

RESOLUTION

CHANGES TO THE REGULATIONS GOVERNING UTILITY SERVICE AND DELEGATION

OF CERTAIN ADMINISTRATIVE PROGRAMS TO THE GENERAL MANAGER

WHEREAS, a comprehensive update to the Regulations Governing Utility Service is required to reflect current laws, operating conditions, and processes, and

WHEREAS, the Board of Directors of the James City Service Authority (the "Board") conducted a public hearing on October 27, 2020, for proposed rate changes to the Regulations Governing Utility Service as presented in the attachments, and

WHEREAS, the Board desires to delegate authority to the General Manager to develop and maintain detailed plans and policies for the administration of certain programs in order to allow minor procedural changes without requiring Board action.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the James City Service Authority, hereby adopts the changes to the Regulations Governing Utility Service as summarized in the attachments, which will become effective on October 28, 2020.


BE IT FURTHER RESOLVED that the General Manager is delegated the authority to develop and maintain policies and procedures for administrative programs related to the function of the James City Service Authority, including: Cross-connection and Backflow Prevention; Water Conservation and Drought Management; Withdrawal Impact Mitigation; Fats, Oils, and Grease; Grinder Pumps; Leak Adjustments; and Submeters.

BE IT FURTHER RESOLVED that the attachments showing the proposed changes be made part of this resolution.



Ruth M. Larson
Vice Chairman, Board of Directors

ATTEST:



Teresa J. Fellows
Deputy Secretary to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICENHOUR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Directors of the James City Service Authority, James City County, Virginia, this 27th day of October, 2020.

SECTION 31. GENERAL REGULATIONS

A. Conservation.

- ~~1. Flow rates for fixtures. In all new construction and in the repair and replacement of fixtures, only fixtures which do not exceed the following flow rates shall be permitted when Authority facilities are used. These rates are based on the equivalent of a pressure at the fixture of fifty psi unless otherwise noted.~~

<u>Fixture</u>	<u>Gallons per flush</u>
Water closets	1.6
Urinals	1.0
Shower heads	2.5 80 psi
Lavatory, sink faucets	2.2 60 psi

- ~~2. Public lavatories. In addition to the regulations in Section 31(a)(1) above, only the following shall be permitted in public lavatories which use Authority facilities:~~
 - ~~(a) Faucets of lavatories located in restrooms intended for public use shall be of the metering or self-closing type, which limit the quantity of hot water delivered to a maximum of 0.25 gallons per cycle and are not to exceed a total flow rate of four gallons per minute for hot and cold water.~~
 - ~~(b) No urinal or water closet that operates on a continuous flow or continuous flush basis shall be permitted.~~
- ~~3. Car washes. All automated installations shall be equipped with an approved water recycling system. All existing car wash installations shall be equipped with such recycling devices no later than one year from the effective date of these Regulations.~~

A. Introduction.

The James City Service Authority sets out these Regulations, adopted by the Board of Directors of the James City Service Authority in accordance with the Virginia Water and Waste Authorities Act (Section 15.2-5100 et seq. of the Code of Virginia, 1950, as amended), which are applicable to the public water and wastewater facilities now existing or constructed in the future falling under the jurisdiction of the James City Service Authority. This publication establishes the rates, fees, and charges related to water and wastewater services, and the regulations that govern the use of the public water and wastewater facilities within the jurisdiction of the James City Service Authority. Amendments to these Regulations may be made only upon the approval of the Authority's Board of Directors.

B. Validity.

If any part of these Regulations is, for any reason, held to be invalid, such decision shall not affect the validity of any other part of these Regulations which can be given effect without such invalid part or parts.

No part of these Regulations shall be construed to interfere with additional applicable federal or state requirements. In the event of any deviation between these Regulations and applicable federal or state requirements, it shall be understood that the federal or state requirements shall prevail.

C. Design and Construction Specifications and Incorporation by Reference.

The Authority shall establish, and revise as necessary, general water and wastewater design and construction standards to govern the design and construction of all facilities and materials to be used therein which are to be accepted into the Authority's water and wastewater systems.

The James City Service Authority Design and Acceptance Criteria for Water Distribution and Sanitary Sewer Systems, the James City Service Authority Standards and Specifications for Pump Stations, Hampton Roads Planning District Commission Regional Construction Standards, and any future Design and Construction Standards developed or adopted by the Authority are incorporated into these Regulations by reference.

BD. Prohibitions.

1. The resale of water or wastewater services is prohibited, ~~except by a contract with the Authority.~~
2. ~~It shall be unlawful for any person to remove, alter or open any sewer manhole, pipe, fire hydrant, meter box, valve, or any facilities connected with Authority facilities without written permission from the General Manager.~~
2. *No person shall remove, alter, or open any sanitary sewer manhole, pipe, fire hydrant, valve, or any water or wastewater infrastructure owned by the Authority without written permission from the Authority. The customer may operate their water meter box shut off valve in the event of an emergency provided the Authority did not close the valve for nonpayment or other causes.*
3. ~~It shall be unlawful for any person to~~ *No person shall* deposit or cause to be deposited any building materials, rubbish or other matter, or cover up with dirt or other material any Authority water or wastewater ~~facility~~ *infrastructure* without written permission from the ~~General Manager~~ *Authority*.
4. ~~It shall be unlawful for any person to~~ *No person shall* deface, injure or otherwise damage any water or wastewater ~~facility or appurtenance~~ *infrastructure* of the Authority.
5. No *sanitary* sewer or water lines, facilities or services shall be constructed, installed, or otherwise extended beyond the service area of the Authority without the express approval of the ~~governing body~~ *Board*.

6. ~~It shall be unlawful and constitute a misdemeanor for anyone to~~ *No person shall* make any connection to, or extension of, ~~a public water main or public sewer or other facilities~~ *the water or sanitary sewer infrastructure* of the Authority unless authorized in writing by the ~~General Manager or his designee~~ *Authority*.

7. ~~It shall be unlawful for any~~ *No person to* ~~shall~~ trespass in any manner upon any land or building owned, leased or controlled by the Authority and used either directly or indirectly in association with the Authority water or wastewater system and related ~~facilities~~ *infrastructure*.

~~CE~~. Penalties. Any person who is found to be in violation of these Regulations shall be ~~guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding one thousand dollars (\$1,000), or sentenced to thirty (30) days in jail, either or both in the discretion of the jury or the court trying the case without a jury, for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.~~

~~DF~~. Severability. Should any section or provision of these Regulations be decided by the courts to be unconstitutional or invalid, such decisions shall not affect the validity of these Regulations as a whole, or any part thereof other than the part so held to be unconstitutional or invalid.

SECTION 12. DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used herein shall be as follows:

~~Adjacent: premises contiguous to an easement or right-of-way within which there is located either a water or wastewater line and where the premises, as identified as of December 31, 1984, are within 1,000 feet (300 feet for a single family residence not in a subdivision) of a water and/or wastewater line; provided, however, that the owner of an undeveloped single family residential lot requiring a grinder pump to connect to the wastewater facilities, located either within a preexisting subdivision which was not initially required to be connected to public water or outside a subdivision, shall not be required to connect to a wastewater line if the owner has obtained a permit from the State Health Department for installation of a septic system. A two-family dwelling proposed on a lot that existed prior to May 4, 1992, and more than 300 feet from a public sewer line will not be required to connect to public sewer provided the lot is in the Primary Service Area, is acceptable to the State Health Department and a waiver is granted by the James City County Board of Supervisors in accordance with the Zoning Ordinance.~~

~~Allocation: the division of the needed annual revenue requirements for wastewater facilities and service between users (implies a direct use of the wastewater system) and property.~~

Applicant: the owner or his **a** duly authorized representative who applies to the Utility **Authority** for either water service or wastewater service or both such services.

Appurtenance: any accessory object or component connected to a public **an Authority** water **or wastewater** main ~~or public sewer.~~

Authority: James City Service Authority.

Backflow: the reversal of flow from its intended direction as a result of backsiphonage or backpressure.

~~Base costs: costs that tend to vary with the quantity of water used, or commodity costs, plus that portion of operating and capital costs associated with service to customers under average load conditions, without the elements necessary to meet water use variations and resulting peaks in demand.~~

Board: the Board of Directors, the governing body of the ~~James City Service Authority, James City County, Virginia.~~

~~Branch sewer or sub-main sewer: a sewer that receives wastewater from a relatively small area and discharges into a trunk sewer or main sewer.~~

Building sewage drain: that part of the lowest horizontal piping of a sanitary sewage system which receives the discharge from soil, waste and other sanitary sewage pipes inside the walls of the building and conveys it to the building sewer which begins five (5) feet (1.52 meters) outside the inner face of the building wall.

Building sewer: ~~the extension from the building sewage drain to the public sewer or other place of disposal.~~

Building water piping: all water lines *pipes* from the water service pipe *inner face of the building wall* to the points of ultimate use where water is exposed to the atmosphere.

Capital costs: ~~annual charges associated with plant investment; in the utility basis of accounting, it includes depreciation expense (allowance) and return on investment; taxes are excluded; the annual total of depreciation expense and return on investment equal the total cash requirement recoverable to meet annual capital investment related costs.~~

Collecting sewer: ~~that pipe line or portion thereof which begins at the sewer service connection and ends at the site of disposal and which is used or intended to be used to convey raw sewage from a building or buildings.~~

County: the County of James City, Virginia.

Cross-connection: any physical connection between a ~~potable~~ *an Authority* water supply and *any other alternate water supply*, waste pipe, soil pipe, *sanitary sewer*, sewer, drain, or any unapproved source or system; also, any potable water supply outlet which is submerged or can be submerged in *any* waste and/or other source of contamination.

Customer: the party who has applied for and receives continuing water service or *sanitary* sewer service or both such services and who is responsible for payment of such services; ~~each service connection shall be considered a separate customer.~~

- (a) Owner-customer: the customer who owns the premises to which a service connection is provided.
- (b) Tenant-customer: the customer who rents or leases the premises to which a service connection is provided.
- (c) ~~Customer with private water supply: the customer whose premises is served by a water source other than the Utility's water system (including cities of Newport News and Williamsburg), but discharges sewage into the wastewater system of the Utility.~~

Customer costs: ~~costs associated with serving customers irrespective of the quantity of service used or the demand for service; includes meter reading, billing, customer accounting and collecting expense and uncollectible accounts, as well as maintenance and capital charges on meters and services.~~

Depreciation: ~~as applied to depreciable utility plant, means the loss in service value not restored by current maintenance, incurred in connection with the consumption or prospective retirement of utility plant in the course of service from causes which are known to be in current operation and against which the Authority is not protected by insurance. Among the causes to be given consideration are wear and tear, decay, action of the elements, inadequacy, obsolescence, changes in the art, changes in demand and requirements of public authorities.~~

Developer: any person, firm, corporation, society, or association, or authorized agent thereof, having

an interest, whether legal or equitable, sole or partial, in any premises which may in the future be served by the ~~facilities~~ *infrastructure* of the Authority, and which may in the future be responsible for the design and construction of ~~facilities~~ *infrastructure* which ~~are to~~ *will* be under the jurisdiction of the Authority and ~~are to~~ *will* become a part of the ~~public utility system of the Authority's~~ *water or wastewater infrastructure*.

Development: any building or subdivision activity which is required to have either site plan or subdivision approval of the County before it is commenced, including the construction of any duplex, and ~~requiring either~~ *requires existing or* new or expanded ~~water supply or sewage disposal facilities~~ *water or wastewater service(s) or connections(s)*.

Distribution: ~~the division of needed annual revenue requirements in a rate structure, that is, the unit charges to volume, to wastewater characteristics, to area, to front footage, or to property valuation.~~

Dwelling unit: a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Equivalent Residential Connection (ERC): ~~A volume of water used equal to a residential connection which is 300 gallons per day unless supportive data indicates otherwise.~~

Existing structure: a structure completed or a manufactured home placed on a lot on or before the date that notice is given that water or wastewater service is made available, as evidenced by a certificate of use and occupancy, ~~and located within three hundred (300) feet of the easement or right of way in which such service is available.~~

Extra capacity costs: ~~costs associated with meeting rate of use requirements in excess of average and include capital and operating charges for additional plant and system capacity beyond that required for average rate of use.~~

Facilities: any and all component and pertinent parts of the entire systems of the water and wastewater utilities under the jurisdiction of the Utility, such as water pipe lines and their appurtenances, water storage tanks, treatment facilities and pumping stations, sewer lines and their appurtenances, sewage pumping stations and treatment plants, including these items and others now constructed, installed, operated or maintained by the Utility, or any which may be approved and accepted in the future as additions to or extensions of the systems.

Fire protection system: a separate system of water pipes or mains, *fire hydrants* and their appurtenances installed solely to supply water to extinguish fires.

Fire service connection: a pipe extending from a public *the Authority's* water main to supply a sprinkler, standpipe, yard main, or other *private* fire protection system.

Fire service detector check meter: a special device for use on a fire service connection which consists of a weighted check valve with a disk meter in a bypass; the disk meter measures small rates of flow only; the weighted check valve opens for large rates of flow so that loss of head is relatively small; the large rates of flow are not measured.

Fixed charges (debt service): ~~the charges resulting from the capital investment in the water and~~

~~wastewater systems consisting of annual principal and interest payments and other amounts required in connection with the issuance and sale of bonds to provide the funds for construction.~~

~~Future use capacity: capacity for the future in system facilities; capacity not needed at time of design and construction to accommodate existing needs; capacity which provides for the security and development of property and for community growth.~~

~~Future structure: a structure completed after the date that notice is given that water or wastewater service is made available as evidenced by the absence of a certificate of use and occupancy.~~

~~Gender: The word he or his used in this regulation means the same as she or hers.~~

~~General Manager: Chief Administrative officer *Officer* appointed by the James City Service Authority Board of Directors, *or designee*.~~

~~Governing body: in the case of County and the Sanitary Districts, the duly elected Board of Supervisors of James City County; in the case of the Authority, the Board of Directors of the James City Service Authority.~~

~~Grinder pump: a compact lift station with pump, storage capacity and appurtenant piping, valves and other mechanical and electrical equipment which grinds or reduces the particle size of wastewater solids to yield a sewage slurry for pumping from source to disposal.~~

~~HRSD: "Hampton Roads Sanitation District ~~Commission~~", the designation for the regional State agency which provides regional transmission and treatment facilities for wastewater.~~

Infrastructure: any and all components and pertinent parts of the entire water and wastewater systems under the jurisdiction of the Authority, such as water mains, services and their appurtenances, water storage tanks, treatment plants and pumping stations, wastewater mains and their appurtenances, and sewage pumping stations, including these items and others now constructed, installed, operated or maintained by the Authority, or any which may be approved and accepted in the future as additions to or extensions of the systems.

~~Incremental capacity: the additional capacity required in system facilities to accommodate a specific development; capital costs of such capacity is charged to the developer (property benefitted) but often passed through to new customers in site costs.~~

~~Infiltration: is the water entering a wastewater system, including wastewater service connections, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls.~~

~~Inflow: is the water discharged into a wastewater system, including service connections from such sources, as, but not limited to, roof leaders, cellar, yard, and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections, storm sewers and combined sewers, catch basins, storm waters, surface runoff, street wash waters, or drainage.~~

~~Intercepting sewer (interceptor): a sewer that receives dry weather flow from a number of transverse~~

~~sewers or outlets and conducts such waters to a point for treatment or disposal.~~

~~Interceptor line: a conduit the primary purpose of which is to transport wastewater from collector lines to a treatment facility.~~

~~Lateral sewer: a sewer line that discharges into a branch or other sewer line and has no other common sewer line tributary to it.~~

~~Local facilities: for water and sewer all facilities serving only one development; any line to which a service connection is made; and~~

- ~~(a) — Sewer: all lateral and branch sewers designed and constructed to exclusively serve one development.~~
- ~~(b) — Water: all transmission and distribution mains; all fire mains; all services, meters, meter installations and fire hydrants designed and constructed to exclusively serve one development.~~
- ~~(c) — Dedicated Facilities: any water and/or wastewater facilities serving one development exclusively.~~

~~Minimum Monthly Metered Rate: water consumption based on computed number of equivalent residential connections (ERC).~~

~~Nonuser: a person who owns property adjacent to either water or wastewater facilities or both such facilities of the Utility but elects not to connect to such facilities because the property is served by either a domestic supply or source of potable water or a private septic system or sewage system or both such potable water and private system which meet applicable standards established by the Virginia Department of Health.~~

~~Nonuser service charge: a periodic charge levied on a nonuser of either water or wastewater service to defray debt service and depreciation costs.~~

~~Off-site extension: an extension of a water or sewer line from existing local or system facilities of the Utility to the property boundary of the developer or to the property boundary of the nearest applicant as determined by the Authority.~~

~~Owner: any person, firm, corporation, society or association, or authorized agent thereof, having an interest, whether legal or equitable, sole or partial, in any premises served or to be served by the Authority.~~

~~Participation: means any utility project constructed by a developer at his expense to serve any new development wherein the Utility agrees to share in the cost thereof by refunding to such developer certain costs incurred by him upon receipt by the Utility of remittances from certain applicants or owners for service and affected nonusers.~~

~~Plant: physical or tangible property.~~

~~Plumbing Fixture: a receptacle or device which is either permanently or temporarily connected to the~~

private water ~~distribution~~ system of the premises, and demands a supply of water therefrom; or discharges used water, waste materials, or sewage either directly or indirectly to the sanitary drainage system of the premises; or requires both a water supply connection and a discharge to the ~~drainage~~ sanitary sewer system of the premises. Examples: sink, toilet, tub, shower, etc.

