (e.g. effluent from CCC)
- Field ID number for each container
- Number of containers
- Analyses required
- Preservative used

Container sizes and types may be provided by the laboratory and may include labeling and documentation to be submitted. It is recommended that customers contact the testing laboratory to determine any specific requirements of the laboratory and materials that may be provided. Test results will be submitted (mailed or emailed) from the laboratory directly to the Powhatan County Public Works Department and the customer copied. It is the customer's responsibility to ensure that the laboratory is certified to conduct the required tests in the State of Virginia.

E. Appeal Process for Violation of Discharge Limits

In the event a sample result has discharge limit violations in a particular bimonthly cycle, the customer can request an averaging of the previous billing cycle to account for fluctuations in the waste water discharge. The results from the previous sample tests will be averaged with the current bill. Customers must submit in writing a request to average results from two billing cycles. Customer will be limited to one averaging per calendar year.

Copper and Zinc violations are not eligible for the appeal process as they follow the monitoring plan outlined in the Powhatan Municipal Code Section 80-122.

F. Steps Customers Can Take To Minimize Discharge Amounts

- Minimize the amount of food discharged down drains of kitchen sinks and dishwashers. Modification of employee actions should be the first and least costly preventative measure in the effort to reduce strong waste discharges. Food service personnel should be instructed to put as much of the discarded food material into trashcans and not wash it down the drain.
- Use sink and dishwasher strainers to capture as much of the solid material as possible. Consider purchasing, or fabricating, strainers with smaller holes to capture more food particles.
- Maintain existing grease traps and grease interceptors on a frequency that will assure proper function of the device.
- Consider removing any garbage disposals as they discharge more organic material into the sewer lines increasing CBOD₅ and TSS into the waste water discharge.
- Make sure that the plumbing from food preparation areas actually goes to the grease interceptor and does not by-pass.

G. Exception for Powhatan County Public Schools

Due to the fact that the Powhatan County public schools are the highest user of water, special provisions must be enacted to avoid unnecessary hardship and punitive fines resulting from the strong waste fine structure. The schools must be held accountable for the violations of their waste discharge to prevent uncontrolled and potentially damaging contaminants from entering the waste water treatment plants. For any violation of CBOD, TSS, TKN and/or FOG, the Powhatan County Public Schools must submit a report outlining;

1. Possible source of contaminant
2. Any unusual operating procedures or conditions

3. Steps the school will put in place to reduce the contaminant to within compliance limits.
4. Additional sampling and testing that will be performed and a schedule to meet compliance.

EXISTING

• **Sec. 80-122. - Testing of effluent.**

Users required to install a monitoring manhole in accordance with Section 119 shall be subject to testing of the effluent limits that are established in sections 80-73 and 80-117 at the director's determination. Testing will be at the expense of the owner and effluent will be tested once each three-month period. The results of the testing shall be provided to the director for review.

With regard to excessive strength waste limits; if any test parameters exceed the limits set for that test, the sewage must be tested the following month and shall continue to be tested each month until the test results meet the established discharge limits. If the established limits for any parameter are exceeded for six consecutive months, the user shall present a plan of action within 30 days of the last exceedance. The plan of action shall provide a methodology for meeting compliance requirements within 90 days of the last exceedance and shall be subject to the review and approval of the director. Failure to submit a plan of action within 30 days of the last exceedance or to meet compliance requirements within 90 days of the last exceedance shall subject the user to enforcement in accordance with article VII of this chapter.

With regard to restricted waste limits; if any test parameters exceed the limits set for that test, the sewage must be tested the following month to confirm the exceedance. If the limit is exceeded the second time, the user shall present a plan of action within 30 days of the last exceedance. The plan of action shall provide a methodology for meeting compliance requirements within 90 days of the last exceedance and shall be subject to the review and approval of the director. Failure to submit a plan of action within 30 days of the last exceedance or to meet compliance requirements within 90 days of the last exceedance shall subject the user to enforcement in accordance with article VII of this chapter and may require issuance of a pretreatment permit. Any pretreatment equipment necessary to meet the limits shall be installed at the expense of the user.

PROPOSED AMMENDMENT

- **Sec. 80-122. - Testing of effluent.**

Users required to install a monitoring manhole in accordance with Section 119 shall be subject to testing of the effluent limits that are established in sections 80-73 and 80-117 at the director's determination. Testing will be at the expense of the owner and effluent will be sampled and tested according to the following schedule;

Sample between December 15th and January 15th-sample results to be submitted to the Public Works Department Director prior to January 31st for February billing-(January/December usage).

Sample between February 15th and March 15th-sample results to be submitted to the Public Works Department Director prior to March 31st for April billing-(February/March usage).

Sample between June 15th and July 15th-sample results to be submitted to the Public Works Department Director prior to July 31st for August billing-(June/July usage)

Sample between August 15th and September 15th-results to be submitted to the Public Works Department Director prior to September 30th for October billing-(August/September usage)

With regard to excessive strength waste limits; if any test parameters exceed the limits set for that test, the customer will be charged the fees as calculated per Appendix A of Section 80 of the Powhatan Municipal Code on the bimonthly bill sent out in the month following the month in which the testing is due. Customers who fail to submit test results by the required deadline will be assessed a penalty as outlined in Appendix A of Section 80 of the Powhatan Municipal Code. If the customer wishes to apply for averaging of the current test results with the previous test results, the fee amount will be calculated using the average of the two test results and applied to both bimonthly bills and any credits applied to the current charges.

With regard to restricted waste limits; if any test parameters exceed the limits set for that test, the sewage must be tested the following month to confirm the exceedance. If the limit is exceeded the second time, the user shall present a plan of action within 30 days of the last exceedance. The plan of action shall provide a methodology for meeting compliance requirements within 90 days of the last exceedance and shall be subject to the review and approval of the director. Failure to submit a plan of action within 30 days of the last exceedance or to meet compliance requirements within 90 days of the last exceedance shall subject the user to enforcement in accordance with article VII of this chapter and may require issuance of a pretreatment permit. Any pretreatment equipment necessary to meet the limits shall be installed at the expense of the user.

Sec. 80-73. - Surcharges for excessive strength waste.



Users shall pay a surcharge for the cost of treating excessive strength waste or pollutants. In addition to the charges provided for in section 80-72, an excessive strength waste surcharge for the higher cost of treating strong waste or pollutants shall be paid by users. The normal strength for those parameters monitored is:

CBOD ₅	250 mg/l
TSS	250 mg/l
TKN	25 mg/l
Oil and Grease	100 mg/l

The bi-monthly surcharge shall be based on the formula detailed in Appendix A of the Powhatan County Code. The surcharge will be based on the total bi-monthly bill.

(Ord. of 10-14-10; Ord. of 9-5-13(3))

- **Sec. 80-117. - Restricted wastes.**

The following limits shall apply to all users of the system.

Arsenic (As)	0.06 mg/l
Cadmium (Cd)	0.09 mg/l
Chromium (Cr)	3.70 mg/l
Copper (Cu)	0.031 mg/l
Cyanide	1.03 mg/l
Lead (Pb)	1.38 mg/l
Mercury (Hg)	0.0008 mg/l
Nickel (Ni)	0.67 mg/l
Silver (Ag)	0.75 mg/l
Zinc (Zn)	0.30 mg/l
Parameter	Limit

No user is allowed to exceed the limits noted above. Violations shall be subject to the provisions noted in section 17-122.

SECTION 80-POWHATAN MUNICIPAL CODE

EXISTING

Utilities Fees	<u>80-73</u>	Utilities Department	Surcharges for Excessive Strength Waste CBOD ₅	Total Bill × 0.5 × [(BOD ₅ mg/l) \ (250 mg/l)]
Utilities Fees	<u>80-73</u>	Utilities Department	Surcharges for Excessive Strength Waste TSS	Total Bill × 0.1 × [(TSS mg/l) \ (250 mg/l)]
Utilities Fees	<u>80-73</u>	Utilities Department	Surcharges for Excessive Strength Waste TKN	Total Bill × 0.5 × [(TKN mg/l) \ (25 mg/l)]
Utilities Fees	<u>80-73</u>	Utilities Department	Surcharges for Excessive Strength Waste Oil and Grease	Total Bill × 0.5 × [(Oil and Grease mg/<l) \ (100 mg/l)]

SECTION 80-APPENDIX A
 PROPOSED ADDITION/CHANGES

Utilities Fees	<u>80-73</u>	Utilities Department	Surcharges for Excessive Strength Waste CBOD ₅	Total Usage Bill × 0.5 × [(BOD ₅ mg/l-250 mg/L) \ (250 mg/l)]
Utilities Fees	<u>80-73</u>	Utilities Department	Surcharges for Excessive Strength Waste TSS	Total Usage Bill × 0.1 × [(TSS mg/l-250 mg/L) \ (250 mg/l)]
Utilities Fees	<u>80-73</u>	Utilities Department	Surcharges for Excessive Strength Waste TKN	Total Usage Bill × 0.5 × [(TKN mg/l- 25 mg/L) \ (25 mg/l)]
Utilities Fees	<u>80-73</u>	Utilities Department	Surcharges for Excessive Strength Waste Oil and Grease	Total Usage Bill × 0.5 × [(Oil and Grease mg//L-100 mg/L) \ (100 mg/l)]
Utilities Fees	<u>80-76</u>	Utilities Department	Penalty and Interest Charges	\$2.00 or 5% of the unpaid bill, whichever is greater

SECTION 80-APPENDIX A

PROPOSED ADDITION

Utilities Fees	80-79	Utilities Department	Reinstallation of meters 2" or smaller	\$50.00
Utilities Fees	80-79	Utilities Department	Reinstallation of meters larger than 2"	Actual cost for labor, materials and equipment, plus 25%
Utilities Fees	80-100	Utilities Department	Plan Review Fees Public water system extension	[RESERVED FOR FUTURE USE]
Utilities Fees	80-108	Utilities Department	Plan Review Fees Public wastewater system extension	[RESERVED FOR FUTURE USE]
Utilities Fees	80-122	Utilities Department	Fees for Missed Sampling and Testing of Monitoring Manhole	\$100 plus \$10/day for each day after the deadline
Chapter	Code Section	Department	Description	Current Fee

Department of Public Works

Ramona Carter, P.E., MPA
Director

THE COUNTY OF
POWHATAN
VIRGINIA

3834 Old Buckingham Road, Suite A
Powhatan, Virginia 23139

Tel 804-598-5764
Fax 804-598-4821
www.powhatanva.gov

January 2016

Owner Name
Business Name
Business Address
Powhatan, VA 23139

Dear Utilities Customer:

The purpose of this letter is to inform you that Powhatan County will begin enforcing the Strong Waste Ordinance Section 80-73 of the Powhatan Municipal Code and the Restricted Waste Ordinance Section 80-117. Powhatan County Wastewater Treatment Plants are regulated by the Department of Environmental Quality to discharge clean, quality effluent into Virginia's streams and rivers. In order to be successful and meet our permit requirements we need your cooperation. Industrial and commercial customers, which include food service establishments, nursing homes, manufacturing and schools generate wastewater streams that are higher in strength than the average residential customer. These facilities are required to install monitoring manholes and/or grease interceptors. Our records indicate that your facilities qualifies and has a monitoring manhole and/or a grease interceptor.

The enclosed attachment is being provided to you as an example of what surcharges could have been billed to your account in 2015 had we collected them based on *Section 73. – Surcharges of the Powhatan County Water and Sewer Ordinance*. At this time, we are not asking you to pay these charges. We wanted to provide you with this information so you will have an opportunity to prepare and plan for the next billing cycle. If the excessive waste parameters exceed a specific amount as outlined in the County Ordinance then surcharges will be applied. At no time is a user allowed to exceed restricted wastes, such as zinc and copper. We are attaching information on the Strong Waste program for Powhatan County which outlines some suggestions for minimizing the strength of the waste water discharged from your facility.

According to the ordinance and the strong waste program you are required to contract a certified independent laboratory to test the wastewater from your facility four times each year. Testing results must be provided to our office no later than the last day of the month proceeding the billing month. The *Powhatan County Water and Sewer Ordinance* is available on our web site at www.powhatanva.gov If you have any questions or need more details, please contact us at the number provided above.

Sincerely,

Ramona Carter, P.E., MPA
Director of Public Works
Powhatan County

Surcharge Fees Based on 2015 Test Results

Meter Number: #3106

Business Name: KFC/Taco Bell

January

Usage- 50,000 gallons

Estimated Bill- \$290.50

Violations= TKN=\$290.50 x 0.5 x (43.6-25/25 mg/L)

CBOD₅ = \$290.50 x 0.5 x (2160-250/250 mg/L)

TSS= \$290.50 x 0.1 x (857-250/250 mg/L)

Total = \$1,288.31

April

Usage- 41,600 gallons

Estimated Bill- \$241.70

Violations= TKN=\$241.70 x 0.5 x (47.6-25/25 mg/L)

CBOD₅ = \$241.70 x 0.5 x (349-250/250 mg/L)

TSS= \$241.70 x 0.1 x (410-250/250 mg/L)

FOG= \$241.70 x 0.5 x (329-100/100 mg/L)

Total = \$449.33

July

Usage-40,400 gallons

Estimated Bill- \$234.72

Violations= = TKN=\$234.72 x 0.5 x (78.7-25/25 mg/L)

CBOD₅ = \$234.72 x 0.5 x (856-250/250 mg/L)

TSS= \$234.72 x 0.1 x (527-250/250 mg/L)

FOG= \$234.72 x 0.5 x (136-100/100 mg/L)

Total = \$604.81

October

Usage- 49,600 gallons

Estimated Bill- \$288.18

Violations= = TKN=\$288.18 x 0.5 x (63.3-25/25 mg/L)

CBOD₅ = \$288.18 x 0.5 x (680-250/250 mg/L)

TSS= \$288.18 x 0.1 x (472-250/250 mg/L)

FOG= \$288.18 x 0.5 x (125-100/100 mg/L)

Total Charges- \$530.19

Total Yearly Charge= \$2872.64

Locality comparison.xlsx

County	Schools on System?	Bill Schools for usage?	Strong Waste Monitoring?	Parameter(s) tested & limit	Surcharge for Strong Waste that exceeds limits?	Surcharge formula(s)
Henrico	yes	yes	yes	BOD5 (250mg/l), TSS (275mg/l)	yes	Volume in CCF x (measured BOD - 250) x 0.001447; volume in CCF x (measured TSS - 275) x 0.001042
Hanover	yes	yes	yes	BOD5 (250mg/l), TSS (250mg/l)	yes	Flow in millions of gallons x (measured BOD - 250) x 8.34 x (1/100) x \$24.24; flow in millions of gallons x (measured TSS - 250) x 8.34 x (1/100) x \$15.83
Spotsylvania	yes	yes	no		no surcharge program	
Chesterfield	yes	yes	no		no	
Louisa	yes, some	yes	no		no	
Goochland	yes, some	yes	no		no	
Amelia	yes	yes	yes		no surcharge program	
New Kent	yes	yes	yes		no surcharge program	
Powhatan	yes	yes	yes	CBOD5 (250 mg/l), TSS (250 mg/l), TKN (25 mg/l), O&G (100 mg/l)		(Total Bill x 0.5) x (measured CBOD/250); (Total Bill x 0.1) x (measured TSS/250); (Total Bill x 0.5) x (measured TKN/25); (Total Bill x 0.5) x (measured O&G/100)

SEWAGE USAGE - COMMERCIAL									
FY-15									
			<u>Accounts</u>	<u>Feb-15</u>	<u>Apr-15</u>	<u>Jun-15</u>	<u>Aug-15</u>	<u>Oct-15</u>	<u>Dec-15</u>
DC	W/S	3001	Food Lion	31,000	36,300	42,900	33,400	44,100	
DC	W/S	3004	China Taste	37,600	41,600	45,100	35,700	46,300	
DC	W/S	3009	Italian Delight	35,900	35,900	38,000	34,200	56,300	
FC	S	3018	Allen's Chinese	58,900	61,100	69,400	53,500	71,900	
DC	W/S	3020	China Taste	3,300	3,100	7,800	2,600	3,300	
DC	W/S	3027	Frisby's	68,000	64,000	73,900	58,300	83,800	
FC	S	3032	Courthouse Coffee and Creamery	20,300	27,100	41,100	25,800	32,200	
FC	S	3034	Four Seasons	44,000	56,600	63,500	59,800	69,900	
DC	W/S	3036	Rams of Virginia	21,700	43,700	42,500	42,700	85,600	
DC	W/S	3049	The Starboard Group	79,200	87,600	98,800	73,100	89,200	
FC	S	3079	Nusbaum, S.L. (Maxey Center)	0	0	0	0	0	
DC	W/S	3093	To A T Bodyworks Inc.	11,000	10,300	9,200	8,200	9,100	
DC	W/S	3106	KFC/Taco Bell	50,000	41,600	48,600	40,400	49,600	
FC	S	3109	VDOT	12,000	12,000	12,000	12,000	0	
DC	W/S	3121	Virginia Family Dentistry	14,000	15,200	15,200	13,400	18,900	
FC	S	3125	Powhatan Business	35,200	40,600	104,500	107,500	33,600	
FC	S	3126	Sheetz, Inc	3,400	121,700	119,600	96,300	133,700	
FC	S	3128	Dept. of Military	5,500	6,700	8,400	7,800	0	
DC	W/S	3130	Walmart Stores	105,000	116,100	131,500	99,200	134,600	
DC	W/S	3138	Sweet Shop Donuts Café	11,800	23,400	17,500	12,700	107,200	
			3140	Bojangles			0	8,800	14,300
DC	W/S	3176	MidAtlantic Management/Flat Rock Village*	104,800	122,400	141,700	121,700	112,000	
FC	S	3303	County Seat	41,100	72,200	85,900	113,700	145,500	
				793,700	1,039,200	1,217,100	1,060,800	1,341,100	

<u>SEWAGE USAGE - COUNTY</u>									
<u>2015</u>									
			<i>Accounts</i>	<i>Feb-15</i>	<i>Apr-15</i>	<i>Jun-15</i>	<i>Aug-15</i>	<i>Oct-15</i>	<i>Dec-15</i>
DC	W/S	3114	HPSB	10,300	14,000	15,200	17,200	10,300	
FC	S	3164	Powhatan Rescue	9,000	18,800	16,500	13,800	30,300	
DC	S	3095	Parks&Rec Concession Stand	2,800	2,700	19,700	12,700	6,100	
			TOTAL COUNTY USAGE	22,100	35,500	51,400	43,700	46,700	

<u>SEWAGE USAGE - SCHOOLS</u>									
<u>2015</u>									
				<i>Feb-15</i>	<i>Apr-15</i>	<i>Jun-15</i>	<i>Aug-15</i>	<i>Oct-15</i>	<i>Dec-15</i>
FC	S	3030	County Bus Garage	5,800	6,600	7,200	11,700	5,400	
DC	W/S	3031	Powhatan High School	109,200	164,100	154,600	52,100	115,400	
DC	W/S	3089	Flat Rock Elementary	68,900	51,800	57,400	12,600	41,300	
DC	W/S	3090	Flat Rock Elementary	38,400	51,300	58,500	12,200	42,200	
DC	W/S	3102	Powhatan High School	101,700	147,100	157,400	34,400	96,900	
DC	W/S	3103	Powhatan High School	5,100	16,600	37,500	8,300	37,400	
FC	S	3160	Powhatan Jr. High	103,900	168,100	239,100	528,400	676,400	
FC	S	3163	Powhatan Elem. Sch.	51,800	18,800	93,900	31,900	30,300	
FC	S	3165	Pocahontas Mdl Sch	223,700	335,600	297,500	542,700	248,400	
			TOTAL SCHOOLS USAGE	708,500	960,000	1,103,100	1,234,300	1,293,700	

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ARTICLE I. - GENERAL PROVISIONS

Sec. 80-1. - Definitions.

For the purposes of this chapter, the following words and phrases shall have the following meanings:

Act or "the Act": The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

Additional work: Work that is performed by the developer, by agreement with the director, which is not necessary to provide utility service to the developer's property but which facilitates future extensions of utility facilities.

Ancillary charges: Charges that are specifically set forth in this chapter for services that are indirectly related to utility service and that provide a special benefit to the person being charged.

Backflow: The reversal of the normal flow of water or other liquids, mixtures or substances through the distributing pipes of the water system because of an increase in the downstream pressure to a rate that is higher than the supply pressure.

Backflow preventer: Equipment or measures that are designed to prevent backflow or back-siphonage, such as airgaps, reduced pressure principle devices, double check valve assemblies, pressure vacuum breakers, atmospheric vacuum breakers and residential dual checks.

Back-siphonage: The reversal of the normal flow of water or other liquids, mixtures or substances through the distributing pipes of the water system because of negative pressure from a vacuum or partial vacuum in the pipes that supply water.

