

INTRODUCED: December 13, 2021

AN ORDINANCE No. 2021-356

To amend City Code §§ 28-72, concerning the duty of building owners to make City water and sewer service connections and the duty of owner or tenant to apply for water service, 28-388, concerning duties of owners and tenants for water service connections, and 28-710, concerning duties of owners and tenants for wastewater service connections, for the purpose of clarifying the methods for calculating and estimating non-City water volume for billing purposes.

Patron – Mayor Stoney

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JAN 10 2022 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That sections 28-72, 28-388, and 28-710 of the Code of the City of Richmond (2020) be and are hereby **amended** as follows:

Sec. 28-72. Duty of building owners to make City water and sewer service connections; duty of owner or tenant to apply for water service.

Owners and tenants of premises with occupied buildings thereon shall comply with the following applicable requirements:

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JAN 24 2022 REJECTED: _____ STRICKEN: _____

(1) The owner of a premises with a newly constructed or an existing building thereon shall apply to the Department of Public Utilities for a water service connection and a sewer service connection prior to occupancy of the building, provided that an individual water supply or an individual sewage disposal system approved by the ~~[Director of Public~~ District Health Director may be used if the Department of Public Utilities cannot provide water or sewer service.

(2) Unless otherwise authorized in accordance with rules and regulations made pursuant to Section 28-26, the occupants of all buildings to which a City water connection has been made shall use City water to flush all toilets and to carry all wastewater and sewage into the City sewer system or individual sewage disposal system. Notwithstanding any other section of this Code to the contrary, the rules and regulations made pursuant to Section 28-26 to authorize the use of non-City water to flush toilets and carry wastewater and sewage into the City sewer system or individual sewage disposal system shall prescribe methods used to calculate or estimate the volume of wastewater entering the City sewer system pursuant to such rules and regulations. Each customer contributing non-City water to the City sewer system pursuant to such rules and regulations shall be billed for the calculated or estimated volume of wastewater multiplied by the applicable monthly volume charge set forth in Sections 28-650 through 28-654, and single family residential customers may be given the option to be billed based on a flat estimated volume determined by the Director. Any rules and regulations proposed by the Director pursuant to ~~[this subsection]~~ Section 28-26 related to authorizing the use of non-City water to flush toilets and carry wastewater and sewage into the City sewer system or individual sewage disposal system shall take into account, inter alia, consultations with the City's Bureau of Permits and Inspections, the Virginia Department of Health, the Virginia Department of Environmental Quality, and other appropriate regulatory agencies of the Commonwealth.

(3) An application to the Department of Public Utilities to provide water service may be made by the owner or tenant of the premises. However, an application to provide water service on one meter to two or more dwelling units may be made only by the owner or agent. The owner or agent shall be required to furnish City water to tenants when one water meter serves two or more dwelling units.

(4) If water service to an occupied building is terminated by the Department of Public Utilities as a result of a delinquent water or wastewater bill, a notice may be served by the District Health Department upon the person in whose name the bill is listed requiring that satisfactory arrangements be made with the Department of Public Utilities for payment of the delinquent bill and restoration of water service. Service of the notice shall be made by mailing the notice to the last known post office address of the person in whose name the bill is listed, by serving the notice in person on the person in whose name the bill is listed, or by serving the notice upon a responsible person above the age of 16 years who is an occupant of the building in which the person in whose name the bill is listed lives or works. If compliance with the notice does not occur within the prescribed time or acceptable arrangements for compliance are not made with the District Health Department, the person in whose name the bill is listed may be summoned to court.

(5) Notwithstanding the requirements of subsections (1) and (2) of this section, owners of premises in which another water supply and sewage disposal system, approved by the District Health Director, was installed and used prior to January 1, 1970, shall not be required to connect to the City water and sewer systems as long as the quality of the water and the maintenance and operation of the sewage disposal system are not detrimental to public health and safety.

(6) The owner of a premises in the City may drill a well and use the water for drinking purposes only, provided the well and the water are approved by the District Health Director. Dug wells shall not be permitted in the City.

Sec. 28-388. Duties of owners and tenants.

Owners and tenants of premises with occupied buildings thereon shall comply with the following applicable requirements:

(1) The owner of a premises with a newly constructed or an existing building thereon shall apply to the Department of Public Utilities for a water service connection prior to occupancy of the building, provided that an individual water supply approved by the District Health Director may be used if the Department of Public Utilities cannot provide water service.