Premises: any building, group of buildings, or structure requiring water ~~and~~ or sanitary sewer service, which is or may be served by the ~~facilities~~ infrastructure of the Authority.

Primary service area (PSA): consists of areas presently provided with public water and sanitary sewer systems and other public services such as police and fire protection, transportation and emergency medical services; and areas slated to receive such services during the next twenty years as designated by the County's comprehensive plan.

Private sewer service pipe: *the extension from the end of the sanitary sewer service connection to the inner face of the building wall.*

Private water service pipe: *the extension from the end of the water service connection (i.e. water meter or curb stop installation) to the inner face of the building wall.*

Project: an Authority project.

~~Public sewer: a sewer in which all owners of abutting properties have equal rights and which is controlled by the Authority.~~

~~Public water main: a water main in which all owners of abutting properties have equal rights and which is controlled by the Authority.~~

~~Service charge: a charge levied to defray the cost of meter reading or obtaining meter readings from public and private utilities; for meter repair and replacement; for service connection repairs; for billing, postage, collecting, accounting; and for customer service operations.~~

Service connection: a premises to which either ~~continuing~~ water service or sanitary sewer service or both is provided by the Utility Authority. (Please see Illustrations 1 and 2 for a pictorial definition of typical water and sewer connections.)

Sanitary Sewer service connection: the point at or near the applicant's property line where the building sanitary sewer connects to the Authority's sanitary sewer service ~~line~~ connection.

Sanitary Sewer service line lateral: that portion of pipe within the wastewater system which extends from the ~~branch~~ sanitary sewer main or manhole or lateral sewer (~~public sewer~~) to the sanitary sewer service connection.

~~Shall and may: construed as mandatory and permissive, respectively.~~

Standards: the "Water and Sewer Standards and Specifications" of the Utility Authority, and more specifically as described in paragraph C of Section 1.

Subdivision: the division of any tract, parcel or lot of land into two or more parts for the purpose of

~~transfer of ownership or building development or any such division of land regardless of purpose which involves the creation of a new street or the reoordation of lot lines; provided, however, that the subdivision agent may permit the separation of five or less parcels from a tract of land without requiring compliance with all the requirements of the Subdivision Ordinance if it: (1) does not conflict with the general purpose of the Subdivision Ordinance, (2) requires no new streets to serve the parcel(s) and (3) *and* meets the requirements *of the County Subdivision and* of the Zoning Ordinances.~~

System facilities: *any water or sanitary sewer infrastructure.*

- (a) ~~Sewer: any gravity sewer main or force main, all wastewater lines and all pumping stations and treatment plants and appurtenances in excess on an individual development's requirements and identified in the JCSA Sewer Master Plan.~~
- (b) ~~Water: All transmission and distribution, all storage facilities; all supply plants, pumping plants and general plants unless of an individual development's requirements and identified in the JCSA's Water Master Plan.~~

Tenant: an applicant who does not own the premises *and has the right to occupy the premises.*

~~Trunk sewer or main sewer: a sewer that receives wastewater from a number of tributary branch or sub-main sewers and serves a large territory.~~

~~Utility administrator: General Manager is the Chief Administrative officer appointed by the James City Service Authority Board of Directors.~~

Utility service: water or wastewater service or both such services, either permanent or temporary.

~~Utility service area: The area served by a water or sewer line or sewer pump station exclusive of the development for which the facility is initially being constructed. The service area for a sewer line or pump station shall include the defined natural drainage area of the sewer line or pump station. The service area of a waterline shall include the area within 300 feet of the right-of-way or easement of the waterline.~~

~~Utility project: means any earth-disturbing activity performed in conjunction with the construction and installation of local and system facilities or an extension of or a connection to the facilities of the Utility to serve any existing or new development.~~

Wastewater (sewage): spent or used water of a customer (residential, commercial, industrial, institutional, governmental) which contains dissolved and suspended matter.

~~Wastewater facilities: the structures, equipment, and processes required to collect, convey, and treat domestic and industrial wastes, and dispose of the effluent and sludge.~~

Wastewater system: combination of facilities *sanitary sewer infrastructure* for the collection, movement (force main or gravity) ~~treatment~~, and discharge of waterborne wastes.

Water service connection: the point at or near the applicant's property line where the *building water*

~~water service pipe~~ connects to the *Authority's infrastructure*. ~~water service line (water meter or curb stop installation)~~.

Water service line *pipe*: that portion of pipe within the water system which extends from the public water main to the water service connection (water meter or curb stop installation).

~~Water service pipe: the extension from the end of the water service connection (water meter or curb stop installation) to the inner face of the building wall.~~

Words singular in form shall include the plural; words plural in form shall include the singular; and words in the masculine gender shall include the feminine and neuter genders.

~~The definition of words and terms which do not appear herein shall be controlled by the definition which appears in Glossary: *Water and Wastewater Control and Engineering*, 3rd Edition, published by the American Public Health Association, the American Society of Civil Engineers, the American Water Works Association and the Water Pollution Control Federation.~~

SECTION 23. CONNECTION REQUIRED

The following regulations shall be observed to determine who shall be required to connect to the facilities of the Authority's infrastructure.

A. Authority infrastructure capacity shall be obligated by contract, or approval of a site, subdivision, or master plan, so long as the approval remains valid, on a first come-first served basis and in the best interest of the Authority.

~~A. Service to existing structures. An owner or tenant of property adjacent to a right-of-way or easement within which there is located a public water main or public wastewater line or both shall connect each existing structure or manufactured home situated thereon to the facilities of the Authority or (at the option of the Authority) to HRSD; provided, however, an owner or tenant of property shall not be required to connect an existing structure or manufactured home situated thereon to a public water main or to a public wastewater line when the following conditions apply:~~

B. Service to existing or future premises. An owner of a parcel located within the PSA, any portion of which is located within 55-feet of Authority infrastructure that is accessible through an applicable and existing right-of-way and/or Authority water or sanitary sewer easement, shall connect to the infrastructure of the Authority or, upon the approval of the Authority, to the infrastructure of HRSD; provided, however, an owner of a parcel shall not be required to connect to the Authority's infrastructure when any of the following conditions apply:

1. The Authority's Discretion: The Authority, at its discretion, may determine that connection is not required if it is in the best interest of the Authority.

2. Capacity: The capacity of the public water and/or sanitary sewer system is inadequate to serve the premises.

~~1. Comprehensive Plan: The existing structure or manufactured home is prohibited from connection to a water or sewer line by zoning, special use permit, or proffer conditions and is served by a domestic supply or source of potable water and/or a private septic or domestic sewage system which meets the standards established by the Virginia Department of Health.~~

3. Land Use Restriction: The premises is prohibited from connection to a water or sanitary sewer main by zoning, special use permit, or proffer conditions. If land use restrictions apply, existing private septic systems or domestic sewage systems may be repaired or replaced subject to Virginia Department of Health approval and appropriate County department approval.

4. Distance from Right-of-Way or Easement: If a premises is located more than 600-feet from the proposed service connection, the owner may request a waiver from the connection requirement due to excessive private water and/or sanitary sewer service pipe length. Prior to a waiver being granted, the owner must provide documentation that an alternative source of potable water and/or a private septic or domestic sewage

system, which is approved by the Virginia Department of Health, is available to serve the premises.

~~2. Water: the existing structure or manufactured home is used principally for residential or commercial purposes and is served by an existing functional domestic supply or source of potable water which meets the standards established by the Virginia Department of Health. Once connected to the JCSA water system, reversion to an alternate water supply is prohibited.~~

5. *Water: The existing structure is served by an existing functional domestic supply or source of potable water, which is approved by the Virginia Department of Health.*

36. *Sanitary Sewer: the existing structure or manufactured home is used principally for residential or commercial purposes and is served by a private septic system or domestic sewage system which: The existing premises is served by a private septic system or domestic sewage system that:*

(a) has absorption trenches that are functioning properly. The Virginia Department of Health shall determine whether absorption trenches are functioning properly, or

(b) can be made to function properly by replacing or repairing one of the following: ~~building sewer;~~ *sewer pipe from building to the* septic tank or any of its parts; pump or pump chamber; conveyance lines; *and/or* distribution box. Additionally, a one-time remedial repair may be made to correct a failing drainfield that would not require excavation or replacement of any portion of the drainfield such as a chemical treatment, flushing, or root removal. Minor excavations to access the drainfield lines will be allowed; ~~or.~~

~~(c) has zoning, special use permit, or proffer conditions that do not permit a connection to a sewer line, private septic systems or domestic sewage systems may be repaired or replaced subject to Virginia Department of Health approval and appropriate County department approval.~~

7. *Replacement Premises: A premises that is replaced due to a natural disaster or fire is not considered a future premises or new separate service connection as long as such restoration has begun within 12 months of the date of the casualty and is complete within 24 months of the date of the casualty. System facility charges shall apply to replacement premises not resulting from a natural disaster or fire.*

C. *No Reversion: The owner of an existing premises who has connected to the Authority water and/or sanitary sewer system may not revert to a private water and/or sanitary sewer system unless approved, in writing, by the Authority.*

D. *Sanitary sewer service to existing premises with proposed future addition: An owner of property shall be required to connect to the sanitary sewer facilities of the Authority when a proposed future addition to an existing premises causes the existing septic system capacity to be exceeded as determined by the Virginia Department of Health, and any portion of the parcel*

is located within 55-feet of Authority wastewater infrastructure that is accessible through an applicable and existing right-of-way and/or Authority water sanitary sewer easement; however, connection to said facilities shall not be required nor permitted if connection is not permitted by zoning, special use permit or proffer conditions.

~~BE.~~ Time to connect.: The owner ~~or tenant~~ of an existing structure shall comply with this connection regulation within one (1) year after receiving from the Authority written notice that utility service is available.

~~CF.~~ Plumbing facilities.: An existing ~~structure~~ premises required by these Regulations to connect to a ~~utility water and/ or wastewater~~ service of the Authority *shall obtain the appropriate permits and approvals from the County.* ~~but equipped with plumbing facilities required by the Virginia Uniform Statewide Building Code shall be so equipped and connected to the available utility service.~~

G. Responsibility for Installing Connection:

1. Single-Family Residential Properties: *If connection is required, the Authority shall provide a domestic water and/or sanitary sewer connection to the property boundary line upon payment of all applicable fees and charges.*

2. Non-Single Family Residential and Non-Residential Properties: *The property owner shall provide domestic water and/or sanitary sewer connection. The Authority shall have no responsibility for extending water and wastewater mains or installing service connections to any of the parcels from such extended mains.*

3. Subdivisions: *For subdivisions requiring water and wastewater services by County ordinances, the Authority shall have no responsibility for extending water and wastewater mains or installing service connections to any of the parcels from such extended mains.*

~~D. — Service to future structure, new development. An owner of property shall be required to connect to the facilities of the Authority when each development or each future structure not part of a development when such development or future structure shall be situated on property adjacent to a right of way or easement within which there is located a public water main or wastewater line; provided however, that connection to said facilities shall not be required nor permitted if connection is not permitted by zoning, special use permit or proffer conditions. A replacement structure that is required due to a natural disaster or fire is not considered a future structure or new development.~~

~~The Board of Directors of the James City Service Authority may grant a waiver for a period not to exceed three years for commercial/industrial properties to the requirement to connect to public sewer under the following terms and conditions:~~

~~1. — The applicant submits in writing a substantial justification for such a waiver; and~~

~~2. — The applicant has Department of Health approval for alternative sewage system; and~~

3. ~~The applicant enters into an agreement with the Authority with a letter of credit in favor of the Authority in an amount that will cover the cost of such service connection, the amount to be set by the Authority and to be based on the cost of such connection at the expiration of the waiver period; and~~
 4. ~~The applicant agrees to pay 33% of the connection fee for the period of the waiver prior to the approval of the waiver by the Authority; and~~
 5. ~~The applicant agrees that the balance of the connection fee due at the end of the waiver period shall be calculated on the then existing rate; and~~
 6. ~~The applicant agrees to pay the balance due and any other applicable service charges prior to service being provided.~~
- E. ~~Access. The connection of development or an existing or future structure to a utility service of the Authority shall not be required when access to the affected property requires the crossing of property of another owner, provided Authority property and property of the Virginia Department of Transportation shall be excepted.~~
- F. ~~Application required. The owner or tenant, when required by these Regulations to connect to a utility service, shall make "Application for Service and Contract" in accordance with Section 3 below.~~
- G. ~~If connection is required for existing structures, the Authority shall provide a domestic water and/or sewer connection to the property line upon payment of all applicable fees and charges. On request of a residential customer who desires to replace a well or septic system by connecting to the JCSA water or sewer system, the Authority may finance up to 75% of the connection costs. Prior to the Authority extending credit, the residential customer must: 1) pay 25% of the connection costs to the Authority; 2) execute a note for the remaining principal balance with interest thereon at the rate of 8% and equal monthly payments for a term not exceeding 48 months; 3) execute a deed of trust on the subject property and all other closing documents; and 4) pay all closing costs including attorney's fees. The Authority shall provide the appropriate connection(s) after all financing documents are signed. Financial assistance under this paragraph is in addition to Section 4, Low Income Payment Plan.~~
- H. ~~If development in Section 2 (D) above consists of office and/or retail facilities the lot or parcel shall be given a one-time exemption, as it was identified as of December 31, 1984, from Authority connection requirements if the following conditions apply:~~
1. ~~The lot or parcel is located more than 500 feet from Utility facilities and said property was not subdivided after December 31, 1984; or,~~
 2. ~~The total floor area does not exceed 2,500 feet.~~
- I. ~~Service Termination. The owner or tenant of an existing structure who has connected to public water and/or sewer facilities in accordance with Section 2 (A) through (H) above may not revert to a private water and/or sewer system unless approved, in writing, by the General Manager or his designee.~~

SECTION 54. CONTRACTS

A written contract is required when the following conditions apply:

A. General.

1. *Any person who either desires or is required to connect to the Authority's water or wastewater system shall complete and submit to the Authority an Application.*
2. *All information requested by the Authority shall be provided before an application is approved.*
3. *All applicable charges shall be paid before service is provided. Service shall not be provided to any prospective customer if that customer has any past due Authority charges arising from prior Authority service to such prospective customer.*

AB. Standard. The application ~~for service and contract~~, when properly executed by the parties, shall constitute a contract between the applicant and the Authority. No service connection shall be made nor shall utility service be furnished until the application ~~for service and contract shall have been~~ *is* properly executed. ~~A copy thereof shall be given to the owner and to the tenant or lessee.~~

BC. Special. The Authority may enter into a contract with any person, firm, corporation, association, society or group, including municipalities, sanitary districts and other political subdivisions and public bodies, for the rendering of any ~~unusual or extraordinary~~ utility service; provided, however, the rates, fees, or charges to be paid thereunder shall not be less than an amount which is fair and equitable, taking into account the cost to the Authority of providing the utility service. As a minimum, a contract shall be executed for the following events:

1. Temporary service.
2. Fire service.
3. Interconnection with another water system.
4. Water service supplied by another entity.