BOD or biochemical oxygen demand: The amount of oxygen that is used in the biochemical oxidation of organic matter, under standard laboratory procedure, in five days at 20 degrees Celsius, expressed in parts per million. The laboratory procedure shall be conducted in accordance with the procedures set forth in 40 CFR 136.

Board of supervisors: The governing body of the County of Powhatan, Virginia.

Building official: That person or his/her duly authorized representative directed and authorized by the board of supervisors to supervise and enforce all the provisions of the Uniform Statewide Building Code as the adopted building code for the county.

Categorical standards: Standards, regulations or industrial waste discharge limits that have been promulgated by EPA in accordance with section 307(b) and (c) of the federal Clean Water Act.

Commercial waste: All waterborne solids, liquids or gaseous waste that is produced by a commercial trade or business; including but not limited to restaurants and fast food establishments, carwashes and laundromats, hospitals, any establishment that has a large kitchen or laundry facility, and service stations and maintenance repair shops, but not including domestic waste or industrial waste.

Commercial user: Any user who introduces, authorizes, permits, allows, or directs commercial waste into the county's wastewater system.

Connection or service connection: The actual attachment of the owner's water or sewer line to the public water or sewer line. Includes any lateral, bends, elbows, etc., to the face of the wall or to the owner's existing plumbing, and is the property of and responsibility of the owner.

Connection fee: The total of all charges paid to the county to connect or upgrade an existing connection to the utility system, including the facility charge.

County: County of Powhatan, Virginia.

Cross-connection: Any physical connection between a potable water supply and waste pipe, soil pipe, sewer drain or unapproved source or system, including any potable water supply outlet which is submerged or can be submerged in wastewater or any other source of contamination.

Developer: (i) Any person who develops or proposes to develop a parcel of land as a unit under single ownership or unified control for any residential, commercial or industrial purpose except when the parcel is primarily used for agricultural purposes; (ii) any person who is a subdivider as defined in the subdivision regulation; (iii) the Virginia Department of Transportation when it constructs or relocates roads in a way that disrupts wells or septic systems so that they must be replaced by an extension of the utility system; or (iv) the successors in interest to any party in categories (i) or (ii).

~~*Director:* The county administrator or any person designated by the county administrator to act on his or her behalf.~~

~~*Director of Public Works:* Any person the individual designated by the County Administrator and assigned the responsibility of managing the County's water and wastewater systems.~~

Discharger (or user): Any person, firm, company or industry who introduces, authorizes, permits, allows or directs wastewater into the wastewater system.

~~*Dwelling or dwelling unit:* Building or portion thereof which provides complete independent permanent facilities for living, sleeping, eating and sanitation and is designed for or used exclusively as living quarters by 1 (one) family, but not including a tent, cabin, travel trailer or room in a hotel or motel. A manufactured or temporary family health care unit shall not be considered a dwelling or dwelling unit. Shall have the same meaning as in the zoning ordinance.~~

~~*Dwelling, duplex:* Building designed with 2 (two) family dwelling units, each for use and occupancy by one family. Shall have the same meaning as in the zoning ordinance.~~

~~*Dwelling, multifamily:* Building, not to include townhouse, designed with 3 or more dwelling units each for occupancy by one family. Shall have the same meaning as in the zoning ordinance.~~

~~*Dwelling, townhouse row:* Series or group of single-family attached dwellings on individual lots designed to be sold as individual units on each lot. Individual units shall be separated by party walls, extending from basement to roof, without doors, windows or other provisions for human passage or visibility. Shall have the same meaning as in the zoning ordinance.~~

~~*Dwelling, single-family:* Shall have the same meaning as in the zoning ordinance. Building designed as a dwelling unit for use and occupancy by one family.~~

EPA: The United States Environmental Protection Agency.

Equivalent residential unit (ERU): A unit established by the director in accordance with industry standard as a benchmark for comparing utility demands that are generated by different classes of customers.

Excessive strength waste: Wastes that exceed the parameters established in Section-sec. 80-73 are excessive strength wastes.

Facility: The complete system which provides water or wastewater service to consumers, including such things as water lines, wastewater lines, treatment works, wells, storage tanks, pump stations and any other appurtenances.

Facility charge: A pro rata charge to the new consumer of the cost of providing facilities to his or her connection point. This charge does not include the cost for actual construction of the connection.

Flat Rock Area Waterworks: The municipal community water system serving the Route 60 service district, owned by Powhatan County.

~~*Founders Bridge Utility Company:* The non-municipal community water system serving that portion of the Founders Bridge community within Powhatan County; owned by a private third-party vendor.~~

Garbage: Solid waste and residue that is a by-product of preparing, cooking, handling, storing, selling or dispensing food or food products.

Commented [LW1]: Confusing: "director" is used throughout the chapter; in most cases it appears to refer to Dir. Of Public Works. Why not name the position (co. admin., planning dir., etc.) in those few places director does not mean Dir. Of Public Works?

Commented [LW2]: Not defined in ZO

Commented [LW3]: Not defined in ZO

Indirect discharge or discharge: The introduction of pollutants into a treatment works from any non-domestic source regulated under section 307(b), (c), or (d) of the most current version of the Act.

Industrial user: Any user who introduces, authorizes, permits, allows, or directs industrial waste into the county's wastewater system.

Industrial waste: All waterborne solids, liquids or gaseous waste that is produced (i) by industrial, manufacturing, trade, business or food processing operations or processes, (ii) by the development of a natural resource or (iii) by any combination of (i) or (ii) with water or domestic water that is not normal domestic wastewater or commercial waste.

Infiltration: Water that enters the wastewater system and wastewater service connections from the ground.

Inflow: Water from streams, storm drainage or similar sources that enters the wastewater system and other similar sources that is not wastewater or infiltration.

Installation charge: the charge assessed to any applicant requiring new service to recover all costs involved with the physical connection of new water or sewer service.

Interference: Shall mean an unauthorized or illegal inhibition or disruption of the wastewater system including the treatment plant, its processes or operations, or its sludge processes, which causes, in whole or in part, a violation of any requirement of the treatment plant's VPDES permit, including those discharges that prevent the use or disposal of sludge by the plant in accordance with any federal or state laws, regulations, permits or sludge management plans.

~~*Lake Shawnee Estates:* The non-municipal community water system serving the Lake Shawnee Estates community, owned by a private third-party vendor.~~

Local limits: The limits in concentration or quantity of pollutants that the director establishes for industrial waste discharges in accordance with 40 CFR 403.5.

Manufactured home: A structure subject to the federal regulation which is transportable in one or more sections and conforms to the following:

a) 8 feet or more in width and 40 feet or more in length, or is 320 or more square feet when erected on site.

b) Built on a permanent chassis.

c) Designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to required utilities.

d) Includes plumbing, heating, air conditioning and electrical systems. Shall have the same meaning as in the zoning ordinance.

~~The term manufactured home shall include mobile home. For floodplain management purposes, the term manufactured home also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days, but does not include recreational vehicle; however, for insurance purposes the term manufactured home does not include park trailers, travel trailers or other similar vehicles.~~

~~*Mill Quarter Plantation:* The non-municipal community water system serving the Mill Quarter Plantation community, owned by a private third-party vendor.~~

~~*Mobile home:* Shall have the same meaning as in the zoning ordinance.~~

Manufactured mobile home park: Development where 2 or more manufactured homes are located and where spaces or lots are not for sale. The term manufactured home park shall include mobile home park. Shall have the same meaning as in the zoning ordinance.

Monitoring manhole: A manhole with a 24-inch opening which is installed on a discharge line from a user in order to facilitate collection of wastewater from only that user.

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Commented [LW4]: Not defined in ZO; manufactured home?

Commented [LW5]: "manufactured home park" references mobile home park

~~Natural outlet: Any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.~~

New source: Shall have the same meaning as provided in the Federal Clean Water Act 40 CFR, Part 403.3(k), as amended.

Normal domestic wastewater: Waterborne wastes resulting from occupancy or use that are normally discharged from the sanitary facilities of dwellings, apartment houses, hotels, ~~commercial~~-office buildings, ~~factories and institutions~~, and that do not contain commercial waste, industrial waste, groundwater, surface water or stormwater. The constituents of normal domestic wastewater do not exceed the parameters established in sections 80-73 (Excessive Strength Waste) and 80-117 (Restricted Waste).

Off-site extension: An extension of a utility service from the developer's property to the county utility line.

On-site extension: An extension to the existing county utility system, in accordance with plans approved by the department of public works, on the developer's property or in a public right-of-way or easement adjacent to the developer's property.

Commented [LW6]: Needs defining

Outside use: Water that is used for irrigation or other uses outside of a building or structure that is provided water.

Oversize line: A utility line that is larger than the line required by county standards to serve a developer's property.

Owner: The ~~individual(s) who are named on the deed/title of the property owner, occupant or tenant of a building or structure.~~

Parts per million (ppm): A weight-to-weight concentration ratio; the parts per million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water.

Pass through: A discharge which exits the treatment works into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the treatment work's VPDES permit (including an increase in the magnitude or duration of a violation).

Permit: A permit to discharge industrial waste that is issued by the county. The permit is issued to the owner of any premises required to connect to the wastewater system which permits the connection or introduction of wastes into the wastewater system under the provisions of this chapter. A permit is a privilege, not a right, granted to users who comply with all county requirements.

Person: Shall include any individual, corporation, partnership, association, company, business, trust, joint venture or other legal entity.

pH: The logarithm (base 10) of the reciprocal of the hydrogen ion concentration of a solution as determined by one of the procedures contained in the Clean Water Act 40 CFR 136 as amended.

Plumbing fixtures: Receptacles, devices or appliances that are installed to supply, receive or discharge water or wastewater.

Plumbing system: Water supply and distribution pipes, plumbing fixtures, traps, soil, waste and vent pipes, building drains, building sewers, water-treating and water-using equipment and connection devices and appurtenances that supply water to a building and that are located on the property where the building is located.

Point of discharge: The point at which waste is discharged to the wastewater system.

Pollutant: substance or energy introduced into the environment that has undesired effects, or adversely affects the usefulness of a resource. A pollutant may cause long or short term damage by changing the growth rate of plant or animal species, or by interfering with human amenities, comfort, health, or property values. Certain characteristics of wastewater are considered pollutants if they exceed measured limits i.e. pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, odor.

~~Shall include but not be limited to any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical waste, chemical waste, industrial waste, biological materials, radioactive material, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial waste, and certain characteristics of the wastewater (i.e. pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, odor).~~

Pollution: The presence of any foreign substance in water that tends to degrade its quality.

~~*Powhatan Waterworks:* The non-municipal community water system serving the Powhatan Courthouse area, owned by a private third-party vendor.~~

Premises: Shall mean any structure, building, group of buildings, or land upon which buildings exist or are to be constructed which are or may be served by the facilities.

Pretreatment: Shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to discharge to the facilities.

Pretreatment standard: Shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Federal Clean Water Act, which applies to industrial users.

~~*Properly shredded garbage:* Garbage that has been shredded so that all of its particles will be carried through the wastewater system under the same flow conditions that usually exist in the wastewater system, and with no particle greater than one-half of an inch in any dimension.~~

Restricted waste: Wastes that exceed the parameters established in Section 80-117.

Sanitary sewer: A closed pipe system sewer, which carries wastewater and does not intentionally admit stormwater, surface water, or groundwater.

Septage: Normal domestic wastewater that is discharged from a septic tank into the wastewater system.

~~*Service district:* The district established from time to time by the board of supervisors. The area of the county The district specifies where water distribution and wastewater collection service systems are exist or are planned to be available, and is as established by the Board of Supervisors.~~

Sewage: Shall have the same meaning as normal domestic wastewater.

Sewer: A pipe or conduit that is used to collect and carry wastewater or stormwater runoff from the source that generated the wastewater to a wastewater treatment plant or receiving stream.

Sewerage: The system of sanitary sewers and appurtenances which collect, transport, pump and treat wastewater.

Significant industrial user: Shall be defined as follows: a) has a process wastewater (excluding sanitary, non-contract cooling or boiler blowdown wastewater) flow of 25,000 gallons or more per average work day; b) contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the wastewater system; c) is subject to categorical pretreatment standards; or d) has significant impact, either singularly or in combination with other significant dischargers, on the wastewater facilities or the quality of its effluent.

Slug: Any indirect discharge of water, wastewater or industrial waste that is more than five times: (a) the average 24-hour concentration of any constituent part; or (b) the average 24-hour quantity of flow during an industrial user's normal operations for a period of more than 15 minutes.

Storm sewer or storm drain: A sewer, which carries stormwater and surface water but not wastewater or industrial waste.

Stormwater runoff: Rainfall that drains into storm sewers.

~~*Tenant:* a person who occupies land or property rented from a landlord, a person or entity that has the occupation or temporary possession of lands or tenements of another.~~

Total suspended solids (TSS): Solid substances that either float on the surface of, or are suspended in, water, wastewater or other liquids, and which can be removed by laboratory filtering. The amount of suspended solids shall be determined in accordance with 40 CFR 136 ~~of the Clean Water Act~~.

Townhouse: Shall have the same meaning as "~~dwelling, single-family attached dwelling, townhouse~~": ~~as defined in the zoning ordinance~~.

Treatment works: Includes any devices or systems used in the collection, storage, treatment, recycling or reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to or from a treatment plant.

User (or discharger): Any person, firm, company or industry who introduces, authorizes, permits, allows, or directs wastewater into the wastewater system.

Utility or utilities: Either the county water system, the county wastewater system, or both.

VPDES: Shall mean Virginia Pollutant Discharge Elimination System permit program, as administered by the Commonwealth of Virginia.

Wastewater: Normal domestic, commercial and industrial waste which enters the wastewater system carried by water from residential, commercial or industrial establishments, or from other sources such as inflow and infiltration.

Wastewater service charge: The charge imposed in this chapter on all wastewater system consumers for waste that does not exceed the strength of normal domestic wastewater.

Wastewater system: All of the facilities that are owned by the county which transport or treat wastewater.

Wastewater treatment plant: Any group of devices and structures that are used by the county for treating wastewater.

Water; water, potable: Water that does not contain enough impurities to cause human disease or harmful physiological effects and that has bacteriological and chemical qualities which conform to the standards for potable water that have been established by ~~the director and by~~ the Virginia Department of Health's Virginia Waterworks Regulations.

Water, non-potable: Water that is not safe for human consumption ~~or that is not potable~~.

Water system: All of the facilities that are owned by the county which impound, transport, or treat water.

(Ord. of 10-14-10; Ord. of 8-8-11(2); Ord. No. O-2015-01, 3-2-15)

Sec. 80-2. - Approval of a change in use.

No consumer shall use utility facilities or services for any purpose other than the purpose stated by the consumer in his application for service, except when the director has approved the use for a different purpose.

(Ord. of 10-14-10)

Sec. 80-3. - Level of service.

The county shall not be responsible to any person for interruptions or failures in utility service, for failing to provide adequate water pressure, or for failing to provide any specific water pressure.

(Ord. of 10-14-10)

Sec. 80-4. - Right of entry.

The director shall have the right to enter any property, which receives utility service from the county for the purpose of inspecting, repairing, modifying, opening or closing the utility facilities on that property.

The director or other authorized local, state or federal officials, bearing proper identification, shall be permitted to enter all premises where an effluent source or treatment system is located at any reasonable time for the purpose of inspection, observation, measurement, and sampling (including copying records) of the wastewater discharge to ensure that discharge to the treatment works is in accordance with the provisions of this chapter.

The director or other authorized local, state or federal officials, bearing proper identification, shall be permitted to enter all private property through which the county holds an easement for the purposes of inspection, observation, measurement, sampling, repair, and maintenance of any part of the facility lying within an easement. All entry to and work on the system shall be done in full accordance with the terms of the easement pertaining to the private property involved.

(Ord. of 10-14-10)

Sec. 80-5. - Defacing or obstructing utility property.

No person shall:

- (a) Deface, break, destroy, obstruct, alter, damage, disturb, uncover or move any part or portion of the wastewater or water system;
- (b) Obstruct access to any part or portion of the water or wastewater or facility;
- (c) Open any part or portion of the facility in a way that wastes water;
- (d) Remove the cover from any manhole or other opening into the facilities;
- (e) Tamper with any manhole, tank, clean-out-plug, valve, sewer line, vacuum station, or other structures of the facility;
- (f) Discharge into any wastewater line any material or substance which in any way impairs the operation or maintenance of utility facilities; or
- (g) Use utility services or facilities without paying the fees established in this chapter or without receiving permission from the director to use the services or facilities.

(Ord. of 10-14-10)

Sec. 80-6. - Trespass on property under control of county.

No person shall:

- (a) Enter any facility property or easement without the permission of the director;
- (b) Put trash or refuse on any facility property that is controlled by the director;
- ~~(c) Put trash or refuse on any county water impoundment; or~~
- ~~(d) Operate any internal combustion engine on the waters of any county water impoundment.~~

(Ord. of 10-14-10)

Sec. 80-7. - Construction in utility easements prohibited.

No person shall build a permanent structure on a county utility easement unless the person has obtained written permission from the director to build the structure.

The director may remove any permanent structure that is built on a utility easement when the structure impedes the director's access to any portion of the utility system. The person who is responsible for building the permanent structure shall be liable to the county for the cost of removing the structure.

This section shall not supersede the terms of any easement agreement between the county and a property owner.

(Ord. of 10-14-10)

Sec. 80-8. - Prevention of water shortages and wastewater system overloads.

The board of supervisors may provide for mandatory or voluntary conditions and restrictions which limit the use of utility services in order to prevent water shortages, wastewater system overloads, or violations of regulatory permits. ~~Unless otherwise provided, the county administrator may also declare interim conditions or restrictions on water or wastewater use, subject to the approval of the board of supervisors at its next meeting after the declaration by the county administrator.~~

The director of public works shall notify the county administrator, who shall then notify the board of supervisors when shortages are occurring or are likely to occur.

(Ord. of 10-14-10; Ord. of 8-8-11(2))

Sec. 80-8.1. - Drought management.

Whenever the board of supervisors, or its designee, finds that a water supply emergency exists or is reasonably likely to occur if water conservation measures are not taken, it may implement voluntary or mandatory conditions and restrictions that restrict the use of water within the county for the duration of such emergency or for a period of time necessary to prevent the occurrence of a water supply emergency, as provided by and pursuant to Code of Virginia, § 15.2-924, as amended. Determination of a water supply emergency will be based on precipitation, ground water levels and stream flow as monitored by the Powhatan Public Works Department. Upon declaration of a water supply emergency by the Board of Supervisors, the Powhatan County Drought Response and Contingency Plan shall be activated as outlined in the Powhatan County Water Supply Plan (A portion of the Regional Water Supply Plan for Cumberland County, Goochland County, Henrico County and Powhatan County). Responses to the declaration of a water supply emergency shall be in accordance with the plan.

- ~~(1) Scope. Such conditions and restrictions shall apply to persons in the county receiving water supplied by the Flat Rock Area Waterworks or other entity distributing water for a fee or charge, and shall apply countywide pursuant to Code of Virginia, § 15.2-924.~~
- ~~(2) County administrator to act. Pursuant to Code of Virginia § 15.2-1501, the board of supervisors authorizes the county administrator to take special measures to prevent a critical water shortage if or when potential shortages and/or emergency conditions exist in Powhatan County's water system(s). The county administrator may declare voluntary and/or mandatory and/or emergency water use restrictions during periods of extended droughts or other emergency conditions during which available water resources are compromised. Water use restrictions shall be declared to assure maximum beneficial use of available water resources for the public welfare. The county administrator shall use as a basis for declaring or recommending water use restrictions, the advice and recommendations of the county's director of utilities/general services, established criteria for precipitation records, groundwater levels and measured stream flow and/or a determination that an emergency condition of any nature exists that threatens the available water supply. The county administrator shall likewise nullify, or recommend the nullification of, the water~~

Commented [TL7]: My suggestion is that we take this out completely. Va. Code §15.2-924 controls and if we need to set up restrictions we are going to need to craft a specific ordinance for that case.

use restrictions when recovered conditions based on established criteria are met or when in the county administrator's judgment, the emergency condition has been resolved.

