

INTRODUCED: September 17, 2015

AN ORDINANCE No. 2015-203-193

To amend City Code §§ 106-92, 106-336, and 106-631, concerning the duties of owners and tenants with regard to water and sewer connections, for the purpose of allowing the use of water not provided by the City to flush toilets and to carry wastewater and sewage into the sewer system pursuant to rules and regulations made by the Director of Public Utilities.

Patron – Mayor Jones

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: SEPT 28 2015 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That sections 106-92, 106-336, and 106-631 of the Code of the City of Richmond (2004) be and are hereby amended and reordained as follows:

Sec. 106-92. 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:

(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

AYES: 7 NOES: 0 ABSTAIN: _____

ADOPTED: SEPT 28 2015 REJECTED: _____ STRICKEN: _____

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 health may be used if the department of public utilities cannot provide water or sewer service.

(2) ~~[The]~~ Unless otherwise authorized in accordance with rules and regulations made pursuant to section 106-32, 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. 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.

(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 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 department of public health, 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 director of public health, 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 director of public health. Dug wells shall not be permitted in the city.

Sec. 106-336. 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 director of public health may be used if the department of public utilities cannot provide water service.

(2) ~~The~~ Unless otherwise authorized in accordance with rules and regulations made pursuant to section 106-32, 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. 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.

(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 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 department of public health, 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 health, 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 director of public health. There shall be no interconnections between the well and the city water supply. Dug wells shall not be permitted in the city.

Sec. 106-631. 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 health may be used if the department of public utilities cannot provide wastewater service.

(2) ~~[The]~~ Unless otherwise authorized in accordance with rules and regulations made pursuant to section 106-32, 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. 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.

(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 department of public health, 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 director of public health, 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.



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

O & R REQUEST

AUG 10 2015
4-3952
Chief Administration Office
City of Richmond

DATE: July 28, 2015

TO: The Honorable Members of City Council

THROUGH: Dwight C. Jones, Mayor

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH: Christopher L. Beschler, Deputy Chief Administrative Officer

THROUGH: Robert C. Steidel, Director Department of Public Utilities

FROM: Rosemary H. Green, Deputy Director II Department of Public Utilities

RE: Request for Code Amendment to allow the use of non-potable water sources for Flushing Toilets

EDITION: ARCHIVED

AUG 19 2015

OFFICE OF CITY ATTORNEY

[Handwritten signature]

29 July 15

RHG 07-28-15

ORD. OR RES. No. _____

PURPOSE: To amend and reordain portions of Section 106 of the Code of the City of Richmond, 2004, to authorize the Director of Public Utilities to allow the use of non-potable water sources for flushing toilets.

REASON: The City has received requests to allow the use of non-potable water sources in the flushing of toilets and urinals. Currently City Code Sections 106-92, 106-336 and 106-631 prohibit this use. Code requires that "... all buildings to which a city water connection has been made shall use city water to flush all toilets".

The City has made an assessment regarding the assumed benefits and potential concerns and agrees that the use of non-potable water sources for this purpose should be allowed.

RECOMMENDATION: To approve the DPU to move forward with amending applicable Sections of City Code to allow for the safe use of non-potable water for flushing toilets and urinals. This allowance is consistent with the principals of the City's RVAGreen Sustainability plan. If approved, the DPU Director would then move forward to make necessary changes to its water and wastewater permitting and billing regulations to ensure this use of non-potable water is administered in the most safe and cost-effective manner for City utility rate payers.

BACKGROUND: The City has been approached by VCU and several residential and commercial customers to allow the use of non-potable water sources to flush toilets. VCU's Institute for Contemporary Art is currently under construction and has been designed to incorporate this type of system as part of their desire to secure LEED Platinum certification. Both the International Plumbing Code and the Virginia Uniform Statewide Building Code allow for the use of rainwater and gray-water. These codes are the governing codes in use by the City's Department of Planning and Development Review. In addition the counties of Henrico, Chesterfield and Hanover have allowed this use.

FISCAL IMPACT / COST: None

FISCAL IMPLICATIONS: None

BUDGET AMENDMENT NECESSARY: No.

REVENUE TO CITY: None.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: September 14, 2015

CITY COUNCIL PUBLIC HEARING DATE: October 12, 2015

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Land Use, Transportation

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: Development & Plan Review, Sustainability Office

AFFECTED AGENCIES: Departments of Public Utilities and Development & Planning & Development Review

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS:

STAFF: Scott Yates, Operations Manager, DPU
Alicia Zatcoff, Sustainability Manager
Mark Olinger, Director Planning & Development Review