All special contracts shall be approved by the ~~appropriate Authority governing body~~ Board, except contracts for temporary service.

SECTION 85. SERVICE CONNECTIONS

Upon approval of the application for service and payment in full of all applicable charges and fees, the service connection shall be made by either the Authority or the owner in accordance with the procedures described below.

~~A. Separate service connection. A separate service connection shall be required for each premises unless otherwise determined by the Authority in accordance with Section 11 below.~~

A. Separate water and/or wastewater connection (service connection). A separate service connection shall be required for each parcel. Individually owned units (including townhomes and condominiums) within a structure on a parcel, shall be served by separate service connections. The premises identified below shall be served by one service connection:

1. Premises used as a rooming house;

2. Apartment building or apartment complex;

3. Premises for transients;

4. Premises with accessory apartment;

5. Separate houses, buildings, mobile homes, or non-residential structures located on the same parcel.

B. Notice required. The applicant shall give to the Authority a notice of one workday for performing the required inspections *for connections installed by the applicant* or ~~fifteen~~ thirty workdays for ~~making~~ the Authority to install a service connections.

~~C. Authority responsibility. The Authority shall make all service connections to public water mains and public sewers, except as provided in Section 8 (D) below. All water service connections to public water mains shall be made with either a corporation stop or water tapping sleeve and valve, as required; the Authority shall extend the water service line from the public water main to the water service connection, and shall install the meter; and, if the meter is located at or near the property line, it shall install the meter box with cover.~~

~~D. Service line, service connection by developer, owner. The Authority at its option may authorize a developer or owner to make a service connection or to install the service line in conjunction therewith, which authorization shall be in writing and signed by the Authority General Manager. In such event the developer or owner shall use only materials and equipment in accordance with the "Standards." No excavation shall be backfilled until the service line and connection have been inspected and approved by the Authority. Maintenance and repair work necessitated by faulty materials or poor workmanship on a service line or connection shall be billed at cost to and paid by the customer.~~

- C. *When service connections are not required by the Authority.* Where made permissible by Section 15, the owner shall make service connections when such connections are desired by the owner, but not required by the Authority. In such event the owner shall use only materials and equipment in accordance with the Standards. The owner shall submit for approval to the Authority documentation indicating the location, size, kind and quality of all materials, equipment used to construct service connections and appurtenances including any applicable County planning and/or zoning approvals. No excavation shall be backfilled until the service piping and connections have been inspected and approved by the Authority. For a one-year warranty period following Authority acceptance, maintenance and repair work necessitated by faulty materials or poor workmanship on a service pipe or connection shall be billed at cost to, and paid for by, the owner.
- E. ~~Authority approval of materials, equipment.~~ The Authority shall approve the location, size, kind and quality of all materials, equipment and appliances used in service lines and connections.
- F. ~~Lines, connections property of Authority.~~ All service lines and connections shall remain the property of the Authority, shall be under its sole control and jurisdiction, and shall be maintained by and at the expense of the Authority, except as provided in Section 8 (D) above.
- G. ~~Change in location.~~ The Authority shall change the location of an existing service connection when the conditions described below are observed by the applicant.
1. ~~Completion of an application for service.~~
 2. ~~Advance with the application for service a sum of money equal to the estimated cost to the Authority of its participation in the relocation of the service connection, including cost of inspection and reconnection.~~
 3. ~~Observe all provisions of Sections 8 (A) and (B) above.~~
 4. ~~Upon completion of the work, the Authority shall refund to the applicant monies in excess of its costs; should the monies advanced by the applicant be insufficient, the Authority shall bill and the applicant shall pay the difference between the monies advanced and actual cost; the difference, if any, shall be added to the next bill.~~
- D. *Change in location.* Should a change in location of the water service pipes and water meter and/or the sanitary sewer service lateral, cleanout and related infrastructure be requested by the owner for any reason, the owner shall be responsible for the relocation, and the abandonment of the existing piping as required, and all associated costs. The owner shall request approval of the change in writing from the Authority.
- E. *Temporary Service Connection.* A temporary service connection may be provided at construction sites and for special purposes such as a circus, bazaar, fair, outdoor music or entertainment festival, irrigation of vacant property and similar uses when the following conditions are observed:

1. *Temporary service will be available for a period not to exceed six months;*
2. *An application for the temporary service is completed that describes the nature of the temporary service; and*
3. *A temporary service charge is paid.*

F. *Authority responsibility-Water System.* *The Authority's responsibility for maintenance, repair and replacement of its water system, including all mains, service connections, and associated appurtenances thereon, ends at the Authority's meter serving the customer. The owner is responsible for all repair and maintenance of the on-site private water infrastructure, meter vaults for meters larger than 2-inch and associated appurtenances thereon, beyond the Authority's meter serving the parcel.*

G. *Authority responsibility-Wastewater System.* *The Authority's responsibility for maintenance, repair, and replacement of its wastewater system, including all mains, service connections, manholes, and associated appurtenances thereon, ends at the cleanout, designated manhole, designated valve, property boundary line or edge of easement. The owner is responsible for all repair and maintenance of the on-site sanitary sewer, and associated appurtenances thereon, running from the cleanout, designated manhole, designated valve, property boundary line or edge of easement on the parcel served.*

H. *Disconnection.* *Disconnections from water or sanitary sewer service are permitted only if the premises are to be demolished, abandoned, or when the property boundary line between parcels is extinguished by the owner. The owner shall supply written documentation to the Authority confirming the demolition, abandonment, or lot property boundary line extinguishment. The Authority requires the disconnection of all existing services for both water and sanitary sewer back to the main in accordance with the Standards when the property boundary line between parcels is extinguished by the owner. The remaining parcel can only have one water and one sanitary sewer service connection. Disconnection of the water and sanitary sewer services shall be in accordance with the Standards. All costs associated with disconnection of services shall be the responsibility of property owner.*

SECTION 106. METERS AND METER INSTALLATION

All water consumption, ~~except fire protection and authorized use of fire hydrants,~~ shall be metered. ~~Meters shall be read to coincide with the mailing of utility bills as specified in Section 13 below; provided, fire service detector check value meters shall be read annually or on a more frequent basis as determined by the Utility.~~

- A. Size, location, type of meter. The Authority shall approve the size, location, and type of the water meter to be installed for all premises based on occupancy and flow data furnished by the applicant. ~~The normal size for a single family dwelling shall be five eighths inches by three fourths inches.~~
- B. Installation. ~~Meters shall be approved, installed, maintained and removed by the Authority. The Authority, at its option, may authorize a developer to furnish and install a meter, which authorization shall be in writing and signed by the General Manager. In such event the developer shall furnish, at his expense, one of the approved makes and models specified by the Authority. All meter installations shall conform to the applicable provisions of the "Standards." Installed meters remain the property of the Authority.~~ *Meter installation shall be in accordance with the Standards.*
- C. Meter installed in building. If a meter is installed within a building, the customer shall provide at ~~his~~ *their* expense a readily accessible and protected location for the installation, *reading, and maintenance* of the meter at a point which controls the entire supply to the premises, which location shall be approved by the Authority.
- ~~D. Separate meter. Unless otherwise determined by the Authority, each premises shall be supplied through a separate meter or, if necessary and at the option of the Authority, through a separate battery of meters. If a battery of meters is installed, the registrations of such meters shall be combined for billing purposes and shall be subject to a minimum charge equal to the sum of the minimum charges for the meters comprising the battery setting. If, however, a premises is supplied through more than one service connection, unless otherwise provided, the registration of the meter installed on each such service shall be billed separately.~~
- ~~E. Meter maintenance. Meters shall be maintained by the Authority at its expense; provided, damage to any meter due to hot water, freezing, or other external causes arising out of, or caused by the customer's facilities, operations, negligence, or carelessness shall be paid for by the customer. The Utility Authority, however, shall be responsible for damage to meters due to freezing in outside vaults and for ordinary wear.~~

~~All meters shall be tested for accuracy before installation. In addition, all meters shall be tested periodically in accordance with AWWA accepted practice. The Authority may at any time remove any meter for routine testing, repairs, or replacement. When warranted, the provisions of Section 11 (C) below shall be invoked by the Authority.~~

- ~~F. Notice of defects. The customer shall promptly notify the Authority of any known defects in, or damage to, the meter or its connection.~~

- ~~G.F. Access to meters required. The Authority requires unobstructed access to its meters at all reasonable times. The Authority will inform the customer that unobstructed meter access is required. If access to the meter is regularly blocked by bushes or foliage, the meter reader Authority may trim or remove the obstruction, as much as necessary to properly inspect the meter. When such access is regularly unavailable, the Authority may, after written notification, terminate service until the access problem is resolved to the satisfaction of the Authority.~~
- ~~H. Change in location, size. Upon request of the applicant the Authority shall change either the location or size or both of a meter when the applicant observes the following conditions:~~
- ~~1. Observance of applicable provisions of Section 8 (G) above.~~
 - ~~2. For the installation of a larger meter, remittance of the difference between the meter sizes shall be based upon current system facility charges as prescribed in Section 32. A refund shall be made for a reduction in meter size.~~
 - ~~3. If the applicant requests the Authority to relocate or replace the meter, then the applicant shall pay the cost of the upgrade in addition to the system facility charge.~~
- G. Change in size. The Authority shall review all requests to change the size of a meter. If the Authority grants a request for a larger meter, the applicant shall pay the Authority the difference between the meter sizes as based upon the current system facility charges. The applicant shall be responsible for performing all required modifications regardless of the size of the meter at their cost.*
- ~~I. Unauthorized Meter Removal. Upon installation, only Authority employees or designated representatives shall turn on, turn off, move, remove or replace a meter or any connections to it. Should the Authority determine that a customer has tampered with the meter or its connections, then the customer shall be subject to a \$100 penalty. Each day such violation is committed or permitted to continue, shall constitute a separate offense and therefore shall be punishable with a \$100 penalty. Payment will be made immediately and prior to reinstallation of service. Failure to pay the penalty promptly may result in the suspension of service to all other accounts in the customer's name. Payment of the penalty does not preclude the Authority from seeking additional legal remedies when deemed necessary.~~
- H. Meter Tampering. Should the Authority determine that a customer has tampered with the meter or its connections, then the customer shall be subject to a penalty of \$500 per occurrence. Each day a violation is committed or permitted to continue, shall constitute a separate occurrence. Payment will be made immediately and prior to re-installment of service. Failure to pay the penalty within five business days may result in the suspension of meter installations to all other accounts in the customer's name until the penalty is paid. Payment of the penalty does not preclude the Authority from seeking additional legal remedies when deemed necessary.*
- I. Sub-Meters. A sub-meter is a secondary meter installed after the Authority's water meter. The sub-meter is intended to measure the portion of metered water that does not enter the sanitary sewer system. The sub-meter shall be owned, installed, maintained, and read by the customer. The Authority reserves the right to inspect the installation and validate the readings. Usage of a sub-meter and applicable credits shall be in accordance with the Authority's sub-meter policy.*

SECTION ~~13~~7. UTILITY BILL

- A. Frequency; address. A utility bill shall be mailed quarterly *provided* to every customer for utility service supplied during the time period shown on the utility bill; ~~provided, however, those customers whose aggregate bill exceeds \$750.00 per quarter shall be billed monthly. The Utility may bill on a bimonthly basis for sewer where meter readings taken by a non-Utility water system owner can be used to determine consumption. Each utility bill shall contain, as a minimum, the following information:~~ *The due date shall be as printed on the utility bill and shall be no less than twenty-one (21) days from the date of the bill. Late charges occur after the due date.*
- B. Contents of Bill. Each utility bill shall contain, as a minimum, the following information:
1. ~~The date of the utility bill.~~
 2. ~~The time period and number of days of utility service covered by the utility bill.~~
 3. ~~The utility charge(s) due.~~
 4. ~~The date when complete payment is due at the Authority office, which date shall be twenty-one (21) days from the date of the utility bill.~~
 5. ~~Notice whether the bill is based on an actual or an estimated measurement of the amount of utility service supplied.~~
 6. ~~Notice that the customer may call the Authority customer representative whose telephone number shall be listed on the utility bill, in order to:~~
 - (a) ~~Dispute the amount of the utility charges.~~
 - (b) ~~Avoid the termination of utility service for nonpayment of the amount(s) shown on the utility bill.~~
 - (c) ~~Apply for restoration of utility service.~~
 - (d) ~~Request answers to any other questions about utility service.~~
- C. Mailing address. The utility bill shall be sent to the mailing address shown on the "Application for Service and Contract"; ~~provided, however, the utility bill shall be sent to a different address when the customer has given to the Authority notice of such different address.~~
- ~~D~~B. Correction of utility bill. The Authority reserves the right to correct a utility bill rendered in error.

- ~~EC.~~ EC. Payment. A utility bill is due and payable upon receipt by the customer. Failure of the customer to receive either a utility bill or notice of termination shall ~~neither~~ not be considered cause for nonpayment, ~~nor~~ justification for extension of the payment date, ~~nor~~ affect the right of the Utility Authority to ~~either~~ terminate service ~~or to~~ file a lien or ~~to~~ motion for judgment for money ~~in accordance with these Regulations. Payments shall be made at the Authority office.~~
- ~~FD.~~ FD. Estimated bill. An estimated utility bill shall be mailed to the customer if the meter fails to register for any reason or the reader is unable to gain access to the premises at the time the meter is scheduled to be read. Such estimated utility bill shall be based on ~~an average of the consumption shown on the last three (3) consecutive quarterly utility bills (twelve (12) consecutive monthly utility bills).~~ historical data or industry standards.
- ~~G.~~ G. Partial period bill. ~~The utility service charge for an initial or final utility bill for less than a full billing period shall be based upon actual consumption.~~
- ~~HE.~~ HE. Final bill. A customer who requests that utility service be terminated shall give to the Authority a termination date and a forwarding address and. ~~The meter shall be read on the termination date and a final utility bill shall then be prepared and mailed, or personally delivered, to the terminating customer. Any deposit, plus accrued interest, held by the Authority shall be deducted from the final utility bill, and the balance then due shall be billed or the unapplied portion of the deposit refunded.~~
- ~~A duplicate copy of the final bill to the tenant customer shall be mailed upon preparation to the owner of such leased or rented real estate (premises).~~
- ~~IF.~~ IF. Miscellaneous bill. A utility bill other than a regular utility bill rendered by the Authority is due and payable upon receipt by the customer and shall be paid in accordance with the provisions of these Regulations.
- ~~JG.~~ JG. Abatement; refund. The Authority is not responsible for water charges incurred due to leakage or for water wasted by private water service pipes or fixtures either damaged or in disrepair which belong to the customer. Should a leak occur, the customer has the right to request an adjustment to their bill. The request will be reviewed, and if approved, an adjustment will be made according to the current leak adjustment policy as established by the General Manager. However, in certain cases, the General Manager may at his discretion, determine a fair and reasonable settlement of the disputed bill, when, in his opinion, the circumstances justify such consideration and without which, an injustice to the consumer will result. However, in the event of broken water lines caused by excessively cold weather or an underground leak, and upon presentation of evidence that the leak has been promptly repaired, the utility bill shall be adjusted as follows: Adjustments for filling a new swimming pool, or filling a pool that has been drained for repair in excess of 5,000 gallons, shall be eligible for a credit on the Authority's metered retail service charge for wastewater collection in accordance with the Authority's swimming pool certification form.
- ~~1. One half (1/2) of the amount in excess water reflected on the utility bill due to this cause, based on the average of the last three (3) bills; and~~

~~2. If connected to the public sewer, all of the estimated amount of water which did not enter the public sewer.~~

~~Adjustments shall not be considered for disputed bills that are over six months old.~~

~~K. Account charge. An account charge shall be paid by each applicant for service, whether for a new account or for a transfer of account from one premises to another premises. Such charge shall be collected at the time application is made or shall be added to the first utility bill for new and transferred accounts. Such charge is used to defray bookkeeping and clerical costs.~~

~~L. Transfer of charges. A customer who terminates service at one premises may transfer outstanding utility charges incurred at such premises to any other account for a premises in the name of such customer which, if unpaid within the time specified in Section 16, shall subject the latter account to termination.~~

MH. Customer liable for utility charges. A customer who has either made "A application for S service and C contract", or who has received utility service at a premises, shall be liable for all utility service furnished to such premises until such time as the customer has properly notified the Utility Authority to terminate the service to such premises.