~~(3) Conditions for the declaration of potential shortage of water.~~

~~a. The conditions and drought indicators that would warrant the following conservation actions are precipitation and groundwater levels, as detailed in the Powhatan County Drought Response and Contingency Plan ("drought plan," contained within the Regional Water Supply Plan for Cumberland County, Goochland County, Henrico County and Powhatan County) then in place, and as may be amended from time to time without need to amend this article:~~

~~1. Stage I—Drought watch. Upon a determination by the county administrator of the existence of a drought watch, based upon the advice and recommendations of the county's director of utilities/general services, the county administrator shall request and initiate voluntary conservation measures, as set forth in the drought plan.~~

~~2. Stage II—Drought warning. Upon a determination by the county administrator of the existence of a drought warning, based upon the advice and recommendations of the county's director of utilities/general services, the county administrator shall request and initiate voluntary conservation measures, as set forth in the drought plan.~~

~~3. Stage III—Drought emergency. Upon a determination by the county administrator of the existence of a drought emergency and/or an emergency condition of any nature that threatens the available water supply and based upon the advice and recommendations of the county's director of utilities/general services, the county administrator shall request and initiate mandatory emergency conservation measures, as set forth in the drought plan. These measures will be mandatory for all users defined in section 8-1(1). All other users shall be encouraged to comply with these measures.~~

~~b. Mandatory or emergency water use restrictions become effective as of the date the county administrator declares in writing the need for the restrictions.~~

~~c. In addition to the drought conditions and indicators described in this section, drought conditions set forth in inter-jurisdictional water agreements may require implementation of voluntary, mandatory or emergency water use restrictions at a time prior to those set forth in this section.~~

~~(4) Public notification. Notice of the declaration of voluntary water conservation measures shall be posted on the county's website and in county government buildings where public notices are customarily posted and notification shall be provided to local news media. Notice of declaration for mandatory and emergency water use restrictions shall be posted on the county's website and in county government buildings where public notices are customarily posted and shall be published in print media with a general circulation encompassing the county's geographic area for a minimum of one day per week for each week that the restrictions are in force. Upon the determination of mandatory and emergency water use restrictions or within five business days of such determination, a written report setting forth the criteria utilized and data relied upon in making such determination shall be submitted to or provided by the board of supervisors and shall be available for public inspection.~~

~~(5) Violation, penalties. It shall be a violation for any person to use water or allow or cause the use of water in violation of this section. Such violator shall be subject to the following penalties, in lieu of those penalties set forth in article VII, section 80-181 of this chapter, unless otherwise warranted:~~

~~a. For the first offense, violators shall receive a written warning. For the second offense, violators shall be fined \$100.00. For the third and subsequent offenses the violators shall be fined \$200.00 per offense.~~

~~b. Each violation by a person shall be counted as a separate violation by that person, irrespective of the location at which the violation occurs.~~

- ~~e.—Each act or each day's continuation of the violation shall be considered a separate offense.~~
- ~~d.—In addition to the foregoing, water service may be suspended to any person who continues to violate the provisions of this section, or any regulations promulgated hereunder during a water supply emergency. If such water service is suspended by operation of this section, the person shall pay a reconnection fee and all outstanding charges and fines before service is restored.~~

~~(6) — Water conservation appeals board; appeals.~~

- ~~a.—Upon declaration of a water supply emergency in accordance with this section, the board of supervisors shall appoint an appeals board consisting of three members, selected as follows: an employee of the county but not from the department of utilities/general services, and two citizens from the public at large.~~
- ~~b.—Any person aggrieved by the issuance of a violation under this section may appeal the decision to the county administrator or his designee.~~
- ~~c.—Any person aggrieved by the decision of the county administrator, or his designee, issued under this section may appeal the decision to the appeals board. The appeals board shall decide the merits of all appeals.~~
- ~~d.—Informal hearings shall be conducted at each level of appeal unless the aggrieved person does not desire or waives a hearing. All decisions shall be in writing and shall be mailed or delivered to the aggrieved person within 30 days of the hearing.~~

~~(Ord. of 8-8-11(2))~~

Sec. 80-9. - Restrictions on connections to the utility system.

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 of Public Works shall prepare a system for allocating connections and present the system to the board of supervisors for the board's approval at its next meeting after the restrictions are declared.

The director of Public Works shall monitor system capacity and treatment capability on a regular basis and notify the board of supervisors when shortages or overloads are likely to occur.

(Ord. of 10-14-10)

Sec. 80-10. - Compliance with chapter.

No person shall install, alter or repair any fixture or equipment that he intends to connect to the utility system until he has complied with the terms of this chapter and with all requirements of the director.

If an industrial user, consumer or other person discharges or deposits in any facility any substance prohibited by this chapter from being discharged or deposited in the sanitary sewer, the industrial user, consumer or any other person shall be liable to the county for direct and incidental damages that are incurred by the county as a result of the discharge or disposal.

(Ord. of 10-14-10)

Sec. 80-11. - Director's powers and duties.

The director of Public Works, in addition to all other duties imposed upon him herein, shall have direct charge of the facilities now operated or hereafter to be operated by the county and he shall be responsible to the county administrator and the board of supervisors for the operation and maintenance thereof.

In order that proper operation and maintenance of the facilities may be achieved, the director shall employ such assistants as may be necessary to enable him to discharge the duties of his office or position and the employment of such assistants or employees and the compensation to be paid for their services shall be approved by the county administrator.

The director shall carry out and enforce all of the provisions of this chapter, unless otherwise expressly indicated.

The director has the authority to develop a policies and procedures manual that governs the daily administrative activities and operations of the facilities.

Prior to the beginning of each fiscal year, the director shall prepare and submit to the board of supervisors a detailed budget for the operation of the facilities during such fiscal year, together with a suggested schedule of the rates to be charged for the service to be rendered during the year.

The director shall prepare such standards as may be necessary to regulate the design, construction, and operation of the facilities. The county has adopted the Water and Sewer Specifications and Procedures Manual used in Chesterfield County. This manual contains design guidelines to assist engineers in preparing plans for water and sanitary sewer projects in Powhatan County.

The director shall have all powers necessary to operate and maintain the facilities.

(Ord. of 10-14-10)

Sec. 80-12. - Severability.

If any part of this chapter is for any reason declared void, unlawful or unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter, which shall remain in full force and effect as if this chapter has been passed with the affected part eliminated; and this governing body now declares that it would have passed this chapter if such unconstitutional, void or unlawful part had not been included herein.

(Ord. of 10-14-10)

Secs. 80-13—80-20. - Reserved.

ARTICLE II. - ADMINISTRATION

Sec. 80-21. - Damage to property.

Except as otherwise provided by law, neither the county nor the facilities shall be liable for damages to any property connected to the facilities.

(Ord. of 10-14-10)

Sec. 80-22. - Approval of plans.

The director of Public Works shall, in conjunction with staff, review, approve, revise or reject prepared plans submitted by the owner or developer for all projects for developing, extending, or constructing water lines or sanitary sewer lines, including all pertinent connections, structures, and accessories proposed for service by the county prior to any construction.

Materials, workmanship, and procedures used in the work shall be in accordance with the standards and specifications established by the director as set forth in this chapter.

During progress of the work, the director of Public Works or his duly authorized agents, or others who are directly concerned with the work shall have full access to all construction for the purpose of establishing to their satisfaction that the projects are being constructed to the requirements of the county and in accordance with approved plans and specifications.

After completion of the facilities or on written request of the developer, the director of Public Works shall perform a final comprehensive inspection of the completed projects and shall be satisfied as to conformance to plans and specifications before accepting any facilities to become the property of and part of the facility.

(Ord. of 10-14-10)

Sec. 80-23. - Engineering services to be provided by owners or developers.

Engineering services to be provided by any developer or owner shall meet the following standards to insure proper construction performance: all water or sewer construction by any owner or developer at his expense shall include the preparation of plans and specifications, the securing of all permits and easements, the inspection and testing of the work during construction, and the submission of final as-built drawings at completion certified by a professional engineer registered in the Commonwealth of Virginia, who, at the completion of the project, shall certify to the owner or developer and to the director that the work was constructed in accordance with the plans and specifications and is complete and ready for acceptance by the director for inclusion into the facilities.

(Ord. of 10-14-10)

Sec. 80-24. - New residential subdivision and/or commercial area.

Where water facilities or sanitary sewer facilities are proposed by a developer or owner of any new residential subdivision or commercial area or any combinations thereof, to be accepted into the facility, application for review of the design and plans for such proposed facility shall be made in writing to the director of public works. Such application shall be accompanied by:

- (a) Four prints of the recorded plat of the subdivision or applicable section or approved commercial site plan.
- (b) Four sets of detailed plans showing accurate plan and profile design drawings of the proposed lines and location, design and identification of all pertinent appurtenances and accessories. Such plans shall show on the same sheet the plan and profile design of the contiguous sections of new streets or easements and the proposed water or sewer facilities.
- (c) If any facilities other than pipe lines and their appurtenances are proposed by the application or required by the director, such as, but not limited to sewage treatment plants or sewage pumping stations, the application shall be accompanied by four sets of detailed plans and specifications, including design, equipment, materials, and construction, of such facilities.
- (d) The design and detailed plans stipulated immediately above and all subsequent revisions thereof shall be prepared and certified by a professional engineer registered in the Commonwealth of Virginia.

(Ord. of 10-14-10)

Sec. 80-25. - Industrial establishments.

Application for proposed water or sewer facilities to serve any type of industrial establishment within the service area of the facilities shall be made in writing to the director of public works.

Complete information regarding plant location, type of industry, raw and finished products, approximate volume of utility requirements, types of industrial wastes to be discharged, proposed facilities for pretreatment of industrial wastes and other data pertinent to the industry shall be accompanied by the application. The requirements of articles IV and V of this chapter shall be satisfied by all industries proposing discharge into the treatment works.

The application for sewer service to serve industrial establishments shall conform to the requirements in articles III, IV and V of this chapter or as may be governed by the location of the proposed industrial site.

Four sets of detailed plans showing accurate plan and profile design drawings of the proposed lines and location, design and identification of all appurtenances and accessories pertaining thereto. Such plans shall show on the same sheet the plan and profile design of the contiguous sections of new streets or easements and the proposed water or sewer facilities.

Any design, plans and specifications required and all subsequent revisions thereof shall be prepared and certified by a professional engineer registered in the Commonwealth of Virginia.

(Ord. of 10-14-10)

Sec. 80-26. - Approval of applications.

The director of public works will approve, approve with revision, or disapprove the application and return to the applicant one copy of the submitted application with plans so marked to indicate the action taken by the director. Construction of any such approved service facilities shall conform strictly to the approved application form and plans including any notations or revisions indicated thereon by the director.

(Ord. of 10-14-10)

Sec. 80-27. - Change of application.

On receiving a proper application, the director of public works will review all data design, plans, or specifications and indicate any revisions, additions, changes or deletions considered necessary in order that the proposed construction shall conform to the standards and requirements of the county. One set of the submitted plans or specifications shall be returned to the applicant, marked to show required changes.

After receiving the returned set of plans or specifications, the applicant shall prepare and submit four sets of revised plans or specifications to conform to such revisions indicated by the director.

On receipt of the revised plans or specifications, the director shall check them for conformity with the initially marked up revisions. If satisfactory, one set of the revised plans or specifications shall be returned to the applicant with written approval for construction.

Construction of any utility facilities within the county and all its appurtenances and accessories shall be in strict conformance with the final approved set of plans or specifications stipulated.

(Ord. of 10-14-10)

Sec. 80-28. - Revision of approved plans.

In the event that an applicant desires to change the plans or specifications which have been approved by the director of public works, the applicant shall make such request to the director in writing and state the reason for the request.

Proposed revised plans, specifications, and any other data shall accompany the request in such manner, form, and quantity as were required for the original application.

The procedure for processing any such request for changes to initially approved plans or specifications for construction shall be the same as required for the original application for the project.

(Ord. of 10-14-10)

Sec. 80-29. - New construction, as-built plans.

After completion of construction of any utility facility on any project the developer or owner responsible for the construction shall prepare as-built plans, based on accurate field-obtained information, to show actual conditions of the finished construction. The as-built plans shall show revisions and changes on the original tracings or master sheets approved by the director of planning. As-built plans shall be prepared and certified by a professional engineer registered in the Commonwealth of Virginia. The developer shall provide the County copies of as-built plans in both electronic and paper format.

(Ord. of 10-14-10)

Sec. 80-30. - Sewer or water line construction.

The developer or owner or agent with full authority shall accompany the director of Public Works on the final inspection. The developer or owner shall furnish whatever labor or equipment may be necessary to conduct the final inspection.

Deficiencies which are found to exist during the inspection shall be pointed out to the developer or owner or their agent. Subsequent to the inspection, the developer or owner shall be furnished in writing a list of the deficiencies found and any corrections required.

Upon notification from the developer or owner that all construction deficiencies have been corrected, the director shall re-inspect all such work.

(Ord. of 10-14-10)

Sec. 80-31. - Acceptance.

The director of Public Works shall accept newly constructed water or sanitary sewer service facilities on satisfaction of the following conditions:

- (a) The director verifies that all requirements of this chapter and state and federal law have been fulfilled by the developer or owner; and
- (b) That any contracts between the developer or owner and the director are properly and completely performed; and
- (c) That payment has been made by the developer or owner for all required fees; and
- (d) All as-built plans of facilities installed by the developer or owner have been certified to the developer or owner and the director by a professional engineer registered in the Commonwealth of Virginia. ~~This certification shall state that the professional engineer has inspected the construction of these facilities during all phases of their installation and that the final installation has been made according to the plans and specifications prepared by the professional engineer and approved by the director; and~~

- (e) That developer or owner guarantee ~~with a written warranty and bond~~ in a form acceptable to director of Public Works that the developer or owner shall be responsible to correct any deficiencies in construction for a period of one year from the date of acceptance of the facilities by the county.
- (f) Acceptance of the newly constructed facilities shall be made in writing to the developer or owner responsible for the construction. The issuance of the acceptance of any such newly constructed facilities shall constitute an irrevocable agreement between the developer or owner responsible for construction and the director that the governing body and any of its officers, agents, servants and employees, shall be saved harmless by the developer or owner from liability and responsibility of any nature and kind for costs or, or payment on, labor, equipment, or material used in construction of the accepted facilities or on account of any patented or unpatented invention, process, article, or appliance manufactured for or used in construction of or for the intended operation of the accepted facilities.

(Ord. of 10-14-10)

Sec. 80-32. - Installation of water or sewer line.

The connection of a water line or building sewer to the treatment works shall conform to the requirements of the building and plumbing code or other applicable requirements of the county, or the procedures set forth in appropriate specifications of the Commonwealth of Virginia Sewerage Regulations, Uniform Statewide Building Code of Virginia, and American Society of Testing Materials. The connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved in writing by the director before installation.

(Ord. of 10-14-10)

Sec. 80-33. ~~-Work in Public Easements/Public Property Excavation guards and property restoration.~~

(a) Any person(s)/company working in or on County property or public right-of-way must have written approval from the Department of Public Works to conduct work. The Department of Public Works may require such person(s) to verify ability and capability to perform the required work on public property.

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(b) Excavation for building sewer installation or water line installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be promptly restored in a manner satisfactory to the director.

(c) The director of Public Works or designated authorized individual shall have the authority to stop work in public easements or on public property should contractor be in violation of OSHA (Occupational Safety and Health Administration), County safety procedures, fails to protect the work or any other procedures that could endanger public health and welfare or damage public property.

(Ord. of 10-14-10)

Secs. 80-34—80-50. - Reserved.

ARTICLE III. - FEES AND CHARGES

Sec. 80-51. - Application for new utility service.

When a consumer application for utility service is approved and the connection fee for that service is paid, the developer, the owner, or the director shall, in the case of water service, provide a suitable service line to deliver water from the main to the property line and shall install a water meter at the point where the consumer connects to the water system or, in the case of wastewater service, shall provide sewer service to the property line of the applicant.

All meters shall be the property of the county.

The applicant shall be responsible for all charges after the meter has been set.

The owner shall indemnify the county from any loss or damage that may directly or indirectly be occasioned by the installation of the water or sewer connection.

(Ord. of 10-14-10)

Sec. 80-52. - Who may apply.

- (a) Application for service to any property other than an existing individual residence will be accepted only from owners of property for which an approved final site plan or subdivision plat has been recorded and continues in effect, with the exception of the ability to pre-purchase a connection as detailed in subsection (b) below. At the discretion of the director, the site plan requirement may be waived for an existing residential, commercial or industrial use, if not required by another county department.
- (b) The owner(s) of property may also pre-purchase a water/sewer connection for a specific property by paying the connection fees ("facility charge") in effect at the time of application. The pre-payment of such a water and/or sewer facility charge will commit the paid amount of water/sewer capacity to the purchaser, for a period of seven years.

The prepaid connection fee will be paid based upon the meter size estimated by the purchaser. If the actual meter size at the time of physical connection is different from the size that was estimated and paid for, an adjustment to the prepaid amount shall be made accordingly. At the time of physical connection, the purchaser shall be required to comply with all county ordinances and policies in effect at that time with respect to connecting to the county's system.

If the purchaser has not made a physical connection to the county water and/or sewer system within seven years of the prepayment of the facility charge, the prepaid right to connect to the county systems will expire and the purchaser will receive a 50 percent refund of the prepaid facility charge.

Connection applications shall only be approved if utility capacity is available to serve the proposed uses on the property. Approved connections shall not be transferable to any other project or property.

(Ord. of 10-14-10; Ord. of 9-5-13(2))

Sec. 80-53. - Inspection of connections.

All connections to the facilities shall be made under the supervision of the director, and all matters pertaining to such connections shall be decided by the director subject to appeal to the board of supervisors. The director shall inspect each connection and such connection shall remain open without any covering and shall not be used until approved.

Any person who desires an inspection of a connection shall give the director at least 24 hours' notification of the date and hour when such inspection is desired. In the event that the director does not approve the connection such person shall repair the connection and re-notify the director for an additional inspection.

(Ord. of 10-14-10)

Sec. 80-54. - Separate connections required.

A separate and independent water or sewer connection shall be provided for every commercial building on a property unless approved in writing by the director of public works. Buildings without plumbing will not require an independent connection however if plumbing is added at a later date an independent water or sewer connection will be required. ~~Where a building stands at the rear of another on an interior lot and water or sewer service cannot be established to the rear building through an adjoining alley, court yard, or driveway, the water or sewer connection serving the front building may be extended to the rear building and the whole considered as one building sewer. If this situation involves more than one owner, agreement of all owners in writing is required prior to construction.~~ The county assumes no obligation or responsibility for damages caused by or resulting from any single building sewer which serves two buildings. The user charges will be established at the discretion of the director.

(Ord. of 10-14-10)

Sec. 80-55. - Altering and repairing connections.

A user permit for the installation, alteration, repair or any other work related to a connection to the facilities shall be issued only after an application for service to such premises has been approved by the director of Public Works after acceptable payment of the connection or other appropriate fee.

No person or owner of any premises shall install, alter, use, uncover, disturb, or repair any connection to the facilities until the director director of Public Works has first issued a user permit.

(Ord. of 10-14-10)

Sec. 80-56. - Service deposit.

Persons applying for service will be required to make a service deposit in the amount detailed in Appendix A of the Powhatan County Code.

Such deposit shall be held by the county in escrow, without interest, so long as the service is continued. Applicants may be granted one week for the posting of the deposit if the application is made other than in person. When service is discontinued, the deposit shall be applied to the final bill, and if the deposit exceeds the amount owed, the excess will be refunded.

(Ord. of 10-14-10; Ord. of 9-5-13(3))

Sec. 80-57. - Location of water meter.

Water meters on the premises shall be set in places approved by the director of public works and accessible to department of public works employees. The owner shall be responsible for the cost of relocating a meter at his request.

(Ord. of 10-14-10)

Sec. 80-58. - Damage to water meter.

After a water meter has been set, the owner shall be responsible for the amount of any damage caused by misuse or through the actions of the owner causedcausing such damage.hot water or steam settling back from a boiler. If the amount is not paid within five days of notificationbilling, the director of Public Works shall turn off the water to the premises until the amount is paid. The director shall be responsible for investigating and determining responsibility for such damage and the cost of repairs.

(Ord. of 10-14-10)

Sec. 80-59. - Disconnection of water meter.

No water meter shall be disconnected, moved or disturbed without the director's (Public Works)'s permission, ~~and the director shall be responsible for making any needed changes.~~

(Ord. of 10-14-10)

Sec. 80-60. - Sewer connection to be abandoned.

Any owner of any property served by the water or wastewater facility whose structure is connected to the facility shall not demolish any such structure until they have received a demolition permit from the building official. All sewer connections to be abandoned must be inspected for proper seal and condition prior to disconnection and abandonment.

(Ord. of 10-14-10)

Sec. 80-61. - Reading water meters.

The department shall read all water meters at least once every four months to ensure proper billing. No more than two consecutive bills may be for estimated usage except in emergencies or circumstances outside the direct control of Powhatan County officials. The water customer or owner shall be responsible for keeping the meter box free from debris and any obstacle or animal, which hinders reading the meter.

(Ord. of 10-14-10)

Sec. 80-62. - Manner of collection.

The director shall keep accurate records of all property and owners served by the facilities and shall bill each owner or owner's designated user, in accordance with the fees and charges fixed by the board of supervisors.

(Ord. of 10-14-10)

Sec. 80-63. - Billing; adjustment of water and sewer bills.

