



Legislation Text

File #: ORD. 2024-099, **Version:** 1

To adopt the annual budget, which includes all of the separate current expense budgets for the general operation of the City government and Richmond Public Schools and for each utility as defined in ch. 13 of the City Charter and provides for increases to certain fees for certificates of appropriateness, certificates of zoning compliance, zoning confirmation letters, and other filing fees set forth in ch. 30 of the City Code, concerning zoning, for the fiscal year commencing Jul.1, 2024, and ending Jun. 30, 2025, and to appropriate the estimated revenues for such fiscal year for the objects and purposes stated in such budget. (As Amended)

WHEREAS, (i) the Mayor submitted to the Council a proposed annual budget for the City for the fiscal year beginning July 1, 2024, and ending June 30, 2025, and it is necessary to make appropriations sufficient to fund said budget and to regulate the payment of money from the City treasury, and (ii) the recommended budget for the fiscal year commencing July 1, 2024, and ending June 30, 2025, is as set out in the attachment to this ordinance entitled “General Fund Budget July 1, 2024, to June 30, 2025, As Amended,” and the Non-Departmental programs are set forth on the attachment to this ordinance entitled “General Fund Budget, Non-Departmental and Central Appropriations, July 1, 2024, to June 30, 2025[.], As Amended,” the specific uses and funding allocation for Council District Funds are as set forth on the attachment to this ordinance entitled “Council FY 2025 District Funds,” and the text amendments are as set forth on the attachment to this ordinance entitled “Ordinance No. 2024-099, General Fund Budget, Text Amendments.”

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

I. Budgets and Appropriations.

§ 1. General Fund.

(a) The budget designated as the General Fund Budget in the total amount of [\$1,001,088,669]

\$1,001,888,669 for the fiscal year commencing July 1, 2024, and ending June 30, 2025, set forth on the attachment to

this ordinance entitled “General Fund Budget, July 1, 2024, to June 30, 2025, As Amended,” including the budget for Non-Departmental programs set forth on the attachment to this ordinance entitled “General Fund Budget, Non-Departmental and Central Appropriations, July 1, 2024, to June 30, 2025, As Amended”, the specific uses and funding allocation for Council District Funds set forth on the attachment to this ordinance entitled “Council FY 2025 District Funds,” and the text amendments set forth on the attachment to this ordinance entitled “Ordinance No. 2024-099, General Fund Budget, Text Amendments,” each of which is incorporated into this ordinance, is hereby adopted and made part of this ordinance.

(b) The sum of [\$1,001,088,669] \$1,001,888,669 of the estimated revenue for the fiscal year commencing July 1, 2024, be and is hereby appropriated from the estimated receipts from all existing sources of revenue during the fiscal year commencing July 1, 2024, except estimated receipts from the gas, water, wastewater, electric, and stormwater utilities and the School Board, and shall be used by the respective departments and major operating units thereof and by the courts, bureaus, commissions, offices, and agencies of the City, hereinafter collectively referred to as “agencies,” in the sums itemized in said budget, hereby adopted and made a part of this ordinance, for the principal objectives and purposes thereof. The total sum of the funds herein provided for the respective agencies are as set out opposite each of them in the attachment to this ordinance entitled “General Fund Budget, July 1, 2024, to June 30, 2025, As Amended,” as supplemented by the attachments to this ordinance entitled “General Fund Budget, Non-Departmental and Central Appropriations, July 1, 2024, to June 30, 2025[.], As Amended,” the specific uses and funding allocation for Council District Funds set forth on the attachment to this ordinance entitled “Council FY 2025 District Funds,” and the text amendments set forth on the attachment to this ordinance entitled “Ordinance No. 2024-099, General Fund Budget, Text Amendments.”

(c) In accordance with section 6.18 of the Charter of the City of Richmond (2020) as amended, every appropriation made by ordinances adopting or amending the general fund budget and appropriations

thereto for the fiscal year commencing July 1, 2024, and ending June 30, 2025, lapses as of the last moment of June 30, 2025. All unexpended and unencumbered funds for which the appropriation lapses as of the last moment of June 30, 2025, shall become part of the undesignated fund balance at the time such appropriation lapses unless expressly appropriated for the fiscal year commencing July 1, 2025, and ending June 30, 2026, with the exception of the following line items (i) the appropriation for the Department of Information Technology Internal Service Fund, and (ii) any appropriation for employee tuition assistance within the Department of Human Resources' General Fund budget, which shall not lapse at the close of the fiscal year commencing July 1, 2024, and ending June 30, 2025, and shall not revert to the general fund balance, notwithstanding the term as defined by section 12-24 of the Code of the City of Richmond (2020), as amended, but shall remain in force until expended, revised, or repealed to the extent permitted by law. Any such unexpended amounts shall be accounted for by the Director of Finance in accordance with generally accepted accounting principles and shall be available for appropriation in the fiscal year commencing July 1, 2025, and ending June 30, 2026.

§ 2. **Special Fund.** The designated Special Fund Budgets for the fiscal year commencing July 1, 2024, and ending June 30, 2025, set forth on the attachment to this ordinance entitled "Special Fund Budget, July 1, 2024, to June 30, 2025," are hereby adopted and made a part of this ordinance. The sum of \$164,420,177 of the estimated revenue for the period commencing July 1, 2024, is hereby appropriated from the receipts of all Special Revenue funds.

The reports of the Special Assessment District special funds within the Department of Finance are unaudited and upon completion of the audit by the Director of Finance, any discrepancies between the actual amount and the amount remitted to date shall be reconciled.

§ 3. **Debt Service Fund Budget.** The designated Debt Service Fund Budget for the fiscal year commencing July 1, 2024, and ending June 30, 2025, is hereby adopted. The sum of \$94,315,932 is hereby appropriated from the receipts of the Debt Service Fund to pay the estimated debt service costs.

§ 4. **Internal Service Fund Budgets.** The designated Internal Service Fund Budgets for the fiscal year commencing July 1, 2024, and ending June 30, 2025, set forth on the attachment to this ordinance entitled “Internal Service Fund Budget, July 1, 2024, to June 30, 2025,” are hereby adopted and made a part of this ordinance. The sum of \$76,579,920 of the estimated revenue for the period commencing July 1, 2024, is hereby appropriated from the receipts of all Internal Service Funds.

§ 5. **Department of Public Utilities’ Stores Internal Service Fund Budgets.** The designated Department of Public Utilities’ Stores Internal Service Fund Budgets for the fiscal year commencing July 1, 2024, and ending June 30, 2025, are hereby adopted and made a part of this ordinance. The sum of \$927,760 be and is hereby appropriated from the estimated receipts of all Department of Public Utilities’ Stores Internal Service Funds for the fiscal year commencing July 1, 2024, and ending June 30, 2025.

§ 6. **Department of Parks, Recreation and Community Facilities’ Richmond Cemeteries Budget** . The budget designated the Department of Parks, Recreation and Community Facilities’ Richmond Cemeteries Budget for the fiscal year commencing July 1, 2024, and ending June 30, 2025, is hereby adopted. The sum of \$2,108,777 be and is hereby appropriated from the estimated receipts of the Richmond Cemeteries for the fiscal year commencing July 1, 2024, and ending June 30, 2025, for the purposes as set forth in the Department of Parks, Recreation and Community Facilities’ Richmond Cemeteries Budget.

§ 7. **Department of Public Works’ Parking Enterprise Fund Budget.** The budget designated the Department of Public Works’ Parking Enterprise Fund Budget for the fiscal year commencing July 1, 2024, and ending June 30, 2025, is hereby adopted. The sum of \$17,000,000 be and is hereby appropriated from the estimated receipts of the Department of Public Works’ Parking Enterprise Fund for the fiscal year commencing July 1, 2024, and ending June 30, 2025, for the purposes as set forth in the Department of Public Works’ Parking Enterprise Fund Budget.

§ 8. **Electric Utility Budget.** The budget designated the Electric Utility Budget for the fiscal year commencing July 1, 2024, and ending June 30, 2025, is hereby adopted. The sum of \$12,362,423 be and is

hereby appropriated from the estimated receipts of the electric utility for the fiscal year commencing July 1, 2024, and ending June 30, 2025, for the purposes as set forth in the Electric Utility Budget. The sum of \$0 be and is hereby appropriated from the electric utility renewal fund or operating fund for renewing, rebuilding and extending the utility and for purchasing vehicles as set forth in the Utility Budget, the said appropriation having been recommended by the Mayor.

§ 9. **Gas Utility Budget.** The budget designated the Gas Utility Budget for the fiscal year commencing July 1, 2024, and ending June 30, 2025, is hereby adopted. The sum of \$227,378,313 for the fiscal year commencing July 1, 2024, and ending June 30, 2025, be and is hereby appropriated from the estimated receipts of the gas utility for the fiscal year commencing July 1, 2024, and ending June 30, 2025, for the purposes as set forth in the Gas Utility Budget. The sum of \$0 be and is hereby appropriated from the gas utility renewal fund or operating fund for renewing, rebuilding and extending the utility and for purchasing vehicles as set forth in the Gas Utility Budget, the said appropriation having been recommended by the Mayor.

§ 10. **Stormwater Utility Budget.** The budget designated the Stormwater Utility Budget for the fiscal year commencing July 1, 2024, and ending June 30, 2025, is hereby adopted. The sum of \$17,758,965 be and is hereby appropriated from the estimated receipts of the Stormwater Utility for the fiscal year commencing July 1, 2024, and ending June 30, 2025, for the purposes as set forth in the Stormwater Utility Budget. The sum of \$0 be and is hereby appropriated from the stormwater utility renewal fund or operating fund for renewing, rebuilding and extending the utility and for purchasing vehicles as set forth in the Stormwater Utility Budget, the said appropriation having been recommended by the Mayor.

§ 11. **Wastewater Utility Budget.** The budget designated the Wastewater Utility Budget for the fiscal year commencing July 1, 2024, and ending June 30, 2025, is hereby adopted. The sum of \$151,521,598 be and is hereby appropriated from the estimated receipts of the wastewater utility for the fiscal year commencing July 1, 2024, and ending June 30, 2025, for the purposes as set forth in the Wastewater Utility Budget. The sum of \$0 be and is hereby appropriated from the wastewater utility renewal fund or operating fund for renewing, rebuilding and extending the

utility and for purchasing vehicles as set forth in the Wastewater Utility Budget, the said appropriation having been recommended by the Mayor.

§ 12. **Water Utility Budget.** The budget designated the Water Utility Budget for the fiscal year commencing July 1, 2024, and ending June 30, 2025, is hereby adopted. The sum of \$104,240,957 be and is hereby appropriated from the estimated receipts of the water utility for the fiscal year commencing July 1, 2024, and ending June 30, 2025, for the purposes as set forth in the Water Utility Budget. The sum of \$0 be and is hereby appropriated from the water utility renewal fund or operating fund for renewing, rebuilding and extending the utility and for purchasing vehicles as set forth in the Water Utility Budget, the said appropriation having been recommended by the Mayor.

§ 13. **School Budget.** The budget designated the School Budget for the fiscal year commencing July 1, 2024, and ending June 30, 2025, is hereby adopted. That a sum not exceeding [\$268,837,773] \$270,837,773 be and is hereby appropriated representing (i) \$31,556,981 in State Shared Sales Tax funds and (ii) [\$237,280,792] \$239,280,773 in funds appropriated from the City's general fund, resulting in a total City contribution to the School Board of [\$237,280,792] \$239,280,773, and, together with the estimated receipts of the School Board from tuition charges and from other anticipated sources of revenue of \$16,631,212, along with revenue from Richmond Public Schools' Anthem healthcare reserve fund of \$0, and with the estimated state and federal receipts of the School Board through the Commonwealth of Virginia of \$243,956,775 (excluding transfers to special funds and including \$184,589,551 in state funds and \$59,367,224 in federal funds), may be expended for the operation of the public free schools in the City, including the payment of salaries, wages, debt service, other expenses, acquisition of equipment and supplies and maintenance of the school plant and other capital expenses; provided however, such expenditures shall not exceed in any event [\$529,425,760] \$531,425,760; and provided further that, in the event that the actual receipts from or through the Commonwealth of Virginia for the fiscal year commencing July 1, 2024, and ending June 30, 2025, exceed the estimated receipts from such sources, the expenditure of such excess for such purpose must be further authorized and approved by the City Council. That the appropriations for which this section provides over and above the amounts required by

state law to be paid are conditioned upon the following:

(a) Richmond Public Schools shall submit to the City's Director of Finance quarterly reports of year-to-date spending and estimated annualized spending of local funding and funding from all general sources. Such reports shall be submitted prior to a request of any subsequent quarterly distribution of local funds. The quarterly reports shall further document the following:

- (1) The number of filled/authorized non-teacher instructional positions on staff in the Instruction Category that exceed Standard of Quality guidelines;
- (2) The number of filled/authorized administrative type positions on staff in the Administration, Attendance and Health Category that exceed Standard of Quality guidelines;
- (3) The increase in federally funded free and reduced meal participation compared in the previous year;
- (4) The energy cost spending compared to the same month in the previous year; and
- (5) The number of "deadhead" (i.e., empty bus) miles compared to the same month in the previous year.

(b) Richmond Public Schools shall submit to the City Auditor, within 90 days of the effective date of this ordinance, a statement of the cost per pupil of the educational services provided to each pupil along with the methodology used to calculate such cost.

(c) Richmond Public Schools shall submit to the City Council's Finance and Economic Development Standing Committee a quarterly financial report no later than 45 days after the end of each quarter in a format to be agreed upon by Richmond Public Schools and such Committee prior to the due date of the first such report.

(d) That the payment and settlement of claims of any kind heretofore or hereafter asserted against the School Board or the City itself growing out of the operation of the public schools and final judgments heretofore or hereafter obtained against the School Board or the City on account thereof, together with all costs,

interest, fees for legal services and all other fees and expenses incident thereto, shall be paid upon the approval and order of the City Attorney from the funds herein appropriated for defraying the expenses of operating the public schools.

(e) That all sums of money derived from the City's funds which are unexpended in the fiscal year commencing July 1, 2024, and ending June 30, 2025, shall remain a part of the City's funds for use the next year and shall be returned directly to the City at the close of the fiscal year.

(f) That, after the close of the prior fiscal year's activity and once unexpended City funds from that period are returned to the City, a set target amount of local funds for the Richmond Public Schools budget shall be established by the City Administration for the subsequent fiscal year commencing July 1, 2025, and ending June 30, 2026. Such budget target shall be communicated by the Director of Finance to the Superintendent no later than November 30, 2025, and be utilized by Richmond Public Schools as the maximum amount of local funding for use in compiling the Richmond Public Schools budget for the fiscal year commencing July 1, 2025, and ending June 30, 2026. Any requests for local funding above and beyond such target amount shall be listed separately in the Richmond Public Schools budget document for the respective fiscal year for consideration by the City Administration.

§ 14. **Tourism Improvement District Funds.** The reports of the Special Assessment District special funds within the Department of Finance are unaudited and upon completion of the audit by the Director of Finance, any discrepancies between the actual amount and the amount remitted to date shall be reconciled.

II. **Budget Amendments**

§ 1. **Form of budget amendments submitted to Council.** Notwithstanding any other provision of law to the contrary, the funds appropriated by this ordinance and set out in the attachments to this ordinance entitled "General Fund Budget, July 1, 2024, to June 30, 2025," and the Non-Departmental programs set forth on the attachment entitled "General Fund Budget, Non-Departmental and Central Appropriations, July 1, 2024, to June 30, 2025," are to be expended for the purposes designated; however, the Chief Administrative Officer,

or the designee thereof, may authorize transfers between account groups within departments, and a record of such transfers shall be maintained by the Director of Budget and Strategic Planning.

§ 2. Appropriations to non-departmental or central appropriations accounts.

(a) Each budget item in a non-departmental or central appropriations budget shall have the following information associated with such line item at the times prescribed by this subsection:

- (1) The planned uses of the funds appropriated;
- (2) The timeline for completion of the purpose of the appropriation; and
- (3) The agency, organization, or program manager responsible for ensuring that the purpose of the appropriation is completed.

For each appropriation line item in a non-departmental or central appropriations budget included with the annual budget or any budget amendment ordinance submitted by the Mayor, the information required to be associated with such appropriation line item by this subsection shall be included in the annual budget or such budget amendment ordinance at the time of submission by the Mayor in accordance with section 12-11 of the Code of the City of Richmond (2020), as amended. For each appropriation line item in a non-departmental or central appropriations budget that is added or modified by the City Council, the final adopted budget or budget amendment ordinance shall include the information required to be associated with such appropriation line item by this subsection at the time of adoption in accordance with section 6.11 of the Charter of the City of Richmond (2020), as amended.

When an annual appropriation or budget ordinance or any amendment thereto appropriates monies to a non-departmental or central appropriations budget, such appropriations shall be deemed to be appropriated specifically for each particular program listed in such non-departmental or central appropriations budget. Expenditures shall only be made from monies appropriated in accordance with the non-departmental or central appropriations budget for the specific organizations and programs set forth in the ordinance, ordinances making appropriations to such non-departmental or central appropriations budget, or those identified through a

competitive process in compliance with the Virginia Public Procurement Act and approved by the Chief Administrative Officer.

III. Fees and Rates.

§ 1. **Buildings and Building Regulations Fee Schedules.** Section 5-5 of the Code of the City of Richmond

(2020) be and hereby is **amended** as follows:

Sec. 5-5. Fee schedules.

For the purposes of this chapter, fees for plan examination, permits and inspections shall be as established by the Council. Fee schedules shall be published and available to the public through the Office of the Commissioner of Buildings and shall be as set forth below:

Building permits-Residential	
Value of work (higher of contractor's stated final value including material, labor, subcontracts, owner furnished materials, overhead and profit or estimated value from R S Means manuals)	
From \$0.00 to \$2,000.00	\$63.00
Over \$2,000.00	\$63.00*
*Plus \$6.07 per thousand or fraction thereof for single-family detached residential construction	
Re-stamping of residential plans will require an additional fee of \$32.00 per set of plans	
Building permits-Commercial	
Value of work (higher of contractor's stated final value including material, labor, subcontracts, owner furnished materials, overhead and profit or estimated value from R S Means manuals)	
From \$0.00 to \$2,000.00	\$131.00
Over \$2,000.00	\$131.00*
*Plus \$8.50 per thousand or fraction thereof for commercial construction	
Re-stamping of commercial plans will require an additional fee of \$55.00 per set of plans	
Administrative charge for extending permits	\$25.00
Additional fee levy	
An additional two percent levy of fees shall be assessed for all permits used under the fee structure cited above. The fee shall be remitted to the State Department of Housing and Community Development to support training programs conducted at the Virginia Building Code Academy	
The minimum administrative fee for permits which have been either withdrawn or rejected shall be five percent of the initial permit fee but in no case less than \$25.00	

The minimum plans review fee for permits which have been either withdrawn (where the subject review has been undertaken) or rejected shall be ten percent of the initial permit fee but in no case less than \$25.00	
The minimum revised plan fee once a permit has been issued shall be ten percent of the initial permit fee, but in no case less than \$30.00	
Any excess fee greater than \$2.00 shall be returned to the permit holder upon written request	
Demolition	
Residential	\$184.00
Commercial	\$368.00*
*For commercial structures up to 10,000 square feet of floor area; add an additional \$0.01 per square foot floor area above 10,000 square feet, not to exceed a maximum fee of \$1,000.00	
Additional fee levy	
An additional two percent levy of fees shall be assessed for all permits used under the fee structure cited above. The fee shall be remitted to the State Department of Housing and Community Development to support training programs conducted at the Virginia Building Code Academy	
Inspection fees	
Reinspection fee for failure to correct violations previously cited (any trip to a job site is considered an inspection)	
Residential	\$32.00
Commercial	\$63.00
Failure to appear for an on-site inspection	
Residential	\$32.00
Commercial	\$63.00
Fee for after-hours inspection (weekdays 5:00 p.m. to 8:00 a.m.; weekends; holidays) per hour	[\$95.00] <u>\$110.00</u>
Special inspection (request for an on-site inspection not required at the time of the request) during normal working hours	
Residential	\$32.00
Commercial	\$63.00
Egress lighting test	
Lighting test, per hour after normal working hours	\$95.00
Retest due failure, per hour anytime	\$184.00
Electrical certification for change in use	
Inspection, per hour for inspection and write up of report	\$60.00
Fee for after-hours inspection (weekdays 5:00 p.m. to 8:00 a.m.; weekends; holidays) per hour	\$90.00
Elevator test (includes coordinated routine inspections)	
Cable elevators (annual routine test fee)	
1-4 floors/openings	\$150.00
5-10 floors/openings	\$175.00

> 10 floors/openings	\$200.00
Cable hydraulic (annual routine test fee)	\$150.00
Hydraulic (annual routine test fee)	\$150.00
Escalator (annual routine test fee)	\$150.00
Miscellaneous for units not listed above (annual routine test fee)	\$100.00
New work (includes reinspection after lock-out) (see New work fee schedule)	
Reinspections (per visit)	\$50.00
Elevator annual routine inspection (without test)	\$125.00
Elevator certificate processing fee	\$40.00
Appeals to the building code, electrical, mechanical or plumbing board of appeals (as provided for in Code of Virginia, § 36-105)	
Appeal fee	\$184.00*
Building maintenance code	
Certificate of occupancy, including temporary and partial	\$263.00
Reprinting of certificate of occupancy	\$32.00
Code modification request	
Code modification fee	\$125.00*
*Per code section modified, maximum fee \$375.00	
Small business permits	
Permit fee	\$300.00
Work without a permit investigation	
Investigation of "stop work" order, per permit	[\$200.00] \$400.00
Final acceptance of new elevators or elevator modernization	\$230.00
Elevator accidents, complaints, and emergencies per hour	\$63.00
Billing of administrative support time per hour	\$50.00

§ 2. **City-owned real estate fees.** Sections 8-279 and 8-281 of the Code of the City of Richmond (2020) be and hereby are **amended** as follows:

Sec. 8-279. Fees for use of public ~~[parks]~~ grounds and indoor facilities.