(2) Unless otherwise authorized in accordance with rules and regulations made pursuant to Section 28-26, the occupants of all buildings to which a City water connection has been made shall use City water to flush all toilets and to carry all wastewater and sewage into the City sewer system or individual sewage disposal system. Notwithstanding any other section of this Code to the contrary, the rules and regulations made pursuant to Section 28-26 to authorize the use of non-City water to flush toilets and carry wastewater and sewage into the City sewer system or individual sewage disposal system shall prescribe methods used to calculate or estimate the volume of wastewater entering the City sewer system pursuant to such rules and regulations. Each customer contributing non-City water to the City sewer system pursuant to such rules and regulations shall be billed for the calculated or estimated volume of wastewater multiplied by the applicable monthly volume charge set forth in Sections 28-650 through 28-654, and single family residential customers may be given the option to be billed based on a flat estimated volume determined by the Director. Any rules and regulations proposed by the Director pursuant

to ~~[this subsection]~~ Section 28-26 related to the use of non-City water to flush toilets and carry wastewater and sewage into the City sewer system or individual sewage disposal system shall take into account, inter alia, consultations with the City's Bureau of Permits and Inspections, the Virginia Department of Health, the Virginia Department of Environmental Quality, and other appropriate regulatory agencies of the Commonwealth.

(3) An application to the Department of Public Utilities to provide water service may be made by the owner or tenant of the premises, except that an application to provide water service on one meter to two or more dwelling units may be made only by the owner or agent. The owner or agent shall be required to furnish City water to tenants when one water meter serves two or more dwelling units.

(4) If water service to an occupied building is terminated by the Department of Public Utilities as a result of a delinquent water or sewer bill, a notice may be served by the District Health Department upon the person in whose name the bill is listed requiring that satisfactory arrangements be made with the Department of Public Utilities for payment of the delinquent bill and restoration of water service. Service of the notice shall be made by mailing the notice to the last known post office address of the person in whose name the bill is listed, by serving the notice in person on the person in whose name the bill is listed, or by serving the notice upon a responsible person above the age of 16 years who is an occupant of the building in which the person in whose name the bill is listed lives or works. If compliance with the notice does not occur within the prescribed time or acceptable arrangements for compliance are not made with the District Health Department, the person in whose name the bill is listed may be summoned to court.

(5) Notwithstanding the requirements of subsections (1) and (2) of this section, owners of premises in which another water supply system, approved by the ~~[Director of Public]~~ District

Health Director, was installed and used prior to January 1, 1970, shall not be required to connect to the City water system as long as the quality of the water is not detrimental to public health and safety.

(6) The owner of a premises in the City may drill a well and use the water for drinking purposes only, provided the well and the water are approved by the District Health Director. There shall be no interconnections between the well and the City water supply. Dug wells shall not be permitted in the City.

Sec. 28-710. Duties of owners and tenants.

Owners and tenants of premises with occupied buildings thereon shall comply with the following applicable requirements:

(1) The owner of a premises with a newly constructed or an existing building thereon shall apply to the Department for a wastewater service connection prior to occupancy of the building; however, an individual wastewater disposal system approved by the [~~Director of Public~~] District Health Director may be used if the Department of Public Utilities cannot provide wastewater service.

(2) Unless otherwise authorized in accordance with rules and regulations made pursuant to Section 28-26, the occupants of all buildings to which a City water connection has been made shall use City water to flush all toilets and to carry all wastewater into the City wastewater system or individual wastewater disposal system. Notwithstanding any other section of this Code to the contrary, the rules and regulations made pursuant to Section 28-26 related to the use of non-City water to flush toilets and carry wastewater and sewage into the City sewer system or individual sewage disposal system shall prescribe methods used to calculate or estimate the volume of wastewater entering the City sewer system pursuant to such rules and regulations.

Each customer contributing non-City water to the City sewer system pursuant to this subsection shall be billed for the calculated or estimated volume of wastewater multiplied by the applicable monthly volume charge set forth In Sections 28-650 through 28-654, and single family residential customers may be given the option to be billed based on a flat estimated volume determined by the Director. Any rules and regulations proposed by the Director pursuant to ~~[this subsection]~~ Section 28-26 related to the use of non-City water to flush toilets and carry wastewater and sewage into the City sewer system or individual sewage disposal system shall take into account, inter alia, consultations with the City's Bureau of Permits and Inspections, the Virginia Department of Health, the Virginia Department of Environmental Quality, and other appropriate regulatory agencies of the Commonwealth.