Unless the director chooses to send monthly bills, the department shall bill on a bimonthly basis for all water passing through a meter, whether used or wasted, after installation of the water meter. If leaks occur not attributable to faulty or inaccurate meter readings in water pipes or metered services and the owner, tenant or customer has diligently made all repairs necessary to stop the leakage, the director may rebate any charges in excess of the amount of the average bimonthly bills for the premises.

The director may give the same rebate where an unexplained problem causes metered water consumption to exceed double the average bimonthly bills and the director believes the water was not beneficially used. Adjustments for such an unexplained problem may only be made by the director. Average bimonthly bills are to be determined by averaging bimonthly water consumption for the preceding six months.

(Ord. of 10-14-10)

Sec. 80-64. - Claims for adjustment of water and sewer bills.

Any claim made for abatement from any bill, account, or charge shall be filed by the owner in writing with the director of Public Works and shall not cause an extension of the time for payment. Such disputed bill, account, or charge shall be paid by the applicable deadline. If not paid by the deadline, applicable late fees will apply, however, such fees may be subject to refund if an abatement claim is found to be valid. If such claim is found to be valid by the director, the director shall determine the amount of adjustments, if any, and the director will refund to the owner any payment in excess of the amount finally found to be correct.

(Ord. of 10-14-10; Ord. of 8-8-11(2))

Sec. 80-65. - Payment of charges by county departments.

All federal, state and county governmental users shall pay for their water consumption and sewer discharges except for water used to extinguish fires.

(Ord. of 10-14-10)

Sec. 80-66. - Connection fees.

The water connection fees shall be the facility charge plus the meter fees detailed in Appendix A of the Powhatan County Code.

The wastewater facility charge will be based on the size of the water meter that serves the property, or, if the property does not receive water service, the size of the water meter that would serve the property if it received water service. Where water meters are not available, connection fees for users may be determined by the director of Public Works on a case-by-case basis depending upon factors including, but not limited to, water usage, employment, building square footage, and composition of sewerage discharge.

In cases where the county does not make the connection, the charge stated below to set the meter applies (see section 80-72). In cases where the county makes the connection, the installation charge shall be the county's costs to make the connection plus a 15 percent administrative fee, the facility charge listed below, and the fee to set the meter.

If the developer of a property installs a service connection for water or sewer, no installation charges are due the county, however the facility charge and the fee to set the meter apply.

The facility charge shall be the amount detailed in Appendix A of the Powhatan County Code.

(Ord. of 10-14-10; Ord. of 4-4-11(2); Ord. of 9-5-13(3))

Sec. 80-67. - Water meters for outside use.

Water users who also receive wastewater service may obtain a service connection and meter for outside water consumption by paying the connection fees set forth in section 82-66. Water supplied through a meter for outside water consumption shall not be used inside of a building or structure and shall not be discharged into the wastewater system.

~~Water users who also receive wastewater service may obtain a meter to measure outside water use by paying the meter fee and any related installation charges set forth in section 80-66 including the fee for the county to set the meter. Said meter shall receive water from the meter that serves the building. If the installation of an outside meter results in upsizing the existing water meter, a facility charge for the resulting difference in the fee for the larger meter shall be incurred. Water that is supplied through a outside water~~

~~use meter shall not be used inside a building or structure and shall not be discharged into the wastewater system.~~

~~The consumer may install the outside use meter, the meter shall be a type approved by the director and the meter shall be set in places approved by the director and accessible to department employees. A licensed plumber must install outside meters and he must apply for the requisite permit. The owner shall be responsible for the cost of relocating a meter at his request.~~

(Ord. of 10-14-10)

Sec. 80-68. - Payment of connection fees in installments.

Owners of developed property who apply for a utility connection may pay the connection fee in 36 monthly installments. Interest at a rate of two percent above the prime rate that is published in the Wall Street Journal on the day that the consumer executes the installment contract shall be added to all connection fees that are paid in installments. The consumer shall also pay an installment contract loan handling fee of three percent and a lien recording fee that is equal to the lien recording fee that is charged by the clerk of the circuit court of Powhatan County at the time that the consumer applies to connect to the utility system. This payment option is not available to new construction.

(Ord. of 10-14-10; Ord. No. O-2015-10, 6-1-15)

Sec. 80-69. - Facility charge in effect.

~~The facility charge shall be the charge that is in effect on the date that the customer pays for utility service applies for service except that, when the board of supervisors approves funding for a utility extension to a developed area, the facility charge for customers who apply for service within 30 days after the extension is completed shall be the facility charge that was in effect when the board approved the extension.~~

(Ord. of 10-14-10)

Sec. 80-70. - Transferring of connections.

Water and sewer connections cannot be transferred or assignable in any fashion and must be dedicated to the property.

(Ord. of 10-14-10)

Sec. 80-71. - When water consumers may use wells.

Residential water consumers shall not use wells for any purpose except irrigating, washing motor vehicles, filling swimming pools and other similar uses.

Commercial and industrial water consumers may use well water for industrial processes and for washing motor vehicles, filling swimming pools and other similar uses. Commercial and industrial water users who use well water shall install, at their expense, a private meter, which shall be approved by the director, to determine the water volume charge for wastewater usage. Monthly wastewater service charges shall be based on the private meter reading. The county will read the meter. For the purposes of this section, industrial water consumers shall be understood to include agricultural users.

It shall be unlawful for any person who uses a well to connect a well system to the water system.

(Ord. of 10-14-10)

Sec. 80-72. - Utility charges.

~~Effective August 1, 2012,~~ the consumer shall pay charges for utility service in accordance with the schedules detailed in Appendix A of the Powhatan County Code.

The water volume for residential consumers who are connected to the wastewater system but not to the water system ~~and not to a private system and are connected to a private well shall be~~ shall be billed at 5,000 gallons per month. Non-residential consumers who are connected to the wastewater system but not to the water system shall install a private meter approved by the director. The volume shall be based on the private meter reading and shall be read by the county.

A consumer who has paid a connection fee shall pay the bi-monthly capacity charge, irrespective of whether the consumer is actually receiving utility service.

(Ord. of 10-14-10; Ord. of 4-4-11(2); Ord. of 8-8-11(2); Ord. of 7-16-12; Ord. of 4-29-13; Ord. of 9-5-13(3))

Sec. 80-73. - Surcharges for excessive strength waste.

Users shall pay a surcharge for the cost of treating excessive strength waste or pollutants. In addition to the charges provided for in section 80-72, an excessive strength waste surcharge for the higher cost of treating strong waste or pollutants shall be paid by users. The normal strength for those parameters monitored is:

CBOD ₅	250 mg/l
TSS	250 mg/l
TKN	25 mg/l
Oil and Grease	100 mg/l

The bi-monthly surcharge shall be based on the formula detailed in Appendix A of the Powhatan County Code. The surcharge will be based on the ~~total~~ bi-monthly ~~commodity charge~~ bill.

(Ord. of 10-14-10; Ord. of 9-5-13(3))

Sec. 80-74. - Testing water meters.

When a water meter is tested at the consumer's request and the test establishes that the meter is inaccurate according to industry standards (AWWA C700a-91, section 3.8, Registration Accuracy) the consumer shall not be assessed the meter testing charge ~~and a new meter will be installed. If the meter is shown to be accurate according to industry standards, the consumer will be charged on their next bill for any testing charges.~~

(Ord. of 10-14-10)

Sec. 80-75. - Collecting utility accounts.

All utility accounts shall be due and payable to the treasurer when the consumer receives the utility bill. Accounts shall be delinquent if they are not paid within 30 days after the date of the bill. The county shall apply utility payments first to the amount of any unpaid interest and security deposits, then to wastewater charges starting with the oldest charge and then to water charges, starting the with oldest charge. Consumers shall pay all collection costs that are incurred by the county to collect delinquent accounts, including reasonable attorneys' fees.

(Ord. of 10-14-10)

Sec. 80-76. - Late payment of bills; penalty and interest charges.

The county shall apply a delinquent charge in the amount detailed in Appendix A of the Powhatan County Code, to all utility bills that are not paid within 30 days after the date of the bill. ~~Additionally, interest shall accrue on all bills that are not paid within 30 days of the date of the bill at the rate of one percent per month.~~ For purposes of this section, a bill is paid when payment is received by the County or any person or entity designated to receive payments on behalf of the County. ~~authorized agents; the treasurer receives payment.~~

Commented [TL8]: Why are we eliminating interest?

(Ord. of 10-14-10; Ord. of 9-5-13(3))

Sec. 80-77. - Termination of service for nonpayment of utility charges; security deposits.

If the bill for any utility charge remains delinquent ~~for five days~~ after the initial 30 days allowed for payment the director shall send written notice by ~~certified~~ mail to the consumer at the last known billing address to notify consumer of the overdue account and inform the consumer that the utility service will be cut-off if not paid within 15 days of the notice or 45 days from the original due date. ~~60 days of the original due date. 15 days of the notice, discontinue use of the utility service.~~ The director shall disconnect utility service no sooner than two months after the mailing of the notice, if the bill remains unpaid and the service continues to be in use. ~~If disconnecting utility service requires disconnection of water supply, the director or person supplying water for the use of such real estate shall cease supplying water thereto unless the health department certifies that shutting off the water will endanger the health of the occupants of the premises or the health of others.~~ Consumers paying delinquent bills shall pay the late fees amount detailed in Appendix A of the Powhatan County Code. In addition to the late fees and current bill amount, the consumer will be required to pay a reconnection fee as detailed in Appendix A. ~~when payment is made after the consumer's service has been disconnected.~~

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The director shall require all consumers who have filed a petition in bankruptcy to provide adequate assurance of payment for future utility service in accordance with federal law.

(Ord. of 10-14-10; Ord. of 9-5-13(3))

Sec. 80-78. - Charges for utility service ~~collection of unpaid charges a lien on real estate served.~~

~~Except as otherwise provided by state law, U~~unpaid fees, assessments, penalties, interest or any other charges for utility service or connection to the utility system shall be collected by all means authorized by law, via the State debt set-off program which allows the County to garnish an individual's tax return or lottery winnings for the amount of the debt owed to the County, a lien against the real estate that received the utility service or connection. ~~The director may periodically certify unpaid charges including penalties and interest~~

~~to the clerk of the circuit court, who shall submit docket the charges as a lien against the utility account holder property that received the utility service in the appropriate judgment lien book.~~

(Ord. of 10-14-10)

Sec. 80-79. - Charge for opening and reinstating accounts.

(a) Consumers shall pay an administrative fee in the amount detailed in Appendix A of the Powhatan County Code when they ~~establish or revise a utilities account~~ submit an application for utility service. ~~The fee shall be charged on the first utility bill after the account is opened or revised.~~

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(b) Consumers shall pay a charge in the amount detailed in Appendix A of the Powhatan County Code for reinstalling meters that are two inches or smaller. Consumers shall pay the actual cost incurred by the county for labor, materials and equipment, plus 25 percent for reinstalling meters that are larger than two inches.

The county shall set off any refunds to which a consumer is entitled against any debts that the consumer owes the county.

(Ord. of 10-14-10; Ord. of 9-5-13(3))

Sec. 80-80. - Charges when meter fails.

When the director of Public Works determines that a bill was based on a reading from a meter that failed to register in accordance with industry standards (AWWA C700a-91, section 3.8, Registration Accuracy), the director may adjust the consumer's bill based on the consumer's prior billings and use. Adjustments, whether in the form of additional charges or refunds, shall be for a period that does not exceed ~~two~~three years.

(Ord. of 10-14-10)

Sec. 80-81. - Relocation of meter reading facilities.

Consumers shall pay the cost incurred by the county to raise or lower meter boxes or other meter reading equipment when the county is required to move meter equipment because of a change in the grade level of the property.

(Ord. of 10-14-10)

Sec. 80-82—80-90. - Reserved.

ARTICLE IV. - OPERATING, EXTENDING AND USING THE UTILITY SYSTEM

Sec. 80-91. - Additional work.

The director of Public Works may request a developer to perform additional work. The county shall reimburse the developer for the reasonable cost of performing additional work from any funds that are available ~~in the department of utilities enterprise fund~~ in accordance with policies that are established by the director.

(Ord. of 10-14-10)

Sec. 80-92. - Conditions on water use.

If the director of Public Works determines that an applicant's proposed use of the water system is reasonably likely to damage or endanger the water system, the director may impose reasonable conditions on the applicant's water use in order to avoid contaminating the water system.

(Ord. of 10-14-10)

Sec. 80-93. - On-site water system extensions—Inside service district.

The developer shall pay for all on-site water extensions required to provide service to the developer's property. The developer shall install on-site water facilities in accordance with agreements as approved by the director. Where the county requests that on-site water lines be oversized, the oversized lines will be subject to the application of the off-site and oversized mains credit policy.

(Ord. of 10-14-10)

Sec. 80-94. - On-site water system extensions—Outside the service district.

The developer shall pay for all on-site water extensions required to provide service to the developer's property located outside the service district. The developer shall install on site water facilities in accordance with agreements as approved by the director. No credit policy will apply.

(Ord. of 10-14-10)

Sec. 80-95. - Water connection fees.

Where facilities are available to the developer's property and where the connection fees have not been previously assessed against the property being connected, the connection fees ~~fixed from time to time~~ approved by the board of supervisors shall be required.

(Ord. of 10-14-10)

Sec. 80-96. - Off-site water extensions—Inside the service district.

The developer shall pay for all off-site water extensions required to provide service to the developer's property within the service district, subject to the application of the off-site and oversized mains credit policy.

(Ord. of 10-14-10)

Sec. 80-97. - Off-site water extensions—Outside the service district.

The board of supervisors must approve any extensions outside the service district. The developer shall pay for all off-site water extensions required to provide service to the developer's property. The off-site and oversized mains credit policy shall apply only to the part of the off-site extension that is within the service district boundaries.

(Ord. of 10-14-10)

Sec. 80-98. - Off-site and oversized mains credit policy.

The developer shall pay for all offsite extensions required to provide service to the developer's property, subject to the offsite and oversized mains credit policy detailed below:

- (1) A credit shall be allowed against the water facility charge for any offsite water main extension in excess of 300 feet required to provide water service to the property. No credit shall be given for offsite extensions of less than 300 feet, and the amount of the credit shall be based upon the length of the extension greater than 300 feet.
- (2) A credit shall be allowed against the water facility charge for any water main or appurtenance larger than necessary to adequately serve the property where said oversizing is done at the request of the county. The amount of the credit shall be the difference in the estimated cost between the oversized water main provided and the water main necessary to adequately serve the property, including fire flow.
- (3) Credits for offsite extensions and/or oversizing will be computed based on the county's annual contract, recent bids received by the county, other public bids for similar work performed in the area, or as negotiated by the director. Credits for offsite extensions and oversizing shall be limited to the difference in material cost only.
- (4) No credits will be due where a larger main size is required by county design standards to adequately serve the developer. In no event shall credits exceed the applicable water facility charge.
- (5) Credits shall expire seven years after substantial completion of the water main.
- (6) All credits shall be negotiated prior to plan review and a written agreement signed by both the County and the developer agreeing to the conditions of the credit

(Ord. of 10-14-10; Ord. of 2-18-14)

Sec. 80-99. - Extension of water lines to serve developed areas.

All extensions of water lines to serve developed areas shall be paid ~~by~~ for ~~by~~ those persons desiring such extension, unless such extension is a part of the utility capital improvement program or the board of supervisors approves an extension after 80 percent of the affected existing potential users have paid to the county the applicable connection fees. In addition to the applicable connection fee, each user shall pay the remaining pro rata cost for design and construction of such extension as determined by the director.

(Ord. of 10-14-10)

Sec. 80-100. - Plan review fees.

At the time of filing plans for the extension of the public water system, the developer shall pay a utility plan review fee as detailed in Appendix A of the Powhatan County Code.

(Ord. of 10-14-10; Ord. of 9-5-13(3))

Sec. 80-101. - On-site wastewater system extensions—Inside service district.

The developer shall pay for all on-site wastewater extensions required to provide service to the developer's property. The developer shall install on-site wastewater facilities in accordance with agreements as approved by the director. Where the county requests that on-site wastewater lines be oversized, the oversized lines will be subject to the application of the off-site and oversized mains credit policy.

(Ord. of 10-14-10)

Sec. 80-102. - On-site wastewater system extensions—Outside the service district.

The board of supervisors must approve any extensions outside the service district. The developer shall pay for all on-site wastewater extensions required to provide service to the developer's property located outside the service district. The developer shall install on-site wastewater facilities in accordance with agreements as approved by the director. No credit policy will apply.

(Ord. of 10-14-10)

Sec. 80-103. - Wastewater connection fees.

Where facilities are available to the developer's property and where the connection fees have not been previously assessed against the property being connected, the connection charge as approved by the board of supervisors shall be required~~fixed from time to time by the board of supervisors shall be required.~~

(Ord. of 10-14-10)

Sec. 80-104. - Off-site wastewater extensions—Inside the service district.

The developer shall pay for all off-site wastewater extensions required to provide service to the developer's property within the service district, subject to the application of the off-site and oversized mains credit policy.

(Ord. of 10-14-10)

Sec. 80-105. - Off-site wastewater extensions—Outside the service district.

The board of supervisors must approve any extensions outside the service district. The developer shall pay for all off-site wastewater extensions required to provide service to the developer's property, subject to the application of the off-site and oversized mains credit policy. The county is willing to pay in accordance with the off-site and oversized mains policy only for the part of the off-site extension that is within the service district boundaries.

(Ord. of 10-14-10)

Sec. 80-106. - Off-site and oversized mains credit policy.

A builder or developer shall be eligible to receive a credit or refund in the following situations:

- (a) The developer shall pay for all offsite extensions required to provide service to the developer's property, subject to the offsite and oversized mains credit policy detailed below:
 - (1) A credit shall be allowed against the sewer facility charge for any offsite sewer extension in excess of 300 feet required to provide sewer service to the property. No credit shall be given for offsite extensions of less than 300 feet, and the amount of the credit shall be based upon the length of the extension greater than 300 feet.
 - (2) A credit shall be allowed against the sewer facility charge for any sewer line larger than necessary to adequately serve the property where said oversizing is done at the request of the county. The amount of the credit shall be the difference in the estimated cost between

the oversized sewer line provided and the sewer line necessary to adequately serve the property.

- (3) Credits for offsite extensions and/or oversizing will be computed based on the county's annual contract, recent bids received by the county, other public bids for similar work performed in the area, or as negotiated by the director. Credits for oversizing shall be limited to the difference in material cost only.
 - (4) No credits will be due where a larger main size is required by county design standards to adequately serve the developer. In no event shall credits exceed the applicable sewer facility charge.
 - (5) Credits shall expire seven years after substantial completion of the sewer main.
 - (6) An agreement, signed by both the County Administrator and the developer, will be in place prior to any credit being issued and prior to any construction work being performed. The agreement will outline the conditions of the credit.
- (b) When the builder or developer ("developer") incurs any costs with respect to oversizing other sewer facilities such as force mains or pump stations (lift stations) where said oversizing occurred at the request of the county, the developer shall be entitled to a refund from the county.
- (1) The amount of the refund shall be calculated to be the difference in the construction costs incurred in constructing said oversized force main or pump station, and the cost of the force main or pump station that would have been necessary to serve only the specific property being developed.
 - (2) The actual dollar amount of the refund shall be determined by the director of Public Works. In the alternative, the developer and the director ~~may shall~~ enter into an agreement as to the dollar amount of the refund prior to the construction of the force main or pump station.
 - (3) The payment of the refund shall be based upon either:
 - a. The county shall pay to the developer 100 percent of the facility charges received by the county as a result of other properties connecting to the oversized facilities constructed by the builder or developer until said refund is paid in full; or
 - b. The county may, at its discretion pay the full amount of any refund directly to the developer.
 - c. The method of payment shall be selected by the director, or may be agreed to in advance, in writing, by the parties.
- (c) When a builder or developer constructs a pump station as part of the development of real property, and said pump station is not oversized, but is designed to primarily serve the property being developed, the county shall pay to the builder or developer 50 percent of the facility charges received by the county as a result of any connections made to said pump station from within the development, until said refund is paid in full. The refund shall be for construction costs only, and the actual dollar amount of the refund shall be determined by the director.

(Ord. of 10-14-10; Ord. of 9-5-13(4); Ord. of 2-18-14)

Sec. 80-107. - Extension of wastewater lines to serve developed areas.

All extensions of wastewater lines to serve developed areas shall be paid ~~by~~ for ~~by~~ those persons desiring such extension, unless such extension is a part of the utility capital improvement program or the board of supervisors approves an extension after 80 percent of the affected existing potential users have paid to the county the applicable connection fees and pro rata cost for design and construction of such

extension as determined by the director. In addition to the applicable connection fee, each user shall pay an additional amount, not to exceed the applicable connection fee if the total amount collected from all lots, including but not limited to connection fees, voluntary contributions and pro rata share contributions does not equal project costs.