(a) Each person shall, for the privilege of renting the public grounds and indoor facilities of park houses ~~[and]~~, recreation centers, and Reedy Creek Nature Center ~~[for private parties, receptions and weddings]~~, be charged a user's fee as set forth in this subsection. The user's fee shall be paid into the City treasury to defray the cost of the maintenance of the facility and the cost of utilities.

[For the privilege of renting park houses and recreation centers, per room, per hour with a two-hour minimum plus staff cost:]			
(1)	Recreation center meeting rooms (per room with a two-hour minimum):		
	a.	Small (25 people or less), per	\$30.00
	b.	Medium (26 to 75 people), per	\$40.00
	c.	Large (76 or more people), per	\$65.00
(2)	Park house (Chimborazo) o) per hour with a two- hour minimum plus staff cost		\$30.00
(3)	Park house (Byrd Park Round House) per hour with a two-hour minimum		\$55.00
(4)	Park house (Forest Hill Stone House) per hour with a two-hour minimum		\$55.00
(5)	[Kitchens] Reedy Creek Nature Center per hour with a two-hour minimum plus staff cost		[\$25.00] \$30.00

(6)	Gymnasium s per hour with a four- hour minimum plus staff cost	\$65.00
(7)	City holiday rate	Double the base rate
(8)	Staff cost, per staff per hour	[\$35.00] <u>\$40.00</u>
(9)	Refundable security deposit to be paid by credit card only	\$100.00

(b) For rafting within the James River Park Systems, a one-time per year rafting vendor permit fee of \$25.00 and rafting fee of \$50.00, which applies to permitted vendors for up to six rafts per trip, shall be imposed.

(c) Additional fees shall be imposed as follows:

[For the privilege of renting a portion of a public park where no admission fees are charged or fundraising occurs. Excludes the following: amplified music, vendors, fireworks, carnival-type attractions, or street closures, per hour]	[\$50. 00]
Grounds fees:	

(1)	<p>Category 1: Small gathering with less than 100 attendees where no admissions fees are charged or fundraising occurs. Excludes amplified music, vendors, alcohol, fireworks, carnival attractions (i.e., moon bounces, bungee jumps, giant slides, etc.) or street closures. This fee is not applicable for events occurring at Kanawha Plaza and, 17th Street Market, <u>and</u> <u>Monroe Park</u></p>	\$50.00 per hour with a two-ho
(2)	<p>Category 2: Events that meet one or more of the following criteria:</p>	\$100.00 per hour with a four-
	a.	101-300 attendees
	b.	Fundraiser for verified nonp
	c.	Amplified music/sound

	d.	Publicly advertised	
	e.	Food/merchandise vendors	
	f.	Serving/selling alcohol	
	g.	Carnival attractions (i.e., mo street closures. This fee is no Plaza [and] 17th Street Mark plus staff costs at \$35.00, pe	
(3)	Category 3: Events that meet one or more of the following criteria:		\$150.00 per hour with a four-
	a.	301 or more attendees	
	b.	For profit or fundraising	
	c.	Amplified music/sound	
	d.	Publicly advertised	
	e.	Food/merchandise vendors	
	f.	Serving/selling alcohol	
	g.	Carnival attractions (i.e., mo street closures. This fee is no Plaza [and], 17th Street Mark per staff] and Monroe Park	
(4)	<u>Kanawha Plaza, 17th Street Market, and Monroe Park, per day plus staff cost</u>		<u>\$2500.00</u>
[(4)](5)	Refundabl e security deposit to be paid with credit card only		\$250.00
[(5)](6)	Early set up fee (day before event)		\$200.00
[(6)](7)	Staff cost, per staff, per hour		[\$35.00] \$40.00

[(7)](8)	Application and processing fee for parade permit	[\$50.00]\$100.00
[(8)](9)	Application and processing fee for street closures related to special events (per street)	\$50.00
[(9)](10)	Drone filming permit fee (Federal Aviation Administration license required)	\$125.00
[(10)](11)	Staff cost for on-site film productions daily fee per location	\$100.00
	[a.]	[Daily fee per location] [\$100.00]
	[b.]	[Daily maximum fee (regard] [\$300.00]

Sec. 8-281. Permit processing fee.

A non-refundable fee of [~~\$20.00~~] \$25.00 shall be charged and paid into the City treasury to aid in defraying the cost of issuing a permit for the use of [~~public grounds, parks, playfields and playgrounds~~] department owned or managed properties and equipment. This fee shall be charged in addition to any fees related to the individual permit. An additional non-refundable fee of \$25.00 shall be charged for permits issues seven days or less prior to the event date.

§ 3. **Belle Isle Environmental Education Center usage fee.** Section 8-285 of the Code of the City

of Richmond (2020) be and is hereby **repealed** as follows:

~~[Sec. 8-285. Belle Isle Environmental Education Center usage fee.~~

~~A fee of \$45.00 shall be charged and paid into the City treasury for an adult meeting usage fee for meetings held in Belle Isle Environmental Education Center of James River Park, to aid in defraying the cost of operation and maintenance of public facilities.]~~

§ 4. **Fees for City services.** Sections 12-95 and 12-110 of the Code of the City of Richmond (2020) be and hereby are **amended** as follows:

Sec. 12-95. Athletic activities; adult leagues; tennis tournaments; tennis camps; softball tournaments.

(a) The fee schedule applicable to athletic activities when the activities are conducted by an organized adult athletic league and tournaments shall be as follows (additional fees may apply for events that meet the special events criteria):

(1)	Softball, per hour, including practice and tournaments, per field	\$20.00
(2)	Baseball, per hour, including practice and tournaments, per field	\$20.00
(3)	Multiuse athletic fields, per hour	\$30.00
(4)	Basketball, per hour (in gymnasium) with a (two) <u>four</u> -hour minimum	\$65.00
(5)	Outdoor light fee, per field	\$45.00

(b) Tennis fees shall be as set forth in this subsection. In addition, a fee for each hour or fraction thereof may be charged and paid into the City treasury for using after sunset each tennis court maintained and operated by the City, to aid in defraying the cost of making tennis courts available for use.

(1)	Fee for conducting a tennis tournament on any court owned and maintained by the City:	
	a.	Per court \$5.00

(2)	Fee for attending a tennis camp sponsored for youths by the Department of Parks, Recreation and Community Facilities, per session	\$42.00
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(c) All fees imposed pursuant to this section shall be paid into the City treasury to defray the cost of maintaining such facilities.

Sec. 12-110. [~~Summer camps and recreation programs~~] Programs and classes.

The Department of Parks, Recreation and Community Facilities may charge a registration and processing fee to persons who register to participate in the summer camps, athletic leagues, aquatics programs, after school programs, and recreation programs of the Department of Parks, Recreation and Community Facilities. The fee charged shall be used to defray the cost of providing these summer camps, athletic leagues and recreation programs, which fee shall be paid into the City treasury.

§ 5. **Fees for City services.** Sections 12-96 and 12-108 of the Code of the City of Richmond (2020) be and are hereby **repealed** as follows:

[~~Sec. 12-96. Swimming course of instruction.~~

A fee shall be charged and paid into the City treasury to aid in defraying the cost of conducting courses of instruction in swimming to be given in the public pools in the City. Such fee shall be used in defraying the cost of providing facilities and staff for such instruction. The swimming instruction fees are as follows:

Fee for course of instruction in swimming, per lesson per day	\$5.50
Exceptions:	
(1) Senior waters	\$15.00

(2)	Lifeguard ck	\$87.00
(3)	Group summ	\$1.00
(4)	Swim team,	\$110.00—\$385.00]

[Sec. 12-108. After school programs.]

Each person who registers to participate in the Department of Parks, Recreation and Community Facilities formal after school programs shall be charged a fee of \$10.00 in order to defray the cost of providing the after school programs. The fee shall be paid into the City treasury.]

§ 6. **Personal Property Tax Relief.** That pursuant to section 26-496(b) of the Code of the City of Richmond (2020), as amended, the Council hereby sets the rate of personal property tax relief by authorizing the Director of Finance to establish a personal property tax relief rate (i) of 100 percent for the 2025 tax year on the value of qualifying vehicles with an assessed value of \$1,000 or less in accordance with section 26-496(b) of the Code of the City of Richmond (2020), as amended, and (ii) not greater than 22.0 percent for the 2025 tax year on the value of qualifying vehicles with an assessed value greater than \$1,000 but less than or equal to \$20,000. Vehicles with an assessed value greater than \$20,000 shall not be eligible for tax relief on that portion of the assessed value in excess of \$20,000.

§ 7. **Fees for City services.** That section 23-42 of the Code of the City of Richmond (2020) be and hereby is amended as follows:

Sec. 23-42. Charges for transfer of solid waste and recycling by City; exemptions.

(a) A fee for the transfer of solid waste to the landfill in the amount of [~~\$22.45~~] \$23.75 per month shall be charged against all water customers of the City, with the exception of City, Richmond Redevelopment and Housing Authority, State, and Federal customers, but including the Federal Reserve Bank, and with the further exception of any Chesterfield County and Henrico County customers and any other water customers outside the territorial City limits. With the exception of the Richmond Redevelopment and Housing Authority,

any water customer of the City with a building containing up to four dwelling units or multiple commercial establishments shall be charged a solid waste transfer fee of [~~\$22.45~~] \$23.75 per month for each such dwelling unit or commercial establishment if the customer receives City refuse collection services. For buildings containing more than four dwelling units, the solid waste fee shall be [~~\$22.45~~] \$23.75 per supercan per month if the customer receives City refuse collection services. It shall be included as a part of the monthly water bill. Water service may be disconnected for nonpayment of landfill refuse fees, in accordance with the procedures governing disconnection for nonpayment of water service charges. The landfill refuse fee shall be billed each month. However, if the billing period for water service is less than 15 days, such charge shall be prorated by dividing the landfill refuse fee by 30 days, times the number of days of water service for that month. For months of service of less than five days, the landfill refuse fee shall not be billed.

(b) A fee for recycling activities in the amount of \$2.99 per month shall be charged against all residential water customers of the City, with the exception of the Richmond Redevelopment and Housing Authority, who are located within the municipal City limits. Any residential water customer of the City with a building eligible for curbside recycle service containing multiple dwelling units shall be charged a recycle fee of \$2.99 for each such dwelling unit. Such recycle fee shall be included as a part of the monthly water bill.

(c) The landfill and recycling fees imposed under this section shall not apply to any elderly or disabled person who has qualified for tax relief under Section 26-364 or 26-365.

(d) Exemption from the landfill and recycling fees shall also be granted, upon proper application to the Director of Finance, to any elderly or disabled person who otherwise meets the eligibility standards for tax relief under Section 26-363 or 26-364, in cases in which:

- (1) The individual became an eligible property owner after the deadlines set for qualification for tax relief; or
- (2) The individual, though eligible, failed to apply for tax relief within the time limit set

under such sections.

An application for exemption from the landfill and recycling fees shall be received by the Director of Finance at any time during the year in which the exemption is first claimed. Qualification for tax relief in accordance with the procedures set forth in Section 26-364 or 26-365 shall confer continuing exemption from the landfill and recycling fees in succeeding years.

(e) Exemption from the landfill and recycling fees shall also be granted, upon proper application to the Director of Finance, to any elderly or disabled renter who satisfies the adjusted gross income and adjusted net worth criteria established for purposes of granting tax relief to elderly or disabled property owners under Section 26-363 or 26-364, provided that:

- (1) The individual must have entered into a bona fide lease of at least 12 months' duration;
- (2) The leased unit must be the individual's sole residence;
- (3) The leased unit must have a current certificate of occupancy issued by the City; and
- (4) The water services account for the leased unit must be listed in the individual's name for utility billing purposes, and the water meter must serve only the individual's residence.

An application for exemption from the landfill and recycling fees shall be received by the Director of Finance at any time during the year in which the exemption is first claimed. Individuals granted exemptions must recertify their eligibility by March 15 of each succeeding year. Any exemption granted shall not be transferable to subsequent tenants of the leased unit or other subsequent water service users at the particular address. The exemption shall immediately become void if the individual to whom the exemption was granted no longer resides at the leased unit listed on the application for exemption or if the individual, in any other respect, no longer satisfies the conditions upon which the exemption was granted.

§ 8. **Gas Service Fees.** Sections 28-191, 28-192, 29-193, 28-194, 28-195, 28-196, 28-198, 28-199, 28-200, 28-202, 28-203, and 28-204 of the Code of the City of Richmond (2020) be and are hereby **amended** and reordained

follows:

Sec. 28-191. Residential gas service (schedule RS).

The following rates and charges shall apply for gas provided for residential purposes in individual residences, owner-occupied duplexes or nonprofit facilities that provide transitional housing for residential use on a regular basis by homeless persons (other than residences qualifying for “residential gas peaking service”):

SCHEDULE RS

(1) *Application.* This section shall apply to use of service for residential purposes in individual residences, owner-occupied duplexes or nonprofit facilities that provide transitional housing for residential use on a regular basis by homeless persons served by one meter at locations within the service area where service is available.

(2) *Monthly rate.*

a. Monthly rates for gas under schedule RS shall be as follows:

Monthly rates for gas under Schedule RS:		
1	Customer charge (readiness to serve), per month	[\$15.38] <u>\$16.38</u>
2	Distribution charge:	
	(i)	First 50,000 cubic feet per month [\$0.650] <u>\$0.668</u>
	(ii)	For all additional cubic feet [\$0.650] <u>\$0.668</u>

	(iii)	Purchased gas cost (per 1	As set by Director pursua (2)
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b. This charge is for the costs associated with purchased gas or any gas used as a substitute for or supplement to purchased gas and is subject to monthly adjustments per hundred cubic feet for increases or decreases for any such cost. The Director of Public Utilities shall calculate the cost of natural gas each month and prepare a pro forma forecast of total gas commodity cost recovery balance for the end of the current fiscal year. The Director of Public Utilities may increase or decrease the purchased gas cost rate during the subsequent month to recover the cost of purchased gas by the end of the fiscal year. The Director of Public Utilities shall promptly notify the Chief Administrative Officer of changes to purchase gas cost rates. In addition, adjustments applicable under the weather normalization clause shall be as set forth in Section 28-106.

(3) *Minimum charge.* The monthly minimum charge shall be [~~\$15.38~~] \$16.38.

(4) *Utility tax.* Bills rendered under this schedule shall be subject to any applicable utility tax.

(5) *Term of contracts.* Contracts for gas service made under this schedule shall be cancellable at any time. A customer cannot resume service within one month at the same location without paying the prescribed charges during the intervening period in accordance with this section.

(6) *Special provisions.*

a. *Equal monthly and levelized payment plans.* A customer may have the option, with the consent of the Director of Public Utilities, of paying for service taken under this schedule for a limited period in equal monthly or levelized amounts based on the application of the rate to the estimated usage during the period. The Director of Public Utilities shall establish rules and regulations for administering these plans in accordance with Section 28-26. At the discontinuance of service, the customer shall pay or be given credit for the difference between the amount paid and the charges for the actual usages

under this rate. This payment or refund shall be made under such arrangements as may be agreed upon by the customer and the Director of Public Utilities.

b. *Discontinuance of service.* A customer who uses gas in accordance with this schedule for space heating exclusively, may discontinue such use. After such use is discontinued, if the customer requests that the service be restored, a charge of \$35.00 shall be paid for restoring the service if the request is made within 12 months from the date the service is discontinued.

Sec. 28-192. Residential gas peaking service (schedule RPS).

The following rates and charges shall apply when the City furnishes gas for residential purposes to customers eligible for “residential gas peaking service”:

SCHEDULE RPS

(1) *Application.* This section shall apply to the use of service for residential purposes in individual residences at locations within the service area where service is available and the customer has an electric heat pump installed in such a manner that the gas heating equipment is used for peaking or supplementary purposes.

(2) *Monthly rate.*

a. Monthly rates under schedule RPS shall be as follows:

Monthly rates for gas under the Schedule RPS:		
1.	Customer charge (readiness to serve), per month	[\$15.38] <u>\$16.38</u>
2.	System charge:	
	(i)	First 50,000 cubic feet per month, per Cc [\$0.654] <u>\$0.668</u>
	(ii)	For all additional cubic feet per month, p [\$0.654] <u>\$0.668</u>
3.	Gas commodity charge, per 100 cubic feet	As set by Director pursuant to Section 28

b. This charge is for the costs associated with purchased gas or any gas used as a substitute for or supplement to purchased gas, and is subject to monthly adjustments per hundred cubic feet for increases or decreases for any such cost. The Director of Public Utilities shall calculate the cost of

natural gas each month and prepare a pro forma forecast of total gas commodity cost recovery balance for the end of the current fiscal year. The Director of Public Utilities may increase or decrease the purchased gas cost rate during the subsequent month to recover the cost of purchased gas by the end of the fiscal year. The Director of Public Utilities shall promptly notify the Chief Administrative Officer of changes to purchase gas cost rates. In addition, adjustments applicable under the weather normalization clause shall be as set forth in Section 28-106.

(3) *Minimum charge.* The minimum charge for gas under Schedule RPS shall be [~~\$15.38~~] \$16.38 per month.

(4) *Utility tax.* Bills rendered under this section shall be subject to any applicable utility tax.

(5) *Term of contracts.* Contracts for gas service made under this section shall be cancelable at any time, provided that a customer cannot resume service within one month at the same location without paying the prescribed charges during the intervening period in accordance with this section.

Sec. 28-193. General gas service (schedule GS).

The following rates and charges shall apply to service provided locations subject to billing at the rate for general gas service:

SCHEDULE GS

(1) *Application.* This section shall apply to the use of service for all purposes in other than individual residences, owner-occupied duplexes or nonprofit facilities that provide transitional housing for residential use on a regular basis by homeless persons served by one meter at locations within the service area where service is available.

(2) *Monthly rate.*

a. Monthly rates under schedule GS shall be as follows:

Monthly rates for gas under the Schedule for Small Commercial Gas Sales (GS):		
1.	Customer charge (readiness to serve), per month	[\$18.16] <u>\$19.16</u>
2.	Distribution charge:	
	(i)	First 50,000 cubic feet per month [\$0.590] <u>\$0.602</u>
	(ii)	For all additional cubic feet [\$0.590] <u>\$0.602</u>
3.	Purchased gas cost (per 100 cubic feet)	As set by Director pursuant to Ordinance No. 2024-099 (2)

b. This charge is for the costs associated with purchased gas or any gas used as a substitute for or supplement to purchased gas and is subject to increases or decreases for any such cost. The Director of Public Utilities shall calculate the cost of natural gas each month and prepare a pro forma forecast of total gas commodity cost recovery balance for the end of the current fiscal year. The Director of Public Utilities may increase or decrease the purchased gas cost rate during the subsequent month to recover the cost of purchased gas by the end of the fiscal year. The Director of Public Utilities shall promptly notify the Chief Administrative Officer of changes to purchase gas cost rates. In addition, adjustments

applicable under the weather normalization clause shall be as set forth in Section 28-106.

(3) *Minimum charge.* The minimum charge for gas under the Schedule for Small Commercial Gas Sales (GS) shall be [~~\$18.16~~] \$19.16 per month.

(4) *Utility tax.* Bills rendered under this schedule shall be subject to any applicable utility tax.

(5) *Term of contracts.* Contracts for gas service made under this schedule shall be cancellable at any time, provided that a customer cannot resume service within one month at the same location without paying the prescribed charges during the intervening period in accordance with this schedule.