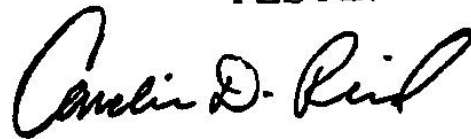
(3) If wastewater service to an occupied building is terminated by the Department as a result of a delinquent water or sewer bill, a notice may be served by the Department of Public Health upon the person in whose name the bill is listed requiring that satisfactory arrangements be made with the Department of Public Utilities for payment of the delinquent bill and restoration of water service. Service of the notice shall be made by mailing the notice to the last known post office address of the person in whose name the bill is listed, by serving the notice in person on the person in whose name the bill is listed, or by serving the notice upon a responsible person above the age of 16 years who is an occupant of the building in which the person in whose name the bill is listed lives or works. If compliance with the notice does not occur within the prescribed time or acceptable arrangements for compliance are not made with the District Health Department, the person in whose name the bill is listed may be summoned to court.

(4) Notwithstanding the requirements of subsections (1) and (2) of this section, owners of premises in which another wastewater disposal system, approved by the District Health

Director, was installed and used prior to January 1, 1970, shall not be required to connect to the City wastewater systems as long as the maintenance and operation of the wastewater disposal system is not detrimental to public health and safety.

§ 2. This ordinance shall be in force and effect upon adoption.

**A TRUE COPY:
TESTE:**

A handwritten signature in black ink, appearing to read "Carolin D. Reil". The signature is written in a cursive, flowing style.

City Clerk



City of Richmond

Intracity Correspondence

O&R REQUEST

DATE: November 15, 2021 **EDITION:** 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor

THROUGH: J.E. Lincoln Saunders, Chief Administrative Officer

THROUGH: Robert C. Steidel, Deputy Chief Administrative Officer, Operations

THROUGH: Alfred Scott, Interim Director of Public Utilities

FROM: April Bingham, Deputy Director Sr., Department of Public Utilities

RE: Changes to Chapter 28 of City Code to address wastewater billing in anticipation of Department of Public Utilities Non-City Water Use Regulations.

ORD. OR RES. No. _____

PURPOSE: This O&R request is to amend Chapter 28 of City Code to clarify that the Director of Public Utilities may, through duly adopted Department of Public Utilities (DPU) non-City water regulations (the "Regulations"), mandate how the volume of non-City water is determined for billing purposes.

REASON: To revise Chapter 28 of City Code to remove potential wastewater billing conflicts and uncertainty. See attached proposed amendments to City Code §§ 28-72, 28-388, and 28-710.

BACKGROUND: By Ord. No. 2015-203-193, City Council amended City Code §§ 106-92, 106-336, and 106-631 (recodified as current §§ 28-72, 28-388, and 28-710) to allow the Director of Public Utilities to promulgate regulations pursuant to City Code § 28-26 that allow non-City water to be used to carry wastewater, e.g., flush toilets and drain sinks. "City water" is potable water provided through the City water system whereas "non-City water" is water from sources other than the City water system such as rainwater and spring water. The purpose of allowing non-City water use is to conserve water and is consistent with the RVA green Sustainability Plan.

While drafting the Regulations, DPU staff became aware of a potential, likely unintended, conflict with City Code §§ 28-650 through 28-654. The draft Regulations include various

methods for calculating and estimating non-City water volume for billing purposes. Since most City wastewater customers only use City water to carry their wastewater, wastewater is typically billed by charging the applicable rate to the volume charged for City water service. However, City Code §§ 28-650 through 28-654 prescribe how wastewater customers are billed for using a water supply “other than the water distribution system of the City,” i.e. non-City water. Namely, residential wastewater customers are billed a flat rate set in City Code § 28-650 (e)(1) and other users are required to meter their total wastewater (or water) volume pursuant to subsections (e)(1) of City Code §§ 28-651 through 28-654. These provisions were enacted long before Ord. No. 2015-203-193 and were likely intended to address wastewater billing for City wastewater customers relying solely on water wells or those with county water service. Most of the wastewater customers who take advantage of the Regulations will only use non-City water to carry a small portion of their wastewater and will also use potable City water since rainwater harvesting systems do not provide enough water for all wastewater service. DPU would like to determine the volume of non-City water use under the Regulations by requiring metering or by a calculated volume estimate, which would save the customer the expense of metering and thereby encourage conservation. Customers would be given the option of metering or the calculated estimate. Single family residential customers would be given the additional option of using a flat estimate for their non-City water volume set by the Director to avoid metering and administrative costs. The proposed City Code amendments would allow DPU the flexibility to efficiently and effectively implement a non-City water use program while avoiding any conflict with City Code §§ 28-650 through 28-654.