(Ord. of 10-14-10)

Sec. 80-108. - Plan review fees.

At the time of filing plans for the extension of the public wastewater system, the developer shall pay a utility plan review fee as detailed in Appendix A of the Powhatan County Code.

(Ord. of 10-14-10; Ord. of 9-5-13(3))

Sec. 80-109. - Required installations of utility laterals and mains.

The developer shall install all utility service laterals and utility mains in his development at his expense. The service laterals and mains shall be connected to the utility system and shall comply with all state and county utility specifications and procedures. The developer shall maintain all utility service laterals at his expense until the county installs the water meter for the lateral and the wastewater lateral is connected. Immediately upon completion of construction, and acceptance of the construction work by the director, the facilities and necessary easements shall become the property of the county. The developer shall maintain records which show the location of all utility laterals, until the laterals are connected. The construction plans shall be revised as built and turned over to the county.

(Ord. of 10-14-10)

Sec. 80-110. - Connection to the utility system.

A separate service shall be required for all houses, all townhouses, all mobile homes or manufactured homes that are not located in a rental community and each unit of all duplex homes. A master water meter shall be installed to serve mobile home or manufactured home rental communities, apartment buildings, office buildings and other multi-unit developments except when the director allows separate meters and service laterals.

(Ord. of 10-14-10)

Sec. 80-111. - Ownership and responsibility for wastewater laterals and connections.

The owner of the property shall own and maintain the wastewater lateral that serves the property, including the physical connection to the wastewater system at the property line, easement line or right-of-way line, except for any portion of the lateral that is located in a public right-of-way or easement. The owner shall repair any damage to the lateral that is within a public right-of-way or easement when the damage was caused by the owner's negligence or by the owner depositing a substance into the wastewater system that is prohibited by this chapter.

(Ord. of 10-14-10)

Sec. 80-112. - Required use of utility system.

Connection to the county utility system shall be required:

- (a) When a utility line is less than 300 feet away from a property line of any lot or parcel located within the service district and a site plan has been proposed, a separate connection to the County utility system shall be required~~building permit application has been made~~ for a new commercial or industrial structure on the property. A separate connection shall also be required for any commercial or industrial structure already existing on the property.
- (b) When a well or septic tank serving an existing commercial or industrial structure within the district fails, connection is required as opposed to repairing or replacing the well or septic.
- (c) Residential property located within the water and wastewater district: If utilities (water and/or wastewater) front the property on any side and well/septic are failing, the Owner will be required to connect to the utility system and pay any applicable connection fees.

(Ord. of 10-14-10)

Sec. 80-113. - Exceptions to use of utility systems.

The director may grant an exception to the requirements of section 80-112 when:

- ~~(a) A residential structure that is being served by a well or septic tank is converted to a commercial or industrial use without being expanded;~~
- ~~(b) A residential structure that is being served by a well or septic tank is expanded or renovated and the health department has approved the continued use of the well or septic tank;~~
- ~~(ae) The director and the county administrator have determined that:~~
 - (1) Connecting to the utility system is physically impractical because of topography, conflicts with other underground utilities, capacity limitations or other factors which would prevent an extension of the utility system in accordance with the Water and Sewer Specifications and Procedures Manual and other county policies and administrative procedures;
 - (2) The health department has verified in writing that the proposed-existing well and septic system meet the requirements of this Code and the proposed use for a septic system and existing wellfor using a septic system or a well; and
 - ~~(3) The owner or developer has entered into a written contract with the county that requires him and all subsequent owners of the property to connect to the utility system all structures on the property that are designed for human occupancy within 45 days after the director notifies the owner or developer in writing that one or more of conditions (a) and (b) no longer exist. The director may grant an extension of the 45-day period of time for connection if the owner submits proof that it is not possible for him to connect to the utility system within 45 days.~~

(Ord. of 10-14-10)

Sec. 80-114. - Extensions to promote economic development.

If the board of supervisors determines that the extension of a utility line will promote the economic development of the county and that it is not practical for the property owners who would be served by such an extension to pay all or a portion of the extension cost, the board may agree for the county to pay all or some portion of the cost of the extension upon terms and conditions that the board imposes. The board shall only approve such an extension when a tangible and definable economic benefit will accrue to the county and shall not approve an extension to serve new residential growth or commercial growth that is likely to occur without county funding. Extensions for economic development shall be added to the county capital improvement program.

(Ord. of 10-14-10)

Sec. 80-115. - Infiltration into wastewater system.

It shall be unlawful for any person to permit infiltration into the wastewater system or for any person to connect to the wastewater system in a way that causes infiltration into the system.

When the director notifies a consumer by certified mail that the wastewater system is being infiltrated by conditions located on property that is within the control of the consumer, the consumer shall eliminate the infiltration within 60 days. Infiltration shall be defined as per section 80-116.

If a consumer fails to correct infiltration as set forth in this section, the consumer shall be guilty of a violation ~~of subsection (a), and the county may terminate the consumer's wastewater service and punished to the fullest extent of the law.~~

(Ord. of 10-14-10)

Sec. 80-116. - Substances that shall not be deposited in the wastewater system.

No person shall discharge into or cause to be discharged into the facility any stormwater, surface water, ground water, roof runoff, sub-surface drainage, cooling water, or unpolluted industrial process waters.

No person shall discharge or cause to be discharged to the facility any substances, materials, waters, or wastes in such quantities or concentrations which will or are likely to:

- (a) Create a fire or an explosion hazard in the treatment works including, but not limited to, gasoline, benzene, naphtha, hydrocarbon solvent, fuel oil, or other flammable or explosive liquid, solid, or gas, or wastestream with a closed cup flashpoint of less than 140° Fahrenheit or 60° Centigrade using test methods specified in 40 CFR 261.21;
- (b) Cause corrosive damage or hazard to structures, equipment, or personnel of the wastewater facilities. No discharges shall have a stabilized pH lower than 6.0 or greater than 9.0;
- (c) Cause obstruction to the flow in sewers, or other interference with the operation of the facility due to accumulation of solid or viscous materials;
- (d) Constitute a rate of discharge or substantial deviation from normal rates of discharge, sufficient to cause interference in the operation and performance of the facility;
- (e) Contain heat in amounts which are likely to accelerate the biodegradation of wastes, causing the formation of excessive amounts of hydrogen sulfide in the facility or inhibit biological activity in the facility, but in no case shall the discharge temperature exceed 65° Centigrade (150° Fahrenheit) or the temperature of the influent to the treatment facilities to exceed 30° Centigrade (85° Fahrenheit);
- (f) Contain more than 100 milligrams per liter of fats, oils or greases of animal, vegetable, mineral or petroleum origin;
- (g) Contain any floatable oils, fat or grease;
- (h) Contain any toxic gasses, vapors or fumes, malodorous gas or substance in quantities that may cause a public nuisance or cause acute human health or safety problems;
- (i) Contain any radioactive wastes in harmful quantities as defined by applicable state and federal regulations;
- (j) Contain any garbage that has not been properly shredded;
- (k) Contain any petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through;
- (l) Contain any trucked or hauled pollutants except at designated discharge points at the treatment plant;

- (m) Contain any ashes, cinders, sand, mud, straw, shavings, lint, metal, glass, rags, feathers, tar, plastics, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the facility;
- (n) Contain any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant; or
- (o) Contain any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- (p) Any water or waste that has a color that is objectionable to the director if the color cannot be removed by the existing wastewater treatment plant processes.
- (q) Any water or waste that would unreasonably consume the capacity of the wastewater treatment plants or their designed capability for hydraulics, organic loading or nutrient removal.
- (r) Any trucked or hauled pollutants, except at discharge points designated by the director.
- (s) Any trucked or hauled material that (i) constitutes a hazardous substance pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. § 101(14), et seq., and any regulations promulgated thereunder; (ii) constitutes a hazardous waste pursuant to the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6901, et seq., and any regulations promulgated thereunder; or (iii) constitutes a hazardous waste pursuant to the Superfund Amendments and Reauthorization Act (SARA), 42 U.S.C. § 1104, et seq., and any regulations promulgated thereunder.
- (t) Medical waste, except when specifically authorized by the director in an industrial wastewater discharge permit.
- (u) Detergents, surface-active agents or other substances which may cause excessive foaming in the POTW.
- (v) Wastewater which causes or contributes to the wastewater treatment plant's effluent failing a toxicity test.
- (w) Any other water or waste which violates pretreatment standards or regulations when it is discharged.
- (x) Any other substance that is prohibited from being discharged by federal regulations.
- (y) Wastewater which contains used antifreeze.
- (z) Wastewater which contains perchloroethylene.
- (aa) Sludges, screenings, or other residues from the pretreatment of industrial wastes.
- (bb) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the treatment works, or at any point in the treatment works, of more than five percent or any single meter reading over ten percent of the lower explosive limit of the meter.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged into the treatment works.

If a consumer is found to be discharging substances detailed above, they shall be found in violation of this ordinance and shall be punished to the fullest extent of the law.

(Ord. of 10-14-10)

Sec. 80-117. - Restricted wastes.

The following limits shall apply to all users of the system.

Parameter	Limit
Arsenic (As)	0.06 mg/l
Cadmium (Cd)	0.09 mg/l
Chromium (Cr)	3.70 mg/l
Copper (Cu)	0.031 mg/l
Cyanide	1.03 mg/l
Lead (Pb)	1.38 mg/l
Mercury (Hg)	0.0008 mg/l
Nickel (Ni)	0.67 mg/l
Silver (Ag)	0.75 mg/l
Zinc (Zn)	0.30 mg/l

No user is allowed to exceed the limits noted above. Violations shall be subject to the provisions noted in section ~~8047~~-122.

(Ord. of 10-14-10)

Sec. 80-118. - Sewer cleanouts.

A sewer cleanout must be installed at the owner's expense at or near the property line. ~~A sewer cleanout is not required for businesses listed in section 80-119 that are required to install a monitoring manhole.~~

(Ord. of 10-14-10)

Sec. 80-119. - Monitoring manholes.

A monitoring manhole shall be provided, installed, and monitored at the owner's expense for the purpose of monitoring sewage from the following businesses:

- (a) Restaurants and fast food establishments;

- (b) Carwashes and laundromats;
- (c) Hospitals;
- (d) Churches, schools, daycares, senior citizen care facilities, or any establishment that has a **large non-residential** kitchen or laundry facility;
- (e) Service stations and maintenance repair shops;
- (f) Other businesses as required by the director.

Monitoring manholes shall be installed at or near the owner's property line prior to discharge into the county wastewater system and downstream of all pretreatment facilities including facilities such as grease traps, oil and water separators, and grit removal systems.

Monitoring manholes will be used for testing of effluent to confirm compliance with both excessive waste discharges and restricted waste limits.

(Ord. of 10-14-10; Ord. of 8-8-11(2))

Sec. 80-120. - Grease traps.

Grease traps must be provided and installed at the owner's expense at the following businesses:

- (a) Restaurants and fast food establishments;
- (b) Hospitals;
- (c) Churches, schools, daycares, senior citizen care facilities, or any establishment that has a **large non-residential** kitchen or laundry facility;
- (d) Other businesses as required by the director.

All grease traps shall be of a type and capacity approved by the director of Public Works. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. Where installed all grease traps shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

(Ord. of 10-14-10)

Sec. 80-121. - Oil and water separators and grit removal systems.

Oil and water separators and grit removal systems must be provided and installed at the owner's expense at the following businesses:

- (a) Carwashes;
- (b) Service stations and maintenance repair shops;
- (c) Other businesses as required by the director.

All separators and grit removal systems shall be of a type and capacity approved by the director. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. Where installed, all separators and grit interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

(Ord. of 10-14-10)

Sec. 80-122. - Testing of effluent.

Users required to install a monitoring manhole in accordance with Section 119 shall be subject to testing of the effluent limits that are established in sections 80-73 and 80-117 at the director's determination. Testing will be at the expense of the owner and effluent will be tested according to the following schedule~~once each three-month period;~~

Sample between December 15th and January 15th-sample results to be submitted to the Public Works Department Director prior to January 31st for February billing (January/December/January usage)

Sample between February 15th and March 15th-sample results to be submitted to the Public Works Department Director prior to March 31st for April billing (February/March usage)

Sample between June 15th and July 15th-sample results to be submitted to the Public Works Department Director prior to July 31st for August billing (June/July usage)

Sample between August 15th and September 15th-sample results to be submitted to the Public Work Department Director prior to September 30th for October billing (August/September usage). The results of the testing shall be provided to the director for review.

With regard to excessive strength waste limits; if any test parameters exceed the limits set for that test, the customer will be charge the fees as calculated in Appendix A-Fee Schedule of the Powhatan Municipal County Code on the bimonthly bill sent out in the month following the month in which the testing is due. Customers who fail to submit test results by the required deadline will be assessed a penalty as outlined in Appendix A of the Powhatan MunicipalCounty Code. The customer may apply for averaging of the current test results with the previous bimonthly test results, the fee amount will be calculated using the average of the two test results and applied to the current bimonthly bill. Customers are limited to one averaging each rolling calendar year. sewage must be tested the following month and shall continue to be tested each month until the test results meet the established discharge limits. If the established limits for any parameter are exceeded for six consecutive months, the user shall present a plan of action within 30 days of the last exceedance. The plan of action shall provide a methodology for meeting compliance requirements within 90 days of the last exceedance and shall be subject to the review and approval of the director. Failure to submit a plan of action within 30 days of the last exceedance or to meet compliance requirements within 90 days of the last exceedance shall subject the user to enforcement in accordance with article VII of this chapter.

With regard to restricted waste limits; if any test parameters exceed the limits set for that test, the sewage must be tested the following month to confirm the exceedance. If the limit is exceeded the second time, the user shall present a plan of action within 30 days of the last exceedance. The plan of action shall provide a methodology for meeting compliance requirements within 90 days of the last exceedance and shall be subject to the review and approval of the director. Failure to submit a plan of action within 30 days of the last exceedance or to meet compliance requirements within 90 days of the last exceedance shall subject the user to enforcement in accordance with article VII of this chapter and may require issuance of a pretreatment permit. Any pretreatment equipment necessary to meet the limits shall be installed at the expense of the user.

(Ord. of 10-14-10)

Sec. 80-123. - Pretreatment standards.

No person shall discharge or cause to be discharged to the facility wastewaters containing substances subject to the applicable Federal Categorical Pretreatment Standards promulgated by EPA in excess of the quantity prescribed in such applicable pretreatment standards except as otherwise provided in this section. Compliance with such applicable pretreatment standards shall be within three years of the date the standard is promulgated; provided, however, compliance with the Federal Categorical Pretreatment Standard for new sources shall be required upon commencement of discharge to the treatment works.

The director shall notify any industrial user affected by the provisions of this section and establish an enforceable compliance schedule for each.

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No person shall discharge any hazardous wastes to the treatment works.

No industrial user shall introduce any pollutants into the treatment works which will pass through or interfere with the operation or performance of the treatment works.

The admission or proposed admission into the facility of any waters or wastes resulting from any industrial or manufacturing process, product or similar activity shall be subject to the review and approval of the director. When necessary, in the opinion of the director, the owner of any such industrial or manufacturing establishment shall provide, at his/her industrial waters or wastes as may be required to reduce objectionable characteristics or constituents or to satisfy any other condition which the director may decide is advisable in order to allow the admission of such waters or wastes into the facility.

Plans and specifications and other pertinent information relating to, required, or proposed pretreatment facilities shall be submitted for review and approval of the director. No construction of any such facilities shall be started until such approval has been obtained in writing.

In order to assist in a decision concerning the requirement for interceptor or other types of pretreatment, the director may require testing of the discharged wastes from the sites. Any testing shall be at the owner's expense.

The director retains the right to carry out all inspections, surveillance and monitoring necessary to determine compliance with applicable pretreatment requirements.

(Ord. of 10-14-10)

Sec. 80-124. - Special agreements.

Nothing in this article shall be construed as preventing any agreement or arrangement between the county and any user of the treatment works and treatment facility whereby wastewater of unusual strength or character (only in terms of BOD and/or total suspended solids and/or total Kjeldahl Nitrogen) is accepted into the system and specially treated subject to additional payments or user charges as may be applicable. Any discharge into the treatment works with a BOD5 or TSS greater than 250 mg/liter or TKN greater than 25 mg/liter will be considered to be a high strength waste subject to a high strength waste surcharge. This surcharge will be established by the director for each case. The director will review all high strength waste surcharge operations annually.

(Ord. of 10-14-10)

Sec. 80-125. - Water and energy conservation.

The conservation of water and energy shall be encouraged by the director. In establishing discharge restrictions upon users, the director shall take into account already implemented or planned conservation steps proposed by the user. Upon request by the director, each user shall provide the county with pertinent information showing that the quantities of substances or pollutants have not been and will not be increased as a result of the conservation steps. Upon such a showing to the satisfaction of the director, he shall make adjustments to the discharge restrictions which have been based on concentrations to reflect the conservation steps.

(Ord. of 10-14-10)

Sec. 80-126. - Excessive discharge.

No owner or user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the

limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the county or state.

(Ord. of 10-14-10)

Sec. 80-127. - Accidental discharges.

Each owner or consumer shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the director for review and approval and shall be approved by the director before construction of such facilities. No owner or user who begins contribution to the treatment facility after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the director. Review and approval of such plans and operating procedures shall not relieve the owner or user from the responsibility of modifying the facilities as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it shall be the responsibility of the owner or user to immediately discharge, telephone and notify the director of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

Within five days following an accidental discharge, the owner or user shall submit to the director a detailed written report describing the cause of the discharge and the measures to be taken by the owner or user to prevent similar future occurrences. Such notification shall not relieve the owner or user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the treatment works and treatment facility, fish kills, or any other damage to person or property, nor shall such notification relieve the owner or user of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law.

In a commercial establishment, a notice shall be permanently posted on the owner or user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(Ord. of 10-14-10)

Sec. 80-128. - Wastewater pump stations.

All developments that are connected to the wastewater system shall use gravity wastewater lines unless transporting the wastewater by force, lifting or pressure from a pump station is the only practical method to provide wastewater service to the property. The director may approve the use of a pump station to serve property if the director finds that:

- (a) It is economically impractical to extend the gravity wastewater line and the use of a pump station will not adversely affect the county's ability to serve the area with a gravity wastewater line at a future time;
- (b) The proposed design and plan for the pump station and connecting lines do not adversely affect the current financial status of the utility system or the future ability of the county to install a gravity wastewater line;
- (c) The proposed design of the pump station allows the county to replace the pump station with a gravity wastewater line without incurring a significant future cost; and
- (d) The pump station will not overload existing wastewater facilities and will not otherwise negatively affect the director's ability to efficiently manage the wastewater system.

(Ord. of 10-14-10)

Sec. 80-129. - Use of private wastewater facilities or pump stations.

Any individual or group that proposes to connect a pump station or other private wastewater facilities to the county's wastewater system shall comply with the provisions of Code of Virginia, § 15.2-2126 et seq., and the policies of the director.

(Ord. of 10-14-10)

Secs. 80-130—80-150. - Reserved.

ARTICLE V. - INDUSTRIAL WASTE DISCHARGE

Sec. 80-151. - Purpose and policy.

The objectives of this article are:

- (a) To prevent the introduction of pollutants into the facilities owned by the county;
- (b) To prevent the introduction of pollutants into the wastewater facility that will pass through the facility, inadequately treated, into receiving waters, or otherwise be incompatible with the wastewater facility;
- (c) To protect both wastewater facility personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (d) To promote reuse and recycling of industrial wastewater and sludge from the wastewater facility;
- (e) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the facility; and,
- (f) To enable the county to comply with its Virginia Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the wastewater facilities are subject.

This article shall apply to all users of the treatment works. The ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(Ord. of 10-14-10)

Sec. 80-152. - Administration.

Except as otherwise provided herein, the director shall administer, implement and enforce the provisions of this chapter. Any authority granted to or duties imposed upon the director may be delegated by the director to ~~a pretreatment coordinator or~~ other personnel.

(Ord. of 10-14-10)

Sec. 80-153. - Restriction on using sanitary sewers.

Industrial waste may be discharged into the wastewater system if:

- (a) Sewer capacity is reasonably available in accordance with this chapter.
- (b) The waste can be effectively treated by the processes available in the wastewater treatment plants.
- (c) The waste will not damage or endanger the sanitary sewer system or wastewater treatment facilities, will not endanger humans or animals, and will not create a public nuisance.
- (d) The concentration of substances, compounds, and elements in the waste does not exceed the limits established by this chapter.
- (e) The total hydraulic loading, total mass loading or concentration of the substances, compounds and elements in the waste does not unreasonably consume the capacity of the wastewater treatment plants or their designed capability for hydraulics, organic loading or nutrient removal.
- (f) The person who discharges the industrial waste has obtained a permit, if a permit is required by this article or by federal or state law.
- (g) The person who discharges the industrial waste has complied with all other requirements of this article and of state and federal regulations.