(6) *Special provisions.*

a. *Discontinuance of service.* A customer who uses gas in accordance with this schedule for space heating exclusively, may discontinue such use. After such use is discontinued, if the customer requests that the service be restored, a charge of \$35.00 shall be paid for restoring the service if the request is made within 12 months from the date the service is discontinued.

b. *Equal monthly and levelized payment plans.* A customer may have the option, with the consent of the Director, of paying for service taken under this schedule for a limited period in equal monthly or levelized amounts based on the application of the rate to the estimated usage during the period. The Director shall establish rules and regulations for administering these plans in accordance with Section 28-26. At the discontinuance of service, the customer shall pay or be given credit for the difference between the amount paid and the charges for the actual usages under this rate. This payment or refund shall be made under such arrangement as may be agreed upon by the customer and the Director.

Sec. 28-194. Large volume general gas service (schedule CIS).

The following rates and charges shall apply for gas furnished to customers qualifying for large volume general gas service:

SCHEDULE CIS

(1) *Application.* This section shall apply to the use of service for all purposes at locations within the service area where service is available.

(2) *Monthly rate.*

a. Monthly rates under schedule CIS shall be as follows:

Monthly rates for gas used under Schedule CIS:		
1.	Customer charge (readiness to serve)	\$157.89
2.	Demand charge (per month), per 1	[\$1.56] <u>\$1.62</u>
3.	Distribution charge, per Ccf	[\$0.35] <u>\$0.357</u>
4.	Purchased gas cost (per 100 cubic feet)	As set by Director pursuant to Section 28-106

b. This charge is for the costs associated with purchased gas or any gas used as a substitute for or supplement to purchased gas and is subject to monthly adjustments per hundred cubic feet for increases or decreases for any such cost. The Director of Public Utilities shall calculate the cost of natural gas each month and prepare a pro forma forecast of total gas commodity cost recovery balance for the end of the current fiscal year. The Director of Public Utilities may increase or decrease the purchased gas cost rate during the subsequent month to recover the cost of purchased gas by the end of the fiscal year. The Director of Public Utilities shall promptly notify the Chief Administrative Officer of changes to purchase gas cost rates. In addition, adjustments applicable under the weather normalization clause shall be as set forth in Section 28-106.

(3) *Determination of demand.* The demand may, at the option of the Director of Public Utilities, be determined either by measurement or by estimate.

a. *By measurement.* The demand in any month shall be the highest use of gas in ccf in any period of 24 consecutive hours as measured by a demand meter.

b. *By estimate.* The demand in any month shall be taken as 1/20 of the ccf used in such month.

(4) *Billing demand.* The demand in any month shall be the higher of:

a. The demand as determined in such month by measurement or by estimate.

b. The highest billing demand in any of the preceding months of November through April. For new customers or customers transferring from another rate schedule the highest billing demand in subsection (4)b of this section may, at the option of the Director of Public Utilities, be estimated based on the proposed use of service.

(5) *Utility tax.* Bills rendered under this section shall be subject to any applicable utility tax.

(6) *Term of contracts.* Contracts for gas service made under this schedule shall be one year and may automatically be renewed from year to year unless cancelled by the customer or the Director of Public Utilities upon 30 days' written notice to that effect. Such notice must be given before the beginning of any contract year.

(7) *Special provisions.*

a. *Restricted use.* The use of gas by customers under this schedule may be restricted by the Director of Public Utilities whenever necessary to supply customers under schedules RS and GS.

Sec. 28-195. Transportation service (schedule TS).

(a) *Scope.* The gas rates, terms and conditions in this section shall apply to customers provided transportation service under schedule TS.

(b) *Applicability.* Gas service under schedule TS is applicable as follows:

(1) This rate schedule is available throughout the service territory served by the City to all gas owned by a nonresidential customer that is transported to and on the City's gas distribution system. This service is applicable only to customers that take in excess of 120,000 ccf over a consecutive 12-month period at the delivery point set forth in the service agreement for transportation between the City

and the customer (referred to as the “service agreement”). The customer must deliver its gas to the receipt point approved by the City and set forth in the service agreement. Once the City has received the customer's gas at the receipt point, the City will transport the gas, minus the lost and unaccounted for adjustment determined under subsection (g)(2) of this section to the delivery point. This service is available only to those customers who execute a service agreement for the service provided in this section.

(2) Daily balancing service is mandatory for all customers under this rate schedule.

(3) This service requires the installation and use of telemetering equipment at the delivery point. The City shall install, own, and maintain the telemetering and other equipment at the delivery point necessary to transmit the telemetering information to the City. The customer shall provide the dedicated telephone line necessary for the reliable operation of the telemetering equipment and the transmission of the telemetering information. The City will meter the customer's takes of gas at the delivery point. The customer shall pay for the installation of electronic measurement equipment if measurement equipment is not so equipped. Payment will be required prior to initiation of transportation service.

(c) *Character of service.* The City shall be obligated to deliver gas to the delivery point up to the lesser of the customer's transportation maximum daily quantity (TMDQ) and the daily volume of gas received by the City from the customer at the receipt, point minus the lost and unaccounted for adjustment determined under subsection (g)(2) of this section.

(d) *Service agreement.* A service agreement shall be provided in accordance with the following:

(1) The customer shall execute a service agreement with the City which specifies the TMDQ, the receipt point, the delivery point, and the pressure at the delivery point. The service agreement shall be in the form as attached to this rate schedule on file in the City offices.

(2) The service agreement shall have an initial term of one year and then shall continue in effect for additional terms of one year until terminated by the customer or the City upon at least 30 days'

written notice given prior to the end of the initial term or of any additional term.

(3) If a customer takes gas from the City under this rate schedule at more than one delivery point, these delivery points will be included in one service agreement and will be treated as a single delivery point for purposes of the customer charge, the distribution charge, the daily and monthly imbalances and imbalance charges, the TMDQ, and meeting the minimum take requirement to qualify for service under this rate schedule.

(e) *Transportation maximum daily quantity (TMDQ)*. After consulting with a customer, the City will assign the customer a TMDQ. This TMDQ will remain in effect for the term of the service agreement unless modified by written agreement of the City and the customer.

(f) *Rates and charges for transportation service*. The customer shall pay the rates and charges each month for gas for transportation service under schedule TS as follows:

Gas rates and charges each month for transportation service under Schedule TS. These amounts do not include the cost of gas received at the receipt point for the customer:		
(1)	Customer charge, per month	[\$839.91] <u>\$444.64</u>
(2)	Distribution charge:	

	a.	For the amount taken up	[\$0.212] <u>\$0.216</u>
	b.	For amounts taken fro 15	[\$0.110] <u>\$0.216</u>
	c.	For the amount taken ove	[\$0.078] <u>\$0.216</u>
(3)	Charge for daily imbalance in excess of ten percent, per Ccf		[\$0.064] <u>\$0.066</u>

(g) *Receipt and delivery.* Receipt and delivery shall be in accordance with the following:

(1) The receipt point shall be at a pipeline City gate station as assigned by the City and as specified in the service agreement.

(2) The City shall retain a percentage of volumes delivered to the receipt point for a lost and unaccounted for adjustment, and the City shall be obligated to deliver at the delivery point only the remainder of the volumes received. As of the effective date of this rate schedule, the percentage of volumes retained shall be 2½ percent.

(h) *Load balancing.* Load balancing shall be in accordance with the following:

(1) The City shall provide the customer with daily balancing service within the parameters set forth in this subsection.

(2) The customer shall provide the City with good faith, nonbinding nominations when requested by the City.

(3) The customer's daily imbalance shall be equal to the difference between:

a. The volume of gas actually delivered on a day to the receipt point by or on behalf of

the customer, minus the lost and unaccounted for adjustment determined under subsection (g)(2) of this section (net daily receipts); and

b. The customer's actual usage as determined from daily meter readings at the delivery point (daily deliveries).

A daily underdelivery shall be deemed to occur whenever net daily receipts are less than daily deliveries. A daily overdelivery shall be deemed to occur whenever net daily receipts are greater than daily deliveries.

(4) The City's charge for daily imbalances is set forth in subsection (f) of this section and shall apply to daily deliveries in excess of 110 percent of net daily receipts or the volume by which daily deliveries are below 90 percent of net daily receipts. The imbalance charge is in addition to and not in lieu of other transportation charges established by this rate schedule.

(5) Failure of the customer's transportation gas to arrive at the City gate shall result in one of two possibilities. If enough system supply is available, the customer shall purchase all gas in excess of the customer's net daily receipts at the sum of the customer's distribution charge, the balancing charge as set forth in subsection (f) of this section and the greater of either the City WACOG or 105 percent of the highest Transco Zone 6 (non-New York) price for the current month. If enough system supply is not available, the customer shall purchase all gas in excess of the customer's net daily receipts at the sum of the customer's distribution charge, the balancing charge as set forth in subsection (f) of this section, the peak shaving price and the storage capacity price.

(6) When the customer's daily deliveries exceed the actual usage at the delivery point, the City shall purchase these "overtendered" quantities at the lower of the City WACOG or 95 percent of the Transco Zone 6 (non-New York) price for the current month.

(7) If on any day the daily imbalance, as set forth in subsection (h)(3) of this section, exceeds ten percent, the customer shall pay a pro rata share of any upstream gas pipeline penalties incurred

based upon the customer's daily imbalance in the same direction as the imbalance for which the penalty was incurred.

(i) *Utility tax.* All bills rendered under this rate schedule shall be subject to any applicable utility tax.

(j) *Force majeure.* If either the City or the customer is rendered unable, either wholly or in part, to carry out its obligations under this section because of a force majeure, the obligations of the party affected by such force majeure, other than the obligation to make payments under this section, shall be suspended during the continuance of any inability so caused, but for no longer period. Such force majeure shall, insofar as possible, be remedied with all reasonable dispatch. The term "force majeure," as used in this subsection, shall include acts of God; strikes; lockouts; wars; riots; insurrections; terrorism; epidemics; landslides; lightning; earthquakes; fires; storms; floods; washouts; interruptions by government or court orders; civil disturbances; explosions; breakage, freezing, or accident to lines of pipe or facilities; failure of interstate or intrastate pipeline transportation, but only if caused by an event constituting force majeure curtailment or discontinuation by such pipeline of transportation or other services; and any other cause, whether of the kind defined in this subsection or otherwise, not within the control of the party claiming suspension and which, by the exercise of reasonable foresight, such party is unable to avoid and, by the exercise of due diligence, such party is unable to overcome.

Sec. 28-196. Transportation service (schedule TS2).

(a) *Scope.* The rates, terms and conditions in this section shall apply to gas customers provided transportation service under schedule TS2.

(b) *Applicability.* Gas service under schedule TS2 is applicable as follows:

(1) Service is available throughout the service territory served by the City to all gas owned by a customer that is transported to and on the City's gas distribution system. This service is applicable only to customers that, at the delivery point set forth in the service agreement for transportation (TS2) between the City and the customer (referred to as the "service agreement"), take in excess of 600,000

ccf per year and receive service from a six-inch or larger diameter gas main. The customer must deliver its gas to the receipt point approved by the City and set forth in the service agreement. Once the City has received the customer's gas at the receipt point, the City shall transport the gas, minus the lost and unaccounted for adjustment determined under subsection (g)(3) of this section to the delivery point. This service is available only to those customers who execute a service agreement for the service provided in this section.

(2) Daily balancing service is mandatory for all customers under this rate schedule.

(3) This service requires the installation and use of telemetering equipment at the delivery point. The City shall install, own, and maintain the telemetering and other equipment at the delivery point necessary to transmit the telemetering information to the City. The customer shall provide the dedicated telephone line necessary for the reliable operation of the telemetering equipment and the transmission of the telemetering information. The City shall meter the customer's takes of gas at the delivery point. The customer shall pay for the installation of electronic measurement equipment if measurement equipment is not so equipped. Payment shall be required prior to initiation of transportation service.

(c) *Character of service.* The City shall be obligated to deliver gas to the delivery point up to the lesser of the customer's transportation maximum daily quantity (TMDQ) and the daily volume of gas received by the City from the customer at the receipt point minus the lost and unaccounted for adjustment determined under subsection (g)(3) of this section.

(d) *Service agreement.* A service agreement shall be provided in accordance with the following:

(1) The customer shall execute a service agreement with the City which specifies the TMDQ, the receipt point, the delivery point, and the pressure at the delivery point. The service agreement shall be in the form as attached to this rate schedule on file in the City offices.

(2) The service agreement shall have an initial term of one year and then shall continue in effect for additional terms of one year until terminated by the customer or the City upon at least 30 days'

written notice given prior to the end of the initial term or of any additional term.

(3) If a customer takes gas from the City under this rate schedule at more than one delivery point, these delivery points shall be included in one service agreement and shall be treated as a single delivery point for purposes of the customer charge, the distribution charge, the daily imbalances and imbalance charges, the TMDQ, and meeting the minimum take requirement to qualify for service under this rate schedule.

(e) *Transportation maximum daily quantity (TMDQ)*. After consulting with a customer, the City shall assign the customer a TMDQ. This TMDQ shall remain in effect for the term of the service agreement unless modified by written agreement of the City and the customer.

(f) *Rates and charges for transportation service*. Rates and charges for transportation service shall be as follows:

Gas rates and charges for transportation service under Schedule TS2. These amounts do not include the cost of gas received at the receipt point for the customer:		
(1)	Customer charge per month	[\$839.91] <u>\$764.12</u>
(2)	Distribution charge, per Ccf	[\$0.075] <u>\$0.076</u>
(3)	Charge for daily imbalance in exce	[\$0.064] <u>\$0.066</u>

(g) *Receipt and delivery*. Receipt and delivery shall be in accordance with the following:

(1) The customer shall be responsible for securing delivery of customer-owned gas to the receipt point.

(2) The receipt point shall be at a pipeline City gate station as assigned by the City and as

specified in the service agreement.

(3) The City shall retain a percentage of volumes delivered to the receipt point for a lost and unaccounted for adjustment, and the City shall be obligated to deliver at the delivery point only the remainder of the volumes received. As of the effective date of this rate schedule, the percentage of volumes retained shall be 2½ percent.

(h) *Load balancing*. Load balancing shall be in accordance with the following:

(1) The City shall provide the customer with daily balancing services within the parameters set forth in this section.

(2) The customer shall provide the City with good faith, nonbinding nominations when requested by the City.

(3) The customer's daily imbalance shall be equal to the difference between:

a. The volume of gas actually delivered on a day to the receipt point by or on behalf of the customer minus the lost and unaccounted for adjustment determined under subsection (g)(3) of this section ("net daily receipts"); and

b. The customer's actual usage as determined from daily meter readings at the delivery point ("daily deliveries").

A daily underdelivery shall be deemed to occur whenever net daily receipts are less than daily deliveries. A daily overdelivery shall be deemed to occur whenever net daily receipts are greater than daily deliveries.

(4) The City's charges for daily imbalances are set forth in subsection (f) of this section and shall apply to daily deliveries. The imbalance charges are in addition to and not in lieu of other transportation charges established by this rate schedule.

(5) Failure of the customer's transportation gas to arrive at the City gate will result in one of two possibilities. If enough system supply is available, the customer will purchase all gas in excess of the

customer's receipts at the sum of the customer's delivery price, balancing charge as set forth in subsection (f) of this section and the greater of either the City WACOG or 105 percent of the highest Transco Zone 6 (non-New York) price for the current month. If enough system supply is not available, the customer will purchase all gas in excess of the customer's receipts at the sum of the customer's delivery price, balancing charge as set forth in subsection (f) of this section, the peak shaving price and the storage capacity price.

(6) When the customer's daily deliveries exceed the actual usage at the delivery point, the City will purchase these "overtendered" quantities at the lower of the City WACOG or 95 percent of the Transco Zone 6 (non-New York) price for the current month.

(7) If on any day the daily imbalance, as set forth in subsection (h)(3) of this section, exceeds ten percent, the customer pays a pro rata share of any interstate gas pipeline penalties incurred based upon the customer's daily imbalance in the same direction as the imbalance for which the penalty was incurred.

(i) *Utility tax.* Bills rendered under this schedule shall be subject to any applicable utility tax.

(j) *Force majeure.* If either the City or the customer is rendered unable, either wholly or in part, to carry out its obligations under this section because of a force majeure, the obligations of the party affected by such force majeure, other than the obligation to make payments under this section, shall be suspended during the continuance of any inability so caused, but for no longer period. Such force majeure shall, insofar as possible, be remedied with all reasonable dispatch. The term "force majeure," as used in this subsection, shall include: acts of God; strikes; lockouts; wars; riots; insurrections; terrorism; epidemics; landslides; lightning; earthquakes; fires; storms; floods; washouts; interruptions by government or court orders; civil disturbances; explosions; breakage, freezing, or accident to lines of pipe or facilities; failure of interstate or intrastate pipeline transportation, but only if caused by an event constituting force majeure curtailment or discontinuation by such pipeline of transportation or other services; and any other cause, whether of the kind defined in this subsection

or otherwise, not within the control of the party claiming suspension and which, by the exercise of reasonable foresight, such party is unable to avoid and, by the exercise of due diligence, such party is unable to overcome.

Sec. 28-198. Municipal gas service (schedule MGS).

The following rate and charges shall apply for gas provided to buildings, structures or facilities used by the City and for which the City purchases gas:

SCHEDULE MGS

(1) *Application.* This section shall apply to use of service for all purposes in buildings, structures or facilities used by the City where service is available.

(2) *Monthly rate.* Monthly system charge shall be [~~\$0.549~~] \$0.561 per 100 cubic feet (Ccf).

(3) *Gas commodity charge.* Gas commodity charge per 100 cubic feet shall be as determined by the Director pursuant to this subsection. This charge is for the costs associated with purchased gas or any gas used as a substitute for or supplement to purchased gas and is subject to monthly adjustments per hundred cubic feet for increases or decreases for any such cost. The Director of Public Utilities shall calculate the cost of natural gas each month and prepare a pro forma forecast of total gas commodity cost recovery balance for the end of the current fiscal year. The Director of Public Utilities may increase or decrease the purchased gas cost rate during the subsequent month to recover the cost of purchased gas by the end of the fiscal year. The Director of Public Utilities shall promptly notify the Chief Administrative Officer of changes to purchase gas cost rates. In addition, adjustments applicable under the weather normalization clause shall be as set forth in Section 28-106.

Sec. 28-199. Flexibly priced interruptible gas service (schedule FS).

(a) *Scope.* The rates, terms and conditions in this section shall apply to customers provided flexibly priced interruptible gas sales service under schedule FS.

(b) *Applicability.* Gas service shall be supplied for any user having gas facilities with a consuming capacity of 3,000,000 Btu per hour or more at locations within the service area where facilities are available to

supply the amount of gas requested by the customer, subject to the following conditions:

(1) The customer has installed and in regular use equipment, which shall be described in the contract, having a gas consuming capacity of not less than 3,000,000 Btu per hour and agrees to use the gas supplied under this section only in the operation of such equipment.

(2) Gas delivered under this section shall be separately metered and shall not be used interchangeably with gas supplied under any other schedule.

(3) The maximum daily quantity of gas to be delivered under this section, expressed in cubic feet, shall be specified in the contract and may be increased only by the execution of a new contract.

(4) The customer has standby equipment installed and maintained in operating condition and a fuel supply adequate for its operations when gas service is interrupted.

(5) This service requires the installation and use of telemetering equipment at the delivery point. The City shall install, own and maintain the telemetering and other equipment necessary to transmit the telemetering information to the City. The customer shall provide a telephone line necessary for the reliable operation of the telemetering equipment and the transmission of the telemetering information. Customers who do not provide the City a phone line will be charged a monthly surcharge for alternative communications equipment. This equipment will be owned and maintained by the City.

A day shall be a period of 24 consecutive hours, beginning as near as practical at 8:00 a.m. or as otherwise agreed upon by the customer and the Director.

(c) *Monthly commodity rate.* The Director shall establish by regulation procedures for setting a flexibly based monthly commodity charge for interruptible sales service for each category of alternative fuel, including, but not limited to, no. 2 oil, no. 4 oil, no. 6 oil and propane. In establishing such procedures and in setting the commodity charge, the Director shall consider the cost of the alternative fuel, the cost of gas necessary to supply customers under this schedule and the competitive advantages and disadvantages of gas. The Director may adjust the commodity charge monthly and

shall keep available for public inspection the currently effective commodity charge in each alternative fuel category. The commodity charge shall be subject to the following price floor and ceiling. The commodity charge shall not be less than the cost of gas purchased by the Department for sale to customers receiving this service, plus the amount of \$0.01 per Ccf. The commodity charge shall be no higher than the sum of:

- (1) The average distribution charge for the quantities consumed under rate schedule CIS fixed rate, nontemporary purchase;
- (2) The average cost per ccf of the CIS demand charge calculated at a 100 percent load factor; plus
- (3) The purchased gas charge.