~~N. Transaction charge for late payment. A transaction charge for late payment, as defined in Section 32, shall be added to each bill in the event the bill is not paid by the due date.~~

~~O. Returned check charge. A charge of twenty dollars (\$20.00) shall be assessed for any check in payment of a utility bill which is returned for insufficient or uncollected funds, or drawn on a closed account, or drawn on a nonexistent account. If such check was presented in order to avoid termination of service for nonpayment of a utility bill, or to have service restored after such termination, utility service shall be terminated and this charge, as well as all others due and payable, shall be submitted in cash, cashier's check, certified check or money order before utility service is restored.~~

SECTION 158. TERMINATION OF UTILITY SERVICE

- A. *Utility service termination for nonpayment of charges will be in compliance with the Code of Virginia and lawful policies adopted by any combined agent.*
- ~~AB.~~ Causes for termination. Utility service, ~~after proper notice as required by these Regulations, shall~~ *may* be terminated for ~~the following causes:~~ *causes including, but not limited to, the following:*
- ~~1.~~ *Circumstances determined by the Authority to potentially endanger life, property, or public health.*
 - ~~12.~~ Nonpayment of utility charges due.
 - ~~23.~~ Contamination of the water supplied by the ~~Utility~~ *Authority* when caused by an appliance or apparatus of the customer.
 - ~~34.~~ Service to a customer is of such magnitude or such character that utility service to other customers is adversely affected.
 - ~~45.~~ Failure to protect and maintain the ~~private~~ *private* water service pipe or ~~building sewage drain~~ *private sewer service pipe* on the property of the customer in a condition satisfactory to the Authority.
 - ~~56.~~ For tampering or altering by the customer, or others with the knowledge of the customer, with any meter, service connection, water service ~~line pipe,~~ *sanitary sewer service line pipe,* curb stop, seal or any other appliance or apparatus of the Authority that controls or regulates the customer's water supply.
 - ~~67.~~ Failure to provide to employees of the Authority free and reasonable access to the premises served, or for obstructing ingress to the meter or other appliances that control or regulate the customer's water supply.
 - ~~78.~~ Failure to correct a backflow or cross-connection violation as required by ~~the Authority's~~ *the Authority's Backflow Prevention and Cross Connection Control Program,* the Waterworks Regulations of the Virginia Department of Health, or the Virginia Uniform Statewide Building Code, as the same may be in effect from time to time.
 - ~~89.~~ Failure to comply with these Regulations, ~~the Virginia Department of Health Regulations,~~ *the Virginia Department of Health Regulations, or the Standards.*
 - ~~910.~~ For fraud or abuse, including the nondisclosure of information on the ~~"A~~ *Application for S*service and ~~C~~ *Contract,"* or any false statement or misrepresentation.
 - ~~1011.~~ Negligent or wasteful use of water during periods when restrictions on consumption

are imposed to conserve water.

~~1112.~~ For revocation or suspension of the ~~P~~permit issued *to the Authority* by the ~~Hampton Roads Sanitation District~~ *HRSD*.

Notice shall be given as required by law and the current policies of the Authority and its agents.

~~BC.~~ Other action. Termination of utility service to any premises for any cause shall not prevent the Authority from pursuing any lawful remedy by action at law or otherwise for the collection of monies due from the customer.

~~CD.~~ Payment required before service restored. When utility service to a customer has been terminated ~~for any of the above causes~~, other than temporary vacancy of the premises, it shall be restored only after the conditions, circumstances, or practices which caused the utility service to be terminated are corrected to the satisfaction of the Authority and upon payment of all utility charges due and payable by the customer in accordance with these Regulations. ~~Where applicable, the provisions of Section 6 shall be observed.~~

E. Limitations on termination of utility service.

1. Hours, days of termination for nonpayment. The Authority shall terminate utility service for nonpayment of utility charges during normal operating hours, Monday through Thursday. No termination shall be initiated on a legal holiday or on the day before a legal holiday.

2. Termination for causes other than nonpayment may occur at any time at the Authority's discretion.

F. Conditions for restoration. When it has been necessary to terminate utility service to any premises because of a violation of these Regulations, or because of nonpayment of any utility bill, utility service shall be restored as follows:

1. Water service terminated as a result of nonpayment will be restored during normal working hours upon receipt of required payment.

2. Water service terminated for causes other than nonpayment of utility charges will be restored during normal working hours, upon completion of the work necessitated by the termination of service.

SECTION 199. USE OF WASTEWATER FACILITIES

A. Purpose. The purpose of this Section is:

1. To provide for the adequate **appropriate** regulation of industrial wastewater discharges **into the Authority's** sanitary sewer system in order to assure that the Authority and its customers comply with all applicable laws, rules, and regulations; and
2. To protect the wastewater facilities of the Authority.

~~B. Adoption of regulations. There is hereby adopted by the Authority, to effect the purpose described in Section 19 (A)(1) above, that certain document entitled "Industrial Wastewater Discharge Regulations," Hampton Roads Sanitation District, revised November 1, 1990, except such portions as are deleted, modified or amended by this Section, and the same is hereby adopted and incorporated as fully as if set out at length herein. From the date on which these Regulations shall take effect, the provisions of this Section shall control in all matters contained herein.~~

B. *All applicable rules and regulations of the HRSD shall apply to sanitary sewer service provided through the wastewater infrastructure of the Authority.*

~~C. Additions, deletions, modifications, changes. The following additions, deletions, modifications and changes are hereby made in the "Industrial Wastewater Discharge Regulations" adopted by this Section and are hereby adopted as part of these Regulations.~~

~~Sec. 101. This section is deleted.~~

~~Sec. 102. This section is deleted.~~

~~Sec. 306(d). This subsection is amended to read as follows:~~

~~Unusual wastewater shall require a special rate as provided for in Section 32.~~

~~Sec. 410. This section is deleted.~~

~~Sec. 601(e). This subsection is amended as follows:~~

~~In lines three, four and five delete the words "Commissioners" and "Commission" and substitute the words "governing body."~~

~~Sec. 601(d). This subsection is amended as follows:~~

~~In line two delete the word "Commissioners" and substitute therefor the words "governing body".~~

~~Appendix A. Appendix A is amended by deleting paragraph (A).~~

~~Appendix B. Appendix B is amended by amending the following definitions to read:~~

n. ~~District:~~ the Authority.

u. ~~General Manager:~~ the General Manager of the James City Service Authority or his authorized agent.

~~D~~C. Unpolluted and storm waters.

1. ~~No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated~~ unpolluted cooling water, water from a swimming pool, or unpolluted industrial process waters to any ~~public~~ Authority sanitary sewer- systems, except as noted below:

1. *Unpolluted cooling water or unpolluted industrial process waters may be discharged to the sanitary sewer system only upon approval by HRSD and the Authority.*

Wastewater charges may be assessed by HRSD and the Authority for the conveyance and treatment of unmetered unpolluted cooling water or unpolluted process waters.

2. *Backwash water from swimming pool filters in quantities less than twenty-five gallons per day may be directed to the Authority sanitary sewer system. Quantities greater than twenty-five gallons per day must be neutralized and discharged to surface water outlets in accordance with Federal, state, and local regulations. Wastewater charges may be assessed by HRSD and the Authority for the conveyance and treatment of unmetered backwash water.*

2. ~~Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Authority and the State. Industrial cooling water or unpolluted process waters may be discharged on approval of the Authority and the State to a storm sewer or natural outlet.~~

~~E~~D. Prohibited waste materials. No person shall discharge or cause to be discharged any of the following described waters or wastes to any ~~public sewer~~ of the Authority's sanitary sewer systems:

1. Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
2. Waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either ~~singly~~ singularly or by interaction with other wastes, to injure or interfere with any sewage treatment plant.
3. Waters or wastes having corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
4. Solid or viscous substances in quantities of such size capable of causing obstruction to the flow in ~~the sanitary~~ sewers systems, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, grease, feathers, tar, plastics, wood, whole blood, paunch manure, hair and

fleshings, entrails, and paper dishes, cups, milk containers, and similar materials, either whole or ground by garbage grinders, or any unground garbage of any type.

5. *All other prohibited discharges as described in HRSD's Industrial Wastewater Discharge Regulations.*

- E. Discharge of Septic System or Other Wastewater Collection System. No person shall discharge any form of wastewater *from a septic system or other wastewater collection system, stormwater, or any unauthorized discharge* into a sanitary sewer collection system without written approval of the ~~General Manager or his designee~~ Authority. Individual or firms servicing private septic systems, *grease control devices*, or other wastewater collection systems will dispose of the extracted wastewater to the appropriate disposal site *as designated by HRSD and not in the Authority's wastewater system, such as the HRSD Williamsburg Treatment Plant.*
- F. Access to wastewater system cleanouts required. *The Authority requires unobstructed access to its cleanout at all times. If access to the cleanout is blocked by bushes or foliage, the Authority may trim or remove the obstruction as much as necessary to properly inspect the cleanout. When such access is unavailable, the Authority may, after written notification, terminate service until the access problem is resolved to the satisfaction of the Authority.*

SECTION 2410. PRIVATE FIRE PROTECTION SYSTEMS; PUBLIC FIRE HYDRANTS

A. Private Fire Protection Systems

1. Application. ~~Upon written application to the Authority, and upon payment of all applicable charges required by Section 32, the Authority or the applicant, at the option of the Authority, shall, at its expense, at the expense of the applicant~~ When a fire protection system is required, ~~construct and install a fire service connection to supply a fire protection system. Such construction shall conform to the "Standards" of the Authority. When constructed and installed by the applicant, subject to inspection by the Authority, such construction shall not commence until the applicant furnishes to the Authority, and the Authority approves in writing, the plans for such construction and installation.~~ Upon written application to the Authority, and upon payment of all applicable charges required by Section 32, the Authority or the applicant, at the option of the Authority, shall, at its expense, at the expense of the applicant construct and install a fire service connection to supply a fire protection system. Such construction shall conform to the "Standards" of the Authority. When constructed and installed by the applicant, subject to inspection by the Authority, such construction shall not commence until the applicant furnishes to the Authority, and the Authority approves in writing, the plans for such construction and installation.
2. Fire service detector check meter. ~~A fire service detector check meter shall be installed in a bypass to monitor small flows in the fire service connection. The Authority shall read each detector check meter at least annually. The Authority reserves the right to require an existing fire service connection customer to install at his expense a detector check meter with a bypass pipe. The Standards and HRPDC Regional Construction Standards shall be consulted for detector check meter requirements.~~
3. Charge. There shall be no charge for water supplied through a private fire protection system which is used to extinguish fires.
4. Additions. No addition of any hydrant, standpipe, sprinkler head, or other outlet shall be made to a fire protection system until plans for such addition have been submitted to and approved in writing by the Authority.
5. Pressure, supply. The provisions of these regulations ~~Section 27,~~ which govern the interruption of water supply, apply to fire service connections. The Authority shall not assume any responsibility for loss or damage because of inadequate quantity or pressure.
6. Violation. Water supplied through a private fire service connection shall be used solely for the extinguishment of fires and, upon approval by the Authority, for fire drill testing of the fire protection system. If a customer makes unauthorized or unapproved uses of the fire protection system, for any reason other than fire suppression, a ~~\$100.00~~ \$500 penalty shall be imposed upon the customer per occurrence. Each day a violation is committed or permitted to continue, shall constitute a separate occurrence. The penalty will increase by \$100.00 for each additional occurrence. If the penalty is not paid ~~immediately~~ within five business days to the Authority upon discovery of the violation, all Utility service to the customer shall be terminated until such time that the penalty has been paid.

Furthermore, if it is discovered that the fire protection system has in any way been intentionally adjusted or tampered with, or if any unapproved connection has been made to the system that provides the customer with an unauthorized supply of water, then a ~~\$100.00~~ \$500 penalty shall be imposed per occurrence. Each day a violation is

~~committed or permitted to continue, shall constitute a separate occurrence. The penalty will increase by \$100.00 for each additional occurrence.~~ In addition, the customer shall also remit to the Authority the amount of the retail water charges for the estimated unauthorized water usage. If the penalty and charges are not paid ~~immediately~~ within five business days to the Authority upon discovery of the violation, all ~~Utility~~ service to the customer shall be terminated until such time that the amount due has been paid.

B. Public Fire Hydrants.

1. Application. *When fire hydrants are required, upon written application to the Authority, and upon payment of all charges, the applicant shall, at its expense, construct and install fire hydrants. Such construction shall conform to the Standards. When constructed and installed by the applicant, subject to inspection by the Authority, such construction shall not commence until the applicant furnishes to the Authority, and the Authority approves in writing, the plans for such construction and installation.*

~~1. General. To the extent that funds are available, the Authority shall install, at its expense, public fire hydrants on public property whenever and wherever, in its sole opinion, such hydrants may be required to provide adequate fire protection service.~~

~~2. Application for hydrant. Upon written application by any commercial, industrial, governmental entity or other interested party, and upon payment of all applicable charges required by Section 32, the Authority shall construct and install additional public fire hydrants on public property. After installation of each hydrant, the Authority shall assume ownership, maintenance and operation thereof and shall pay for any replacement or relocation which may become necessary.~~

2. Access to fire hydrants required. *The Authority requires unobstructed access to its fire hydrants at all times. If access to a fire hydrant is blocked or obstructed, the Authority may remove the obstruction, as much as necessary to properly inspect, maintain, and operate the fire hydrant.*

33. Restrictions on use. The use of ~~public~~ fire hydrants shall be restricted to the taking of water for the extinguishment of fires; water shall not be taken from any ~~public~~ fire hydrant for any other use, including construction, street sprinkling, filling of swimming pools, or flushing storm sewers or gutters, unless specifically permitted in writing by the ~~JCSA Authority~~ for the particular time and occasion and upon payment of all applicable charges ~~required by Section 32 and contained in this section.~~ All such uses shall be metered and the Authority retail water rates shall apply. All hydrant use shall conform to Authority requirements as contained in these Regulations, the user permit and the rental application. A fire hydrant meter may be furnished by the user or provided by the ~~JCSA Authority~~ in accordance with the following procedures:

a. User-furnished hydrant meters

1. The meter shall be registered with the ~~JCSA Authority~~ and receive a written water user permit issued from the ~~JCSA Authority~~ Customer

Service Office. ~~Prior to each use, the user shall apply to the JCSA in person.~~ The meter shall be inspected by the JCSA *Authority* prior to issuance of an initial permit and thereafter the user must provide annual backflow prevention inspection forms to the JCSA *Authority*.