(Ord. of 10-14-10)

Sec. 80-154. - Industrial permits.

All significant industrial users proposing to connect to or contribute to the treatment works shall obtain a permit before connecting to or contributing to the treatment works. All existing significant industrial users connected to or contributing to the treatment works shall obtain a permit within 180 days after the effective date of this chapter.

Significant industrial users obtaining a permit shall complete and file with the county an application in the form prescribed by the county and accompanied by the prescribed permit fee. Existing significant industrial users shall apply for a permit within 30 days after the effective date of this chapter, and proposed new significant industrial users shall apply at least 90 days prior to connecting or contributing to the treatment works. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (a) Name, mailing address, location (if different from address), telephone number, and contact person;
- (b) SIC number according to the Standards Industrial Classification Manual, Bureau of the Budget, 1987, as amended;
- (c) Wastewater constituents and characteristics as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
- (d) Time and duration of contribution;
- (e) Average daily and peak wastewater flow rates including daily, monthly and seasonal variations if any;
- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by size, location and elevation;
- (g) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
- (h) The nature and concentration of any pollutants in the discharge. A statement identifying the applicable pretreatment standards and requirements, and a statement regarding whether or not

pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance or additional pretreatment is required to meet applicable pretreatment standards;

- (i) If additional pretreatment or operation and maintenance will be required to meet the pretreatment standards, the shortest schedule by which the applicant will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standards;

The following conditions shall apply to this schedule:

- i. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the applicant to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
 - ii. No increment referred to in this section shall exceed nine months.
 - iii. Not later than 14 days following each date in the schedule and the final date for compliance, the applicant shall submit a progress report to the director including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress; the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than one year elapse between such progress reports to the director.
- (j) Each product produced by type and amount. Process or processes and rate of production;
 - (k) Type and amount of raw materials processed (average and maximum per day);
 - (l) Number and type of employees, hours of operation of plant and proposed or actual hours of operation of pretreatment system; and
 - (m) Any other information deemed by the director to be necessary to evaluate the permit application.

The director will evaluate the data furnished by the applicant and may require additional information. After evaluation and acceptance of the data furnished, the director may issue a permit subject to terms and conditions provided herein.

Within nine months of the promulgation of the Federal Categorical Pretreatment Standards, the permits subject to such standards shall be revised within the time frame prescribed by such standard to require compliance with such standards if they are more restrictive than the local limits developed by the county. Where a permittee, subject to the Federal Categorical Pretreatment Standards, has not previously submitted an application for a permit, they shall apply for a permit within 180 days after the promulgation of the applicable Federal Categorical Pretreatment Standard. In addition, the permittee with an existing permit shall submit to the director within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by paragraphs (8) and (9) of this section.

Permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the board of supervisors. Permits may contain the following:

- (a) The unit charge or schedule or user charges and fees for the wastewater to be discharged to a community sewer;
- (b) Limits on the average and maximum wastewater constituents and characteristics;
- (c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (d) Requirements for installation and maintenance of inspection and sampling facilities;

- (e) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (f) Compliance schedules;
- (g) Requirements for submission of technical reports or discharge reports;
- (h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the director, and affording the director access thereto;
- (i) Requirements for notification to the director for any new introduction of wastewater constituents or any substantial change in volume or character of the wastewater constituents being introduced into the treatment works;
- (j) Requirements for immediate notification of slug discharges;
- (k) Other conditions as deemed appropriate by the director to ensure compliance with this chapter; or
- (l) Statement of applicable remedies.

Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The permittee shall apply for permit reissuance a minimum of 180 days prior to the expiration of the existing permit. The terms and conditions of the permit may be subject to modification by the county during the term of the permit as limitations or requirements identified in this section are modified or other cause exists. The permittee shall be informed of any proposed changes in the permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

Permits are issued to a specific user for a specific operation. A permit shall not be reassigned or transferred or sold by the permittee to a new user, different premises, or a new or changed operation without the approval of the director. Any succeeding user shall also comply with the terms and conditions of the existing permit in the interim prior to the issuance of the respective new permit.

(Ord. of 10-14-10)

Sec. 80-155. - Reporting requirements for industrial permittee.

Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the wastewater treatment facilities, any permittee subject to pretreatment standards and requirements shall submit to the director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the indicated facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance (O&M) or pretreatment is necessary to bring the permittee into compliance with the applicable pretreatment standards or requirements. In addition, the report shall contain the results of any sampling and analysis of the discharge. This statement shall be signed by an authorized representative of the permittee and certified by a registered professional engineer.

Any user subject to the pretreatment standards, after the compliance date of such pretreatment standard, or in the case of such pretreatment standards, or in the case of a new source, after commencement of the discharge into the treatment works, shall submit to the facility during the months of June and December, unless required more frequently in the Pretreatment Standards or by the facility, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flow which during the reporting period exceeded the average daily flow reported. At the discretion of the director and in

consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the director may alter the months during which the required reports are to be submitted.

The director may impose mass limitations on permittees which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the permittee. These reports shall contain the results of sampling and analysis of the discharge, and mass limitations where requested by the director, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the permit. All analysis shall be performed in accordance with the procedures established by EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto, or with any other test procedures approved by EPA. All samples analyzed by this method shall be reported. Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutants in question, sampling and analysis shall be performed in accordance with sampling and analytical procedures approved by EPA.

(Ord. of 10-14-10)

Sec. 80-156. - Provision for monitoring-Industrial Discharge.

When required by the director, the owner of any property serviced by a building sewer carrying class II wastewater discharges shall provide suitable access and such necessary meters and other devices in the building sewer to facilitate observation, sampling, and measurement of the wastewater. Such access shall be in a readily and safely accessible location and shall be provided and maintained at the owner's expense so as to be safe and accessible at reasonable times.

The director shall consider such factors as the volume and strength of discharge, rate of discharge, quantities of toxic materials in the discharge, treatment facility removal capabilities, and cost effectiveness in determining whether or not access and equipment for monitoring class II wastewater discharges shall be required.

Where the director determines access and equipment for monitoring or measuring class II wastewater discharges is not practicable, reliable, or cost effective, the director may specify alternative methods of determining the characteristics of the wastewaters discharge which will, in his judgment, provide a reasonably reliable measurement of such characteristics.

Measurements, tests, and analyses of the characteristics of wastewater required by this chapter shall conform to 40 CFR Part 136 and be performed by a qualified laboratory. When such analyses are required of a discharger, the discharger may make arrangements with any qualified laboratory, including that of the discharger, to perform such analyses.

Costs of analyses required by this chapter and performed by an independent laboratory at the option of the discharger shall be borne directly by the discharger.

(Ord. of 10-14-10)

Sec. 80-157. - Costs of damage.

If the discharge from any establishment causes a deposit, obstruction, or damage to any of the facility's treatment works or treatment facility, the director shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired. The cost for such work, including materials, labor, and supervision shall be borne by the person causing such deposit, obstruction, or damage.

(Ord. of 10-14-10)

Sec. 80-158. - Information and data control.

Information and data on an industrial permit obtained from reports, questionnaires, permit applications, permits, monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the permittee specifically requests and is able to demonstrate to the satisfaction of the director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the permittee.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the Virginia Pollutant Discharge Elimination System (VPDES) Permit, state disposal system permit or the applicable pretreatment standards and requirements, provided, however, that such portions of a report shall be available for use by the facility or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the facility as confidential shall not be transmitted to any governmental agency or to the general public until and unless a ten-day notification is given to the permittee.

(Ord. of 10-14-10)

Secs. 80-159—80-160. - Reserved.

ARTICLE VI. - CROSS-CONNECTION AND BACKFLOW PREVENTION

Sec. 80-161. - Requirements for backflow and cross-connection control.

Every building and structure shall be constructed, equipped and maintained to prevent the pollution of the county water supply from cross-connection, backflow or back-siphonage of liquids.

(Ord. of 10-14-10)

Sec. 80-162. - Cross-connections prohibited.

The county potable water supply system shall be designed, installed and maintained to prevent non-potable liquids, solids or gases from being introduced into the potable water supply through cross-connections or any other pipe connections to the system.

No person shall permit a cross-connection between the county potable water supply system and other systems or equipment that contains water or other substances except when ~~the director approves the cross-connection and the~~ the person has installed protective devices that have been approved by the director.

(Ord. of 10-14-10)

Sec. 80-163. - Measures to prevent backflow and back-siphonage.

The owner shall install and maintain a backflow preventer, approved by the director, on all fixtures, equipment and outlets where backflow or back-siphonage may occur. The owner shall install and maintain a backflow preventer on the water service line when the director determines that a backflow preventer is necessary to protect the water supply from backflow or back-siphonage.

All irrigation systems are subject to the requirements for backflow prevention. In addition swimming pools, hose bibs, water softeners and any other device that could result in contaminated water being syphoned into the potable water supply.

(Ord. of 10-14-10)

Sec. 80-164. - Prevention devices to comply with rules and regulations.

All cross-connection or backflow prevention devices or systems shall be designed, installed and maintained in accordance with the following manuals: Cross-Connection Control Program Flat Rock Area Water System Manual, U.S. Environmental Protection Agency, Office of Water Programs, Water Supply Division; the Virginia Uniform Statewide Building Code; and article 3 of the Virginia Waterworks Regulations. Copies of each manual shall be filed with the director and shall be made available to any owner who requests to see them.

(Ord. of 10-14-10)

Sec. 80-165. - Responsibility of ~~director~~ County and Owner.

The ~~director~~ County shall inspect the plumbing system of every building or structure so as to determine that the plumbing system has been installed to prevent the possibility that the county water supply will become polluted by cross-connection, backflow or back-siphonage.

The ~~director~~ County shall have the right to enter any building or structure during reasonable hours for the purpose of inspecting the plumbing system for cross-connection, backflow or back-siphonage. The owner shall furnish the ~~director~~ County with all of the information that he requests regarding the plumbing system for the property.

The Owner shall be responsible for annual testing of backflow prevention devices by an individual qualified to conduct the test. Test result shall be provided to the County

(Ord. of 10-14-10)

Sec. 80-166. ~~—~~ Violations of industrial waste discharge provisions.

The director shall send a notice of violation by certified mail to the owner of any building or structure that is found to be in violation of this article. The director shall establish a reasonable deadline in the notice of violation for the owner to correct the violation. The owner shall notify the County in writing prior to the deadline that the issue(s) has been repaired. If the owner fails to correct the violation before the expiration of the time given by the director, the director may terminate the water service to the building or deny water service to the building.

If a backflow prevention device is removed or bypassed, if a cross-connection exists or if the pressure in the water system is lowered below ten psi gauge, the director shall take whatever action he finds is necessary to ensure that the water system is safe from pollution.

(Ord. of 10-14-10)

Sec. 80-167. ~~—~~ Penalty for industrial waste discharge violations.

Any person who knowingly permits a violation of this article to remain uncorrected after the expiration of the time that the director provided for correcting the violation shall be guilty of a misdemeanor and shall

be subject to a fine of not more than \$2,500.00. Each day that the violation continues shall be a separate violation.

(Ord. of 10-14-10)

Secs. 80-168—80-180. - Reserved.

ARTICLE VII. - ENFORCEMENT

Sec. 80-181. - Penalties.

Any person violating the provisions of this chapter, except those provisions set forth in article I, section 80-8.1, will be guilty of a class 1 misdemeanor. In addition to the foregoing, the county attorney is hereby authorized to take the appropriate action by injunction or other appropriate proceeding to restrain, correct, or abate as the case may be, any violation or attempted violation of this chapter or any regulation adopted hereunder. The county attorney is further authorized to take the appropriate actions by mandamus or otherwise so as to compel enforcement by any state or federal authority of any rules or regulations adopted to regulate any of the activities set out in this chapter.

Any person who knowingly permits a violation of this article to remain uncorrected after the expiration of the time that the director provided for correcting the violation shall be guilty of a Class 1 misdemeanor. Each day that the violation continues shall be a separate violation.

(Ord. of 10-14-10; Ord. of 8-8-11(2))

Sec. 80-182. - Emergency wastewater treatment suspension.

The director may suspend the wastewater treatment service to any user or at any location when such suspension is necessary, in the opinion of the director, in order to stop an actual or threatened discharge which presents an imminent, substantial endangerment to the health or welfare of persons, to the environment, or causes such interference to the treatment facilities or causes the facility to violate any condition of its VPDES permit.

Any person notified of a suspension of the wastewater treatment service shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the director shall take such steps as deemed necessary including immediate severance of the sewer or water service connection as allowed by law or the seeking of legal and equitable relief in the circuit court of [Powhatan County](#), to prevent or minimize damage to the wastewater treatment facilities or endangerment to any individuals. The director shall reinstate the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the owner or user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the director within 15 days of the date of occurrence.

(Ord. of 10-14-10)

Sec. 80-183. - Revocation of permit.

Any owner or user who violates the following is subject to having his permit revoked in accordance with the procedures of this article:

- (a) Failure to accurately report the wastewater constituents and characteristics of the discharge;

- (b) Failure to report significant changes in operations, or wastewater constituents and characteristics;
- (c) Refusal of reasonable access to the premises for the purpose of inspection or monitoring; or,
- (d) Violation of conditions of the permit.
- (e) Failure to pay appropriate fees.
- (f) Failure to file required reports in a timely manner.

(Ord. of 10-14-10)

Sec. 80-184. - Show cause hearing.

In situations not covered by section 80-151, the director shall order any owner or user who causes or allows an unauthorized discharge to show cause why proposed enforcement action should not be taken. Such hearings shall be preceded by a written notice served on the owner or user specifying the time and place of the hearing, the reasons why the action is to be taken, the proposed enforcement action, and directing the owner or user to show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at the owner or user address shown on the permit at least ten days before the hearing.

The director may conduct the hearing and take the evidence, or may designate any officer or employee of the county to:

- (a) Issue, in the name of the director, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- (b) Take the evidence; and
- (c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the director for action thereon.

At any hearing held pursuant to the ordinance, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the transcript costs, as allowed by the Freedom of Information Act. After the director has reviewed the evidence and recommendations, if any, he may issue a written order to the owner or user responsible for the discharge directing that, following a specified time period, the wastewater service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives, as are necessary and appropriate, may be issued.

Appeals of the director's decision in subsection (d) above shall be made in writing to the board of supervisors within ten days of the director's decision.

(Ord. of 10-14-10)

Sec. 80-185. - Legal action.

If any person discharges sewage, industrial wastes or other wastes into the treatment works contrary to the provisions of this chapter, applicable federal or state pretreatment requirements, or any order of the county or if any industrial owner or user refuses access to the director or his designee for the purpose of inspection, the county may commence action for appropriate legal or equitable relief in the circuit court of [Powhatan County](#), as allowed by this chapter or by law.

(Ord. of 10-14-10)

Sec. 80-186. - Falsifying information.

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or user permit, or who falsifies any monitoring device or method required under this chapter, shall upon conviction, be guilty of a class I misdemeanor.

(Ord. of 10-14-10)

Secs. 80-187—80-200. - Reserved.

ARTICLE VIII. - SERVICE DISTRICT

Sec. 80-201. - Creation of service district.

The water and wastewater service district is hereby created, pursuant to power granted to the board of supervisors by Code of Virginia, § 15.2-2111. The purpose of the district is to regulate the distribution of water and the collection, treatment and disposal of sewerage by the water and wastewater systems constructed in the district by Powhatan County.

(Ord. No. O-2015-01, 3-2-15)

Sec. 80-202. - Regulations within district.

The regulation of the distribution of water and the collection, treatment and disposal of wastewater within the service district shall be governed by chapter 80 article I through chapter 80 article VII of the Powhatan County Code. These provisions shall apply only within the service district boundaries.

(Ord. No. O-2015-01, 3-2-15)

Sec. 80-203. - District boundaries.

District boundaries shall be those shown on a map entitled "Water and Wastewater Service District," created by Dewberry Engineers, Inc., dated February 18, 2015, which map is incorporated herein by reference and made a part of this chapter. The map shall be kept in the office of the Powhatan County Administrator or designee. The map shall be available during all office hours for inspection by the public upon request.

(Ord. No. O-2015-01, 3-2-15)

Sec. 80-204. - Availability of sewer service.

The water and wastewater treatment systems and facilities in the district shall be available only for development on parcels within the district.

(Ord. No. O-2015-01, 3-2-15)

Sec. 80-205. - Appointment of administrator.

The County Administrator of Powhatan County is hereby appointed as administrator of the service district. The district shall be operated by the county administrator independently of any public service authority heretofore created.

(Ord. No. O-2015-01, 3-2-15)

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County of Powhatan

Special Tax District

Feasibility Analysis



BOARD OF SUPERVISORS WORKSHOP
JULY 24, 2008



AGENDA

- Purpose of Feasibility Analysis
- Enterprise Fund Revenues & Expenses
- 20-Year Capital Improvements Program
- Potential Organizational Structures
- Special Tax Service District
- Examples of Special Tax Service Districts
- Financial Modeling
- Discussion



PURPOSE OF ANALYSIS

- Determine feasibility of establishing a Special Tax Service District
- Model various assumptions / scenarios
- Feasibility Analysis only

- Not a discussion of what the Cobbs Creek Project will be



REVENUES AND EXPENSES

- Water and Sewer Fund
 - \$ 1,888,352 - FY09 Budget
 - \$440,000 Revenue from Charges and Fees
 - \$1,468,352 Transfer from General Fund

 - Nearly 5 cents of each tax dollar goes to utilities

- Water and Sewer CIP
 - \$81.8 million in water infrastructure – through 2029
 - \$40.75 million wastewater infrastructure – through 2029
 - \$122.55 million total



ORGANIZATIONAL STRUCTURES

- Sanitary District
- Service Authority
- Existing Water and Sewer Service District
- Community Development Authority (CDA)
- Special Tax Service District
 - Ability to provide more than just water and sewer
 - Ability to enforce a special tax



SANITARY DISTRICT

- Authorized under Section 21-113 of the Code of Virginia
 - Suitable for a portion of a county where a distinct group of properties are to be served.
 - Voters in the area to be served petition the Circuit Court for creation of a Sanitary District
 - Governed by Board of Supervisors
 - General Obligation Sanitary Bonds can be issued by County, District voters must approve in referendum (Revenue bonds do not have this restriction)
 - Bonds are limited to 18% of assessed value of real estate in the District
 - Governing body can levy taxes



WATER AND WASTE AUTHORITIES

- Established under Virginia Water and Waste Authorities Act
- Board of Supervisors appoints the Board of the Authority
- Authority has wide variety of powers:
 - Acquire, construct, improve, operate water or waste systems
 - Charge rates and fees
 - May borrow money and may issue bonds
 - Has no authority to levy taxes
- Goal is for Authority to be financially self-sufficient



POWHATAN'S EXISTING SERVICE DISTRICT

- Created to protect capacity, as authorized by the Code of Virginia, Section 15.2-2111
- Regulation of sewage disposal or water service.

“Any locality may exercise its powers to regulate sewage collection, treatment or disposal service and water service notwithstanding any anticompetitive effect. Such regulation may include the establishment of an exclusive service area for any sewage or water system, including a system owned or operated by the locality, the fixing of rates or charges for any sewage or water service, and the prohibition, restriction or regulation of competition between entities providing sewage or water service.”
- Existing Service District is shown on map





COMMUNITY DEVELOPMENT AUTHORITY (CDA)

- Special taxing district to finance projects
- Infrastructure for business parks, commercial districts, sports facilities, sports stadiums, etc.
- Infrastructure can include water, sewer, stormwater, roads, bridges, etc.
- Board of Supervisors can act to create without voter referendum
- Usually developer-driven
- Has established boundaries and provides specific services
- CDA can issue bonds
- CDA can ask Board of Supervisors to levy special tax on real estate to pay debt service on bonds
- Tax revenues are collected by County, used only for CDA purposes



SPECIAL TAX SERVICE DISTRICT

- The Code of Virginia, Section 15.2-2403 allows the creation of a **Special Tax Service District**.
 - Allows government to provide additional, more complete, or more timely services than are desired in the locality as a whole.
 - After adoption of an ordinance creating a service district, the governing body shall have the following powers with respect to the service district...
 - “To levy and collect an annual tax upon any property in such service district subject to local taxation, either in whole or in part, the expenses and charges for providing the governmental services...and for constructing, maintaining, and operating such facilities and equipment as may be necessary and desirable in connection therewith.”
 - “Governmental services” can include water, sewer, garbage, sidewalks, and other public services.



POTENTIAL FUNDING OPTIONS

1. 100% County Funds
2. County builds plants, force mains, etc.
3. Project by Project Basis
4. Individual Developer Basis
5. Community Development Authority
6. Special Tax Service District



POTENTIAL FUNDING OPTION 1

County funds all projects.