In no case shall the commodity charge be less than the cost of gas plus the amount set forth in subsection (c) of this section.

(d) *Minimum monthly charge.* The minimum monthly charge for gas under schedule FS shall be as follows:

- (1) For customers having facilities with a consuming capacity of 3,000,000 Btu per hour or more, and not having installed no. 6 oil alternate fuel capability, each monthly bill for gas shall not be less than [~~\$527.94~~] \$547.74, except in months when the City delivers less than 500 ccf as provided in this subsection. When less than 500 ccf of gas is delivered in any month by reason of interruption or curtailment of service by the City, the monthly bill shall be computed on the basis of actual gas delivered at the monthly rate as set forth in this subsection. The term “month,” as used in this subsection, shall be deemed to mean the period between any two consecutive readings of meters by the City, such readings to be made as near as practicable every 30 days.
- (2) For customers having gas facilities with a consuming capacity of 3,000,000 Btu per hour and having installed no. 6 oil alternate fuel capability, each monthly bill shall be not less than [

~~\$1,144.29]~~ \$1,187.20, except in months when the City delivers less than 1,500 ccf as provided in this subsection. When less than 1,500 ccf of gas is delivered in any month by reason of interruption or curtailment of service by the City, the monthly bill shall be computed on the basis of actual gas delivered at the monthly commodity rate per ccf as set forth in this subsection. The term “month,” as used in this subsection, shall be deemed to mean the period between any two consecutive readings of meters by the City, such readings to be made as near as practicable every 30 days.

(e) *Utility tax.* Bills rendered under this schedule shall be subject to any applicable utility tax.

(f) *Term of contracts.* Contracts for gas service made under this schedule shall be for one year and may automatically be renewed from year to year unless cancelled by the customer or the Director upon 30 days’ written notice to that effect given before the beginning of any contract year.

(g) *Special provisions.* Special provisions for discontinuance of use and unauthorized use of gas shall be as follows:

(1) *Discontinuance of use at request of Director.* A customer may use gas at any time, provided that the customer shall curtail or discontinue the use of service when requested by the Director, in the Director’s sole discretion, on 30 minutes’ notice.

(2) *Unauthorized use of gas.* All gas taken by a customer on any day during a period of interruption without the express permission of the Director and all gas taken by a customer on any day during a curtailment period in excess of the volume of gas authorized by the Director shall be paid for by the customer at the rate of [~~\$3.05]~~ \$3.16 per Ccf, in addition to all other charges payable under this rate schedule. The Director may waive any such additional charges for unauthorized use of gas if the City’s cost of gas is not affected by such unauthorized use by the customer.

Sec. 28-200. Unmetered gaslight service (schedule GL).

The following rates and charges shall apply for providing gas for ornamental gas lights having a

manufacturer's rated gas consuming capacity of 1,400 cubic feet per month or less:

SCHEDULE GL

(1) *Application.* Unmetered gas service under this schedule may be furnished to all customers within the service area who have installed ornamental gas lights having a manufacturer's rated gas consuming capacity of 1,400 cubic feet per month or less when the Director determines that such service is available at places where such lights are installed.

(2) *Monthly rate.* Monthly system charge shall be [~~\$0.525~~] \$0.545 per 100 cubic feet (Ccf).

(3) *Gas commodity charge.* Gas commodity charge per 100 cubic feet (Ccf) shall be as determined by the Director pursuant to this subsection. This charge is for the costs associated with purchased gas or any gas used as a substitute for or supplement to purchased gas and is subject to monthly adjustments per hundred cubic feet for increases or decreases for any such cost. The Director of Public Utilities shall calculate the cost of natural gas each month and prepare a pro forma forecast of total gas commodity cost recovery balance for the end of the current fiscal year. The Director of Public Utilities may increase or decrease the purchased gas cost rate during the subsequent month to recover the cost of purchased gas by the end of the fiscal year. The Director of Public Utilities shall promptly notify the Chief Administrative Officer of changes to purchase gas cost rates. In addition, adjustments applicable under the weather normalization clause shall be as set forth in Section 28-106.

(4) *Minimum charge.* The minimum charge shall be [~~\$16.02~~] \$16.62 per month for each gaslight.

(5) *Utility tax.* Bills rendered under this schedule shall be subject to any applicable utility tax.

(6) *Term of contracts.* Contracts for gas service made under this schedule shall be cancellable at any time.

Sec. 28-202. Large volume gas sales service (schedule LVS).

(a) *Scope.* The rates, terms, and conditions in this section shall apply to customers provided firm,

nonresidential large volume gas sales service under schedule LVS.

(b) *Applicability.* Service is available throughout the service territory served by the City to all firm, nonresidential gas sales customers that take in excess of 120,000 ccf of gas over a consecutive 12-month period. This service requires the installation and use of telemetering equipment at the delivery point. The City shall install, own and maintain the telemetering and other equipment necessary to transmit the telemetering information to the City. The customer shall provide a telephone line necessary for the reliable operation of the telemetering equipment and the transmission of the telemetering information. Customers who do not provide the City a phone line will be charged a monthly surcharge for alternative communications equipment. This equipment will be owned and maintained by the City.

(c) *Monthly rates and charges.* The customer shall pay the rates and charges for gas under the schedule for large volume gas sales service (LVS), per month, as follows:

Monthly rates and charges for large volume gas sales service under Schedule LVS:		
(1)	Cust omer charg e, per mont h	[\$764.13] <u>\$444.64</u>

(2)	Dem and charg e, per Ccf of billin g dem and		[\$1.56] <u>\$1.62</u>
(3)	Distri butio n charg e:		
	a.	For the amount taken	[\$0.212] <u>\$0.216</u>
	b.	For amounts taken fr	[\$0.110] <u>\$0.216</u>
	c.	For the amount taken	[\$0.078] <u>\$0.216</u>

(4)	Purchased gas cost, for large volume of gas sales service under Schedule LVS, determined per month. Purchase gas cost charge (weighted average commodity cost of gas (WACCOG)), includes all commodity charges, surcharges, tracking adjustments, and other non-fixed charges of pipelines and gas supplies incurred by the City. The charge also includes gas bought by the City at a fixed cost to serve a customer or group of customers approved by the Director. Any agreement to fix such costs shall be specified in the service agreement (addendum)
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(d) *Determination of demand.* The demand may, at the option of the Director, be determined either by measurement, by estimate or by agreement in accordance with the following:

(1) *By measurement.* The demand in any month shall be the highest use of gas in ccf in any period of 24 consecutive hours as measured by the demand meter.

(2) *By estimate.* The demand in any month shall be taken as 1/20 of the ccfs used in such month.

(3) *By agreement.* At a level to recover the upstream demand charges used to serve the customer. Such level shall be specified in the service agreement. Customer usage above this firm daily demand level shall be regarded as interruptible and will be subject to the terms in Section 28-199(g),

which pertains to flexibly priced interruptible gas sales service.

(e) *Billing demand.* The billing demand in any month shall be the higher of:

(1) The demand as determined in such month under subsection (d) of this section; or

(2) The highest billing demand in any of the preceding months of November through April; provided, however, that for new customers or customers transferring from another rate schedule, the highest billing demand may, at the Director's option, be estimated based on the proposed use of the service under this rate schedule.

(f) *Utility tax.* All bills rendered under this rate schedule shall be subject to any applicable utility tax.

(g) *Service agreement.* If a customer takes gas from the City under this rate schedule at more than one delivery point and if all such delivery points are located at one plant or facility or are located at physically contiguous plants or facilities, these delivery points will be included in one service agreement and will be treated as a single delivery point for purposes of the customer charge, the distribution charge, and meeting the minimum take requirement to qualify for service under this rate schedule. In all other instances, each delivery point will require a separate service agreement and will be treated as a separate customer for all purposes.

(h) *Force majeure.* If either the City or the customer is rendered unable, either wholly or in part, to carry out its obligations under this section because of a force majeure, the obligations of the party affected by such force majeure, other than the obligation to make payments under this section, shall be suspended during the continuance of any inability so caused, but for no longer period. Such force majeure shall, insofar as possible, be remedied with all reasonable dispatch. The term "force majeure," as used in this subsection, shall include acts of God; strikes; lockouts; wars; riots; insurrections; epidemics; landslides; lightning; earthquakes; fires; storms; floods; washouts; interruptions by government or court orders; civil disturbances; explosions; breakage, freezing, or accident to lines of pipe or facilities; failure of interstate or intrastate pipeline transportation, but only if caused by an event constituting force majeure curtailment or discontinuation by such pipeline of transportation or other services; and any other cause, whether of the kind defined in this subsection

or otherwise, not within the control of the party claiming suspension and which, by the exercise of reasonable foresight, such party is unable to avoid and, by the exercise of due diligence, such party is unable to overcome.

Sec. 28-203. Large volume, high load factor, gas sales services (schedule LVS-2).

(a) *Scope.* The rates, terms and conditions in this section shall apply to customers who are provided large volume, high load factor firm, and gas sales services under schedule LVS-2.

(b) *Availability.* Service is available throughout the service territory served by the City to all gas sales nonresidential customers that take in excess of 600,000 ccf per year of gas.

(c) *Monthly rates and charges.* The customer shall pay the rates and charges for gas under the schedule for large volume, high factor, gas sales services (LVS-2), per month, as follows:

Monthly rates and charges for large volume, high load factor, gas sales services under Schedule LVS-2:		
(1)	Customer charge, per month	[\$764.13] <u>\$764.12</u>
(2)	Demand charge, if applicable, per	[\$1.56] <u>\$1.62</u>
(3)	Distribution charge, all gas, per Cc	[\$0.075] <u>\$0.076</u>
(4)	Purchased gas cost, for high load factor gas sales service under Sched commodity cost of gas (WACCOG)), includes all commodity charges, s and gas supplies incurred by the City. The charge also includes gas bo approved by the Director. Any agreement to fix such costs shall be sp	

(d) *Determination of demand.* The demand may, at the option of the Director, be determined by measurement, by estimate or by agreement with the Director in accordance with the following:

(1) *By measurement.* The demand in any month shall be the highest use of gas in ccf in any period of 24 consecutive hours as measured by the demand meter.

(2) *By estimate.* The demand in any month shall be taken as 1/20 or 1/30 of the ccfs used in such month.

(3) *By agreement.* At a level to recover the upstream demand charges used to serve the customer. Such level shall be specified in the service agreement. Customer usage above this firm daily demand level shall be regarded as interruptible and will be subject to the terms in Section 28-199(g), which pertains to flexibly priced interruptible gas sales service.

(e) *Billing demand.* The billing demand in any month shall be the higher of:

(1) The demand as determined in such month under subsection (d) of this section; or

(2) The highest billing demand in any of the preceding months of November through April; provided, however, that for new customers or customers transferring from another rate schedule, the highest billing demand may, at the option of the Director, be estimated based on the proposed use of service under this rate schedule.

(f) *Utility tax.* All bills rendered under this schedule shall be subject to any applicable utility tax.

(g) *Service agreement.* The customer shall execute a service agreement with the City in the form attached to this rate schedule on file in City offices and in accordance with the following:

(1) Service agreements for gas service made under this schedule shall be one year and may automatically be renewed from year to year unless canceled by the customer or the Director upon 30 days' written notice to that effect. Such notice must be given before the beginning of any contract year.

(2) If a customer takes gas from the City under this rate schedule at more than one delivery point and if all such delivery points are located at one plant or facility or are located at physically contiguous plants or facilities, these delivery points will be included in one service agreement and will be treated as a single delivery point for purposes of the customer charge, the distribution charge, and meeting the minimum take requirement to qualify for service under this rate schedule. In all other instances, each delivery point will require a separate service

agreement and will be treated as a separate customer for all purposes.

(3) This service requires the installation and use of telemetering equipment at the delivery point. The City shall install, own and maintain the telemetering and other equipment necessary to transmit the telemetering information to the City. The customer shall provide a telephone line necessary for the reliable operation of the telemetering equipment and the transmission of the telemetering information. Customers who do not provide the City a phone line will be charged a monthly surcharge for alternative communications equipment. This equipment will be owned and maintained by the City.

(h) *Force majeure*. If either the City or the customer is rendered unable, either wholly or in part, to carry out its obligations under this section because of a force majeure, the obligations of the party affected by such force majeure, other than the obligation to make payments under this section, shall be suspended during the continuance of any inability so caused, but for no longer period. Such force majeure shall, insofar as possible, be remedied with all reasonable dispatch. The term “force majeure,” as used in this subsection, shall include acts of God; strikes; lockouts; wars; riots; insurrections; epidemics; landslides; lightning; earthquakes; fires; storms; floods; washouts; interruptions by government or court orders; civil disturbances; explosions; breakage, freezing, or accident to lines of pipe or facilities; failure of interstate or intrastate pipeline transportation, but only if caused by an event constituting force majeure curtailment or discontinuation of such pipeline of transportation or other services; and any other cause, whether of the kind defined in this subsection or otherwise, not within the control of the party claiming suspension and which, by the exercise of reasonable foresight, such party is unable to avoid and, by the exercise of due diligence, such party is unable to overcome.

Sec. 28-204. Natural gas vehicle gas service.

(a) *Application*. This section shall apply to use of service for all natural gas vehicle refueling facilities where service is available. Such service shall be separately metered.

(b) *Monthly rate*. The monthly system charge is [~~\$0.208~~] \$0.216 per 100 cubic feet Ccf.

(c) *Gas commodity charge.* Gas commodity charge per 100 cubic feet Ccf is as determined by the Director pursuant to this subsection, plus \$0.35 for the 100 percent load factor demand charge as shown in Section 28-202 for large volume gas service. This charge is for the costs associated with purchased gas or any gas used as a substitute for or supplement to purchased gas and is subject to monthly adjustments per hundred cubic feet for increases or decreases for any such cost. The Director of Public Utilities shall calculate the cost of natural gas each month and prepare a pro forma forecast of total gas commodity cost recovery balance for the end of the current fiscal year. The Director of Public Utilities may increase or decrease the purchased gas cost rate during the subsequent month to recover the cost of purchased gas by the end of the fiscal year. The Director of Public Utilities shall promptly notify the Chief Administrative Officer of changes to purchase gas cost rates. In addition, adjustments applicable under the weather normalization clause shall be as set forth in Section 28-106.

§ 9. **Water Fees.** Sections 28-326, 28-327, 28-328, 28-329, 28-330, 28-458, and 28-549 of the Code of the City of Richmond (2020) be and are hereby amended as follows:

Sec. 28-326. Residential water service.

(a) *Application.* This section shall apply to the use of service for residential purposes in individual residences, owner-occupied duplexes or nonprofit facilities that provide transitional housing for residential use on a regular basis by homeless persons where service is available.

(b) *Minimum charge for water.* The monthly minimum charge is the service charge.

(c) *Service charges (readiness to serve).* Monthly water service charges shall be as set forth in this subsection. Each residential water service customer shall pay the service charge determined by meter size, unless the customer is eligible to receive a discount to the service charge for installing fire suppression equipment. The service charges set forth in this subsection shall be paid in addition to the charges for the quantity of water which passes through the meters. The Director shall, pursuant to Section 28-26, issue rules

and regulations to establish the parameters for such a discount.

<i>Meter Size (inches)</i>	
$\frac{5}{8}$	\$16.70
$\frac{3}{4}$	\$23.73
1	\$37.77
1½	\$72.84
2	\$114.94
3	\$227.21
4	\$353.50
6	\$704.33
8	[\$1,125.33
10	\$1,616.49

(d) *Volume charge.* Monthly charges for the quantity of water which passes through the meters shall be as follows:

<i>Quantity (ccf):</i>	<i>Charge Per 100 Cubic Feet (ccf)</i>
Single-Family Residential Tier 1 0-4	<u>\$2.96</u>
Single-Family Residential Tier 2 more than 4	[\$5.86] <u>\$6.27</u>
Multifamily Residential	[\$4.94] <u>\$5.23</u>

(e) *Term of contracts.* Contracts for water service for customers within the corporate City limits under this schedule shall be cancelable at any time, provided that such a consumer cannot resume service within one month at the same location without paying the prescribed service charges and charges for water supplied during the intervening period in accordance with this schedule. Contracts for water service for customers not within the corporate City limits shall be cancelable as discussed hereinafter in this chapter.

(f) *Special provisions (cost of water adjustment).*

(1) *Cost adjustment clause.* The charge specified in the monthly volume charge may be subject to an adjustment per 100 ccf for increases or decreases in the costs associated with the cost of electric energy, water treatment chemicals and purchased water.

(2) *Residential water service charges for meters having a capacity greater than five-eighths inch; special provision.* The monthly service charge for each residential water customer, with service

established on or before the adoption of the ordinance from which this subsection is derived and having a water meter capacity greater than five-eighths inch, shall be equal to the monthly service charge for a five-eighths inch meter size as set forth in this section. The monthly service charge for each residential water customer, with service established after the adoption of the ordinance from which this subsection is derived and having a water meter capacity greater than five-eighths inch, shall be based upon the meter capacity as set forth in this section.

Sec. 28-327. Commercial water service.

(a) *Application.* This schedule shall apply to the use of water service for places of business, such as hotels, restaurants, office buildings, commercial businesses or other places of commerce and for multifamily residences at locations where service is available; provided, however, that this schedule shall not apply to contracts heretofore or hereafter entered into between the City and a county.

(b) *Minimum charge for water.* The monthly minimum charge is the service charge shown below, determined by meter size.

(c) *Service charges (readiness to serve).* Monthly water service charges shall be paid by consumers based upon the sizes of meters. The service charges as set forth below shall be paid in addition to the charges for the quantity of water which passes through the meters. When a consumer is supplied with water through more than one meter, the service charges shall be as set forth below for each meter.

<i>Meter Size (inches)</i>	
$\frac{5}{8}$	\$16.70
$\frac{3}{4}$	\$23.73
1	\$37.77
1½	\$72.84
2	\$114.94
3	\$227.21
4	\$353.50
6	\$704.33
8	\$1,125.33

10	\$1,616.49
12	\$3,708.43

(d) *Volume charge*. Monthly rates for the quantity of water shall be as follows

Monthly water volume charges for commercial class, per 100 cubic feet (ccf) of the quantity of water that passes through the meters: Quantity (ccf):	
1-100	[\$4.94] <u>\$5.23</u>
101-2,000	[\$4.94] <u>\$5.23</u>
Over 2,000	[\$4.94] <u>\$5.23</u>

(e) *Metered fire protection (firelines)*. When water is supplied for fire protection which is metered, through pipes used or which are available for use exclusively for that purpose, the service charges shall be based on the meter size, as follows:

Meter Size (inches)	
$\frac{5}{8}$	[\$8.65] <u>\$8.97</u>
$\frac{3}{4}$	[\$8.65] <u>\$8.97</u>
1	[\$8.65] <u>\$8.97</u>
1½	[\$8.65] <u>\$8.97</u>
2	[\$13.81] <u>\$14.33</u>
3	[\$27.64] <u>\$28.68</u>
4	[\$43.17] <u>\$44.79</u>
6	[\$86.34] <u>\$89.58</u>
8	[\$138.14] <u>\$143.32</u>
10	[\$198.57] <u>\$206.02</u>
12	[\$372.98] <u>\$386.97</u>

(f) *Term of contracts*. Contracts for water service for customers within the corporate City limits shall be cancelable at any time, provided that a consumer cannot resume service within one month at the same location without paying the prescribed service charges and charges for water supplied during the intervening period in accordance with this schedule. Contracts for water service not within the corporate City limits shall be cancelable as discussed hereinafter in this chapter.

(g) *Special provisions (cost of water adjustment)*. The charge specified in the monthly volume charge may be subject to an adjustment per 100 ccf for increases or decreases in the costs associated with the cost of

electric energy, water treatment chemicals and purchased water.

Sec. 28-328. Industrial water service.

(a) *Application.* This section shall apply to the use of water service for places that are primarily manufacturers or processors of materials; provided, however, that this schedule shall not apply to contracts heretofore or hereafter entered into between the City and a county.

(b) *Minimum charge for water.* The monthly minimum charge is the service charge shown below, determined by meter size.

(c) *Service charges (readiness to serve).* Monthly service charges shall be based on the size of the meter and shall be paid by consumers as provided below. The service charges shall be paid in addition to the charges for the quantity of water which passes through the meters. When a consumer is supplied with water through more than one meter, the service charges shall be as set forth below for each meter.