2. Permit shall be good for 12 months from the date of issuance. Meters must be re-registered every 12 months in accordance with the guidelines in the previous paragraph.
3. User-furnished meter assembly shall include a reduced pressure zone backflow preventer.
4. User shall be responsible for calling in meter readings by the first day of each month prior to the billing cycle deadline. Failure to comply may result in user's loss of permit privilege and/or future use. The meter readings may be faxed, mailed, or emailed to JCSA *the Authority Customer Services* utilizing the Application/Agreement Form. If the meter reading is not properly reported, a 300 Gallon Per Day (GPD) minimal assessment may be charged until the account is properly reported and satisfied, or voluntarily terminated, ~~at which point~~ *Upon termination, the JCSA Authority tag would placard must be returned within 10 business days.*
5. User will notify JCSA *the Authority Customer Service Office* when *the* meter is no longer in use in JCSA *the Authority's* water system. Failure to provide notification may preclude future permit approvals.
6. User-furnished meters will only be used at the specific work site identified in the permit. User will not use meters at other work sites unless approved by the JCSA *Authority Customer Service Office*.
7. Upon issuance of permit, user will present the meter device ~~at the~~ *to a location designated by the JCSA Authority warehouse* so that an official JCSA *Authority* placard may be placed on the device. This placard may only be removed by a JCSA *an Authority* employee. Tampering/removal of the placard by user may result in ~~finer fees,~~ confiscation of device, and future loss of hydrant meter privileges.
8. *Hydrant meters cannot be used in the Authority's independent water systems without written approval from the Authority.*

b. Authority-furnished hydrant meters

1. User shall pay a deposit, *fifty dollars (\$50) of which is non-refundable*, and receive a written permit issued by the JCSA Authority Customer Service section prior to receiving a JCSA hydrant meter. Meters provided by the JCSA Authority will be issued on a first come, first serve basis. ~~Upon issuance of permit, customer will be directed to the JCSA warehouse for pickup of hydrant meter device.~~ The device will have an official JCSA Authority placard attached to provide high visibility and proof of user authorization for use. This placard may only be removed by a JCSA an Authority employee. Tampering/removal of the placard by user may result in confiscation of device, and possible future loss of hydrant meter privileges. Deposit fees are as follows:

3-inch hydrant meter - \$1,700

5/8 x 3/4 inch hydrant meter - \$750

(\$50 of deposit is non-refundable)

2. Permit shall be good for ~~90~~30 days. *If user needs the meter more than 30 days, user shall have the permit renewed in 30-day increments for a maximum of 90 days total.* Customers requiring a meter longer than 90 days will be encouraged to purchase their own meter. Customers will not be able to rent another meter until 30 days has elapsed since any prior meter rental. ~~If user needs the meter more than 30 days, user shall have the permit renewed in 30-day increments to a total of 90 days.~~ In the event that the meter is not functioning properly, it ~~should~~ *shall* be returned to the JCSA Authority for exchange immediately or customer will be assessed a minimum daily charge of 300 gallons per day. Permits will not be renewed beyond 90 days of the original permit date. Any meter retained past the due date may incur a late fee of \$20 a day, which will be deducted from the deposit.
3. Authority-furnished meters will only be used at the specific work site identified in the permit. User will not use *the* meter at other work sites unless approved by the JCSA Authority Customer Service Office. Under no circumstances will the meter be used outside the JCSA Authority service area.
4. Permittee cannot obtain more than one JCSA Authority-furnished ~~provided~~ meter at a time unless approved by the Authority General Manager.
5. *Hydrant meters cannot be used in the Authority's independent water systems without written approval from the Authority.*

44. No liability. The Authority shall not be considered an insurer of persons or property, or to have undertaken to extinguish fires, or to protect any person or property against loss or damage by fire or otherwise, and it shall not be responsible to any person for any loss, or damage, or injury by reason of fire, or failure to supply water or pressure, or for any other cause whatsoever.
- ~~5. Extension of main. The Authority shall not be required to extend its water mains for the purpose of installing public fire hydrants which may be desired except under mutually acceptable terms to defray the construction cost of such extensions.~~
65. Unauthorized use. If a public fire hydrant is discovered to have been used for any purpose other than fire suppression without prior approval by the Authority, a \$500 penalty per occurrence shall be assessed against the violator, and legal action may be sought against such unauthorized user in accordance with ~~Section 31~~ of these Regulations. Each day a violation is committed or permitted to continue, shall constitute a separate occurrence. ~~In addition, a \$100.00 penalty shall be assessed against the violator. The penalty will increase by \$100.00 for each additional occurrence.~~ The penalty shall be paid immediately within five business days or all utility service received by the violator or the employer that ~~he~~ they represents shall be terminated until such time as the penalty is paid.

C. JCSA Authority Permanent Water Withdrawal Point Location and User Requirements

Permanent designated point locations for water withdrawal by approved contractors shall be determined by the Authority.~~are as follows:~~

~~Site 1 – JCSA Operations, 107 Tewning Road~~

~~Site 2 – Toano Fire Station, 3127 Forge Road (JCC EOC)~~

~~Site 3 – Entrance to Stonehouse Development – Route 30~~

~~The JCSA will restrict approved contractor water withdrawal to these three locations. Hydrants will be clearly marked with blue bonnets (tops) and JCSA signage. The JCSA reserves the right to add/remove access sites as it deems necessary. Request for exemptions of other sites on a case-by-case basis may be submitted to the General Manager or his designee.~~

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SECTION 2311. RESPONSIBILITY FOR PROPERTY OF CUSTOMER

The Authority is neither liable for damages to property of the customer by water delivered through the facilities of the customer nor is it liable for damage to property caused by spigots, faucets, valves, and other equipment that may be open when water is turned on at the meter, ~~either when turned on originally or when turned on after a temporary shutdown~~. The Authority assumes no liability for loss or damage to any water equipment of the customer.

The Authority is not liable for damage caused by an obstructed, ~~or~~ leaking, or damaged ~~building sewer private sewer service pipe, or building sewage drain,~~ or plumbing fixture.

SECTION 2412. DAMAGE TO AUTHORITY PROPERTY

~~The customer is responsible for costs incurred by the Authority when~~ When damage occurs to a meter, a service connection, or to any other Authority property by the acts of the customer or the customer's agent, or by the act of any non-utility party, or from hot water or steam from the premises of the customer, ~~The Authority shall bill said party for the cost of repairing such damage. The cost may include, but shall not be limited to, materials, labor, utility equipment charges, cost of subcontracting repairs, and twenty-five percent overhead.~~

The Authority is not liable for damage to its utility ~~lines~~ mains when a request for utility markings is not received ~~in accordance with the Underground Utility Damage Prevention Act (Va. Code § 56-265.14 et seq.)~~ at the Authority Operations Center at least two working days prior to digging. ~~Regulations regarding utility markings shall be posted at all Authority offices and James City County Office of Code Compliance.~~

~~The Authority may terminate service, after proper notice, in the event electrolysis damage occurs to the water mains of the Authority by the attachment of electrical ground wires to building water piping.~~

SECTION 2613. ACCESS TO PREMISES PROPERTY

Personnel of the Authority shall have right of access to a customer's premises property at all reasonable times to perform one or more of the following tasks:

- A. Inspection of property infrastructure of the Authority on the premises property.
- B. Check for any unsafe or hazardous condition on the premises property related to water or wastewater service provided by the Authority.
- C. Any purpose properly related to any water or wastewater service provided by the Authority to the customer.
- D. To perform tests or obtain test samples as required by Federal, state, local, or other applicable regulations.

SECTION 2714. INTERRUPTIONS IN WATER SUPPLY

- A. Shut-off. The Authority may at any time shut off the water in the mains in case of accident, or for the purpose of making connections, alterations, repairs, changes, or for other reasons and may restrict the use of water to reserve a sufficient supply for **human consumption, public fire service,** or other emergencies whenever the public safety may require it.
- ~~B. Notice. It is the intention of the Authority to give notice in advance of any work which must be done that necessitates an interruption of the supply. Such notice shall be considered a requirement on the part of the Authority except during emergencies and when conditions warrant. Customers shall so regulate their installations connected with the water supply system that damage does not occur when water is shut off without notice.~~
- B. *Notice. It is the intention of the Authority to give notice in advance of any work which must be done that necessitates an interruption of the supply except during emergencies and when conditions warrant. Customers shall be responsible for protection of their private infrastructure connected with the water supply system necessary to prevent damage from occurring when water is shut off or when service is turned back on without notice.***
- C. Care to be exercised. The Authority shall use reasonable care and diligence in order to prevent and to avoid interruptions and fluctuations in the service, but it cannot and does not guarantee that such will not occur.

**SECTION 2915. EXTENSION AND EXPANSION OF AUTHORITY FACILITIES
INFRASTRUCTURE**

~~The policies reflected below govern the extension and expansion of Authority facilities.~~

This section outlines the Authority's process for extension and expansion of infrastructure within the PSA. James City County's Comprehensive Plan generally does not support extension and expansion of infrastructure outside the PSA and in most cases such extensions will require the approval of the County's Board of Supervisors. If extensions and expansions are approved outside of the PSA, such extensions and expansions must follow the requirements of this section.

~~A. Service to new developments. The developer of any new subdivision intended for residential, commercial or industrial use or any combination thereof, or the developer of any commercial or industrial site shall construct all Authority facilities as herein required. The Authority reserves the right at any and all times to make, connect or permit new connections, extensions, or improvements or to otherwise use the facilities in the best interests of the Authority.~~

~~1. Primary service area.~~

~~(a) Local facilities. The developer shall construct and install at his expense all local facilities within his subdivision or development; provided, however, local sewer facilities are not required within a reservoir protection area identified in the comprehensive plan and the zoning ordinance. The developer and successor property owner(s) are exempt from payment of local facilities charges when local facilities are constructed and installed at the expense of the developer. Investments by a developer in local facilities to serve his development, such as distribution mains, service connections and meters, fire hydrants, sewer laterals, manholes and other local appurtenances, shall neither be refunded by nor become an obligation of the Authority as such investments are considered a benefit accruing to the property which is recovered through an increase in the value of the property.~~

~~(b) System facilities. The Authority is responsible for the construction and installation of all system facilities when consistent with the policies of the Comprehensive Plan and Master Water and Sewer Plan, economically feasible, and system capacity is available, except when the extension or lift station expansion is for new development. When new development requires an off-site line extension or lift station expansion, the costs shall be the responsibility of the developer and provisions of Section 29-D shall be observed.~~

~~When a developer provides for the extension or expansion of a facility over that needed by the project in order to operate as a system facility, the JCSEA may reimburse the developer directly or enter into a rebate agreement for its share of the cost of providing the additional capacity.~~

~~2. Outside the PSA. The County's Comprehensive Plan generally does not support development densities and intensities of an urban and suburban nature outside the Primary Service Area. Development of this nature is not consistent with the intent of both the Comprehensive Plan and the Primary Service Area policy and in most cases will require the approval of the Board of Supervisors. The Comprehensive Plan generally does not support the formation of new, private, central utility systems outside the Primary Service Area. Where approved, the following shall apply:~~

~~(a) Local facilities. All conditions in Section 29 (A)(1)(a) above apply.~~

~~(b) System facilities. The Authority has no responsibility for the construction and installation of system facilities which serve developments outside the PSA. However, the Authority, under written contract, may permit the construction and installation of such facilities at the expense of the developer.~~

~~Provided further, the developer shall be required to pay a System Replacement Fee to cover the cost of increasing the incremental capacity in the existing system facilities, should the Authority allow the developer to connect the facilities which serve the development outside the PSA, to the system facilities inside the PSA, at some future date. The terms and amount of this fee shall be determined by the provisions of the written contract which shall be set forth before beginning construction of the system facilities outside the PSA.~~

~~3. Application and Contract Required. A developer who desires water or wastewater service or both such services for a certain specified area, shall make application to the Authority before starting construction of any water or wastewater facilities. Each application shall be approved by the James City County Zoning Administrator for that area to be served and has been officially zoned for the particular type, or types, of land use described in the application. Instructions as to the form and content of applications for water and wastewater services are set forth in the "Standards."~~

~~Upon approval of the application, the developer shall enter into a written contract with the Authority in accordance with Section 29(E) below. The contract shall describe in detail all fees, rebates, refunds, or exemptions that may occur as a result of the proposed project.~~

~~4. Dedication of facilities. Immediately upon completion and acceptance of the utility facilities, such facilities shall be dedicated to the Authority on a form prescribed by the Authority. The facilities to be dedicated shall include all local and system facilities, land and rights, structures and other necessary components of the utility system. The developer, shall transfer such facilities free of debts, liens or other legal encumbrances. In addition, the developer shall submit simultaneously to the Authority a certificate of mechanic's lien waiver on all facilities dedicated by him.~~

~~5. Maintenance of facilities. The developer shall be responsible for any maintenance as a result of construction or defects of said facilities for one year from the date of initial operation or acceptance, whichever is later. To ensure compliance with this~~

~~requirement, the developer shall post with the a certified check, bond, or irrevocable letter of credit in a sum equal to ten percent of project cost or shall provide an alternative guarantee in a form acceptable to the General Manager.~~

- ~~6. Owner responsibility. Building sewer pipes and water distributing pipes shall be installed at the expense of and maintained by the property owner.~~
- ~~7. Authority standards, specifications. The design of and the equipment, materials, workmanship and procedures used in the construction and installation of local and system facilities shall be in accordance with the "Standards" established, approved and adopted by the Authority.~~
- ~~8. Plan review. The Authority shall review and approve, or revise if necessary to conform with the "Standards," prepared plans for all projects for the construction and installation of all local and system facilities prior to any construction of any such project(s).~~
- ~~9. Site inspections. During progress of construction work, the authorized representatives of the Authority and others who are directly concerned with the construction work shall have access to the locations of construction for the purpose of establishing to their satisfaction that the project(s) is being constructed to the requirements of the Authority and in accordance with the approved plans and standards and specifications.~~
- ~~10. As built drawings. As built drawings, in the form prescribed by the "Standards," shall be submitted to the Authority before the final inspection of construction is performed.~~
- ~~11. Final inspection of construction. After completion of the construction and installation of the Authority facilities, and upon written request of the developer or owner responsible for the construction, the Authority shall make a final comprehensive inspection of the completed project(s) and shall be satisfied as to conformance with the plans and standards and specifications before accepting the utility facilities as a part of the utility system.~~
- ~~12. Non-transferability. Credits for construction and installation of system facilities are non-transferable from development to development.~~

A. Construction and Ownership of New Infrastructure.

- 1. *The developer of any new subdivision intended for residential, commercial, or industrial use, or any combination thereof shall construct all water and sanitary sewer infrastructure to connect existing Authority water and/or sanitary sewer infrastructure to the new subdivision or development at the developer's expense. Immediately upon completion and acceptance of the construction work, the water and sanitary sewer infrastructure shall be dedicated to the Authority.***

2. *For master metered developments, all private water and private wastewater infrastructure located beyond the master meter and/or designated point of connection for the sanitary sewer system shall remain under the ownership and maintenance responsibility of the developer/owner.*
3. *The Authority shall have the right at any and all times to make, connect, or permit new connections, extensions, or improvements or to otherwise use the dedicated infrastructure in the best interests of the Authority.*
4. *The infrastructure to be dedicated include pipes and appurtenances, water service pipe from mains to meter connections, pumping stations, land and rights, and other necessary components of the utility system(s). Service pipes from buildings to the Authority's sanitary sewer or water meter shall be maintained by the owner of the building(s) and installed at the owner's expense.*
5. *The developer shall be responsible for any maintenance or repair as a result of construction or correction of defects of said infrastructure for one (1) year from the date of acceptance.*
6. *Plan Review. The Authority shall, in conjunction with its Engineers, review and approve, or revise if necessary to conform with the Standards, prepared plans for all projects for developing, extending, or any construction of, water mains and sanitary sewer mains, and all pertinent connections, structures and accessories proposed thereto within the Authority's jurisdiction, prior to any construction of such project.*

The Authority shall approve the size, location, and construction specifications of all infrastructure which will become a part of the Authority's systems.
7. *Materials, workmanship and procedures used in the work shall be in accordance with the Standards.*
8. *Site Inspection. During construction of any infrastructure, the Authority and its employees and agents shall have access to the construction for the purpose of establishing that the projects are being constructed to the Authority's requirements and in accordance with approved plans and specifications.*
9. *Final Inspection. After completion of the infrastructure and upon written request of the developer or owner responsible for the construction, the Authority shall make a final comprehensive inspection of the completed projects and shall be satisfied as to conformance to plans and specifications before accepting the facilities to become a part of the water and wastewater system of the Authority.*
10. *Acceptance. The Authority may accept newly constructed water and sanitary sewer infrastructure on the satisfaction of the following conditions:*

- a. *All requirements of the Standards have been fulfilled in the opinion of the Authority,*
- b. *All necessary regulatory approvals have been attained and operation permits have been issued,*
- c. *All matters relative to specific contracts between the developer or owner and the Authority have been satisfied.*
- d. *Payment has been made by the developer or owner for all fees relative to applications, inspections, and tests.*
- e. *Developer provides an affidavit affirming all contractors/subcontractors have been paid and that there are no mechanics and materials liens.*

Acceptance of the newly constructed infrastructure, when approved by the Authority, shall be made in writing to the developer or owner responsible for the construction.

The issuance of the written form of acceptance of any such infrastructure shall constitute an irrevocable agreement between the developer or owner responsible for construction and the Authority; and any officers, agents, servants and employees of the Authority shall be indemnified and held harmless by the developer or owner from liability and responsibility of any nature and kind for costs, including attorney fees, or payments on, labor, equipment, or material used in construction of the accepted infrastructure or on account of any patented or unpatented invention, process, article or appliance manufactured for or used in construction of, or for the intended operation of, the accepted facilities.