- In Powhatan, debt and O&M will not be fully funded by rates and fees until customer base reaches approximately 2,700 Equivalent Residential Connections (ERC).*
- General Fund subsidy required.

* Based on 1998 Route 60 Corridor Study



POTENTIAL FUNDING OPTION 2

- ❑ County builds plants, force mains, pumping stations, main water lines, trunk sewers, and secures capacity. Developers pay for everything else.
 - County could provide designs and developers could construct as needed
 - County responsible for 100% of upfront costs



POTENTIAL FUNDING OPTION 3

Project by project basis

- ❑ County assesses cost-share to all properties where the project is being constructed.
- ❑ Example: Henrico County uses this option for failing sewers and wells in existing residential areas.



POTENTIAL FUNDING OPTION 4

County contracts with developers on an individual basis to construct projects to serve their development.

- Each “deal” would end up different and questions of fairness could arise.
- Developers who “wait” could end up paying only connections/facility fees.



POTENTIAL FUNDING OPTION 5

□ Community Development Authority

- Examples:
 - Poplar Hill in Prince Edward County
 - Short Pump Town Center in Henrico County
 - Farms of New Kent in New Kent County



POTENTIAL FUNDING OPTION 6

Special Tax Service District

- Goochland County
 - Tuckahoe Creek Service District
- New Kent County
 - Bottoms Bridge Service District
- Loudoun County
 - 3 Sewer Service Districts
- Prince William County
 - 4 Service Districts
- Wythe County
 - 2 Sewer Service Districts



TUCKAHOE CREEK SERVICE DISTRICT

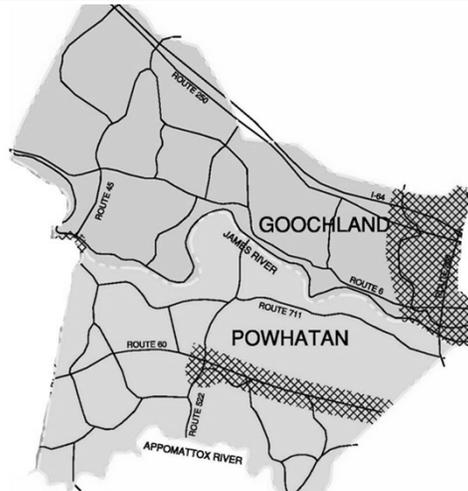
Intent of the Plan:

To bring water and sewer services primarily to the *industrial, commercial, and business* areas of the Eastern Growth Management Area and to adjacent residential areas



TUCKAHOE CREEK SERVICE DISTRICT

Map of TCSD and Route 60 corridor in Powhatan



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TUCKAHOE CREEK SERVICE DISTRICT

- General Principals
 - Service District created by County ordinance
 - Board of Supervisors determined boundaries of the District; property by property
 - County obtained water and sewer capacity



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TUCKAHOE CREEK SERVICE DISTRICT

- Any facilities needed to connect to the County system is the responsibility and expense of the developer
- Board imposed an ad valorem special tax on the assessed values of the parcels in the Service District to pay for capacity and infrastructure
- This tax is in addition to the County's regular real property and other taxes



TUCKAHOE CREEK SERVICE DISTRICT

- The Board can adjust the ad valorem tax on an annual basis, as deemed appropriate, to pay the costs of the capacity and infrastructure
- Costs of the capacity and infrastructure were financed through the Virginia Resources Authority as County revenue bonds.



TUCKAHOE CREEK SERVICE DISTRICT

- The ad valorem tax is assessed at the full market value of the properties even for Land Use properties
- Landowners may choose not to be included in the District
- Landowners who join late pay back-ad valorem taxes plus penalty



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TUCKAHOE CREEK SERVICE DISTRICT

- Landowners included in the District are expected to provide the necessary rights-of-way to the County
- Ad Valorem Tax
 - \$0.50 in FY03 and FY04
 - \$0.30 in FY05 - FY07
 - \$0.23 in FY08 and FY09
 - Lowest allowed \$0.15
 - Cannot exceed \$0.50 without a public hearing



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TUCKAHOE CREEK SERVICE DISTRICT

- Project Scope, Cost
 - Development within the Service District is subject to:
 - Mandatory connection to the County installed system
 - County establishes water and sewer connection fees and rates
 - The County may exercise its legal authority to condemn property for easements



TUCKAHOE CREEK SERVICE DISTRICT

Project Component/ Description	Cost
Previous Debt Roll Over	8,000,000
TOTAL PREVIOUS DEBT	\$8,000,000
PHASE 1	
Total Trunk System	\$10,998,000
Total Base System	\$38,169,292
TOTAL PHASE 1	\$49,167,292
TOTAL PHASE 1 & PREVIOUS DEBT	\$57,167,292
PHASE 2	
Total Water Capacity Purchase - 20 MGD -Henrico	\$58,000,000
Total Sewer Capacity Purchase - 15 MGD - Richmond	\$72,750,000
TOTAL PHASE 2	\$130,750,000
GRAND TOTAL	\$187,917,292



TUCKAHOE CREEK SERVICE DISTRICT

- Project Financing – Phase I
 - The County issued 30 year revenue bonds for approximately \$57.1 million
 - Debt service funded primarily by the *ad valorem tax*
 - Bond *not* guaranteed by Goochland County
 - *Ad valorem tax* will be imposed for the life of the Phase I bonds



TUCKAHOE CREEK SERVICE DISTRICT

- Bonds are being repaid from:
 - *Ad valorem tax*
 - Revenue Sharing with the County
 - 55% of the increased real estate tax revenues of nonresidential properties within the TCSD
 - 20% of the new connection fees in the TCSD
 - 70% of Net Operating Revenue from the Utility System



TUCKAHOE CREEK SERVICE DISTRICT

Phase II

- It is estimated that the TCSD will generate net operating revenue to pay for most, if not all, future capital expenditures



BOTTOMS BRIDGE SERVICE DISTRICT

New Kent County, Virginia

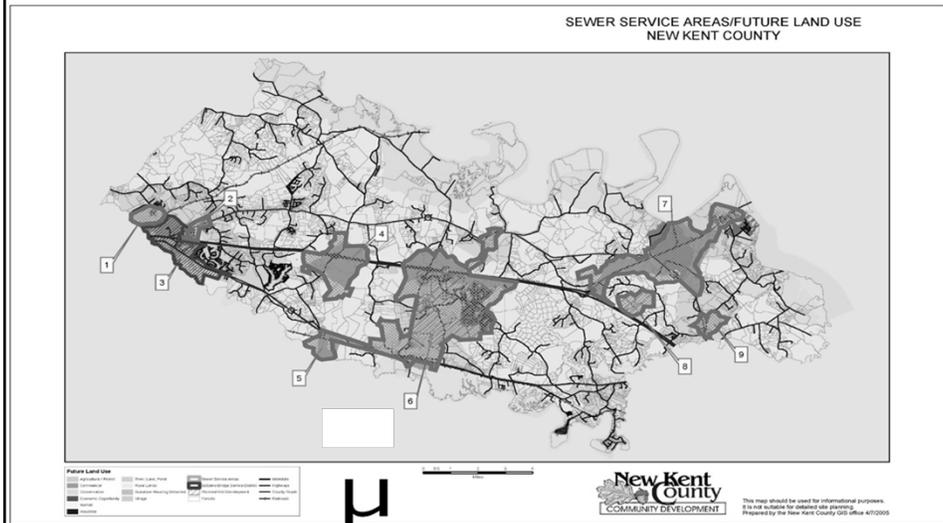
Key Elements

- County created Service Districts at three intersections
 - Rt. 106, Rt. 155, Rt. 33
 - 1st Service District – Bottoms Bridge - Funded by \$17 million in Revenue Bonds through the Virginia Resources Authority
- District funded improvements to the County utility systems, including the construction of water and sewer facilities in the County



BOTTOMS BRIDGE SERVICE DISTRICT

Bottoms Bridge and Potential Service Districts

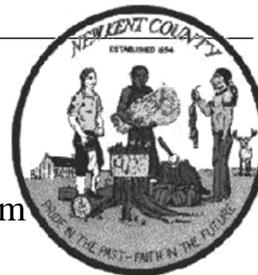


BOTTOMS BRIDGE SERVICE DISTRICT

New Kent County, Virginia

□ Key Elements

- Any Agricultural/Forest District (AFD) properties in the service district will have to be removed from the AFD.
- County had to obtain rights of way for installation from various property owners.



BOTTOMS BRIDGE SERVICE DISTRICT

New Kent County, Virginia

- County provides the stakeholders an annual financial accounting of what the tax money has been used for
- Mandatory Connections
- When the Capital Debt is retired, and the *ad valorem tax* is no longer used; the Service District will be dissolved.
- Residents may request exclusion from the District
 - Roll-backs and penalties are applied to those wishing to be included at a later date



BOTTOMS BRIDGE SERVICE DISTRICT

New Kent County, Virginia

- Payment Structure
 - County pays 50% of the trunk line costs
 - Service District pays remainder
 - From *ad valorem tax* based on amount of flow from each District



BOTTOMS BRIDGE SERVICE DISTRICT

New Kent County, Virginia

- Payment Structure
 - Minimum *ad valorem tax* necessary contingent upon development progressing as anticipated
 - *Ad valorem tax* adjusted annually
 - By the Board
 - Not to exceed 10 cents per \$100 assessed value
 - Minimum 8 cents per \$100 assessed value for the first 10 years



FINANCIAL MODEL

- Discussion of Assumptions
 - Growth
 - Residential and non-residential
 - Increases in Rates and Fees
 - Increase in Land Values
 - CIP
- Input from Board Members



ADDITIONAL DISCUSSION

- Revenue-sharing
- Does District pay County for historical financial support?
- Landowners who “opt-in” later
- Participation rate
- Options for structuring debt



SPECIAL TAX SERVICE DISTRICT

- Next Steps
 - Additional modeling
 - Board Decision to Move Forward
 - Conduct Stakeholder Workshops and Develop Stakeholder “Buy-In”
 - Additional Modeling
 - Board Decision to Create District
 - Develop and Adopt Ordinance



**Minimum Time Frame of 12 – 18 months from
Board Approval to Adoption of Ordinance**



COUNTY OF POWHATAN

Discussion and Questions



Code of Virginia

Title 58.1. Taxation

Chapter 38. Miscellaneous Taxes

Article 6. Transient Occupancy Tax

§ 58.1-3819. Transient occupancy tax.

A. Any county, by duly adopted ordinance, may levy a transient occupancy tax on hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms rented out for continuous occupancy for fewer than 30 consecutive days. Such tax shall be in such amount and on such terms as the governing body may, by ordinance, prescribe. Such tax shall not exceed two percent of the amount of charge for the occupancy of any room or space occupied; however, Accomack County, Albemarle County, Alleghany County, Amherst County, Augusta County, Bedford County, Bland County, Botetourt County, Brunswick County, Campbell County, Caroline County, Carroll County, Craig County, Cumberland County, Dickenson County, Dinwiddie County, Floyd County, Franklin County, Giles County, Gloucester County, Grayson County, Greene County, Greensville County, Halifax County, Highland County, Isle of Wight County, James City County, King George County, Loudoun County, Madison County, Mecklenburg County, Montgomery County, Nelson County, Northampton County, Page County, Patrick County, Prince Edward County, Prince George County, Prince William County, Pulaski County, Rockbridge County, Russell County, Smyth County, Spotsylvania County, Stafford County, Tazewell County, Washington County, Wise County, Wythe County, and York County may levy a transient occupancy tax not to exceed five percent, and any excess over two percent shall be designated and spent solely for tourism and travel, marketing of tourism or initiatives that, as determined after consultation with the local tourism industry organizations, including representatives of lodging properties located in the county, attract travelers to the locality, increase occupancy at lodging properties, and generate tourism revenues in the locality. If any locality has enacted an additional transient occupancy tax pursuant to subsection C of § 58.1-3823, then the governing body of the locality shall be deemed to have complied with the requirement that it consult with local tourism industry organizations, including lodging properties. If there are no local tourism industry organizations in the locality, the governing body shall hold a public hearing prior to making any determination relating to how to attract travelers to the locality and generate tourism revenues in the locality.

B. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days in hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms. In addition, that portion of any tax imposed hereunder in excess of two percent shall not apply to travel campgrounds in Stafford County.

C. Nothing herein contained shall affect any authority heretofore granted to any county, city or town to levy such a transient occupancy tax. The county tax limitations imposed pursuant to § 58.1-3711 shall apply to any tax levied under this section, mutatis mutandis.

D. Any county, city or town that requires local hotel and motel businesses, or any class thereof, to collect, account for and remit to such locality a local tax imposed on the consumer may allow such businesses a commission for such service in the form of a deduction from the tax remitted. Such commission shall be provided for by ordinance, which shall set the rate thereof at no less than three percent and not to exceed five percent of the amount of tax due and accounted for. No commission shall be allowed if the amount due was delinquent.

E. All transient occupancy tax collections shall be deemed to be held in trust for the county, city or town imposing the tax.

Code 1950, § 76.1; 1970, c. 443; 1971, Ex. Sess., c. 214; 1973, c. 433; 1974, c. 614; 1983, c. 313; 1984, c. 675; 1985, c. 556; 1992, cc. 263, 834; 1996, c. 833; 1997, cc. 757, 764; 1998, cc. 729, 733; 1999, cc. 233, 234, 241, 253, 260; 2000, c. 470; 2001, cc. 571, 585; 2003, c. 939; 2004, cc. 7, 610; 2005, cc. 76, 915; 2006, cc. 67, 376; 2007, cc. 86, 596, 767; 2008, c. 230; 2009, cc. 13, 31, 116, 497, 513, 524; 2010, c. 505; 2011, cc. 385, 606; 2012, c. 290; 2013, cc. 19, 200, 319, 378; 2014, c. 188; 2015, cc. 57, 78, 98.

§ 58.1-3819.1. Transient occupancy tax; Roanoke County.

1. Notwithstanding any other provision of law, general or special, and in lieu of any authority to impose a transient occupancy tax in any other provision of law, general or special, Roanoke County may impose a total transient occupancy tax not to exceed seven percent of the amount of the charge for the occupancy of any room or space occupied or for the occupancy of any overnight guest room. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days.

2. The revenue generated and collected from the two percent tax rate increase shall be designated and expended solely for advertising the Roanoke metropolitan area as an overnight tourist destination by members of the Roanoke Valley Convention and Visitors Bureau. For purposes of this subsection, "advertising the Roanoke metropolitan area as an overnight tourism destination" means advertising that is intended to attract visitors from a sufficient distance so as to require an overnight stay.

2012, c. 340.

§ 58.1-3820. Arlington County transient occupancy tax [Not set out].

Not set out. (1977, c. 265; 1984, c. 675; 1992, c. 834.)

§ 58.1-3821. Transient occupancy tax on certain rentals [Not set out].

(1990, c. 436; 1994, c. 896; 2006, c. 111.)

§ 58.1-3822. Additional transient occupancy tax.

In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 and 58.1-3820, beginning January 1, 1991, and ending January 1, 2012, Arlington County may impose an additional transient occupancy tax not to exceed one-fourth of one percent of the amount of the charge for the occupancy of any room or space occupied. The revenues collected from the additional tax shall be designated and spent for the purpose of promoting tourism and business travel in the county. Such designated funds shall be in addition to the county's previous budgeted amount for the promotion of tourism and business travel.

1990, c. 890; 1993, c. 56; 1996, c. 477; 1999, cc. 228, 242; 2002, cc. 567, 646; 2004, c. 610; 2005, c. 156; 2008, cc. 30, 153.

§ 58.1-3823. Additional transient occupancy tax for certain counties.

A. In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3822, Hanover County, Chesterfield County and Henrico County may impose:

1. An additional transient occupancy tax not to exceed four percent of the amount of the charge

for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for promoting tourism, travel or business that generates tourism or travel in the Richmond metropolitan area; and

2. An additional transient occupancy tax not to exceed two percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for expanding the Richmond Centre, a convention and exhibition facility in the City of Richmond.

3. An additional transient occupancy tax not to exceed one percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for the development and improvement of the Virginia Performing Arts Foundation's facilities in Richmond, for promoting the use of the Richmond Centre and for promoting tourism, travel or business that generates tourism and travel in the Richmond metropolitan area.

B. In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3822, any county with the county manager plan of government may impose an additional transient occupancy tax not to exceed two percent of the amount of the charge for the occupancy of any room or space occupied, provided the county's governing body approves the construction of a county conference center. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for the design, construction, debt payment, and operation of such conference center.

C.1. In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3822, the Counties of James City and York may impose an additional transient occupancy tax not to exceed \$2 per room per night for the occupancy of any overnight guest room. The revenues collected from the additional tax shall be designated and expended solely for advertising the Historic Triangle area, which includes all of the City of Williamsburg and the Counties of James City and York, as an overnight tourism destination by the members of the Williamsburg Area Destination Marketing Committee of the Greater Williamsburg Chamber and Tourism Alliance. The tax imposed by this subsection shall not apply to travel campground sites or to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days.

2. The Williamsburg Area Destination Marketing Committee shall consist of the members as provided herein. The governing bodies of the City of Williamsburg, the County of James City, and the County of York shall each designate one of their members to serve as members of the Williamsburg Area Destination Marketing Committee. These three members of the Committee shall have two votes apiece. In no case shall a person who is a member of the Committee by virtue of the designation of a local governing body be eligible to be selected a member of the Committee pursuant to subdivision a.

a. Further, one member of the Committee shall be selected by the Board of Directors of the

Williamsburg Hotel and Motel Association; one member of the Committee shall be from The Colonial Williamsburg Foundation and shall be selected by the Foundation; one member of the Committee shall be an employee of Busch Gardens Europe/Water Country USA and shall be selected by Busch Gardens Europe/Water Country USA; one member of the Committee shall be from the Jamestown-Yorktown Foundation and shall be selected by the Foundation; one member of the Committee shall be selected by the Executive Committee of the Greater Williamsburg Chamber and Tourism Alliance; and one member of the Committee shall be the President and Chief Executive Officer of the Virginia Tourism Authority who shall serve ex officio. Each of these six members of the Committee shall have one vote apiece. The President of the Greater Williamsburg Chamber and Tourism Alliance shall serve ex officio with nonvoting privileges unless chosen by the Executive Committee of the Greater Williamsburg Chamber and Tourism Alliance to serve as its voting representative. The Executive Director of the Williamsburg Hotel and Motel Association shall serve ex officio with nonvoting privileges unless chosen by the Board of Directors of the Williamsburg Hotel and Motel Association to serve as its voting representative.

In no case shall more than one person of the same local government, including the governing body of the locality, serve as a member of the Committee at the same time.

If at any time a person who has been selected to the Committee by other than a local governing body becomes or is (a) a member of the local governing body of the City of Williamsburg, the County of James City, or the County of York, or (b) an employee of one of such local governments, the person shall be ineligible to serve as a member of the Committee while a member of the local governing body or an employee of one of such local governments. In such case, the body that selected the person to serve as a member of the Commission shall promptly select another person to serve as a member of the Committee.

3. The Williamsburg Area Destination Marketing Committee shall maintain all authorities granted by this section. The Greater Williamsburg Chamber and Tourism Alliance shall serve as the fiscal agent for the Williamsburg Area Destination Marketing Committee with specific responsibilities to be defined in a contract between such two entities. The contract shall include provisions to reimburse the Greater Williamsburg Chamber and Tourism Alliance for annual audits and any other agreed-upon expenditures. The Williamsburg Area Destination Marketing Committee shall also contract with the Greater Williamsburg Chamber and Tourism Alliance to provide administrative support services as the entities shall mutually agree.

4. The provisions in subdivision 2 relating to the composition and voting powers of the Williamsburg Area Destination Marketing Committee shall be a condition of the authority to impose the tax provided herein.

For purposes of this subsection, "advertising the Historic Triangle area" as an overnight tourism destination means advertising that is intended to attract visitors from a sufficient distance so as to require an overnight stay of at least one night.

D. The county tax limitations imposed pursuant to § 58.1-3711 shall apply to any tax levied under this section, mutatis mutandis.

1996, c. 712;1998, cc. 74, 444;2002, cc. 173, 259;2004, cc. 50, 610, 828;2006, c. 377;2008, c. 839; 2011, c. 677.

§ 58.1-3824. Additional transient occupancy tax in Fairfax County.

In addition to such transient occupancy taxes as are authorized by this chapter, beginning July 1, 2004, Fairfax County may impose an additional transient occupancy tax not to exceed two percent of the amount of charge for the occupancy of any room or space occupied; provided that the board of supervisors of the County appropriates the revenues collected from such tax as follows:

1. No more than 75 percent of such revenues shall be designated for and appropriated to Fairfax County to be spent for tourism promotion in the County after consultation with local tourism industry organizations and in support of the local tourism industry; and
2. The remaining portion of such revenues shall be designated for and appropriated to a nonprofit convention and visitor's bureau located in Fairfax County.