Meter size (inches):

5/8	\$16.70
3/4	\$23.73
1	\$37.77
1½	\$72.84
2	\$114.94
3	\$227.21
4	\$353.50
6	\$704.33
8	\$1,125.33
10	{ \$1,616.49
12	\$3,708.43

(d) *Volume charge.* Monthly rates for the quantity of water shall be as follows:

Monthly water volume charges for industrial class, per 100 cubic feet (ccf) of the quantity of water that passes through the meters: Quantity (ccf):	
1-100	[\$4.94] <u>\$5.23</u>
101-2,000	[\$4.94] <u>\$5.23</u>
Over 2,000	[\$4.94] <u>\$5.23</u>

(e) *Metered fire protection (firelines).* When water is supplied for fire protection which is metered,

through pipes used or which are available for use exclusively for that purpose, the service charges shall be as follows:

Meter Size (inches)	
$\frac{5}{8}$	[\$8.65] <u>\$8.97</u>
$\frac{3}{4}$	[\$8.65] <u>\$8.97</u>
1	[\$8.65] <u>\$8.97</u>
1½	[\$8.65] <u>\$8.97</u>
2	[\$13.84] <u>\$14.33</u>
3	[\$27.64] <u>\$28.68</u>
4	[\$43.17] <u>\$44.79</u>
6	[\$86.34] <u>\$89.58</u>
8	[\$138.14] <u>\$143.32</u>
10	[\$198.57] <u>\$206.02</u>
12	[\$372.98] <u>\$386.97</u>

(f) *Term of contracts.* Contracts for water service within the corporate City limits under this schedule shall be cancelable at any time, provided that a consumer cannot resume service within one month at the same location without paying the prescribed service charges and charges for water supplied during the intervening period in accordance with this schedule. Contracts for water service without the corporate City limits shall be cancelable as discussed hereinafter in this chapter.

(g) *Special provisions (cost of water adjustment).* The charge specified in the monthly volume charge may be subject to an adjustment per 100 ccf for increases or decreases in the costs associated with the cost of electric energy, water treatment chemicals and purchased water.

Sec. 28-329. Municipal water service.

(a) *Application.* This section shall apply to the use of water service for governments that are not Federal or State agencies or departments or authorities; provided, however, that this schedule shall not apply to contracts heretofore or hereinafter entered into between the City and a county.

(b) *Minimum charge for water.* The monthly minimum charge is the service charge shown below,

determined by meter size.

(c) *Service charges (readiness to serve)*. Monthly service charges shall be based on the size of the meter and shall be paid by consumers as provided below. The service charges shall be paid in addition to the charges for the quantity of water which passes through the meters. When a consumer is supplied with water through more than one meter, the service charges shall be as set forth below for each meter.

Meter Size (inches)	
$\frac{5}{8}$	\$16.70
$\frac{3}{4}$	\$23.73
1	\$37.77
1½	\$72.84
2	\$114.94
3	\$227.21
4	\$353.50
6	\$704.33
8	\$1,125.33
10	\$1,616.49
12	\$3,708.43

(d) *Volume charge*. Monthly rates for the quantity of water shall be as follows:

Monthly water volume charges for Municipal class, per 100 cubic feet (ccf) of the quantity of water that passes through the meters:	
Quantity (ccf):	
1-100	[\$4.94] <u>\$5.23</u>
101-2,000	[\$4.94] <u>\$5.23</u>
Over 2,000	[\$4.94] <u>\$5.23</u>

(e) *Metered fire protection (firelines)*. When water is supplied for fire protection which is metered, through pipes used or which are available for use exclusively for that purpose, the service charges shall be as follows:

Meter Size (inches)	
$\frac{5}{8}$	[\$8.65] <u>\$8.97</u>

¾	[\$8.65] <u>\$8.97</u>
1	[\$8.65] <u>\$8.97</u>
1½	[\$8.65] <u>\$8.97</u>
2	[\$13.84] <u>\$14.33</u>
3	[\$27.64] <u>\$28.68</u>
4	[\$43.17] <u>\$44.79</u>
6	[\$86.34] <u>\$89.58</u>
8	[\$138.14] <u>\$143.32</u>
10	[\$198.57] <u>\$206.02</u>
12	[\$372.98] <u>\$386.97</u>

(f) *Term of contracts.* Contracts for water service within the corporate City limits under this schedule shall be cancelable at any time, provided that a consumer cannot resume service within one month at the same location without paying the prescribed service charges and charges for water supplied during the intervening period in accordance with this schedule. Contracts for water service without the corporate City limits under this schedule shall be cancelable as provided hereinafter in this chapter.

(g) *Special provisions (cost of water adjustment).* The charge specified in the monthly volume charge may be subject to an adjustment per 100 ccf for increases or decreases in the costs associated with the cost of electric energy, water treatment chemicals and purchased water.

Sec. 28-330. State and Federal service.

(a) *Application.* This section shall apply to the use of water for State or Federal agencies and departments or authorities; provided, however, that this schedule shall not apply to contracts heretofore or hereafter entered into between the City and a county.

(b) *Minimum charge for water.* The monthly minimum charge is the service charge shown below, determined by meter size.

(c) *Service charges (readiness to serve).* Monthly service charges shall be based on the size of the meter and shall be paid by consumers as provided below. The service charges shall be paid in addition to the

charges for the quantity of water which passes through the meters. When a consumer is supplied with water through more than one meter, the service charges shall be as set forth below for each meter.

Meter Size (inches)	
$\frac{5}{8}$	\$16.70
$\frac{3}{4}$	\$23.73
1	\$37.77
1½	\$72.84
2	\$114.94
3	\$227.21
4	\$353.50
6	\$704.33
8	\$1,125.33
10	\$1,616.49
12	\$3,708.43

(d) *Volume charge*. Monthly rates for the quantity of water shall be as follows:

Monthly water volume charges for State and Federal class, per 100 cubic feet (ccf) of the quantity of water that passes through the meters:	
Quantity (ccf):	
1-100	[\$4.94] <u>\$5.23</u>
101-2,000	[\$4.94] <u>\$5.23</u>
Over 2,000	[\$4.94] <u>\$5.23</u>

(e) *Metered fire protection (firelines)*. When water is supplied for fire protection which is metered, through pipes used or which are available for use exclusively for that purpose, the service charges shall be as follows:

Meter Size (inches)	
$\frac{5}{8}$	[\$8.65] <u>\$8.97</u>
$\frac{3}{4}$	[\$8.65] <u>\$8.97</u>
1	[\$8.65] <u>\$8.97</u>
1½	[\$8.65] <u>\$8.97</u>
2	[\$13.84] <u>\$14.33</u>
3	[\$27.64] <u>\$28.68</u>
4	[\$43.17] <u>\$44.79</u>
6	[\$86.34] <u>\$89.58</u>
8	[\$138.14] <u>\$143.32</u>

10	[\$198.57] <u>\$206.02</u>
12	[\$372.98] <u>\$386.97</u>

(f) *Term of contracts.* Contracts for water service within the corporate City limits under this schedule shall be cancelable at any time, provided that a consumer cannot resume service within one month at the same location without paying the prescribed service charges and charges for water supplied during the intervening period in accordance with this schedule. Contracts for water service without the corporate City limits shall be cancelable as discussed hereinafter in this chapter.

(g) *Special provisions (cost of water adjustment).* The charge specified in the monthly volume charge may be subject to an adjustment per 100 ccf for increases or decreases in the costs associated with the cost of electric energy, water treatment chemicals and purchased water.

Sec. 28-458. Charges for water for fire protection.

No charge shall be made for water used for testing private fire protection systems or equipment or for the extinguishment of fire when services are installed with detecting devices in accordance with Section 28-457. The owners or occupants of such property shall pay for fire protection service at the rates prescribed in this section. Should water in such systems be wasted or used for any purpose other than for testing such systems or equipment or for the extinguishment of fire, the Director may immediately require the private fire protection system to be metered at the entire cost and expense of the owners or occupants of premises served, and after the meters have been installed the owners or occupants of premises served shall pay for all water used on such premises at the appropriate class rate, including water used for testing such systems or equipment and for the extinguishment of fire. In addition, any property with direct fireline service that remains in service after the water meter for such property is removed shall be responsible to pay a minimum monthly service charge as follows:

<i>Meter Size (inches)</i>	
$\frac{5}{8}$	[\$8.65] <u>\$8.97</u>
$\frac{3}{4}$	[\$8.65] <u>\$8.97</u>
1	[\$8.65] <u>\$8.97</u>

1½	[\$8.65] <u>\$8.97</u>
2	[\$13.81] <u>\$14.33</u>
3	[\$27.64] <u>\$28.68</u>
4	[\$43.17] <u>\$44.79</u>
6	[\$86.34] <u>\$89.58</u>
8	[\$138.14] <u>\$143.32</u>
10	[\$198.57] <u>\$206.02</u>
12	[\$372.98] <u>\$386.97</u>

Sec. 28-549. Additional charge for water use during conservation periods.

During any period when mandatory or voluntary water conservation measures are in place in the City, any customer who uses more than 140 percent of the amount of water used on a monthly average basis during the previous winter period (defined to include December to February), shall be required to pay a higher rate for water per ccf, as stated below, for each additional ccf used above that historic level. The Director will not charge the water rate if the person using more than 140 percent of the monthly average water usage, as defined above, used any portion of the water for fighting a fire. The Director will only charge the higher ccf rate for those additional volumes above the calculated levels.

Additional charge for water use during conservation period (per ccf), by customer class and volume:			
Residential	1-100	During Voluntary	[\$7.18] <u>\$7.45</u>
	1-100	During Mandatory	[\$9.58] <u>\$9.94</u>
	101-2,000	During Voluntary	[\$7.18] <u>\$7.45</u>
	101-2,000	During Mandatory	[\$9.58] <u>\$9.94</u>
	Over 2,000	During Voluntary	[\$7.18] <u>\$7.45</u>
	Over 2,000	During Mandatory	[\$9.58] <u>\$9.94</u>
Commercial	1-100	During Voluntary	[\$7.18] <u>\$7.45</u>
	1-100	During Mandatory	[\$9.58] <u>\$9.94</u>
	101-2,000	During Voluntary	[\$7.18] <u>\$7.45</u>
	101-2,000	During Mandatory	[\$9.58] <u>\$9.94</u>
	Over 2,000	During Voluntary	[\$7.18] <u>\$7.45</u>
	Over 2,000	During Mandatory	[\$9.58] <u>\$9.94</u>
Industrial	1-100	During Voluntary	[\$7.18] <u>\$7.45</u>

	1-100	During Mandatory Conservation Period	[\$9.58] <u>\$9.94</u>
	101-2,000	During Voluntary Conservation Period	[\$7.18] <u>\$7.45</u>
	101-2,000	During Mandatory Conservation Period	[\$9.58] <u>\$9.94</u>
	Over 2,000	During Voluntary Conservation Period	[\$7.18] <u>\$7.45</u>
	Over 2,000	During Mandatory Conservation Period	[\$9.58] <u>\$9.94</u>
State and Federal	1-100	During Voluntary Conservation Period	[\$7.18] <u>\$7.45</u>
	1-100	During Mandatory Conservation Period	[\$9.58] <u>\$9.94</u>
	101-2,000	During Voluntary Conservation Period	[\$7.18] <u>\$7.45</u>
	101-2,000	During Mandatory Conservation Period	[\$9.58] <u>\$9.94</u>
	Over 2,000	During Voluntary Conservation Period	[\$7.18] <u>\$7.45</u>
	Over 2,000	During Mandatory Conservation Period	[\$9.58] <u>\$9.94</u>
Municipal	1-100	During Voluntary Conservation Period	[\$7.18] <u>\$7.45</u>
	1-100	During Mandatory Conservation Period	[\$9.58] <u>\$9.94</u>
	101-2,000	During Voluntary Conservation Period	[\$7.18] <u>\$7.45</u>
	101-2,000	During Mandatory Conservation Period	[\$9.58] <u>\$9.94</u>
	Over 2,000	During Voluntary Conservation Period	[\$7.18] <u>\$7.45</u>
	Over 2,000	During Mandatory Conservation Period	[\$9.58] <u>\$9.94</u>

§ 10. **Water Service Fees.** Sections 28-394, 28-395, and 28-396 of the Code of the City of Richmond (2020) be and are hereby **amended** and reordained follows:

Sec. 28-394. Costs of original connections and maintenance.

(a) In making installations of water service connections in the City, the Director shall furnish all necessary materials and shall have the service installed, the cost of which shall be paid as follows:

(1) The owner or occupant of the premises to be served shall be responsible to pay the connection charge set forth below based upon water meter size. The Director shall issue regulations pursuant to Section 28-26 to establish how the connection charges will be set for the owner or occupant of a premises to be served by multiple water meters with a shared water service connection. The Director may receive installment payment for the connection charge as outlined in the rules and regulations adopted pursuant to Section 28-26.

Connection Charges (Water)

<i>Meter Size (inches)</i>	<i>Service Installation Charge</i>	<i>Capacity Charge</i>	<i>Total Connection Charge</i>
5/8	\$5,000.00	[\$650.00] <u>\$1,020.00</u>	[\$5,650.00] <u>\$6,020.00</u>
3/4	\$5,050.00	[\$950.00] <u>\$1,530.00</u>	[\$6,000.00] <u>\$6,580.00</u>
1	\$5,200.00	[\$1,600.00] <u>\$2,550.00</u>	[\$6,800.00] <u>\$7,750.00</u>
1½	\$7,400.00	[\$3,150.00] <u>\$5,100.00</u>	[\$10,550.00] <u>\$12,500.00</u>
2	\$7,450.00	[\$5,000.00] <u>\$8,160.00</u>	[\$12,450.00] <u>\$15,610.00</u>
3	[\$15,550.00] <u>\$28,000.00</u>	[\$9,400.00] <u>\$15,300.00</u>	[\$24,950.00] <u>\$43,300.00</u>
4	[\$16,950.00] <u>\$29,000.00</u>	[\$15,600.00] <u>\$25,500.00</u>	[\$32,550.00] <u>\$54,500.00</u>
6	[\$22,800.00] <u>\$30,000.00</u>	[\$31,200.00] <u>\$51,000.00</u>	[\$54,000.00] <u>\$81,000.00</u>
8	[\$27,700.00] <u>\$32,000.00</u>	[\$49,950.00] <u>\$81,600.00</u>	[\$77,650.00] <u>\$113,600.00</u>

(2) The entire cost of maintaining existing water service connections and meters, except as otherwise provided in Section 28-389, shall be paid by the City. However, whenever an existing water service connection is replaced at the request of the owner with one of greater capacity, the Director may require the owner or occupant to pay the full connection charge based upon the size of the new meter size. Whenever an existing water service connection is replaced at the request of the owner with one of lesser capacity, the owner or occupant shall receive no refund for any connection charges originally paid. The customer shall pay for the cost of meters as required in Section 28-400.

(b) The Director may allow, at the Director's discretion and on a case-by-case basis, an owner or occupant to construct the water service connection. The City will remain responsible, however, for providing water meters, inspection services and making the final connection to the water main. In such case, the owner or occupant will be responsible for paying any costs incurred by the City, including, but not limited to, the costs of inspection, the cost associated with labor and materials for providing a tap, or connection, to the existing main, water meters and the capacity charge listed in this section.

(c) In making installations of fireline service connections in the City, the Director shall furnish all necessary materials and shall have the service installed. The owner or occupant of the premises to be served shall be responsible to pay the connection charge set forth below based upon the meter size.

<i>Connection Charges (fireline)</i>	
<i>Meter Size (inches)</i>	
5/8	-
3/4	-
1	-
1½	-
2	\$7,400.00
3	[\$13,650.00] <u>\$25,000.00</u>
4	[\$14,500.00] <u>\$25,000.00</u>
6	[\$17,000.00] <u>\$27,000.00</u>
8	[\$20,000.00] <u>\$30,000.00</u>

Sec. 28-395. Calculation of installation cost of connections; fees.

Upon receipt of an application for a water service connection made in the manner specified in Section 28-390 and for which the owner or occupant of premises to be served is required to pay pursuant to Section 28-394 or otherwise, the Director shall impose the fee for installing the connection pursuant to the table below. The charges set forth in the table below shall be set by the Council and derived from the Department's cost of service and rate study. The Director shall determine fees with each new cost of service and rate study performed. The Director shall have the authority to adjust connection fees between cost of service studies to reflect increases in the cost during the interim period.

<i>Connection Charges (Water)</i>			
<i>Meter Size (inches)</i>	<i>Service Installation Charge</i>	<i>Capacity Charge</i>	<i>Total Connection Charge</i>
5/8	\$5,000.00	[\$650.00] <u>\$1,020.00</u>	[\$5,650.00] <u>\$6,020.00</u>
3/4	\$5,050.00	[\$950.00] <u>\$1,530.00</u>	[\$6,000.00] <u>\$6,580.00</u>
1	\$5,200.00	[\$1,600.00] <u>\$2,550.00</u>	[\$6,800.00] <u>\$7,750.00</u>
1½	\$7,400.00	[\$3,150.00] <u>\$5,100.00</u>	[\$10,550.00] <u>\$12,500.00</u>
2	\$7,450.00	[\$5,000.00] <u>\$8,100.00</u>	[\$12,450.00] <u>\$15,610.00</u>
3	[\$15,550.00] <u>\$28,000.00</u>	[\$9,400.00] <u>\$15,300.00</u>	[\$24,950.00] <u>\$43,300.00</u>
4	[\$16,950.00] <u>\$29,000.00</u>	[\$15,600.00] <u>\$25,500.00</u>	[\$32,550.00] <u>\$54,500.00</u>
6	[\$22,800.00] <u>\$30,000.00</u>	[\$31,200.00] <u>\$51,000.00</u>	[\$54,000.00] <u>\$81,000.00</u>
8	[\$27,700.00] <u>\$32,000.00</u>	[\$49,950.00] <u>\$81,600.00</u>	[\$77,650.00] <u>\$113,600.00</u>

Sec. 28-396. Connections outside City.

(a) When water is permitted to be used on property beyond the corporate City limits, the owner or occupant of the premises served shall furnish the City with the necessary authority from the locality to do or have any work required to be done by the City done prior to the installation and shall pay all of the cost and expense incurred by the City in extending service. Applications for such water service shall be made in accordance with Section 28-390.

(b) The owner or occupant shall obtain all permits for the installation of the service and meters, and the City shall furnish and install all of the service, including the meter from the main to the property line, at the expense of the applicant who shall excavate the trench, backfill, repave and maintain the surface as required by the locality and relieve the City of any liability therefor during and after its construction.

(c) Fees for connections outside the City shall be paid to the City as follows:

<i>Connection Charges (Water)</i>			
<i>Meter Size (inches)</i>	<i>Service Installation Charge</i>	<i>Capacity Charge</i>	<i>Total Connection Charge</i>
5/8	\$5,000.00	[\$650.00] <u>\$1,020.00</u>	[\$5,650.00] <u>\$6,020.00</u>
3/4	\$5,050.00	[\$950.00] <u>\$1,530.00</u>	[\$6,000.00] <u>\$6,580.00</u>
1	\$5,200.00	[\$1,600.00] <u>\$2,550.00</u>	[\$6,800.00] <u>\$7,750.00</u>
1½	\$7,400.00	[\$3,150.00] <u>\$5,100.00</u>	[\$10,550.00] <u>\$12,500.00</u>
2	\$7,450.00	[\$5,000.00] <u>\$8,160.00</u>	[\$12,450.00] <u>\$15,610.00</u>
3	[\$15,550.00] <u>\$28,000.00</u>	[\$9,400.00] <u>\$15,300.00</u>	[\$24,950.00] <u>\$43,300.00</u>
4	[\$16,950.00] <u>\$29,000.00</u>	[\$15,600.00] <u>\$25,500.00</u>	[\$32,550.00] <u>\$54,500.00</u>
6	[\$22,800.00] <u>\$30,000.00</u>	[\$31,200.00] <u>\$51,000.00</u>	[\$54,000.00] <u>\$81,000.00</u>
8	[\$27,700.00] <u>\$32,000.00</u>	[\$49,950.00] <u>\$81,600.00</u>	[\$77,650.00] <u>\$113,600.00</u>

§ 11. **Wastewater Fees.** Sections 28-650, 28-651, 28-652, 28-653, and 28-654 of the Code of the City of

Richmond (2020) be and are hereby **amended** as follows:

Sec. 28-650. Residential wastewater service.

(a) *Application.* This section shall apply to disposal of wastewater discharged into the City's wastewater system from individual residences, owner-occupied duplexes or nonprofit facilities that provide transitional housing for residential use on a regular basis by homeless persons that have a connection to the City's wastewater system.

(b) *Monthly minimum charge.* The monthly minimum charge is the service charge.