RECOMMENDATION: Adopt the proposed City Code amendments or otherwise amend Chapter 28 for the purposes detailed above.

FISCAL IMPACT / COST: None.

FISCAL IMPLICATIONS: The non-City Water Regulations would allow a decrease in water utility revenue commensurate with the volume of non-City water used to carry wastewater.

BUDGET AMENDMENT NECESSARY: No.

REVENUE TO CITY: None.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: October 11, 2021

CITY COUNCIL PUBLIC HEARING DATE: November 8, 2021

REQUESTED AGENDA: Consent.

RECOMMENDED COUNCIL COMMITTEE: Land Use, Housing, and Transportation

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: N/A.

O&R Request

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AFFECTED AGENCIES: Department of Public Utilities, Office of Sustainability

RELATIONSHIP TO EXISTING ORD. OR RES.: None.

REQUIRED CHANGES TO WORK PROGRAM(S): None.

ATTACHMENTS: Draft amendments to City Code §§ 28-72, 28-388, and 28-710

STAFF: April Bingham, Deputy Director, DPU, 646-5295

Sec. 28-72(2)

Unless otherwise authorized in accordance with rules and regulations made pursuant to Section 28-26, the occupants of all buildings to which a City water connection has been made shall use City water to flush all toilets and to carry all wastewater and sewage into the City sewer system or individual sewage disposal system.

Notwithstanding any other section of this Code to the contrary, the rules and regulations made pursuant to this subsection shall prescribe methods used to calculate or estimate the volume of wastewater entering the City sewer system pursuant to such rules and regulations. Each customer contributing non-City water to the City sewer system pursuant to this subsection shall be billed for the calculated or estimated volume of wastewater multiplied by the applicable monthly volume charge set forth in Sections 28-650 through 28-654, and single family residential customers may be given the option to be billed based on a flat estimated volume determined by the Director. Any rules and regulations proposed by the Director pursuant to this subsection shall take into account, inter alia, consultations with the City's Bureau of Permits and Inspections, the Virginia Department of Health, the Virginia Department of Environmental Quality, and other appropriate regulatory agencies of the Commonwealth.

Sec. 28-388(2)

Unless otherwise authorized in accordance with rules and regulations made pursuant to Section 28-26, the occupants of all buildings to which a City water connection has been made shall use City water to flush all toilets and to carry all wastewater and sewage into the City sewer system or individual sewage disposal system.

Notwithstanding any other section of this Code to the contrary, the rules and regulations made pursuant to this subsection shall prescribe methods used to calculate or estimate the volume of wastewater entering the City sewer system pursuant to such rules and regulations. Each customer contributing non-City water to the City sewer system pursuant to this subsection shall be billed for the calculated or estimated volume of wastewater multiplied by the applicable monthly volume charge set forth in Sections 28-650 through 28-654, and single family residential customers may be given the option to be billed based on a flat estimated volume determined by the Director. Any rules and regulations proposed by the Director pursuant to this subsection shall take into account, inter alia, consultations with the City's Bureau of Permits and Inspections, the Virginia Department of Health, the Virginia Department of Environmental Quality, and other appropriate regulatory agencies of the Commonwealth.

Sec. 28-710(2)

Unless otherwise authorized in accordance with rules and regulations made pursuant to Section 28-26, the occupants of all buildings to which a City water connection has been made shall use City water to flush all toilets and to carry all wastewater into the City wastewater system or individual wastewater disposal system. **Notwithstanding**

any other section of this Code to the contrary, the rules and regulations made pursuant to this subsection shall prescribe methods used to calculate or estimate the volume of wastewater entering the City sewer system pursuant to such rules and regulations. Each customer contributing non-City water to the City sewer system pursuant to this subsection shall be billed for the calculated or estimated volume of wastewater multiplied by the applicable monthly volume charge set forth in Sections 28-650 through 28-654, and single family residential customers may be given the option to be billed based on a flat estimated volume determined by the Director. Any rules and regulations proposed by the Director pursuant to this subsection shall take into account, inter alia, consultations with the City's Bureau of Permits and Inspections, the Virginia Department of Health, the Virginia Department of Environmental Quality, and other appropriate regulatory agencies of the Commonwealth.