The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days.

For purposes of this section, "tourism promotion" means direct funding designated and spent solely for tourism, marketing of tourism or initiatives that, as determined in consultation with the local tourism industry organizations, attract travelers to the locality and generate tourism revenues in the locality.

2004, c. 9.

§ 58.1-3824.1. Transient occupancy tax; Fairfax County limitations.

Any additional transient occupancy tax or any increase in the rate of an existing transient occupancy tax in Fairfax County first imposed on or after July 1, 2010, shall not apply within the limits of any town located in such county, without the consent of the governing body of the town.

2010, cc. 116, 660.

§ 58.1-3825. Additional transient occupancy tax in Rockbridge County and the Cities of Lexington and Buena Vista.

In addition to such transient occupancy taxes as are authorized by this chapter, Rockbridge County and the Cities of Lexington and Buena Vista may impose an additional transient occupancy tax not to exceed two percent of the amount of charge for the occupancy of any room or space occupied. The authority to impose such tax is hereby individually granted to the local governing bodies of such county and cities. However, if such tax is adopted, the local governing body of such county or cities adopting the tax shall appropriate the revenues collected therefrom to the Virginia Horse Center Foundation to be used by the Foundation for the sole purpose of making principal and interest payments on a promissory note or notes signed or executed by the Virginia Horse Center Foundation or the Virginia Equine Center Foundation prior to January 1, 2004, with the Rockbridge Industrial Development Authority as the obligee or payee, as part of an agreement for the Authority to issue bonds on behalf of or for improvements at the Virginia Horse Center Foundation, Virginia Equine Center Foundation, or Virginia Equine Center.

For purposes of this section, such note or notes signed or executed prior to January 1, 2004, shall include any notes or other indebtedness incurred to refinance such note or notes, regardless of the date of refinancing, provided that such refinancing shall not include any debt or the payment of any debt for any activity relating to the Virginia Horse Center Foundation, Virginia Equine Center Foundation, or Virginia Equine Center that occurs on or after January 1, 2004.

The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. Such tax may no longer be imposed in such county or such cities after final payment of the note or notes described herein.

2004, c. 598;2007, c. 61.

§ 58.1-3825.1. (See Editor's note for effect of section) Additional transient occupancy tax in certain counties and cities in Northern Virginia.

In addition to such transient occupancy taxes as are authorized by this chapter, the Northern Virginia Transportation Authority established under § 33.2-2500 may impose an additional transient occupancy tax at the rate of 2% of the amount of charge for the occupancy of any room or space occupied provided that such room or space is located within a county or city embraced by the Authority. Such revenues shall be used according to the provisions of § 33.2-2510.

2007, c. 896.

§ 58.1-3825.2. Additional transient occupancy tax in Bath County.

A. In addition to such transient occupancy tax as is authorized by § 58.1-3819, Bath County may impose an additional transient occupancy tax not to exceed two percent of the amount of the charge for the occupancy of any room or space occupied.

B. The revenues collected from the additional tax shall be designated and spent as follows:

1. One-half of such revenue shall be designated and spent solely for tourism and travel, marketing of tourism, or initiatives that, as determined after consultation with the local tourism industry organizations, attract travelers to the locality and generate tourism revenues in the locality. If there are no local tourism industry organizations in the locality, the governing body shall hold a public hearing prior to making any determination relating to how to attract travelers to the locality and generate tourism revenues in the locality.

2. One-half of such revenue shall be designated and spent solely for the design, operation, construction, improvement, acquisition, and debt service for such expenses on debt incurred after June 30, 2009, of tourism facilities, historic sites, beautification projects, promotion of the arts, regional tourism marketing efforts, capital costs related to travel and transportation including air service, public parks and recreation, and information centers that attract travelers to the locality and generate tourism revenues in the locality.

C. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days in hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms.

D. If Bath County requires local hotel and motel businesses, or any class thereof, to collect, account for, and remit the tax imposed pursuant to this section, the County may allow such businesses a commission for such service in the form of a deduction from the tax remitted. Such commission shall be provided for by ordinance, which shall set the rate thereof, no less than three percent and not to exceed five percent of the amount of tax due and accounted for. No commission shall be allowed if the amount due is delinquent.

E. All tax collections pursuant to this section shall be deemed to be held in trust for Bath County.

2009, c. 16.

§ 58.1-3826. Scope of transient occupancy tax.

The transient occupancy tax imposed pursuant to the authority of this article shall be imposed only for the occupancy of any room or space that is suitable or intended for occupancy by transients for dwelling, lodging, or sleeping purposes.

2005, c. 20.

Code of Virginia
Title 58.1. Taxation
Chapter 38. Miscellaneous Taxes

§ 58.1-3833. County food and beverage tax

A. Any county is hereby authorized to levy a tax on food and beverages sold, for human consumption, by a restaurant, as such term is defined in subdivision 9 of § 35.1-1, not to exceed four percent of the amount charged for such food and beverages. Such tax shall not be levied on food and beverages sold through vending machines or by (i) boardinghouses that do not accommodate transients; (ii) cafeterias operated by industrial plants for employees only; (iii) restaurants to their employees as part of their compensation when no charge is made to the employee; (iv) volunteer fire departments and volunteer emergency medical services agencies; nonprofit churches or other religious bodies; or educational, charitable, fraternal, or benevolent organizations the first three times per calendar year and, beginning with the fourth time, on the first \$100,000 of gross receipts per calendar year from sales of food and beverages (excluding gross receipts from the first three times), as a fundraising activity, the gross proceeds of which are to be used by such church, religious body or organization exclusively for nonprofit educational, charitable, benevolent, or religious purposes; (v) churches that serve meals for their members as a regular part of their religious observances; (vi) public or private elementary or secondary schools, colleges, and universities to their students or employees; (vii) hospitals, medical clinics, convalescent homes, nursing homes, or other extended care facilities to patients or residents thereof; (viii) day care centers; (ix) homes for the aged, infirm, handicapped, battered women, narcotic addicts, or alcoholics; or (x) age-restricted apartment complexes or residences with restaurants, not open to the public, where meals are served and fees are charged for such food and beverages and are included in rental fees. Also, the tax shall not be levied on food and beverages: (a) when used or consumed and paid for by the Commonwealth, any political subdivision of the Commonwealth, or the United States; or (b) provided by a public or private nonprofit charitable organization or establishment to elderly, infirm, blind, handicapped, or needy persons in their homes, or at central locations; or (c) provided by private establishments that contract with the appropriate agency of the Commonwealth to offer food, food products, or beverages for immediate consumption at concession prices to elderly, infirm, blind, handicapped, or needy persons in their homes or at central locations.

Grocery stores and convenience stores selling prepared foods ready for human consumption at a delicatessen counter shall be subject to the tax, for that portion of the grocery store or convenience store selling such items.

This tax shall be levied only if the tax is approved in a referendum within the county which shall be held in accordance with § 24.2-684 and initiated either by a resolution of the board of supervisors or on the filing of a petition signed by a number of registered voters of the county equal in number to 10 percent of the number of voters registered in the county, as appropriate on January 1 of the year in which the petition is filed with the court of such county. The clerk of the circuit court shall publish notice of the election in a newspaper of general circulation in the county once a week for three consecutive weeks prior to the election. If the voters affirm the levy of a local meals tax, the tax shall be effective in an amount and on such terms as the governing body may by ordinance prescribe. If such resolution of the board of supervisors or such petition states for what projects and/or purposes the revenues collected from the tax are to be used, then the question on the ballot for the referendum shall include language stating for what projects

and/or purposes the revenues collected from the tax are to be used.

The term "beverage" as set forth herein shall mean alcoholic beverages as defined in § 4.1-100 and nonalcoholic beverages served as part of a meal. The tax shall be in addition to the sales tax currently imposed by the county pursuant to the authority of Chapter 6 (§ 58.1-600 et seq.) of this title. Collection of such tax shall be in a manner prescribed by the governing body.

B. Notwithstanding the provisions of subsection A of this section, Roanoke County, Rockbridge County, Frederick County, Arlington County, and Montgomery County, are hereby authorized to levy a tax on food and beverages sold for human consumption by a restaurant, as such term is defined in § 35.1-1 and as modified in subsection A above and subject to the same exemptions, not to exceed four percent of the amount charged for such food and beverages, provided that the governing body of the respective county holds a public hearing before adopting a local food and beverage tax, and the governing body by unanimous vote adopts such tax by local ordinance. The tax shall be effective in an amount and on such terms as the governing body may by ordinance prescribe.

C. Nothing herein contained shall affect any authority heretofore granted to any county, city or town to levy a meals tax. The county tax limitations imposed pursuant to § 58.1-3711 shall apply to any tax levied under this section, mutatis mutandis. All food and beverage tax collections and all meals tax collections shall be deemed to be held in trust for the county, city or town imposing the applicable tax. The wrongful and fraudulent use of such collections other than remittance of the same as provided by law shall constitute embezzlement pursuant to § 18.2-111.

D. No county which has heretofore adopted an ordinance pursuant to subsection A of this section shall be required to submit an amendment to its meals tax ordinance to the voters in a referendum.

E. Notwithstanding any other provision of this section, no locality shall levy any tax under this section upon (i) that portion of the amount paid by the purchaser as a discretionary gratuity in addition to the sales price; (ii) that portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by the restaurant in addition to the sales price, but only to the extent that such mandatory gratuity or service charge does not exceed 20% of the sales price; or (iii) alcoholic beverages sold in factory sealed containers and purchased for off-premises consumption or food purchased for human consumption as "food" is defined in the Food Stamp Act of 1977, 7 U.S.C. § 2012, as amended, and federal regulations adopted pursuant to that act, except for the following items: sandwiches, salad bar items sold from a salad bar, prepackaged single-serving salads consisting primarily of an assortment of vegetables, and nonfactory sealed beverages.

1988, c. 847; 1989, c. 391; 1990, cc. 846, 862; 1992, c. 263; 1993, c. 866; 1999, c. 366; 2000, c. 626; 2001, c. 619; 2003, c. 792; 2004, c. 610; 2004, Sp. Sess. I, c. 3; 2005, c. 915; 2006, cc. 568, 602; 2009, c. 415; 2014, c. 673; 2015, cc. 502, 503.

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Board of Supervisors:
William E. Melton, Chairman
Carson L. Tucker, Vice-Chairman
Barry C. Hodge
Larry J. Nordvig
David T. Williams

THE COUNTY OF
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County Administrator
Patricia A. Weiler

Powhatan County 2016 Legislative Agenda

The Powhatan County Board of Supervisors respectfully requests legislation to address the following priorities for the 2016 General Assembly session:

1. Fully Reimburse Localities for the Cost of Political Party Primaries and Mandatory Voting Machine Upgrades

The Code of Virginia (§ 24.2-509-A) permits political parties to choose their candidates by either convention or primary, and requires localities to pay for the cost of primaries (§ 24.2-518). Powhatan County respectfully requests legislation requiring full compensation for the cost of political party primary elections conducted by localities at the direction of The Commonwealth. In addition, the County requests full reimbursement in the amount of \$113,105 for the ten optical scanners and 13 ADA compliant ballot marking devices that the County was mandated to purchase this year prior to the June 2015 primary due to the immediate decertification of the WinVote.

2. Department of Transportation – Restore Funding to the Route 711 (Huguenot Trail) Widening Project – VDOT UPC# 86442

Powhatan County respectfully requests the General Assembly restore the \$7,059,000 in funding removed from the project by the Commonwealth Transportation Board in October 2014. The project was fully funded in the approved 2014-2019 Six-Year Improvement Program. Restoration of full funding for the \$21 million project will widening the corridor between the Powhatan/Chesterfield County limits and Rt. 288 to four (4) lanes and replacement the bridge over Bernard's Creek to improve safety, reduce congestion, and provide reliability along the corridor. VDOT has completed preliminary engineering and is currently acquiring the necessary easements and rights-of way and has begun the relocation of the utilities along the corridor. The project is scheduled to be advertised for construction in the fall of 2015 to facilitate construction commencing spring 2016.

3. Telecommunications - Affordable Access to High-Speed Internet Services

The Board seeks assistance from the Commonwealth and Federal Government that will encourage and facilitate the deployment of high-speed internet services ("broadband") to all underserved and rural areas of the Commonwealth while preserving local land use, permitting, and other regulatory authority.

Assistance should include the provision of economic incentives and favorable financing mechanisms, as well as the adoption of budgetary and statutory policies that facilitate greater broadband deployment and usage.

The availability of affordable access to high speed internet service is critical to advancing a community's educational and economic well-being and quality of life. Powhatan County supports the Commonwealth in continuing its efforts to promote public-private partnerships to deploy universal, affordable access to broadband in underserved and rural areas. These efforts should focus on the provision of economic incentives, budgetary appropriations, and statutory policies that facilitate greater broadband deployment in the areas of public safety, public education, economic and workforce development, and telemedicine.

Powhatan County seeks assistance from the Commonwealth with securing access to existing regional broadband networks established by funding provided by the Commonwealth or its Authorities, Boards, or Commissions, and funding to support deployment of broadband in the community.

4. Increase Technical Assistance Funding Percentage for Virginia Agricultural Cost-Share Program and Fully Fund the 100% Agricultural Cost Share Program

The Board requests legislation to increase the technical assistance percentage allocated to Soil and Water Conservation Districts to administer the Virginia Agricultural Cost-Share (VACS) program from 8% to a level closer to the actual cost of providing the service, which is 20%. Technical assistance for cost share projects includes activities such as on-site assessment of required practices, development of plans showing suggested practices, cost estimate of plan implementation, construction oversight and inspection during installation of practices, various administrative duties associated with the processing and tracking of cost-share applications and post construction monitoring of all projects as all practices installed under this program must be maintained for a minimum of 10 years. The 2014 VACS program incorporated changes that now allow for funding of livestock exclusion practices at 100%. This change has generated upwards of 75 new applications while not providing any additional funding to administer the increased workload associated with processing those applications.

5. Policy Statement on State Water Control Board Nutrient Allocations

Powhatan County strongly opposes any legislation that would require or allow the State Water Control Board to revise existing nutrient allocations of existing facilities for the purpose of transferring allocations to new facilities. Powhatan County opposes any new legislation that proposes to amend existing nutrient allocations for facilities with unused or surplus allocations and opposes any legislation that would alleviate the responsibilities of new facilities for their own nutrient loading on the Chesapeake Bay watershed. Powhatan County's Water and Wastewater Master Plan, adopted in 2015, relies on the nutrient allocations currently assigned to the County for future use.

Approved by the Powhatan County Board of Supervisors on November 16, 2015.

Signed: William G. Matton
Chairman, Powhatan County Board of Supervisors

Board of Supervisors:
William E. Melton, Chairman
Larry J. Nordvig, Vice-Chairman
Angela Y. Cabell
Carson L. Tucker
David T. Williams

County Administrator
Patricia A. Weiler

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Powhatan County 2017 Legislative Agenda

The Powhatan County Board of Supervisors respectfully requests legislation to address the following priorities for the 2017 General Assembly session:

1. Broadband – Affordable Access to High-Speed Internet Services

The Board seeks assistance from the Commonwealth that will encourage and facilitate the deployment of high-speed internet services (“broadband”) to all underserved and rural areas of the Commonwealth while preserving local land use, permitting, and other regulatory authority. Assistance should include the provision of economic incentives and favorable financing mechanisms, as well as the adoption of budgetary and statutory policies that facilitate greater broadband deployment and usage.

The Board supports continued funding of the Center for Innovative Technology (CIT) Broadband program to provide technical assistance to and support local governments and public-private partnerships to provide broadband infrastructure in un-/underserved areas in the Commonwealth.

2. Mandatory Connection to Water and Sewage Systems

Amend §15.2-2110 (A) of the Code of Virginia to provide Powhatan County with the authority to require connection to the County’s water and sewage systems by owners of property that may be served, and charge a monthly nonuser fee.

3. Transient Occupancy Tax

Amend §58.1-3819(A) of the Code of Virginia to allow Powhatan County to levy a transient occupancy tax on hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms rented out for continuous occupancy for fewer than 30 consecutive days

not to exceed five percent (5%) with any excess over two (2%) percent designated solely for tourism and travel marketing or initiatives.

4. Amend §15.2-2303.4, Provisions Applicable to Certain Conditional Rezoning Proffers, of the Code of Virginia.

Joint Resolution directing a study of the current Code of Virginia provisions related to proffers (§15.2-2303 – §15.2-2303.4), best practices for growth management, and the development of new code provisions that provide for equity for the public and private sectors as it relates to the burden of paying for on- and off-site infrastructure improvements resulting from new development. The study committee should include representation from both the Virginia House of Delegates and Senate, the Virginia Association of Counties and the Virginia Municipal League the Virginia Homebuilders Association, the Virginia Local Government Attorney’s Association, the Virginia Chapter of the American Planning Association, and the Urban Land Institute.

5. Transfer of the Beaumont Juvenile Correction Facility from the Virginia Department of Juvenile Justice and Virginia Building Authority to the Virginia Department of Conservation and Recreation

The Board requests the conversion of the Beaumont Juvenile Correction Facility from a correctional institute to a park, and the expansion of the Powhatan State Park to include the property. The closure of the Beaumont Juvenile Correction Facility was announced as part of the 2016-2018 Biennium budget for the Commonwealth of Virginia. The facility encompasses a total of approximately 800 acres and 7,000 feet of frontage along the James River. The property is directly adjacent to the Powhatan State Park. Adding this property to the Powhatan State Park will increase the total acreage of the park to 2,370 acres and provide access to over four (4) miles of the James River for the citizens of Powhatan and the Commonwealth to enjoy. The addition of the property to the park would also provide an enhanced entrance to the park property.

6. Full Reimbursement to Localities for the Cost of Political Party Primaries

The Code of Virginia (§ 24.2-509(A)) permits political parties to choose their candidates by either convention or primary, and requires localities to pay for the cost of primaries (§ 24.2-518). This is an unfunded mandate. Powhatan County respectfully requests legislation requiring full compensation for the cost of political party primary elections conducted by localities at the direction of The Commonwealth.

7. 2016-2018 Biennium Budget Bill - Reimbursement from the Compensation Board (SCB) to local governments for salaries and benefits of Constitutional Officers and their employees

Amended the Budget Bill for the 2016-2018 Biennium to remove or clarify the following language:

“increase the base salary of the following employees by two percent **provided that the governing authority of such employees certifies that the listed employees will receive the stated pay increase.**

- a. Locally-elected constitutional officers;
- b. General Registrars and members of local electoral boards;
- c. Full-time employees of locally-elected constitutional officers and,”

As of August 27, 2016, the Compensation Board has not received from the Department of Planning and Budget an interpretation of this language.

This language has not been included for state supported local employees in the past. It is identical in intent/policy to the language that has always been included for teachers where the state creates an incentive pool to provide funding if localities elect to provide a salary increase. The language does not mandate/require the localities to give a salary increase, it simply provides funding for the locality if the locality elects to provide the salary increase. In the past, when there was no language, localities that currently pay salaries above the compensation board salaries would get the funding regardless of whether or not they were providing a pay raise that year, so if they were not providing the pay raise the "salary increase" really represented increased reimbursements to the localities as opposed to a pay raise. Representatives of the constitutional officers and their employees have been lobbying for such language for several years. Under the new language there is no mandate to provide a raise, but the locality does not receive additional funding if a raise is not provided.

8. Fiscal Impact on Localities

Legislation to amend §30-19.03 of the Code of Virginia to require that all bills with a local fiscal impact must be introduced by the 1st day of the General Assembly session. This requirement was previously in §30-19.03:14 of the Code of Virginia and was repealed in 2010. Currently there is no requirement on when bills with a fiscal impact must be introduced, which make it difficult for the Commission on Local Government, the Virginia Municipal

League, the Virginia Association of Counties, and localities to advise on the potential fiscal impact of a bill in a time sensitive manner.

9. Continue Technical Assistance Funding Percentage for Virginia Agricultural Cost-Share Program

The Board requests that the current level of funding for technical assistance provided to the Soil and Water Conservation Districts to administer the Virginia Agricultural Cost-Share (VACS) program be continued. Technical assistance for cost share projects includes activities such as on-site assessment of required practices, development of plans showing suggested practices, cost estimate of plan implementation, construction oversight and inspection during installation of practices, various administrative duties associated with the processing and tracking of cost-share applications and post construction monitoring of all projects as all practices installed under this program must be maintained for a minimum of 10 years. The 2014 VACS program incorporated changes that now allow for funding of livestock exclusion practices at 100%. This change generated an increased workload associated with processing and monitoring applications, and current funding levels should be maintained to provide for implementation of the program.

Approved by the Powhatan County Board of Supervisors on _____.

Signed: _____
Chairman