(c) *Monthly service charge and service charges for wastewater meters.* The monthly service charge shall be as set forth below. Each residential wastewater service customer shall pay the service charge determined by the size of the customer's water meter, unless the customer is eligible to receive a discount to the service charge for installing fire suppression equipment. The Director, pursuant to Section 28-26, shall issue rules and regulations to establish the parameters for such a discount. The service charges for wastewater meters shall be estimated in accordance with a procedure approved by the Director of Public Utilities.

(1)	Monthly service charges based on the size of each water meter located on the user premises, excluding fire line, product water and wastewater meters:	
	<i>Meter size (inches)</i>	
	5/8	[\$21.23] <u>\$21.66</u>
	¾	[\$30.29] <u>\$30.90</u>
	1	[\$48.41] <u>\$49.38</u>
	1½	[\$93.74] <u>\$95.62</u>
	2	[\$148.11] <u>\$151.08</u>
	3	[\$293.12] <u>\$298.99</u>
	4	[\$456.26] <u>\$465.39</u>
	6	[\$909.39] <u>\$927.58</u>
	8	[\$1,453.17] <u>\$1,482.24</u>
	10	[\$2,087.59] <u>\$2,129.35</u>
(2)	Service charges for customers who receive fire line service and general water service through the same meter, based on the size of each such water meter located on the premises, excluding product water and wastewater meters:	
	<i>Domestic and fire line meter size (inches)</i>	
	10	[\$909.39] <u>\$927.58</u>
	8	[\$456.26] <u>\$465.39</u>
	6	[\$293.12] <u>\$298.99</u>

	4	[\$148.11] <u>\$151.08</u>
	3	[\$148.11] <u>\$151.08</u>

(d) *Monthly volume charge.* The monthly volume charge for the quantity of water which passes through the meters for residential wastewater service for the months of December through February shall be [~~\$8.504~~] \$9.030 per 100 cubic feet (ccf) of water delivered as recorded on the customer's water meter. The monthly volume charge for the quantity of water which passes through the meters for residential wastewater service for the months of March through November shall be [~~\$8.504~~] \$9.030 per 100 cubic feet (ccf) of water based upon:

(1) The cubic feet of water delivered as recorded on the customer's water meter in such months; or

(2) The average monthly use as billed during the preceding months of December through February;

whichever is lower.

(e) *Special provisions.*

(1) *Private water supply (unmetered service).* Whenever any user obtains all or part of the user's water supply from an unmetered source other than the water distribution system of the City (i.e., a private well), such user will be billed a flat service charge of [~~\$76.47~~] \$80.48 per month.

(2) *Public water supply (metered service).* Whenever any user obtains all or part of the user's water supply from a public water supply that meters the customer, other than the water distribution system of the City, the quantity of wastewater service used by the customer may be determined either from metered water consumption or from a wastewater meter. If the wastewater usage to be billed by the City is based upon a reading of a water meter by another public body, the wastewater customer will be billed on a schedule based upon the availability of water consumption data. However, regardless of the schedule or frequency of billing, the customer will be responsible to pay the same rates as any other residential wastewater customer. For verification purposes, all water meters serving a customer receiving wastewater service under this section shall be open to inspection by the Director.

(3) *Cost adjustment clause.* The charge specified in the monthly charge may be subject to an adjustment in the rate per 100 cubic feet for increases or decreases in the cost associated with electric energy and chemicals.

(4) *No facilities physically connected to wastewater system.* The minimum monthly charge as hereinbefore set forth shall be paid by all users who have obtained a wastewater connection but have not made a physical connection to the City's wastewater system.

(5) *Residential wastewater service charges for meters having a capacity greater than five-eighths inch; special provision.* The monthly service charge for each residential wastewater customer, with service established on or before the adoption of the ordinance from which this subsection is derived and having a water meter capacity greater than five-eighths inch, shall be equal to the monthly service charge for a five-eighths inch meter size as set forth in this section. The monthly service charge for each residential wastewater customer, with service established after the adoption of the ordinance from which this subsection is derived and having a water meter capacity greater than five-eighths inch, shall be based upon the meter capacity as set forth in this section.

Sec. 28-651. Charges for disposal of sewage and wastewater-Commercial service.

(a) *Application.* This section shall apply to the disposal of wastewater discharged into the City's wastewater system from places of business, such as hotels, restaurants, office buildings, commercial businesses or other places of commerce or multifamily residences and that have a connection to the City's wastewater system; provided, however, that this schedule shall not apply to contracts heretofore or hereafter entered into between the City and a county.

(b) *Monthly minimum charge.* The monthly minimum charge is the service charge below, determined by the size of a customer's water meter.

(c) *Monthly service charge.* The monthly service charge is as shown below, and dependent on the existence, or

lack thereof, of fire line service.

(1) *Determination of service charge for customers who receive fire line service through a separate meter or who do not receive fire line service.* The service charge will be based on the size of each water meter located on users' premises, excluding fire line, product water and wastewater meters, as follows:

Meter Size (inches)	
$\frac{5}{8}$	[\$21.23] <u>\$21.66</u>
$\frac{3}{4}$	[\$30.29] <u>\$30.90</u>
1	[\$48.41] <u>\$49.38</u>
1½	[\$93.74] <u>\$95.62</u>
2	[\$148.11] <u>\$151.08</u>
3	[\$293.12] <u>\$298.99</u>
4	[\$456.26] <u>\$465.39</u>
6	[\$909.39] <u>\$927.58</u>
8	[\$1,453.17] <u>\$1,482.24</u>
10	[\$2,087.59] <u>\$2,129.35</u>

(2) *Determination of service charge for customers who receive fire line service and general water service through the same meter.* The service charge will be based on the size of each such water meter located on users' premises, excluding product water and wastewater meters, as follows:

Domestic and Fire Line Meter Size (inches)	
10	[\$909.39] <u>\$927.58</u>
8	[\$456.26] <u>\$465.39</u>
6	[\$293.12] <u>\$298.99</u>
4	[\$148.11] <u>\$151.08</u>
3	[\$148.11] <u>\$151.08</u>

(3) *Service charges for wastewater meters.* The service charge for wastewater meters shall be estimated in accordance with a procedure approved by the Director of Public Utilities.

(d) *Monthly volume charge.* Monthly quantity charge shall be ~~[\$8.504]~~ \$9.030 per 100 cubic feet of water delivered as recorded on water meters or wastewater meters.

(e) *Special provisions.*

(1) *Private water supply.* Whenever any user obtains all or part of the user's water supply from sources other than the water distribution system of the City, the quantities of wastewater may be determined either from the total metered water consumption, both City and private supplies, or from the metered quantities of wastewater discharged to the wastewater system. All meters on private water supplies and all wastewater meters shall be provided and maintained to produce an accurate record of the true quantities of water and wastewater discharged to the wastewater system. All costs of meter installation, calibration and maintenance shall be borne by the user at the user's own expense. The type of meters shall be acceptable to the Director of Public Utilities, and the meters shall be accessible at all times for inspection by the Director.

(2) *Strong wastewater charge.* In addition to the foregoing charges, the monthly charges shall apply for the treatment of strong wastewater discharged into the City's wastewater system as follows:

a.	Suspended solids in excess of 275 milligrams per liter when the concentrations of suspended solids exceed 275 milligrams per liter, per pound	[\$0.48] \$0.51
b.	BOD of those concentrations of BOD in excess of 250 milligrams per liter, when the concentrations of BOD exceed 250 milligrams per liter, per pound; provided, however, for places of business classified in either Industry 312120 or Industry 312130 pursuant to the North American Industry Classification System (NAICS), the mass used for calculating the charge shall be computed by subtracting SBOD from BOD and using the difference	[\$0.46] \$0.48
c.	Total nitrogen in excess of 30 milligrams per liter, when the concentrations of total nitrogen exceed 30 milligrams per liter, per pound	[\$1.94] \$2.04
d.	Total phosphorous in excess of 12 milligrams per liter, when the concentrations of total phosphorous exceed 12 milligrams per liter, per pound	[\$2.74] \$2.88

(3) *Cost adjustment clause.* The charge specified in the monthly volume charge may be subject to an adjustment in the rate per 100 cubic feet for increases or decreases in the cost associated with electric energy and chemicals.

Sec. 28-652. Charges for disposal of sewage and wastewater-Industrial service.

(a) *Application.* This section shall apply to the disposal of wastewater discharged into the City's wastewater

system from places that are primarily manufacturers or processors of materials, and that have a connection to the City's wastewater system; provided, however, that this schedule shall not apply to contracts heretofore or hereafter entered into between the City and a county.

(b) *Monthly minimum charge.* The monthly minimum charge is the service charge below, determined by the size of a customer's water meter.

(c) *Monthly service charge.* The monthly service charge is as shown below by meter size, and dependent on the existence, or lack thereof, of fire line service.

(1) *Determination of service charge for customers who receive fire line service through a separate meter or who do not receive fire line service.* The service charge will be based on the size of each water meter located on users' premises, excluding fire line, product water and wastewater meters, as follows:

Meter Size (inches)	
5/8	[\$21.23] <u>\$21.66</u>
3/4	[\$30.29] <u>\$30.90</u>
1	[\$48.41] <u>\$49.38</u>
1½	[\$93.74] <u>\$95.62</u>
2	[\$141.11] <u>\$151.08</u>
3	[\$293.12] <u>\$298.99</u>
4	[\$456.26] <u>\$465.39</u>
6	[\$909.39] <u>\$927.58</u>
8	[\$1,453.17] <u>\$1,482.24</u>
10	[\$2,087.59] <u>\$2,129.35</u>
12	[\$3,205.54] <u>\$3,269.66</u>

(2) *Determination of service charge for customers who receive fire line service and general water service through the same meter.* The service charge will be based on the size of each such water meter located on users' premises, excluding product water and wastewater meters, as follows:

Domestic and Fire Line Meter Size (inches)	
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10	[\$909.39] <u>\$927.58</u>
8	[\$456.26] <u>\$465.39</u>
6	[\$293.12] <u>\$298.99</u>
4	[\$148.11] <u>\$151.08</u>
3	[\$148.11] <u>\$151.08</u>

(3) *Service charges for wastewater meters.* The service charge for wastewater meters shall be estimated in accordance with a procedure approved by the Director of Public Utilities.

(d) *Monthly volume charge.* The monthly volume charge shall be ~~[\$8.504]~~ \$9.030 per 100 cubic feet of water delivered as recorded on water meters or wastewater meters.

(e) Special provisions.

(1) *Private water supply.* Whenever any user obtains all or part of the user's water supply from sources other than the water distribution system of the City, the quantities of wastewater may be determined either from the total metered water consumption, both City and private supplies, or from the metered quantities of wastewater discharged to the wastewater system. All meters on private water supplies and all wastewater meters shall be provided and maintained to produce an accurate record of the true quantities of water and wastewater discharged to the wastewater system. All costs of meter installation, calibration and maintenance shall be borne by the user at the user's own expense. The type of meters shall be acceptable to the Director of Public Utilities, and the meters shall be accessible at all times for inspection by the Director.

(2) *Strong wastewater charge.* In addition to the foregoing charges, the monthly charges shall apply for the treatment of strong wastewater discharged into the City's wastewater system as follows:

a.	Suspended solids in excess of 275 milligrams per liter when the concentrations of suspended solids exceed 275 milligrams per liter, per pound	[\$0.48] <u>\$0.51</u>
b.	BOD of those concentrations of BOD in excess of 250 milligrams per liter, when the concentrations of BOD exceed 250 milligrams per liter, per pound	[\$0.46] <u>\$0.48</u>
c.	Total nitrogen in excess of 30 milligrams per liter, when the concentrations of total nitrogen exceed 30 milligrams per liter, per pound	[\$1.94] <u>\$2.04</u>
d.	Total phosphorous in excess of 12 milligrams per liter, when the concentrations of total phosphorous exceed 12 milligrams per liter, per pound	[\$2.74] <u>\$2.88</u>

(3) *Cost adjustment clause.* The charge specified in the monthly volume charge may be subject to an adjustment in the rate per 100 cubic feet for increases or decreases in the cost associated with electric energy and chemicals.

Sec. 28-653. Charges for disposal of sewage and wastewater-State and Federal service.

(a) *Application.* This section shall apply to the disposal of wastewater discharged into the City's wastewater system from State or Federal agencies and departments or authorities, and that have a connection to the City's wastewater system; provided, however, that this schedule shall not apply to contracts heretofore or hereafter entered into between the City and any adjoining county.

(b) *Monthly minimum charge.* The monthly minimum charge is the service charge below, determined by the size of a customer's water meter.

(c) *Monthly service charge.* The monthly service charge is as shown below by meter size, and dependent on the existence, or lack thereof, of fire line service.

(1) *Determination of service charge for customers who receive fire line service through a separate meter or who do not receive fire line service.* The service charge will be based on the size of each water meter located on users' premises, excluding fire line, product water and wastewater meters, as follows:

Meter Size (inches)	
$\frac{5}{8}$	[\$21.23] <u>\$21.66</u>
$\frac{3}{4}$	[\$30.29] <u>\$30.90</u>
1	[\$48.41] <u>\$49.38</u>
1½	[\$93.74] <u>\$95.62</u>
2	[\$148.11] <u>\$151.08</u>
3	[\$293.12] <u>\$298.99</u>
4	[\$456.26] <u>\$465.39</u>
6	[\$909.39] <u>\$927.58</u>
8	[\$1,453.17] <u>\$1,482.24</u>
10	[\$2,087.59] <u>\$2,129.35</u>
12	[\$3,205.54] <u>\$3,269.66</u>

(2) *Determination of service charge for customers who receive fire line service and general water service through the same meter.* The service charge will be based on the size of each such water meter located on users' premises, excluding product water and wastewater meters, as follows:

<i>Domestic and Fire Line Meter Size (inches)</i>	
10	[\$909.39] <u>\$927.58</u>
8	[\$456.26] <u>\$465.39</u>
6	[\$293.12] <u>\$298.99</u>
4	[\$148.11] <u>\$151.08</u>
3	[\$148.11] <u>\$151.08</u>

(3) *Service charges for wastewater meters.* The service charge for wastewater meters shall be estimated in accordance with a procedure approved by the Director of Public Utilities.

(d) *Monthly volume charge.* The monthly volume charge shall be ~~[\$8.504]~~ \$9.030 per 100 cubic feet of water delivered as recorded on water meters or wastewater meters.

(e) *Special provisions.*

(1) *Private water supply.* Whenever any user obtains all or part of the user's water supply from sources other than the water distribution system of the City, the quantities of wastewater may be determined either from the total metered water consumption, both City and private supplies, or from the metered quantities of wastewater discharged to the wastewater system. All meters on private water supplies and all wastewater meters shall be provided and maintained to produce an accurate record of the true quantities of water and wastewater discharged to the wastewater system. All costs of meter installation, calibration and maintenance shall be borne by the user at the user's own expense. The type of meters shall be acceptable to the Director of Public Utilities, and the meters shall be accessible at all times for inspection by the Director.

(2) *Strong wastewater charge.* In addition to the foregoing charges, the monthly charges shall apply for the treatment of strong wastewater discharged into the City's wastewater system as follows:

a.	Suspended solids in excess of 275 milligrams per liter when the concentrations of suspended solids exceed 275 milligrams per liter, per pound	[\$0.48] <u>\$0.51</u>
b.	BOD of those concentrations of BOD in excess of 250 milligrams per liter, when the concentrations of BOD exceed 250 milligrams per liter, per pound	[\$0.46] <u>\$0.48</u>
c.	Total nitrogen in excess of 30 milligrams per liter, when the concentrations of total nitrogen exceed 30 milligrams per liter, per pound	[\$1.94] <u>\$2.04</u>
d.	Total phosphorous in excess of 12 milligrams per liter, when the concentrations of total phosphorous exceed 12 milligrams per liter, per pound	[\$2.74] <u>\$2.88</u>

(3) *Cost adjustment clause.* The charge specified in the monthly quantity charge may be subject to an adjustment in the rate per 100 cubic feet for increases or decreases in the cost associated with electric energy and chemicals.

Sec. 28-654. Charges for disposal of sewage and wastewater-Municipal service.

(a) *Application.* This section shall apply to the disposal of wastewater discharged into the City's wastewater system from governments that are not Federal or State agencies or departments or authorities, and that have a connection to the City's wastewater system; provided, however, that this schedule shall not apply to contracts heretofore or hereinafter entered into between the City and a county.

(b) *Monthly minimum charge.* The monthly minimum charge is the service charge below, determined by the size of a customer's water meter.

(c) *Monthly service charge.* The monthly service charge is as shown below by meter size, and dependent on the existence, or lack thereof, of fire line service.

(1) *Determination of service charge for customers who receive fire line service through a separate meter or who do not receive fire line service.* The service charge will

be based on the size of each water meter located on users' premises, excluding fire line, product water and wastewater meters, as follows:

Meter Size (inches)	
$\frac{5}{8}$	[\$21.23] <u>\$21.66</u>

¾	[\$30.29] <u>\$30.90</u>
1	[\$48.41] <u>\$49.38</u>
1½	[\$93.74] <u>\$95.62</u>
2	[\$148.11] <u>\$151.08</u>
3	[\$293.12] <u>\$298.99</u>
4	[\$456.26] <u>\$465.39</u>
6	[\$909.39] <u>\$927.58</u>
8	[\$1,453.17] <u>\$1,482.24</u>
10	[\$2,087.59] <u>\$2,129.35</u>
12	[\$3,205.54] <u>\$3,269.66</u>

- (2) *Determination of service charge for customers who receive fire line service and general water service through the same meter.* The service charge will be based on the size of each such water meter located on users' premises, excluding product water and wastewater meters, as follows:

<i>Domestic and Fire Line Meter Size (inches)</i>	
10	[\$909.39] <u>\$927.58</u>
8	[\$456.26] <u>\$465.39</u>
6	[\$293.12] <u>\$298.99</u>
4	[\$148.11] <u>\$151.08</u>
3	[\$148.11] <u>\$151.08</u>

- (3) *Service charges for wastewater meters.* The service charge for wastewater meters shall be estimated in accordance with a procedure approved by the Director of Public Utilities.

- (d) *Monthly volume charge.* The monthly volume charge shall be ~~[\$8.504]~~ \$9.030 per 100 cubic feet of water delivered as recorded on water meters or wastewater meters.

- (e) *Special provisions.*

(1) *Private water supply.* Whenever any user obtains all or part of the user's water supply from sources other than the water distribution system of the City, the quantities of wastewater may be determined either from the total metered water consumption, both City and private supplies, or from the metered quantities of wastewater discharged to the wastewater system. All meters on private water supplies and all wastewater

meters shall be provided and maintained to produce an accurate record of the true quantities of water and wastewater discharged to the wastewater system. All costs of meter installation, calibration and maintenance shall be borne by the user at the user's own expense. The type of meters shall be acceptable to the Director of Public Utilities, and the meters shall be accessible at all times for inspection by the Director.

(2) *Strong wastewater charge.* In addition to the foregoing charges, the monthly charges shall apply for the treatment of strong wastewater discharged into the City's wastewater system as follows:

a.	Suspended solids in excess of 275 milligrams per liter when the concentrations of suspended solids exceed 275 milligrams per liter, per pound	[\$0.48] \$0.51
b.	BOD of those concentrations of BOD in excess of 250 milligrams per liter, when the concentrations of BOD exceed 250 milligrams per liter, per pound	[\$0.46] \$0.48
c.	Total nitrogen in excess of 30 milligrams per liter, when the concentrations of total nitrogen exceed 30 milligrams per liter, per pound	[\$1.94] \$2.04
d.	Total phosphorous in excess of 12 milligrams per liter, when the concentrations of total phosphorous exceed 12 milligrams per liter, per pound	[\$2.74] \$2.88

(3) *Cost adjustment clause.* The charge specified in the monthly volume charge may be subject to an adjustment in the rate per 100 cubic feet for increases or decreases in the cost associated with electric energy and chemicals.

§ 12. **Wastewater Service Fees.** Section 28-592 of the Code of the City of Richmond (2020) be and is hereby **amended** and reordained follows:

Sec. 28-592. Payment of costs of extending sanitary sewer lines; connection fees.

The entire cost, including engineering and inspection costs, of constructing a sanitary sewer extension and connections within and without the corporate City limits shall be paid by the grantee subject to the following terms and conditions:

(1) The responsibility for and the entire cost, including engineering and inspection costs, of maintaining or repairing a City-owned sanitary sewer extension within and without the corporate City limits shall be that of and shall be paid by the City.

(2) Title to a sanitary sewer extension within the corporate City limits shall vest in the City upon completion of the construction of the extension, unless the Director of Public Utilities determines that the sewer extension shall remain private. Title to a sanitary sewer extension without the corporate City limits shall vest in the City upon completion of the construction of the extension if the Director agrees in writing that the City will accept the extension, and if the acceptance is lawful in light of other requirements of law regarding neighboring jurisdictions.