~~B. Service To Existing Development.~~

~~1. Primary service area.~~

- ~~(a) System facility capacity. Capacity to serve existing developments inside the PSA is available in existing system facilities.~~
- ~~(b) Local Facilities. The property owners of any existing subdivision or any residential, commercial, or industrial site in existence on July 1, 1984, or the owners of any combination thereof, may request the Authority to construct and install local facilities. Upon receipt of such request the Authority will determine if the request is in the best interest of the Authority, economically feasible, and system capacity is available. Upon approval of the request and upon completion of an Application for Service and Contract and the payment of applicable charges, the Authority shall construct and install such local facilities as herein required to serve each applicant reflected on the petition. The applicants shall remit in advance to the Authority a sum of money equal to:~~

- ~~(1) — the amount which equal to the sum of local facilities fees for each property to be served by the proposed construction of local facilities plus~~
- ~~(2) — the amount required to pay for the connection of the proposed local facilities to the Authority's existing system facilities.~~

~~Funds appropriated by the Authority, grant monies, donations, and County funds contributed in aid of construction, or any combination thereof, shall be deducted from the monies required to be remitted in advance by the applicants.~~

- ~~(e) — System facilities fees. Upon completion of the construction and installation of such local facilities, but before physical connection, the applicants shall remit to the Authority, the then prevailing system facilities fee. These fees may be paid in advance and accompany the Application for Service and Contract.~~
- ~~(d) — Refund to nonowners. If the local and/or system facilities fees or construction costs have been advanced to the Authority by a party other than an owner of property to be served by the new facilities, these fees shall be considered a loan to the Authority. Such charges shall be refunded to the nonowners from the local and system facilities fees that are remitted by the owners of the property, which is serviced by the new facilities, as the Authority receives such remittance. The sum of the monies refunded shall not exceed the sum of the loan; no refund shall be made after a period of ten years from the date of such advance.~~

~~2. — Outside the PSA. All terms and conditions in section 29(B)(1) above apply. The County's Comprehensive Plan generally does not support extension of facilities outside the Primary Service Area and in most cases such extensions will require the approval of the Board of Supervisors. A request for the Authority to construct and install local and system facilities will also be reviewed by the Board of Directors for consistency with the Comprehensive Plan. In addition, should the Authority elect to construct and install system facilities to serve an existing development outside the PSA, which development is independent of the system facilities within the PSA, the property owners shall remit in advance to the Authority a sum of money equal to the total estimated construction and installation costs of such system facilities. Grant monies, donations and County monies contributed in aid of construction shall be deducted from the monies required to be remitted in advance by the applicants. The property owners shall then be exempt from the payment of system facilities fees until such time that the independent system is connected to the system facilities within the PSA. Each property owner will then be liable for the system facilities fee then prevailing.~~

~~C. — Service initiated by the Authority. The Authority, upon approval of the Board of Directors, may construct and install local facilities and system facilities anywhere in its service area whenever it determines that circumstances warrant utility service, for example, to implement the land use element of the comprehensive plan, or to protect the health of its citizens or to~~

~~promote economic development of the community. The financial performance standards of the Authority shall be observed when such construction work is undertaken.~~

~~If such service is initiated by the Authority, the funding procedures contained in Sections 29 (A) and (B) above, which are based on the cost of service philosophy, shall be observed to the maximum extent possible.~~

~~The Authority may enter into contracts with any person, firm, or corporation, or municipality, or sanitary district, or other political subdivision or public body for the rendering of any unusual or extraordinary water or wastewater service or both such services; provided, the rates or charges to be paid thereunder shall be an amount which is fair and equitable, taking into account the cost to the Authority of providing such service.~~

~~Upon request by the appropriate governing body of an adjacent political jurisdiction, the General Manager may approve connections requiring less than 30,000 gallons per day sewer service and 5,000 gallons per day of water service to the JCSA water and sewer system.~~

~~D. Off-site extensions. Extensions to areas outside the Primary Service Area are not generally supported by the County's Comprehensive Plan and in most cases such extensions will require the approval of the Board of Supervisors.~~

~~1. Extensions to new developments.~~

~~(a) Cost of Extension. The construction and installation of an extension of a water or sewer line from existing local or system facilities to the property boundary of the developer shall be the responsibility of the developer and undertaken at his expense.~~

~~If, at the request of the Authority, the developer includes capacity beyond that needed for his development, the Authority shall refund to the developer the construction costs involved in including such extra capacity. The Authority shall make requests for extra capacity in accordance with recommendations for improvements found in the County's Master Water and Sewer Plan. The terms of the reimbursement shall be determined by the contract between the developer and the Authority.~~

~~(b) Local facilities. The terms and conditions of Section 29(A)(1)(a) shall be observed.~~

~~(c) System Facilities. The terms and conditions of Section 29(A)(1)(b) shall be observed.~~

~~(d) General. The terms and conditions of Section 29(A)(3) through 29(A)(12) shall be observed.~~

2. ~~Extensions to existing developments.~~

- (a) ~~Cost of extension.~~ The construction and installation of an extension of a water or sewer line, from existing local or system facilities to the property boundary of the applicants, shall be the responsibility of the applicant and undertaken at his expense.
- (b) ~~Local Facilities.~~ The terms and conditions of Section 29(B)(1) shall apply.
- (c) ~~System Facilities.~~ If system facilities to serve an existing development are necessary and are installed at the expense of the property owners, the reimbursement schedule, if applicable, shall be set forth in the contract between the applicants and the Authority.

E. ~~Conditions for Authority participation.~~ The Authority shall participate in the construction and installation costs of local and system facilities and off-site extensions to serve new development when the developer observes all of the terms and conditions set forth below; provided, the Authority reserves the right to decline to participate in a utility project with a developer if the project is either detrimental to the utility system, the project is economically unfeasible, or the project is inconsistent with the policies of the Comprehensive Plan. If the Authority selects to participate, the following conditions shall apply:

- 1. ~~Pipe size.~~ The size of pipe of water distribution mains and branch and lateral sewers shall be not less than eight inches in diameter; provided in residential districts a six (6) inch water line may be used in blocks six hundred (600) feet or less in length if such water main completes a good gridiron.
- 2. ~~Developer responsibility.~~ The developer accepts in writing sole responsibility for all matters relating to the construction and installation of all facilities required in the project, including the acquisition of all necessary permits from regulatory agencies. The developer shall acquire at his expense all easements required to install utility service to his development.
- 3. ~~Prior approvals required.~~ All required federal, state and local government approvals of both the developer's building project and utility project shall be obtained by the developer and delivered in writing to the Authority before the Utility agrees to participate in the utility project.
- 4. ~~Bidding required.~~ The intent of the provisions of the County Purchasing Manual shall be observed by the developer in the award of a contract for the construction and installation of a utility project. The project shall be awarded by the developer to the lowest responsible bidder. Authority approval of the lowest responsible bidder shall be required prior to the award of the contract.
- 5. ~~Performance guarantee.~~ Prior to the award of the contract, the developer shall furnish to the Authority either a certified check or a letter of credit in the amount of the contract award.

- ~~6. — Payments to contractor; change orders. During progress of the construction work, the Authority shall approve: (1) all project partial payments prior to payment to the contract; and (2) all change orders.~~
- ~~7. — Eligible costs. In calculating the costs of facilities which are considered developer loans to the Authority, only labor and materials costs incurred by the developer in the construction of the project are considered eligible for refund. Costs of administration, engineering and legal representation are not eligible.~~
- ~~8. — Developer option to bid. The developer may elect not to publicly bid the utility project in which case the Authority shall not participate with the developer in the cost of the project as provided for in Sections 29 (A) and 29 (D) above.~~
- ~~9. — Payments to developer; applicants. Payments on loans shall be remitted directly to the developer, his assignee or successor, or to the party or parties representing the applicants in the manner stipulated in the contract. Payments shall be made annually on the anniversary date stipulated in Section 29 (E)(10) below out of revenues collected from remittances made by applicants for service for connections made directly to the facilities and by affected non-users. No more than ten (10) such annual payments may be made. Such remittances shall be deposited in an interest-bearing escrow account and investment earnings shall be distributed to the developer.~~

~~No payments shall be made to the developer or to the applicant by the Authority until the facilities constructed and installed are formally approved by the Board of Directors and accepted into the utility system.~~

- ~~10. — Interest on loans. The unpaid balance of developer and applicant loans shall bear interest at the rate of six (6) percent per annum, compounded on the anniversary dates as follows:~~

~~(a) — Developer loans: date of acceptance of the facilities by the Authority.~~

~~(b) — Applicant loans: date facilities are placed in operation by the Authority.~~

~~This interest will be paid on the anniversary date and will reduce the balance owed to the developer and/or applicant.~~

- ~~11. — Acceptance of new facilities.~~

~~(a) — Conditions of acceptance. The General Manager shall accept newly constructed and installed water and wastewater facilities described in Sections 29 (A) and 29 (D) when satisfied that the following conditions have been observed:~~

- ~~(1) — Full compliance with all provisions of the contract between the developer or owner and the Authority.~~

- ~~(2) — Full compliance with all requirements of the "Standards."~~
- ~~(3) — Payment by the developer or owner of all applicable fees and charges prescribed in the Section 32.~~
- ~~(4) — The developer or owner understands fully that he shall be responsible for and obligated to correct all deficiencies in construction and installation of the project for a period of one year from the date of acceptance of the facilities by the Authority. (This condition shall be secured as defined in Section 29 (A)(5).)~~
- ~~(b) — Acceptance in writing. Acceptance of the newly constructed and installed facilities, when approved by the Authority, shall be made in writing to the developer or owner responsible for the construction by the General Manager of the project.~~
- ~~(c) — Agreement irrevocable. The issuance of the written form of acceptance of all such facilities shall constitute an irrevocable agreement between the developer or owner responsible for construction and the Authority; and the officers, agents, servants and employees of the Authority shall be saved harmless by the developer or owner from liability and responsibility of any nature and kind for costs of, or payments on, labor, equipment, or material used in construction of the accepted facilities or on account of any patented or unpatented inventions, process, article or appliance manufactured for or used in construction of, or for the intended operation of, the accepted facilities.~~
- ~~12. — Written contract. All the provisions of this Section, and all other pertinent provisions considered peculiar to the project but not inconsistent with these provisions, shall be incorporated into a contract and executed by the developer and the authorized representative(s) of the Authority prior to advertisement for bid.~~
- ~~13. — Prepaid facilities charge. Prepaid facilities charges shall not be permitted unless extreme circumstances apply and the following conditions are strictly observed:~~
 - ~~(a) — The dedication of capacity expires within five years from estimated project beginning date as stated in the developer's agreement with the Authority, with no refund of prepaid charges which are outstanding at the end of the dedication period.~~
 - ~~(b) — A current letter of credit is maintained which covers the anticipated service charges over the term of the agreement which provides for the prepaid charges; the letter of credit is drawn upon to make periodic service charge payments when due, according to a schedule in the developer's agreement with the Utility; in the event the letter of credit is not renewed at any time, a draft is presented to the issuer for payment of the full face value of the letter of credit, less draws~~

~~thereon, and the prepaid charges outstanding are forfeited to the Utility at the expiration of the letter of credit.~~

~~(c) Prepaid facilities charges shall not obligate the Authority to provide service outside the Primary Service Area.~~

~~14. Use of dedicated facilities unfettered. The Authority shall have the right at any and all times to make, connect or permit new connections, extensions, or improvements or to otherwise use the dedicated public utilities in the best interests of the Authority.~~

~~15. Economic feasibility. The General Manager shall determine the economic feasibility of a proposed extension or expansion. In making such a decision, the following factors shall be considered:~~

~~(a) Sufficient revenues to amortize all project costs on the accrual basis.~~

~~(b) Sufficient revenues to pay all operation, maintenance and administration costs.~~

~~(c) The time frame for the recovery of all expenses on the accrual basis shall not exceed twenty (20) years.~~

~~(d) The availability of funds in the form of contributions in aid of construction, facilities charges, donations or grants.~~

B. Conditions for Authority Participation

1. The Authority may require a developer to install water and/or sanitary sewer infrastructure larger than that required to adequately serve the developer's property. The Authority may participate in such extensions or expansions only when, in the opinion of the Authority, such extension or expansion will service properties other than that of the developer which may be required by the James City County Zoning Ordinance and Comprehensive Plan, as amended, to have public water and/or sanitary sewer available before development may occur.

2. If the Authority participates in an extension or expansion project, the developer shall enter into a written contract with the Authority agreeing to the following:

a. The developer is solely responsible for all aspects of the construction project, which shall be performed in compliance with all applicable federal, state, and local requirements and Authority Standards and regulations.

b. All required federal, state, and local government approvals of both the developer's building project and utility extension project shall be obtained by the developer and delivered in writing to the Authority prior to the Authority agreeing to participate in the project.

- c. *Unless opting to extend or expand facilities in accordance with subsection (g), the extension or expansion projects shall be publicly bid. Bid requirements and procedures shall conform to the Virginia Public Procurement Act, with the necessary changes in points of detail. The project shall be awarded to the lowest responsible bidder. Authority approval of the lowest responsible bidder shall be required prior to the award of the contract.*
- d. *Prior to the award of the contract, the developer shall furnish to the Authority a certified check, an irrevocable letter of credit, or a bond, with surety satisfactory to the Authority, in an amount sufficient for and conditioned upon the construction of the extension or expansion.*
- e. *During the construction of the project, the Authority shall approve all project estimates prior to payment to contractors.*
- f. *Upon completion of the project and acceptance into the Authority's system, the Authority shall reimburse the developer the additional cost of the extension or expansion. Reimbursement shall include only amounts paid to contractors for labor and materials and shall not include administrative, engineering, or legal fees. Provisions for reimbursement shall be incorporated into the off-site extension contract.*
- g. *The developer may elect not to publicly bid an extension or expansion project, in which case the Authority and the developer shall enter into a written contract agreeing that the Authority will reimburse the developer the difference in the cost of the extension or expansion materials required by the Authority, and the materials necessary to serve the development if extension or expansion was not required by the Authority. Such difference in cost to be determined by the Authority based on current local material prices. Differences in material unit costs shall be specified in the contract and material quantities determined upon completion of the construction.*
- h. *Whether extending or expanding facilities through a public bid process or in accordance with subsection (g), reimbursement shall not be made until such extensions or expansions are accepted into the Authority's system.*

~~F. Acquisition of privately owned systems. The Authority shall consider the acquisition of privately owned water or wastewater systems when the following questions are answered in the affirmative:~~

- ~~1. Is the privately owned system within the Primary Service Area?~~
- ~~2. Will a negotiated sales price (excluding non-Utility funds) provide economic value to the Utility in terms of physical property and other rights or in an evaluation of the projected revenue stream?~~
- ~~3. Does the Authority have capacity to serve the customers of the private system?~~

4. ~~Will the acquisition improve the customer's public health, public safety, quality or quantity of service, or the reliability of service?~~
5. ~~Does the Authority have the ability to finance the acquisition through either internally generated funds or debt?~~

~~If the answer to any of the questions above is negative, then the Authority may either seek to define mitigating factors or may choose not to acquire the system.~~

- G. ~~The Authority may, at its option, permit the direct connection of any new development to facilities owned by HRSD.~~

C. *Extensions to Existing Parcels.* Property owners who are not required to connect to the Authority's water and/or wastewater infrastructure, but are located within the PSA and request to connect to the Authority's infrastructure can do so as follows:

- a. *The property owner is responsible to make all improvements, both on-site and off-site, to the water and wastewater infrastructure necessary to serve the property. The property owner shall also be responsible for obtaining any right-of-entry, such as easements, private property agreements, and VDOT Land Use Permits that may be required to extend infrastructure.*
- b. *The Authority shall determine the size, configuration and location of the extension. The design and construction of all extensions and upgrades to the Authority's water and wastewater infrastructure shall be in accordance with the Standards, and shall be subject to the Authority's inspection and approval.*
- c. *All mains shall be extended within the right-of-way or approved easement to the point where the most remote service connection would be made, or to a point ten (10) feet beyond the lot line across which the extension is to be made, whichever is greater.*
- d. *The Authority may elect to increase the size, re-route, or add additional infrastructure in conjunction with the extension. In such cases, the Authority will reimburse the property owner the agreed upon cost associated with the Authority's request upon final acceptance of the infrastructure.*
- e. *The Authority may add or allow additional extensions and or connections to an existing main without incurring any financial obligations to the contributor of the existing main that is being extended.*

D. *Authority's Right of Refusal to Participate.* The Authority shall have the right to refuse to participate upon any reasonable grounds and specifically for any extension determined to be detrimental to the water or sanitary sewer system or when, in the sole opinion of the Authority, the extension is economically unfeasible.

- E. *Future Development Considerations.* If a developer requests to connect to existing Authority infrastructure that the Authority has cost participated in, and excess capacity is available, then the Authority may at its discretion allow the connection upon payment of a prorated portion of the Authority's costs related to the extension or expansion.
- F. *Service initiated by the Authority.* The Authority, upon approval by the Board, may construct and install water and sanitary sewer infrastructure anywhere in its service area whenever it determines that circumstances warrant utility service, for example; to implement the land use element of the comprehensive plan, or to protect the health of its citizens, or to promote economic development of the community. The financial performance standards of the Authority shall be observed when such construction work is undertaken.
- G. Upon approval of an adjacent political jurisdiction, the General Manager may approve connections requiring less than 30,000 gallons per day sanitary sewer service and 5,000 gallons per day of water service to the JCSA water and sanitary sewer system.
- H. The Authority may, at its option, permit the direct connection of any new development to facilities owned by HRSD, where HRSD also allows such connection.

~~SECTION 30. CROSS CONNECTION CONTROL AND BACKFLOW PREVENTION~~

SECTION 16. RULES AND REGULATIONS INCORPORATED BY REFERENCE

The following rules and regulations are incorporated by reference:

1. *Cross Connection Control and Backflow Prevention Program*
2. *Withdrawal Impact Mitigation Plan*
3. *Water Conservation and Drought Management Plan*
4. *Fats, Oils and Grease Program*
5. *Grinder Pump Policy*
6. *Leak Adjustment Policy*
7. *Sub-meter Policy*

~~A. Purpose. This Section is adopted for the following purposes:~~

- ~~1. — Protect the public water of James City County from the possibility of contamination, by isolating, within its customers' private water systems, contaminants or pollutants that could, under adverse conditions, backflow through uncontrolled cross connections into the public water system;~~
- ~~2. — Eliminate or control existing cross connections, actual or potential, at each water outlet from the consumer's water line;~~
- ~~3. — Provide a continuing inspection program of cross connection control that will systematically and effectively control all actual or potential cross connections in the future.~~

~~B. Authority~~

~~This Section provides for establishment and enforcement of a program of cross connection control and backflow prevention in accordance with Part II, Article 3, Cross Connection Control and Backflow Prevention in Waterworks of the Commonwealth of Virginia, State Board of Health, Waterworks Regulations 1993, as amended.~~

~~C. Violations of Section~~

~~Any water supply system owner found to be in violation of any provision of this section shall be served a written notice of violation sent certified mail to the water supply system owner's last known address, stating the nature of the violation, corrective action required and providing a reasonable time limit, not to exceed 30 days, from the date of receipt of the notice of violation,~~

~~to bring the water supply system into compliance with this Chapter. Upon failure of the owner to have the defect corrected by the end of the specified time, the General Manager shall cause the water service to the premises to be terminated. The costs of all disconnection and reconnection shall be paid by the owner or occupant of the premises. Any owner of properties served by a connection to the waterworks found guilty of violating any of the provisions of this section, or any written order of the General Manager in pursuance thereof, may be charged with a Class 1 misdemeanor and, upon conviction thereof shall be punished by a fine of not less than \$500 or more than \$1,000 for each violation. Each day upon which a violation of the provisions of this Chapter shall occur shall be deemed a separate and additional violation for the purposes of this section.~~

~~D. Administration and enforcement of section.~~

- ~~1. This section shall be administered and enforced in accordance with the Uniform Statewide Building Code and the Commonwealth of Virginia, State Board of Health, Waterworks Regulations. The General Manager, the Director of Code Compliance, the water supply system owner, and the backflow prevention device tester shall cooperate with each other for effective implementation of this program.~~
- ~~2. James City Service Authority and General Manager~~
 - ~~a. The General Manager shall develop a Cross Connection Control Program and designate a Cross Connection Control Manager who shall administer and enforce the provisions of this section.~~
- ~~3. Cross Connection Control Manager and Code Compliance~~
 - ~~a. The Cross Connection Control Manager or his designee is required to enter, survey, and inspect all premises served by the waterworks.~~
 - ~~b. The Cross Connection Control Manager shall ensure that thorough inspections and operational tests are made at least annually of backflow prevention devices or low pressure cutoff devices that are required and installed unless otherwise noted in the Program. Copies of results of these inspections and tests shall be kept on file and made available to the Division of Water Supply Engineering. The devices shall be repaired, overhauled, or replaced by the water supply system owner as directed by the Cross Connection Control Manager. Nothing in this section shall prevent the James City Service Authority from installing and operating approved devices or making repairs, the costs of which shall be borne by the water supply system owner.~~
 - ~~e. If a cross connection exists or backflow occurs into a water supply system or if the pressure in the waterworks is lowered below 10 pounds per square inch (psi) gauge, the Cross Connection Control Manager shall discontinue the water service to the water supply system. Water service shall not be restored until the deficiencies have been corrected or eliminated to the satisfaction of the Cross Connection Control Manager.~~

- ~~d. — Where, in the opinion of the Cross Connection Control Manager, the complexity of the consumer's water system warrants, the Cross Connection Control Manager may require the property owner use a backflow prevention device tester to carry out the requirements of the Cross Connection Control Program. In addition to cross connection surveys, cross connection inspections, and device testing, repair and maintenance the duties of the backflow prevention device tester. The Cross Connection Control Manager shall review the records of surveys, inspections, tests, repairs, and maintenance, make inspections of areas within such systems, and test devices on a quarterly basis.~~
 - ~~e. — The Director of Code Compliance reviews building plans and inspects new plumbing as it is installed. When the review of building plans or the inspection of a water supply system suggests or detects an actual or potential cross connection the Director of Code Compliance shall ensure that such cross connections are either eliminated or controlled with approved backflow prevention devices as outlined in the Uniform Statewide Building Code Volume I and the Program. The Cross Connection Control Manager shall provide technical assistance to the Director of Code Compliance.~~
 - ~~f. — The Director of Code Compliance shall review plans for fire service connections and lawn or irrigation systems served by the waterworks and recommend to the Cross Connection Control Manager if the plans are acceptable. If unacceptable, the designer and the Cross Connection Control Manager shall consult with the Division of Water Supply Engineering for technical assistance. The revised designs shall be resubmitted for additional review. Only after final approval by the Director of Code Compliance shall construction commence. All plans shall be submitted to the Director of Code Compliance with sufficient copies for the Director of Code Compliance to forward two copies of the plans to the Cross Connection Control Manager.~~
- ~~4. — Water Supply System Owner~~
- ~~a. — The water supply system owner has the responsibility of preventing pollutants and contaminants from entering the potable water supply system(s) or the James City Service Authority water system. The water supply system owner's responsibility starts at the point of delivery (downstream end of service connection).~~
 - ~~b. — The water supply system owner, at their own expense, shall install approved backflow prevention devices at the appropriate location(s) in their system. The water supply system owner shall operate, test, and maintain the backflow prevention device(s).~~
 - ~~e. — The water supply system owner shall not make piping changes or other arrangements to bypass backflow prevention devices.~~

- ~~d. Tests, maintenance, and repairs of backflow prevention devices shall be performed by backflow prevention device testers.~~
- ~~e. The water supply system owner shall maintain accurate records of tests and repairs made to backflow prevention devices and provide the Cross Connection Control Manager with copies of such records on request. The records shall be on forms approved by the Cross Connection Control Manager. Following any repair, overhaul, repiping, or relocation of a device, the water supply system owner shall have it tested to ensure that it is in good operating condition and will prevent backflow.~~
- ~~f. In the event of pollution or contamination of the James City Service Authority water system or a water supply system due to backflow into the water supply system, the water supply system owner shall promptly take steps to confine further spread of the pollution or contamination within the system and shall notify the James City Service Authority of the condition. The water supply system owner shall take appropriate measures to free his water supply system(s) of any pollutants or contaminants.~~

~~5. Backflow Prevention Device Tester~~

- ~~a. The tester is responsible for making inspections and for repairing or overhauling backflow prevention devices and making reports of such repairs to the water supply system owner on forms approved by the General Manager. The tester shall include the list of materials or replacement parts used in the repair, or replacement, of parts in a backflow prevention device. The tester shall not change the design or operational characteristics of a device during repair or maintenance without prior written approval of the water supply system owner and Cross Connection Control Manager.~~
- ~~b. The tester shall be equipped with, and be competent in the use of, all the necessary tools, gauges, manometers and other equipment necessary to properly test, repair, and maintain backflow prevention devices.~~

~~E. Inspections; notice to correct defects~~

~~The Cross Connection Control Manager shall have the right to enter premises served by a connection to the waterworks at any reasonable time for inspecting, observing, sampling, and testing the water supply system(s) for cross connection(s). Upon request, the water supply system owner or occupants of the property served shall furnish to the Cross Connection Control Manager pertinent information regarding the water supply system(s) on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of a cross connection.~~

F. ~~General design, installation, and maintenance standards for water supply systems~~

~~A potable water supply shall be designed, installed, and maintained in such a manner as to prevent contamination from nonpotable liquids, solids or gases, either harmful or benign, from being introduced into the potable water supply through cross-connections or any other piping connections to the system. This is accomplished by protecting every water outlet from the potable water system that poses a possible cross-connection. Wherever such outlets cannot be protected with the minimum air gap, a mechanical device shall be utilized to prevent backflow from backsiphonage or backpressure as appropriate, according to the degree of hazard. In cases where, in the judgment of the Cross Connection Control Manager, the water supply system is sufficiently complex or the severity of the hazard warrants or the premises has a history of cross-connections being established or reestablished, an air gap or backflow prevention device shall be required immediately downstream from the service connection or at a point approved by the General Manager.~~

G. ~~Preventive and control measures~~

~~A backflow prevention device shall be installed at each service connection to a water supply system serving the premises when one or more of the following conditions exist:~~

- ~~1. Premises on which any substance is handled in such a manner as to create an actual or potential hazard to the waterworks. This shall include premises having sources or systems containing process fluids or water originating from the waterworks that are not under the control of the James City Service Authority.~~
- ~~2. Premises that, in the judgment of the Cross Connection Control Manager, have either internal cross connections that are not easily correctable or intricate plumbing arrangements that make it impracticable to determine whether cross-connections exist.~~
- ~~3. Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impracticable to make a complete cross connection survey.~~
- ~~4. Premises having a repeated history of cross connections being established or reestablished.~~
- ~~5. Other premises specified by the Cross Connection Control Manager where causes can be shown that a potential cross connection hazard not enumerated above exists. Examples may include multiple use commercial, office, warehouse, or other premises where the degree of hazard is subject to change without knowledge of the Cross Connection Control Manager.~~

H. ~~Protective devices for fire assemblies~~

~~A backflow prevention assembly shall be installed at fire protection system service connections to the premises' water supply system or to the waterworks in accordance with Section P-1507.13.3 BOCA Plumbing Code, 1993. latest revisions.~~

I. ~~Backflow prevention assemblies~~

~~Any backflow prevention assembly required herein shall be an approved backflow prevention assembly.~~

~~All presently installed backflow prevention assemblies which do not meet the requirements of this section but were approved devices for the purposes described herein at the time of installation and have been properly maintained shall, except for the testing and maintenance requirements under paragraph J, be excluded from the requirements of this section for so long as the General Manager is assured that they will satisfactorily protect the James City Service Authority water system. Whenever the existing device is moved from the present location or requires more than minimum maintenance or when the Cross Connection Control Manager finds that the maintenance constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the requirements of this section.~~

J. ~~Inspection requirements~~

~~Testing and inspection schedules shall be established by the Cross Connection Control Manager for all backflow prevention assemblies. The interval between testing and inspections and overhauls of each assembly shall be established in accordance with the condition of the assembly and the assembly manufacturer's recommendations. Inspection and testing intervals shall not exceed one year unless otherwise established by the Cross Connection Control Manager based on the degree of hazard and overhaul intervals shall not exceed five years. Repair and overhauls shall use the assembly manufacturer's parts kit(s).~~

SECTION 32 17. GENERAL RATE POLICY AND RATE SCHEDULE

A. General rate policy. ~~The determination of rates for the Authority is based upon three interrelated elements:~~ *Rates for water and sanitary sewer service shall be established by the Board of Directors pursuant to the Virginia Water and Waste Authorities Act (Va. Code § 15.2-5100 et seq.).*

1. ~~Revenue requirements.~~ Revenue requirements to ensure proper operation and maintenance, development and perpetuation of the system, legal requirements imposed by the Code of Virginia and by debt agreements, and maintenance of the Authority financial integrity.

Revenue requirements are generally defined under either a cash basis or a utility basis. EPA mandates a utility basis for a system constructed with grant funds and the major regulatory agencies endorse the utility basis for defining revenue requirements.

A brief visual comparison is shown below:

<u>Revenue requirements defined</u>	<u>Cash basis</u>	<u>Utility basis</u>
Operations and maintenance	X	X
Debt service – interest expense	X	X
Debt service – payment of principal and reserves	X	
Annual requirements for improvements	X	
Return on investment		X
Depreciation		X

The Authority endorses and uses the cash basis to define revenue requirements with improvements financed from commodity service charges and connection fees.

2. ~~Allocation of costs to services provided.~~ Water and wastewater systems are designed and built with several objectives and the associated costs should be allocated to these cost components, as follows:

<u>Water</u>	<u>Wastewater</u>
Base costs for service	Base costs for collection
Demand costs	Base costs for treatment
Customer costs	Demand costs
Direct fire protection	Customer costs
Future capacity	Future capacity

~~Water and wastewater systems must have the capacity, and therefore generate costs, to provide basic services for average consumption. They must also be designed to meet customer demands for peak usage—seasonal, maximum day and maximum hour. There are certain costs that are also associated with customers, such as meter reading and billing, that are not associated with usage. Water systems also provide capacity (and incur costs) for fire protection.~~

~~If a system can be developed to isolate these costs and assess them based upon the parties benefitted, then the "cost of service" assignment of costs philosophy is best met. This procedure is identified as the Base-Extra Capacity Method. The Authority has adopted a goal of fully implementing the base-extra capacity method to associate charges with service.~~

~~This rate policy is a major step in pursuit of that goal and generally has included the following basic tenets:~~

- ~~(a) — Base costs will be assigned to the overall customer base and a separate charge will be assessed for customer costs. The base costs will be billed, whenever possible, on the basis of demand or usage, using water consumption as measured by a meter.~~
 - ~~(b) — Costs of excess capacity shall be assessed against the entire customer base until a satisfactory method can be developed to assess these costs to specific beneficiaries.~~
 - ~~(c) — The costs of future capacity for both water and wastewater, as well as the specific costs for fire protection have been financed in the past by contributions from the County. A specific identification of the costs and benefits associated with future capacity and fire service should better define and clarify the County's role in utility financing.~~
- ~~3. — Distribution of costs to customer classes. In the past the Authority has allocated costs to various customer classes based upon an estimate of equivalent residential units with average service requirements. The rate revisions proposed attempt to eliminate estimates of usage and substitute actual usage for customer classes based upon metered consumption. These rates clearly attempt to establish service charges most directly in relationship to the cost of service. Customer classes are defined by meter size. This meter size determines the capacity for service and therefore reflects the customer's proportional estimated use. Actual use will be the basis for billing unless actual use cannot be measured. In that case, estimated use based upon equivalent residential units will be assessed.~~

~~Costs relating to unique uses of the system, such as separate fire connections and grinder pumps, are proposed to be assessed separately to those customer classes who benefit.~~

The following are the rates and fees:

B A. Wastewater charges.

1. System facilities charge. A system facility charge for wastewater collection service to be furnished through each new separate service connection which is to be made to a public sewer *the Authority's Sanitary Sewer System*, regardless of who may have paid for the installation of the public sewer to which the connection is to be made, shall be paid by each applicant for service prior to the installation of *wastewater service connections*, as follows:

Water Meter Size	Wastewater System Facilities Charge
5/8"	\$3,583
3/4"	\$5,375
1"	\$8,958
1-1/2"	\$17,915
2"	\$28,664
3"	\$62,703
4"	\$107,490
6"	\$241,853
8"	\$286,640
10"	\$412,045

The system facilities charge for compound meters shall be based on the largest meter size unless the Authority determines, at its sole discretion, the charge shall be based on a smaller meter size fee as supported by project specific design data and sound engineering judgment.