(3) If the City's plans call for a pipe larger than that required to serve the needs of the grantee, the City will bear the additional cost for a sanitary sewer larger than that required to serve the grantee, provided funds are available therefor. There will be no combined sewer extensions permitted within or without the corporate City limits, however this requirement shall not prevent the connection of new sanitary sewers to existing combined sewers for the purpose of conveying sanitary sewage to the City's treatment plant.

(4) The applicant shall secure from the governing body of the locality into which the sanitary sewer is to be extended a written statement to the effect that:

- a. The locality does not desire to make such extension;
- b. The locality authorizes the construction of such extension; and
- c. The locality authorizes the City or the grantee to maintain such extension.

(5) If a grantee to be served by a City-owned sanitary sewer extension does not receive water service from the City, the grantee shall nonetheless be responsible for paying the appropriate rate for wastewater service.

(6) The owner of property on which is or will be constructed a building or structure in which plumbing fixtures are or will be installed shall make application to the Director for each connection to discharge sewage. The fee for adding a sewer connection to a sanitary sewer main or a combined sewer main will be as provided below except as provided in subsection (9) of this section. If making a stormwater connection, applicable fees shall apply. Construction of sanitary sewer facilities shall be the responsibility of

the property owner or customer. The Director may approve the connection provided such sanitary or combined sewer facilities are available in sufficient capacity and grade to serve the property. No new connection shall be made to the combined sewers where the connection would cause overflows during dry weather conditions. The Director may reject any connection to a combined sewer main at the Director's discretion.

<i>Connection Charges (sewer)</i>			
<i>Meter Size (inches)</i>	<i>Service Installation Charge</i>	<i>Capacity Charge</i>	<i>Total Connection Charge</i>
$\frac{5}{8}$	\$200.00	[\$1,250.00] <u>\$2,200.00</u>	[\$1,450.00] <u>\$2,400.00</u>
$\frac{3}{4}$	\$200.00	[\$1,850.00] <u>\$3,300.00</u>	[\$2,050.00] <u>\$3,500.00</u>
1	\$200.00	[\$3,100.00] <u>\$5,500.00</u>	[\$3,300.00] <u>\$5,700.00</u>
1½	\$200.00	[\$6,150.00] <u>\$11,000.00</u>	[\$6,350.00] <u>\$11,200.00</u>
2	\$200.00	[\$9,800.00] <u>\$17,600.00</u>	[\$10,000.00] <u>\$17,800.00</u>
3	\$250.00	[\$18,400.00] <u>\$33,000.00</u>	[\$18,650.00] <u>\$33,250.00</u>
4	\$250.00	[\$30,650.00] <u>\$55,000.00</u>	[\$30,900.00] <u>\$55,250.00</u>
6	\$300.00	[\$61,250.00] <u>\$110,000.00</u>	[\$61,550.00] <u>\$110,300.00</u>
8	\$300.00	[\$98,000.00] <u>\$176,000.00</u>	[\$98,300.00] <u>\$176,300.00</u>

(7) Whenever an existing sanitary or combined sewer connection is replaced at the request of the grantee, and the grantee increases the size of the water meter, the Director may require the owner or occupant to pay the full sewer connection charge set forth below based upon the size of the new meter size. Whenever an existing sanitary or combined sewer service connection is replaced at the request of the owner with one of lesser capacity, the owner or occupant shall receive no refund for any connection charges originally paid.

<i>Connection Charges (sewer)</i>			
<i>Meter Size (inches)</i>	<i>Service Installation Charge</i>	<i>Capacity Charge</i>	<i>Total Connection Charge</i>
$\frac{5}{8}$	\$200.00	[\$1,250.00] <u>\$2,200.00</u>	[\$1,450.00] <u>\$2,400.00</u>
$\frac{3}{4}$	\$200.00	[\$1,850.00] <u>\$3,300.00</u>	[\$2,050.00] <u>\$3,500.00</u>
1	\$200.00	[\$3,100.00] <u>\$5,500.00</u>	[\$3,300.00] <u>\$5,700.00</u>
1½	\$200.00	[\$6,150.00] <u>\$11,000.00</u>	[\$6,350.00] <u>\$11,200.00</u>
2	\$200.00	[\$9,800.00] <u>\$17,600.00</u>	[\$10,000.00] <u>\$17,800.00</u>
3	\$250.00	[\$18,400.00] <u>\$33,000.00</u>	[\$18,650.00] <u>\$33,250.00</u>
4	\$250.00	[\$30,650.00] <u>\$55,000.00</u>	[\$30,900.00] <u>\$55,250.00</u>
6	\$300.00	[\$61,250.00] <u>\$110,300.00</u>	[\$61,550.00] <u>\$110,300.00</u>

8	\$300.00	[\$98,000.00] \$176,000.00	[\$98,300.00] <u>\$176,300.00</u>
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(8) Owners of buildings or structures who paid the County of Chesterfield a sewer connection fee prior to January 1, 1970, and who have not connected to the wastewater system may connect to the existing wastewater service line at their property line after obtaining the required plumbing permit without the payment of any additional wastewater service connection fee. If a new service line is required or desired, the provisions of this section, as applicable, shall apply.

(9) With regard to commercial or industrial accounts for which the sewer flow differs from the metered water flow, the water meter size used to determine the total connection charge set forth in this section shall be adjusted as provided in this subsection for the purpose of better reflecting the actual cost of service. To qualify for an adjustment of the water meter size used to determine the total connection charge, the owner or customer shall (i) submit an engineering analysis that, in compliance with the Department's regulations, projects by how much flows that will be discharged to the City's wastewater system will be less than the flows upon which the total connection charges set forth in this section and (ii) thereafter measure its wastewater flows with a sewage flow meter, installed and paid for by the owner or customer, that complies with and is operated and maintained in compliance with the Department's regulations. Any adjustment to the water meter size shall be in direct proportion to the reduction in wastewater flows projected in the engineering analysis. The total connection charge shall be determined based on the adjusted water meter size instead of the actual water meter size. If after a total connection charge based on an adjusted water meter size has been paid, the Department determines, based on flow meter measurements or otherwise, that the adjusted water meter size used to determine the total connection charge does not properly reflect the wastewater flows projected in the engineering analysis, the Department shall assess the owner or customer an amount equal to the difference between the total connection charge based on the actual water meter size and the total connection charge actually paid by the owner or customer. The Director shall adopt rules and regulations pursuant to Section 28-

26 to implement the provisions of this subsection.

§ 13. **Stormwater Fees.** Sections 28-923 and 28-924 of the Code of the City of Richmond (2020) be and are hereby **amended** as follows:

Sec. 28-923. Developed single-family residential property.

All owners of developed single-family residential property in the City, whether the subject property is occupied or unoccupied, shall be responsible for paying a total annual charge equal to the applicable base charge amount stated below:

	<i>Per Month</i>	<i>Per Year</i>
(1) For property owners with homes that have impervious area measuring less than or equal to 1,000 square feet (Tier 1)	[\$2.92] <u>\$3.23</u>	[\$35.04] <u>\$38.76</u>
(2) For property owners with homes that have impervious area measuring greater than 1,000 square feet and less than or equal to 2,000 square feet (Tier 2)	[\$5.36] <u>\$5.92</u>	[\$64.32] <u>\$71.04</u>
(3) For property owners with homes that have impervious area measuring greater than 2,000 square feet and less than or equal to 3,000 square feet (Tier 3)	[\$8.71] <u>\$9.62</u>	[\$104.52] <u>\$115.44</u>
(4) For property owners with homes that have impervious area measuring greater than 3,000 square feet and less than or equal to 4,000 square feet (Tier 4)	[\$12.42] <u>\$13.72</u>	[\$149.04] <u>\$164.64</u>
(5) For property owners with homes that have impervious area measuring greater than 4,000 square feet (Tier 5)	[\$18.01] <u>\$19.90</u>	[\$216.12] <u>\$238.80</u>

Sec. 28-924. Developed nonresidential and non-single-family residential property.

All owners of developed nonresidential and non-single-family residential property, whether the subject property is occupied or unoccupied, shall be responsible for paying the applicable base charge by a numeric factor associated with the impervious surface on the property. The base charge is applied per 1,000 square feet. Pursuant to Section 28-26, the Director shall issue a regulation providing the detailed calculation that will be used to calculate the total annual charge for developed nonresidential property or non-single-family residential property shall be ~~[\$3.60]~~ \$3.98 per month and ~~[\$43.20]~~ \$47.76 per year.

§ 14. **Zoning Fees.** Sections 30-930.6, 30-1020.4, 30-1020.5, and 30-1050.6 of the Code of the City of Richmond (2020) be and is hereby **amended** and reordained follows:

Sec. 30-930.6. Certificate of appropriateness.

(a) *Approval required.* No building or structure or any exterior portion thereof, sign or paving shall be constructed, altered, reconstructed, repaired, restored or demolished within any old and historic district unless the building or structure or any exterior portion thereof, sign or paving is approved by the Commission of Architectural Review or, on appeal, by the City Council, as being architecturally compatible with the buildings, structures, sites and general character of the old and historic district. All such approvals shall be evidenced by a certificate of appropriateness. No permit to construct, alter, reconstruct, repair, restore or demolish any building, structure or site shall be issued by the Commissioner of Buildings unless the applicant has first obtained approval of a certificate of appropriateness for such work.

(b) *Submission of application.* An application for certificate of appropriateness required pursuant to this section shall be submitted to the Secretary of the Commission of Architectural Review in writing by the owner of such building or structure. When a work-in-street, land-disturbing, building, sign or demolition permit is required, the applicant shall apply for other necessary permits at the same time an application for a certificate of appropriateness is submitted. The application for such certificate of appropriateness shall be accompanied by a fee as set forth below and plans and specifications which shall show the proposed exterior architectural features of such building or structure, which shall include but, shall not be limited to, the design, arrangement, texture, materials and color proposed to be used in the construction, alteration, reconstruction, repair, restoration, or demolition of the building or structure and the type of windows, exterior doors, lights, signs, site improvements, and other exterior fixtures and appurtenances. Upon the filing of such application with the Secretary of the Commission, the Secretary shall promptly transmit it with such plans and specifications to the Commission.

(1)	[Full demolition] Sign, patio, fence, or wall; or building, structure, or other improvement for which no building permit is required	[\$1,500.00]
	(a) Administrative approval	\$50.00
	(b) Exterior alteration with no change in floor area	\$100.00
	(c) Exterior alteration, addition, or partial demolition with change in floor area	\$200.00
	(d) New construction	\$200.00
	(e) Full demolition	\$200.00
	(f) Extension of approved certificate of appropriateness	\$50.00
	(g) Amendment to approved certificate of appropriateness	\$100.00
	(h) Appeal of approved or disapproved certificate of appropriateness	\$400.00
(2)	[New construction of or an addition to a single- or two-family dwelling, or accessory building] Principal use of one or two dwelling units	[\$250.00]
	(a) Administrative approval	\$50.00
	(b) Exterior alteration with no change in floor area	\$100.00
	(c) Exterior alteration, addition, or partial demolition with change in floor area	\$400.00
	(d) New construction	\$800.00
	(e) Full demolition	\$1,600.00
	(f) Extension of approved certificate of appropriateness	\$50.00
	(g) Amendment to approved certificate of appropriateness	\$100.00
	(h) Appeal of approved or disapproved certificate of appropriateness	\$400.00
(3)	[New construction of or an addition to a building, other than for a single- or two-family dwelling or accessory building] Other uses, less than or equal to 5,000 square feet and less than or equal to three stories	[\$500.00]
	(a) Administrative approval	\$100.00
	(b) Exterior alteration with no change in floor area	\$200.00
	(c) Exterior alteration, addition, or partial demolition with change in floor area	\$800.00
	(d) New construction	\$1,600.00
	(e) Full demolition	\$3,200.00
	(f) Extension of approved certificate of appropriateness	\$100.00
	(g) Amendment to approved certificate of appropriateness	\$200.00
	(h) Appeal of approved or disapproved certificate of appropriateness	\$800.00
(4)	[Amendments to previous certificates of appropriateness concerning non-structural alterations, changes to signage, and changes to plans] Other uses, greater than 5,000 square feet or greater than three stories	[\$150.00]
	(a) Administrative approval	\$150.00
	(b) Exterior alteration with no change in floor area	\$300.00
	(c) Exterior alteration, addition, or partial demolition with change in floor area	\$1,200.00
	(d) New construction	\$2,400.00
	(e) Full demolition	\$4,800.00
	(f) Extension of approved certificate of appropriateness	\$150.00

	(g) Amendment to approved certificate of appropriateness	\$300.00
	(h) Appeal of approved or disapproved certificate of appropriateness	\$1,200.00
[(5)]	[Extension of a certificate of appropriateness]	[\$25.00]
	The fee for any certificate of appropriateness or appeal shall be doubled for any development activity performed without first obtaining a certificate of appropriateness.	

(c) *Approval or disapproval of application and issuance.* Upon receipt of a completed certificate of appropriateness application pursuant to this section, the of Architectural Review Commission shall approve or disapprove such and, if approved, shall issue a certificate of appropriateness therefor, with or without conditions or with such modifications of the plans and specifications as the Commission of Architectural Review deems necessary to execute the purpose set forth in Section 30-930.2 and to require compliance with the regulations set out in this division. Otherwise, such plans and specifications shall be deemed rejected, and the Commission shall not issue a certificate of appropriateness.

(d) *Conceptual review.* Any person may request the Commission of Architectural Review to review conceptual design proposals for exterior work before submitting a formal application for a certificate of appropriateness required pursuant to this section. The Commission shall review and discuss the proposal with the applicant and make any necessary recommendations. Such conceptual review shall be advisory only.

(e) *Notification to public.* The Secretary shall use the following procedures in notifying the public of cases for certificates of appropriateness being considered by the Commission of Architectural Review:

(1) *General notification.* A concise agenda, listing all items to be reviewed by the Commission of Architectural Review and the date, time and place of the Commission meeting shall be published at least seven days prior to the meeting in a daily newspaper of general circulation in the City.

(2) *Direct notification of affected property owners.* When a certificate of appropriateness application involves a substantial impact, as defined in Section 30-930.1, in an old and historic district, the property owners of all property or portions of property located within 150 feet of the project shall be

notified of the prospective change and of the date, time, and place of the meeting at which such change shall be considered by the Commission. Such notice shall be by regular mail and mailed at least seven days prior to the meeting.

(f) *Scope of review.* A certificate of appropriateness shall be required for all alterations to a building, structure, or site which is subject to a public view.

(g) *Reasons for Commission action.* The Commission of Architectural Review shall state clearly its reasons for approval, denial, modification, or deferral of an application for a certificate of appropriateness in the records of the Commission proceedings.

(h) *Delegation of applications for review by Commission Secretary.* The Commission of Architectural Review may choose to delegate certain types of applications for a certificate of appropriateness for review by the Secretary. The Commission shall designate such items which are subject to review and shall issue guidelines for the Secretary to conduct the review. Any application for a certificate of appropriateness for any such designated design feature may be approved by the Secretary of the Commission without full Commission action, unless the Secretary finds that a particular structure has unique characteristics that may call for a different design treatment. In such cases, the Secretary shall schedule the application for Commission consideration at its next meeting. The Secretary shall keep a record of all such approvals and shall provide the Commission with a report of all new approvals at each of its regular meetings.

(i) *Normal maintenance and repair.* Nothing in this division shall be construed to prevent the normal repair and maintenance of any exterior architectural feature located in an old and historic district.

(j) *Unsafe and dangerous conditions.* Nothing in this division shall be construed to prevent the construction, reconstruction, alteration or demolition of any such building or feature which the Commissioner of Buildings shall determine is required for public safety because of an unsafe or dangerous condition. Upon the determination of such a condition, the Commissioner of Buildings shall provide notice to the Commission

of Architectural Review.

(k) *Payment of delinquent real estate taxes.* Approval of a certificate of appropriateness pursuant to this section shall not be granted until satisfactory evidence has been presented to the Secretary of the Commission of Architectural Review that any delinquent real estate taxes applicable to the subject property have been paid.

Sec. 30-1020.4. Fee for filing an application for certificate of zoning compliance.

(a) A fee shall accompany each certificate of zoning compliance application for the respective use, which fee shall be paid into the City treasury. The fees shall be as follows:

(1)	[Home occupation] Portable storage unit or building or structure less than or equal to 100 square feet for which no building permit is required	[\$75.00] \$50.00
(2)	[Single or two family detached or attached dwelling] Portable storage unit or building or structure greater than 100 square feet for which no building permit is required	[\$75.00] \$100.00
(3)	[Private elementary or secondary school] One or two dwelling units	[\$75.00] \$100.00
(4)	[Church or other place of worship] Three to 12 dwelling units	[\$75.00] \$200.00
(5)	Day nursery or home occupation	[\$75.00] \$50.00
(6)	[Adult day care facility] Church or other place of worship or private school	[\$75.00] \$200.00
(7)	[Multifamily dwelling (three to ten units)] Wireless communications facility	[\$150.00] \$500.00
(8)	[Multifamily dwelling (11 to 50)] Short-term rental, valid for two years	[\$300.00] \$600.00
(9)	[Multifamily dwelling (more than 50 units)] Other uses, less than or equal to 5,000 square feet	[\$500.00] \$300.00
(10)	[Commercial or industrial use equal to or less than 5,000 square feet] Other uses, greater than 5,000 square feet	[\$150.00] \$600.00
[(11)]	[Commercial or industrial use greater than 5,000 square feet]	[\$300.00]
[(12)]	[Adult care residence or lodginghouse]	[\$300.00]
[(13)]	[Portable storage unit]	[\$10.00]
[(14)]	[Wireless communications facility]	[\$500.00]
[(15)]	[Uses not specified]	[\$200.00]
[(16)]	[Short-term rental (two years)]	[\$600.00]

(b) Approval of a certificate of zoning compliance shall not be granted until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the subject

property have been paid.

Sec. 30-1020.5. Fee for zoning confirmation letter.

A fee shall accompany each request for a Letter of Zoning Compliance for the respective use, which fee shall be paid into the City treasury. The fees shall be as follows:

(1) [Home occupati on] <u>One or two dwelling units</u> \$75.00] \$100.00]		
(2)	[Single or two-family detached or attached dwelling]	[\$75.00] \$200.00
(3)	[Private elementary or secondary school] <u>Day nursery or home occupation</u>	[\$75.00] \$50.00
(4)	<u>Church or other place of worship or private school</u>	[\$75.00] \$200.00
(5)	[Day nursery] <u>Other uses, less than or equal to 5,000 square feet</u>	[\$75.00] \$300.00
(6)	[Adult day care facility] <u>Other uses, greater than 5,000 square feet</u>	[\$75.00] \$600.00
(7)	[Multifamily dwelling (three to ten units)] <u>Buildable lot letter</u>	[\$150.00] \$300.00
(8)	[Multifamily dwelling (11 to 50 units)] <u>Additional fee for filing an expedited application for a letter of zoning compliance for any use, which shall be processed within five business days</u>	[\$300.00] \$600.00
[(9)]	[Multifamily dwelling (more than 50 units)]	[\$500.00]
[(10)]	[Commercial or industrial use equal to or less than 5,000 square feet]	[\$150.00]
[(11)]	[Commercial or industrial use greater than 5,000 square feet]	[\$300.00]
[(12)]	[Adult care residence or lodginghouse]	[\$300.00]
[(13)]	[Uses not specified]	[\$150.00]
[(14)]	[Building or structure for which no building permit is required]	[\$25.00]
[(15)]	[Additional fee for filing an expedited application for a letter of zoning compliance for any use, which shall be processed within five business days]	[\$600.00]

Sec. 30-1050.6. Filing fees.

(a) A fee as set forth below shall accompany each special use permit application, which shall be paid into the City treasury.

(1)	[Day nursery] <u>Sign, patio, fence, wall, or other improvement that is not a building or structure</u>	[\$300.00] \$400.00
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(2)	[Single or two-family detached or attached dwelling] Principal use of one or two dwelling units, excluding short-term rental uses	[\$300.00] <u>\$400.00</u>
(3)	[Outdoor dining] Principal use of three to 12 dwelling units, excluding short-term rental uses	[\$300.00] <u>\$800.00</u>
(4)	[Mobile food business] Day nursery or outdoor dining uses, less than or equal to 5,000 square feet and less than or equal to three stories	[\$300.00] <u>\$400.00</u>
(5)	[Multifamily dwelling (three to ten units)] Adult care residence, adult day care facility, emergency housing, permanent supportive housing, social service delivery, and transitional housing uses, less than or equal to 5,000 square feet and less than or equal to three stories	[\$1,800.00] <u>\$800.00</u>
(6)	[Commercial or industrial use equal to or less than 5,000 square feet] Adult care residence, adult day care facility, day nursery, emergency housing, outdoor dining, permanent supportive housing, social service delivery, and transitional housing uses, greater than 5,000 square feet or greater than three stories	[\$1,800.00] <u>\$1,200.00</u>
(7)	[Multifamily dwelling (more than ten units)] Other uses, less than or equal to 5,000 square feet and less than or equal to three stories	\$2,400.00
(8)	[Commercial or industrial use greater than 5,000 square feet] Other uses, greater than 5,000 square feet or greater than three stories	[\$2,400.00] <u>\$3,600.00</u>
[(9)]	[Signs]	[\$300.00]

(b) A fee shall accompany each application for an amendment to a special use permit pertaining to a change in the text only of the originally approved special use permit or amendment thereto, and a fee in the same amount shall accompany each application for an amendment to a special use permit pertaining to a change in the text and plans of the originally approved special use permit or amendment thereto, which shall be paid into the City treasury. Such fees shall be as follows:

(1)	[Day nursery] Sign, patio, fence, wall, or other improvement that is not a building or structure	\$200.00
(2)	[Single or two-family detached or attached dwelling] Principal use of one or two dwelling units, excluding short-term rental uses	\$200.00
(3)	[Outdoor dining] Principal use of three to 12 dwelling units, excluding short-term rental uses	[\$200.00] <u>\$400.00</u>
(4)	[Mobile food business] Day nursery or outdoor dining uses, less than or equal to 5,000 square feet and less than or equal to three stories	\$200.00
(5)	[Multifamily dwelling (three to ten units)] Adult care residence, adult day care facility, emergency housing, permanent supportive housing, social service delivery, and transitional housing uses, less than or equal to 5,000 square feet and less than or equal to three stories	[\$1,200.00] <u>\$400.00</u>
(6)	[Commercial or industrial use equal to or less than 5,000 square feet] Adult care residence, adult day care facility, day nursery, emergency housing, outdoor dining, permanent supportive housing, social service delivery, and transitional housing uses, greater than 5,000 square feet or greater than three stories	[\$1,200.00] <u>\$600.00</u>
(7)	[Multifamily dwelling (more than ten units)] Other uses, less than or equal to 5,000 square feet and less than or equal to three stories	[\$1,800.00] <u>\$1,200.00</u>

(8)	[Commercial or industrial use greater than 5,000 square feet] <u>Other uses, greater than 5,000 square feet or greater than three stories</u>	\$1,800.00
[(9)]	[Signs]	[\$200.00]

(c) There shall be no requirement for payment of an application fee if the purpose of a special use permit application is to have the City Council authorize continuation of an existing use which the Zoning Administrator determines should not be allowed under this chapter; provided, however, that such special use application must be for continuation of a use for which either a building permit or certificate of use and occupancy was previously issued.

(d) There shall be no charge for the first continuance requested by the applicant. A fee of ~~[\$250.00]~~ \$400.00 shall accompany each subsequent continuance requested by the applicant, which fee shall be paid into the City treasury. There shall be no charge for a continuance requested by the Planning Commission.

(e) A permit implementing the granting of a special use permit or an amendment to a special use permit shall not be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the subject property have been paid.

IV. **City Departments.**

§ 1. **Department of Neighborhood and Community Services.** Chapter 2, Article IV, Division 19 of the Code of the City of Richmond (2020) be and is hereby **amended** and reordained as follows:

DIVISION 19.

~~[OFFICE OF THE DEPUTY CHIEF ADMINISTRATIVE OFFICER FOR HUMAN]~~ THE DEPARTMENT OF NEIGHBORHOOD AND COMMUNITY SERVICES

Sec. 2-705. Created; composition.

There shall be ~~[an Office of the Deputy Chief Administrative Officer for Human]~~ a Director of

Neighborhood and Community Services for Neighborhood and Community Services, which shall consist of the ~~[Deputy Chief Administrative Officer for Human]~~ Director of Neighborhood and Community Services and such other officers and employees as may be assigned by ordinance or by the Chief Administrative Officer.

Sec. 2-706. Functions.

The ~~[Office of the Deputy Chief Administrative Officer for human services]~~ Director of Neighborhood and Community Services shall be responsible for supervising and coordinating all work and activities relating to the City's departments that provide ~~[human services]~~ Neighborhood and Community Services, as designated by the Chief Administrative Officer, and shall have such other powers and duties as may be assigned by ordinance or by the Chief Administrative Officer.

Sec. 2-707. Qualifications and duties of Director.

(a) The ~~[Deputy Chief Administrative Officer for Human]~~ Director of Neighborhood and Community Services shall be appointed for an indefinite term by the Chief Administrative Officer.

(b) The ~~[Deputy Chief Administrative Officer for Human]~~ Director of Neighborhood and Community Services shall:

- (1) Have the general management and control of the ~~[Office]~~ Department;
- (2) Appoint and remove, pursuant to applicable personnel policies established by ordinance, all officers and employees of the ~~[Office]~~ Department; and
- (3) Have the power to make rules and regulations consistent with the Charter and City ordinances for the conduct of the functions of the ~~[Office]~~ Department.

§ 2. **Department of General Services.** Chapter 2, Article IV of the Code of the City of Richmond (2020) be and is hereby amended and reordained by **adding therein a new division** numbered 26, consisting of

sections numbered 2-766.1 through 2-766.3, as follows:

DIVISION 26.

DEPARTMENT OF GENERAL SERVICES

Sec. 2-766.1 Created; composition; purpose.

There shall be a Department of General Services, which shall consist of a Director of General Services and such officers and employees organized into such units as may be provided by ordinance or by the orders of the Director General Services consistent with this division. The purpose of the Department shall be to ensure the delivery of new or modernized, well-equipped, well-maintained, safe and secure buildings and facilities for the benefit of City residents and employees.

Sec. 2-766.2 Duties.

The Department shall perform the following duties:

- (1) The supervision of the execution and performance of all contracts for new and existing City-owned buildings capital improvement projects, except those prepared under the authority of the School Board or the Department of Public Utilities.
- (2) The administration of studies, designs, construction, fit-out and occupancy associated with new and existing City-owned buildings capital improvement projects, except those prepared under the authority of the School Board or the Department of Public Utilities, and other development projects as directed.
- (3) The management and maintenance of all City-owned parking decks and the maintenance of the City's vehicle fleet, except those under the authority of the School Board or the Department of Public Utilities.
- (4) The provision of security for buildings owned or leased by the City, except those under the jurisdiction of the School Board;

(5) The provision of real estate administration of acquisition, rehabilitation, or demolition of City-owned real property.

(6) The provision of management of brownfield City-owned property; and

(7) Such other powers and duties as may be assigned.

Sec. 2-766.3 Appointment and powers of Director.

The Director of General Services shall be appointed by the Chief Administrative Officer for an indefinite term and shall be a member of the unclassified service. The Director shall have general management and control of the Department and, subject to applicable personnel policies adopted by ordinance, shall appoint and remove all officers and employees of the Department.

V. Employee Benefits

§ 1. That sections 22-317 and 22-341 of the Code of the City of Richmond (2020) be and are hereby **amended and reordained** as follows:

Sec. 22-317. Additional retirement allowance for certain City officials.

(a) *Additional creditable service.* Any member who is employed in the senior executive group as defined in subsection (k) of this section and has been in service for at least ten years in the senior executive group, may have such member's creditable service counted as two years for each year of creditable service in these positions up to a maximum of 15 additional years of creditable service for the purpose of calculation of retirement allowance under the provisions of this article. All such qualifying members must make the election to utilize the provisions of this subsection within 90 days of the enactment of this provision or within 30 days of the member's date of employment in said position, whichever should occur later. Any member who elects to utilize the provision of this subsection shall be required to make contributions to the system in an amount

determined by the system's actuary and approved by the Board.

(b) *Options for less than ten years of service.* Any member with five or more but less than ten continuous years of service in the senior executive group who has made the contribution required for the additional creditable service but who leaves employment may elect to receive a refund of such contributions plus interest at a rate to be determined by the Board or to receive a retirement allowance based upon the member's actual creditable service plus any additional service purchased pursuant to the provisions of this subsection (b). Any member who elects to receive a retirement allowance based upon the member's actual creditable service plus any additional service purchased in accordance with this subsection (b) shall be required to pay the actuarial equivalent cost for such additional service credit. However, the City may pay such cost if authorized by the City Council. Any election by the City to pay such cost shall be in lieu of the member's payment of such cost required by this subsection and is intended to be a "pick-up" as permitted under Section 414(h) of the Internal Revenue Code.

(c) *Purchase of additional service.* Within 30 days of the date of separation from City employment, any vested member of the senior executive group may purchase up to a maximum of five years of unqualified, additional which shall be counted as creditable service to meet the requirement in subsection (a) of this section that a member be in service for ten years in the senior executive group. Such cost for the forgoing additional service purchased shall be equal to the actuarial equivalent as determined by the retirement system's actuary and shall be paid by the member; provided, however, that the City may pay such cost if authorized by the City Council. Any election by the City to pay such cost shall be in lieu of the member's contribution required by subsection (a) of this section and is intended to be a "pick-up" as permitted under Section 414(h) of the Internal Revenue Code.

(d) *Age 65 allowance.* Any member in service who 1) has ten or more years of creditable service in the senior executive group, 2) is at the time of the member's retirement employed in the senior executive group

as defined in subsection (k), 3) has attained the age of 65, and 4) retires from active service pursuant to the provisions of this article, shall be paid a supplemental allowance which, when added to the retirement allowance payable under the preceding sections of this article, shall be equal to 50 percent of such member's current salary at the time of retirement. The allowance provided for in this section shall be paid in equal monthly installments.

(e) *Disability retirement.* Any member in service who has five years or more of creditable service in the senior executive group as defined in subsection (k) of this section may, at any time before the member's normal retirement date, retire on account of permanent disability upon filing a retirement application with the board pursuant to the provisions of Section 22-238 or 22-240; provided that the Medical Examiner's certification shall be that the member has been completely incapacitated by reason of sickness or injury contracted after the member's date of employment, from performing the usual duties attendant to the member's employment and that such disability is likely to be permanent.

(f) *Disability retirement allowance.* A member retiring under the provisions of this subsection shall receive an allowance equal to five percent of the member's current salary multiplied by the number of years, not in excess of ten, that such member has served in the senior executive group as defined in subsection (k) of this section.

(g) *Worker's compensation offset (dollar for dollar).* Any of the foregoing provisions to the contrary notwithstanding, the disability retirement allowance payable to any member retiring after December 31, 1981, shall be reduced by the amount of compensation, if any, awarded to the member under the Virginia Worker's Compensation Act (Code of Virginia, § 65.2-100 et seq.) with respect to the disability giving rise to the member's retirement, so long as such compensation is payable.

(h) *Worker's compensation offset (lump sum award).* If any member in receipt of a retirement

allowance pursuant to this section elects to receive a lump-sum settlement in lieu of periodic payments for disability under the Virginia Worker's Compensation Act (Code of Virginia, § 65.2-100 et seq.), the member's disability retirement allowance shall be reduced in the same amount and for the number of months equivalent to the lump sum award amount divided by the amount of the original workers' compensation award amount (i.e., the lump sum award amount divided by the original workers' compensation award amount equals the number of months of continued reduction).

(i) *Additional optional forms of payment allowance.* Each member in the senior executive group as defined in subsection (k) of this section shall have the right to elect to have the member's retirement allowance decreased during the member's lifetime and have such retirement allowance, or a designated fraction thereof, continued after the member's death to one other person, called a contingent beneficiary. In the case of a member who retires for disability under the provisions of subsection (f) of this section and Section 22-238 or 22-240 the election of this option need not be made and shall not become effective until the member attains the date that would have been the member's normal retirement date had the member remained in service until then. The amount of any such optional retirement allowance shall be the actuarial equivalent of the amount of the retirement allowance otherwise payable to the member. The member shall make such an election by written notice to the board and such an election shall be subject to the approval of the Board. The election by a member of this option shall be null and void if the member dies prior to retirement, or prior to the date the option becomes effective, or if the designated contingent beneficiary dies before the member's retirement or before the date the option becomes effective. A member who has elected this option may revoke such election by written notice to the Board at any time prior to the later of the effective date of the member's retirement or the date the option becomes effective.

(j) *Survivor allowance.* Should any member in the senior executive group as defined in subsection (k) of this section die in service at any time before retirement and after attaining the member's normal

retirement date, the member's surviving spouse, if any, shall receive a retirement allowance payable monthly for life equal to and commencing at the same date as the retirement allowance that would have been payable to such spouse in accordance with the retirement benefit formula provided for in subsection (c) of this section, had the member survived and retired on the first day of the month following the member's death after electing to have the member's allowance paid under the joint and last survivor option provided for in subsection (h) of this section, with 100 percent of the amount payable to the member continuing after the member's death to the contingent beneficiary, with the member's spouse designated as contingent beneficiary.

(k) *Makeup of senior executive group.* For purposes hereof, the senior executive group means the Mayor, Chief Administrative Officer, Deputy Chief Administrative Officer, City Attorney, Deputy City Attorney, Director of Citizen Service and Response, Director of Economic Development, Director of Housing and Community Development, Director of Planning and Development Review, City Auditor, Inspector General, City Assessor, Library Director, Director of Budget and Strategic Planning, City Clerk, Executive Director of the Richmond Retirement System, Executive Director of the Richmond Behavioral Health Authority, Director of Procurement Services, Chief Capital Projects Manager, Commissioner of Buildings, Director of the Office of Minority Business Development, Director of the Office of Animal Care and Control, Director of the Office of Community Wealth Building, Director of the Office of Strategic Communications and Civic Engagement, Director of the Office of Sustainability, Director of the Office of Intergovernmental Affairs, Director of Neighborhood and Community Services, Director of General Services, and Chiefs of Staff of the Mayor's Office, the City Council and the Chief Administrative Officer's Office or a head of a department of government of the City. However, no person who is a member of a VRS Retirement Plan pursuant to Section 22-341 or 22-342 and is employed by a participating employer shall be a member of the Senior Executive Group or be entitled to the benefits of this section.

Section 22-341. Effective date of transition to the Virginia Retirement System and transition period for City of Richmond Employees.

(a) Notwithstanding any section of this chapter to the contrary, an eligible employee hired, or rehired after one full calendar month break in service, by the City of Richmond on or after January 1, 2024, and who is a person for whom "membership in the retirement system" is compulsory pursuant to Code of Virginia, § 51.1-135, shall not become an active member of the System but shall be enrolled in the VRS Retirement Plan for which they are qualified.

(b) Notwithstanding any section of this chapter to the contrary, an eligible employee who is hired, or rehired after one full calendar month break of service on or after January 1, 2024, who is a person for whom "membership in the retirement system" is not compulsory pursuant to section 51.1-135 of the Code of Virginia, shall not become a member of the System[-], except as provided in subsections (b)(1) and (b)(2) as follows:

(1) Persons elected on and after January 1, 2024, to the position of mayor for whom "membership in the retirement system" is not compulsory pursuant to section 51.1-135 of the Code of Virginia shall become a member of the System and of the Senior Executive Group pursuant to Section 22-317.

(2) Persons elected on and after January 1, 2024, to the position of member of the City Council for whom "membership in the retirement system" is not compulsory pursuant to Section 51.1-135 of the Code of Virginia shall become a member of the Defined Contribution Plan established pursuant to Section 22-142.

(c) Eligible employees who are members of the System as of December 31, 2023 may elect to transition to the VRS Retirement Plan for which they qualify. An employee making such an election shall be enrolled in a VRS Retirement Plan as soon as administratively possible.

(d) Eligible employees who are members of the System as of December 31, 2023, who elect to remain enrolled in the System, or who do not elect to transition to a VRS Retirement Plan by December 31, 2024, shall remain active members of the System for so long as they remain employed by a participating employer without a break of service of at least one full calendar month. A member incurring a one full calendar month break of service shall become a transition member if the member, upon rehire, is a person for whom "membership in the retirement system" is

compulsory pursuant to Code of Virginia, § 51.1-135. The provisions of this chapter shall continue to apply to any eligible employee who remains an active member of the system.

(e) An eligible employee who is a member of the System but who is not a member of the defined contribution plan established pursuant to [section 22-142](#) https://library.municode.com/va/richmond/codes/code_of_ordinances?nodeId=PTIICICO_CH22PURE_ARTVME_S22-142PADECOPL and who elects to transition to a VRS Retirement Plan or who becomes a member of a VRS Retirement System following rehire after one full calendar month break of service shall waive, as a condition of the election or of rehire, any rights to make further contributions to or accrue additional benefits in the system, and the City of Richmond shall make no further contributions to the system on the employee's behalf but shall instead make contributions to a VRS Retirement plan on the employee's behalf. If such employee is not vested at the time of the election, the employee shall also, as a condition of their election or of rehire, elect to either: (1) a trustee-to-trustee transfer of their member contribution account to the Virginia Retirement System, or (2) continue to accrue service towards gaining vested rights to benefits pursuant to [Section 22-146](#) https://library.municode.com/va/richmond/codes/code_of_ordinances?nodeId=PTIICICO_CH22PURE_ARTVME_S22-146VEMEWHELBEMEVRREPL.

(f) An eligible employee who is a member of the Defined Contribution Plan established pursuant to section 22-142 and who elects to transition to a VRS Retirement Plan or who becomes a member of a VRS Retirement Plan following a rehire after a one full calendar month break of service shall waive, as a condition of the election or of rehire, any rights to make additional contributions to or accrue additional benefits in the system, and the City of Richmond shall make no further contributions to the system on the employee's behalf but shall instead make contributions to a VRS Retirement plan on the employee's behalf. If such employee is not vested at the time of the election, the eligible employee will continue to accrue service towards gaining vested rights to any benefits previously earned pursuant to Section 22-146.

(g) The City of Richmond shall pay an equivalent amount in lieu of member contributions required under Code of Virginia, §§ 51.1-144 and 51.1-169. Any such contribution, although designated as an employee contribution, shall be paid by the participating employer in lieu of employee contributions and shall be treated as a mandatory salary reduction from the salary otherwise payable to the member. These contributions are intended to be a salary reduction "pick-up" under Section 414(h) of the Internal Revenue Code. Members of the plan may not opt out of the picked-up contribution or elect to receive the contributed amounts directly instead of having them picked up by the participating employer and paid to the Virginia Retirement System.

§ 2. That section 22-343 of the Code of the City of Richmond (2020) be and is hereby **repealed** as follows:

~~[Sec. 22-343. Retirement benefits for the mayor and members of the City Council.~~

~~(a) The provisions of this section apply to persons elected on and after January 1, 2024, to the positions of mayor or member of the City Council, and who are not persons for whom "membership in the retirement system" is compulsory pursuant to Code of Virginia, § 51.1-135 of the Code of Virginia during their term of office.~~

~~(b) Notwithstanding the provisions of section 2-1244, accounts shall be established for the Mayor and the~~

~~members of the City Council in the deferred compensation plan established pursuant to Section 2-1244.~~

~~(c) With respect to the Mayor, the City shall contribute to the mayor's account established pursuant to subsection (b) ten percent of the mayor's salary.~~

~~(d) With respect to the members of the City Council, the City shall contribute to the member's account established pursuant to subsection (b) a percentage of the member's salary based on the member's years of creditable service as follows:~~

~~(1) Less than five years: five percent;~~

~~(2) Five through nine years: six percent;~~

~~(3) Ten through 14 years: eight percent;~~

~~(4) 15 years or more: ten percent.~~

~~(e) The mayor and the members of the Council may make voluntary employee contributions to their account pursuant to the provisions of Section 2-1244, except that the maximum amount that the mayor or the member of the Council may contribute shall be limited to the difference between the "applicable dollar amount" within the meaning of Section 457(e)(15) of the Internal Revenue Code and the projected annual employer contribution calculated pursuant to subsections (c) or (d), as the case may be.]~~

V. **General Terms and Conditions.** The payment and settlement of (i) claims of any kind heretofore or hereafter asserted against the City, (ii) final judgments heretofore or hereafter asserted or obtained against the City, (iii) all costs, interest, fees for legal services, and other costs, expenses, and fees incident to such claims and judgments, and (iv) all costs, expenses, and fees incurred in providing legal and other services pursuant to section 2-57 of the Code of the City of Richmond (2020), as amended, shall be paid upon the approval and order of the City Attorney from the funds herein appropriated for the operation of the agency or enterprise that is the subject of such claim, judgment, or costs, expenses, fees, or interest, except that in the case of judgments against the City, payment thereof shall be limited to the

extent of funds available in the appropriation.

VI. Effective Date. This ordinance shall be in force and effect at the first moment of July 1, 2024, and shall constitute the annual budget and appropriation ordinance for the funds identified herein for the fiscal