Additional system facility charges shall apply for additions to existing structures requiring an increase in meter size. The additional charge shall consist of the incremental increase from the original meter size to the new meter size. No credit shall be granted for a decrease in meter size.

Non-metered water service.

Where water is provided by an unmetered source, the ~~following estimated~~ charges shall be assessed *as follows*:

Non-metered single-family residential connections shall pay the 5/8" meter size wastewater system facilities fee.

Non-metered commercial and non-metered non-single-family residential connections shall pay the wastewater system facilities fee based on the water meter size that would be required for the facility to be served if water service was available. The applicant shall provide *JCSA Authority* with the plumbing fixtures associated with the facility and *JCSA Authority* will determine the appropriate meter size as follows:

1. Peak water demand will be calculated from fixture unit load valves based on Table E103.3 from the current edition of the International Plumbing Code.
2. The meter size will then be selected from Table C.1.1.12 (AWWA Standard C700-77) assuming 80% safe operating capacity for the meter.

The purpose of this *the system facility* charge is to defray in part the cost of providing force mains, pump stations, ~~transmission mains, and collection systems. booster pumps, and other system facilities.~~ The charge shall be paid prior to the issuance of a plumbing permit from ~~Code Compliance~~ *Building Safety and Permits*.

2. ~~Local facilities charge~~ *Wastewater service connection fee*. A ~~local facilities charge~~ *wastewater service connection fee* of \$1,818 for each separate connection to ~~public~~ *the Authority's sanitary sewer system* shall be paid by each applicant who ~~desires to secure wastewater service therefrom, which charge shall be paid prior to the~~ *upon* approval of the application for service, ~~and prior to the issuance of a plumbing permit by Building Safety and Permits, and making the connection.;~~ *provided, however, in any instance where satisfactory evidence shows that an applicant has paid the cost of installation of the local facility to which the connection is to be made, either by installing the local facility at his expense and then conveying the same to the Authority (or its predecessors) or by reimbursing the Authority (or its predecessors) for the cost of such local facilities, the local facilities charge shall be waived. Additionally, when the Authority did not install or have a rebate agreement, the local facilities charge shall also be waived.*

~~In situations where a new wastewater system has been installed by the Authority and whereas any applicant adjacent to this new system that has an existing septic system desires to secure wastewater service therefrom, the local facilities charge shall be waived for a period of 12 months from the completion date of the new wastewater system installation.~~

~~If the service connection is required by the Authority, the wastewater service connection fee shall be paid and the Authority shall provide the service connection. Exceptions are as follows:~~

- a. ~~If the service connection is not required by the Authority, the service connection fee shall be waived and the applicant shall be required to make the connection at their own expense.~~
- b. ~~If a service connection previously installed by a developer exists to the applicant's property, the service connection fee is waived.~~
- c. ~~Non-Residential properties are exempt from the service connection fee; however, the applicant must make the connection at their own expense.~~

~~The purpose of this charge is to defray in part the cost of installing **collection mains which are necessary to provide wastewater collection service to abutting properties and which have been provided at the expense of the Authority or persons, firms or corporations other than the applicant** *wastewater service*~~

connections where applicable. The charge shall be paid prior to the issuance of a plumbing permit from Building Safety and Permits.

3. Grinder Pump Installation and Maintenance Charge.

~~(a) Any applicant for a sewer connection requiring a residential grinder pump may purchase the grinder pump (that meets Authority Standards and Specifications) plus ancillary parts from the Authority at cost if the grinder pump is necessary to replace an existing septic system. In addition, if the connection to the public sewer system is replacing a septic system, the applicant is eligible for the deferred payment plan discussed in Paragraph G, Section 2.~~

~~(b) The Authority may, at the applicant request, install the residential grinder pump for the cost of materials as stated above plus labor and equipment costs. These costs are in addition to the normal Sewer System Facilities Charge if required. Grinder pumps will normally be installed within the existing right of way where the force main is located. If the topography dictates that the grinder pump be located within the applicant's property then the Authority will prepare the necessary plat and easement for the applicant to execute to permit installation of the grinder pump on the applicants property.~~

~~(c) An annual grinder pump maintenance charge of \$350.00 shall be paid for each separate connection to a grinder pump when the operation and maintenance of said residential grinder pump is the responsibility of the Authority. The payment for this charge will be prorated in equal amounts in the customers' utility service charge billing. The Authority shall not maintain nonresidential grinder pumps or other commercial pump stations unless such utility maintenance is deemed by the Authority to be in the interest of the public health or is necessary to protect the integrity of the system, or such facility is located within a designated Reservoir Protection Zone.~~

~~(d) Maintenance of sewage grinder pumps is the responsibility of the property owner. The property owner may contract with the JCSA for maintenance services. Maintenance contracts are between the property owner and the JCSA, and are not transferable or assignable by the property owner. Upon a transfer of title or ownership of the land upon which the grinder pump is located, a new contract for maintenance may be formed with the JCSA at the owner's election. Any prior contracts for sewage pump maintenance shall be terminated upon transfer of title or ownership.~~

(a) Maintenance of sanitary sewer grinder pumps is the responsibility of the property owner, unless a residential property owner applies for and enters into a grinder pump service agreement with the Authority subject to compliance with the Authority's current grinder pump policy. The Authority shall not maintain nonresidential grinder pumps or other commercial pump stations unless it is deemed to be in the best interest of the Authority.

(b) *If a residential grinder pump service agreement is entered into, an annual grinder pump maintenance charge of \$350.00 shall be paid for each separate connection to a grinder pump. The payment for this charge will be prorated in equal amounts in the customers' utility service charge billing.*

(c) *Existing grinder pump service agreements, contracts, or grandfathered grinder pump maintenance agreements between the property owner and the Authority are not transferable or assignable by the property owner and automatically terminate upon transfer of title or ownership of the property.*

4. ~~Service connection charge.~~ A service connection charge shall be paid by each applicant for each new service connection prior to the approval of the application therefor, as follows:

Service installed by: _____ Charge

Developer, applicant _____ \$10 per connection inspection fee

Authority _____ Actual cost times 1.25, including overhead

~~The purpose of this charge is to defray the cost of installation or inspection of a service connection from the public sewer main in the street to the curb or property line.~~

~~The service connection charge shall be waived provided the applicant has paid a local facilities charge and the sewer service line is not greater than 6 inches in diameter for a gravity main or 2 inches in diameter for a force main. In the event that the service connection charge is not waived, the local facilities charge will be applied against the service connection charge.~~

5 4. Retail service rates charge. The wastewater service charge shall be based on usage from a metered water source where available. For wastewater service on an unmetered water source a meter size equivalent shall be used, based upon an estimated charge. *Wastewater service charges shall be as follows:*

(a) Metered water source.

Charge for all collection and treatment of wastewater

(1) Fixed Charge- Each customer bill shall include a Fixed Charge *fixed charge* based upon the size of the meter serving the customer. The Fixed Charge *fixed charge* for each billing cycle shall be calculated based on the fixed charge chart below. This Fixed Charge *fixed charge* is for expenses associated with operating and maintaining the wastewater collection system.

Water Meter Size	Monthly Fixed Charge
5/8"	\$2.00
3/4"	\$3.00
1"	\$5.01
1-1/2"	\$10.01
2"	\$16.01
3"	\$32.02
4"	\$50.03
6"	\$100.06
8"	\$160.10
10"	\$230.14

(2) Volumetric Charge- The wastewater service charge shall be based upon a volumetric consumption (of water) charged as follows:

<u>Volume</u>	<u>Collection</u>
Per 1,000 gallons of water consumed	\$3.11
Per 100 cubic feet of water consumed	\$2.33

~~Metered water usage shall be reduced by a metered reading from a landscaping meter or similar device if the landscaping meter or device is registered with the Authority.~~

Wastewater volumetric charges may be reduced by a sub-metered reading if an irrigation sub-meter is registered with the Authority.

~~A copy of the deduction meter reading must be received by the Authority 20 days prior to the end of each billing period. Regardless of the length of time, sub-meter reading adjustments will only be allowed up to the consumption in the current billing period and must be submitted by the required due date.~~

(b) Unmetered water source.

Where no meter exists or where meter readings are not made available by the water supplier to the Authority, then the following estimated charges shall be assessed:

<u>Activity, use</u>	<u>Unit</u>	<u>Collection</u>
Single family residences	Each	\$ 42.00
Single family mobile homes	Each	42.00
Mobile homes in parks	Each lot	37.25
Duplex, apartments and townhouses	Each	37.25
Schools (with showers)	Student	4.25
Schools (without showers)	Student	2.65

Motels and hotels	Room	18.55
—Minimum		186.70
Manufacturing	Msf	11.10
—Minimum		55.85
Warehouses	Msf	7.45
—Minimum		46.50
Service stations	Each	49.95
Camping facilities	Each space	16.25
—Minimum		64.25
Restaurants	Seat	4.95
—Minimum		55.85
Commercial	Msf	18.55
—Minimum	1,000 Sq. Ft.	55.85
Churches	Each	40.65
Swimming pools	Sfe	40.65
Laundromats	Sfe	40.65

<i>Activity, use</i>	<i>Unit</i>	<i>Collection-Monthly</i>
<i>Single-family residences</i>	<i>Each</i>	<i>\$ 14.00</i>
<i>Single-family mobile homes</i>	<i>Each</i>	<i>\$ 14.00</i>
<i>Mobile homes in parks</i>	<i>Each lot</i>	<i>\$ 12.42</i>
<i>Duplex, apartments and townhouses</i>	<i>Each</i>	<i>\$ 12.42</i>
<i>Manufacturing</i>	<i>1,000 square feet</i>	<i>\$ 3.70</i>
<i>Minimum</i>		<i>\$ 18.62</i>
<i>Warehouses</i>	<i>1,000 square feet</i>	<i>\$ 2.48</i>
<i>Minimum</i>		<i>\$ 15.50</i>
<i>Restaurants</i>	<i>Seat</i>	<i>\$ 1.65</i>
<i>Minimum</i>		<i>\$ 18.62</i>
<i>Commercial</i>	<i>1,000 square feet</i>	<i>\$ 6.18</i>
<i>Minimum</i>		<i>\$ 18.62</i>
<i>Churches</i>	<i>Each</i>	<i>\$ 13.55</i>

Commercial condensate discharged to the sanitary sewer system, when approved by HRSD and the Authority, shall be billed annually at the current wastewater collection metered retail service volumetric rate. The bill shall be based on a condensate volume estimate prepared by the customer or customer's designated representative and approved by JCSA Engineering. The bill shall be based on an estimated condensate volume prepared in accordance with HRSD's criteria and shall be agreed upon by HRSD and the Authority.

Others to be established when needed.

The purpose of the retail service charge is to defray all other costs associated with operation and maintenance, and capital improvement for of providing wastewater collection for domestic, commercial, and industrial uses including replacement, renewals, and extensions; and the repayment of money borrowed to acquire or construct the wastewater collection and transmission system.

C B. Water charges.

1. System facilities charge. A system facilities charge for water service to be furnished through each new separate service connection which is to be made to a public the Authority's water main system, regardless of who may have paid for the installation of the public water main to which the connection is to be made, shall be paid by each applicant for service prior to the installation of the water service connection, as follows:

Water Meter Size	Water System Facilities Charge
5/8"	\$3,219
3/4"	\$4,829
1"	\$8,048
1-1/2"	\$16,095
2"	\$25,752
3"	\$56,333
4"	\$96,570
6"	\$217,283
8"	\$257,520
10"	\$370,185

~~The System Facilities charge for compound meters shall be based on the largest meter size. The System Facilities charge for a Designated Fire Protection Connection shall be based on the connection size rather than the meter size charge.~~

- (a) *The system facilities charge for compound meters shall be based on the largest meter size.*
- (b) *The system facilities charge for a designated fire protection connection shall be based on the connection size rather than the meter size.*
- (c) *A meter installation charge of \$50, plus the meter cost if the meter is provided by the Authority, shall be paid by each applicant for each new service connection and meter installation prior to the connection being made.*
- (d) *Additional system facility charges shall apply for additions to existing structures requiring an increase in meter size. The additional charge shall consist of the incremental increase from the original meter size to the new meter size. No credit shall be granted for a decrease in meter size.*
- (e) *System Facilities Charge Exemption. Any lots created after August 10, 2004, which are to be served by an Independent Water System, shall be exempt from the Water System Facilities Charge.*

The purpose of this **the system facilities** charge is to defray in part the cost of providing major supply, transmission main, booster pumping, and distribution storage facilities **tanks, and distribution system**. The charge shall be paid prior to the issuance of a plumbing permit from Building Safety and Permits.

2. ~~Local facilities charge~~ **Water service connection fee**. A ~~local facilities charge~~ **water service connection fee** of \$1,436 for each separate connection to ~~an existing water main~~ **the Authority's water system** shall be paid by each applicant ~~who desires to secure water service therefrom, which charge shall be paid prior to the approval of the~~ **upon application for service, and prior to the issuance of a plumbing permit by Building Safety and Permits and making the connection;** provided, however, in any instance where satisfactory evidence shows that an applicant for a connection has paid the cost of installation of the local facility to which the connection is to be made, either by installing the local facility at his expense and then conveying the same to the Authority (or its predecessors) or by reimbursing the Authority (or its predecessors) for the cost of such local facility, the ~~local facilities charge shall be waived. Additionally, where the Authority did not install or have a rebate agreement, the local facilities charge shall also be waived.~~

If the service connection is required by the Authority, the water service connection fee shall be paid and the Authority shall provide the service connection. Exceptions are as follows:

- a. *If the service connection is not required by the Authority, the service connection fee shall be waived and the applicant shall be required to make the connection at their own expense.*
- b. *If a service connection previously installed by a developer exists to the applicant's property, the service connection fee is waived.*
- c. *Non-Residential properties are exempt from the service connection fee; however, the applicant must make the connection at their own expense.*

The purpose of this charge is to defray in part the cost of ~~installing mains, valves and fire hydrants which are necessary to provide water service to abutting properties and which have been provided at the expense of the Authority or persons, firms or corporations other than the applicant. The charge shall be paid prior to the issuance of a plumbing permit from Building Safety and Permits~~ **installing water service connections where applicable.**

3. ~~Service connection charge~~. A service connection charge shall be paid by each applicant for each new service connection and meter installation prior to the approval of the application, as follows:

Installation of connection by _____ Charge
 Developer, applicant _____ \$10 per meter inspection fee
 Authority _____ Actual cost times 1.25, including overhead

The purpose of this charge is to defray the cost of installation or inspection of a service connection from the water main in the street to the curb or property line and the installation of a meter either at the curb or property line or within the premises.

The service connection charge shall be waived provided the applicant has paid a local facilities charge and the water service line is not greater than 2 inches in diameter. In the event that the service connection charge is not waived, the local facilities charge will be applied against the service connection charge.

4.3. Retail service charge. ~~Water~~ The water service charge shall be based upon a ~~commodity charge for all consumption~~ on usage from a metered water source, as follows:

(a) Fixed Charge-Each customer bill shall include a ~~Fixed Charge~~ fixed charge based upon the size of the meter serving the customer. The ~~Fixed Charge~~ fixed charge for each billing cycle shall be calculated based on the fixed charge chart below. This ~~Fixed Charge~~ fixed charge is for expenses associated with operating and maintaining the water distribution system.

Water Meter Size	Monthly Fixed Charge
5/8"	\$5.23
3/4"	\$7.84
1"	\$13.06
1-1/2"	\$26.13
2"	\$41.81
3"	\$91.45
4"	\$156.77
6"	\$352.74
8"	\$418.07
10"	\$600.97

(b) Volumetric Charge - Water service shall be based upon a ~~commodity~~ volumetric consumption charge for all consumption, as follows:

Single-Family Residential			
Tier 1	Tier 2	Tier 3	Tier 4
Monthly Use:	Monthly Use:	Monthly Use:	Monthly Use:
0-4,000 gallons	4,001-8,000 gallons	8,001-12,000 gallons	12,001+ gallons
Rate Per 1,000 Gallons			
\$3.62	\$6.58	\$13.16	\$20.40
Multi-Family Residential and Non-Residential			
All Meter Sizes	All Use		
Rate Per 1,000 Gallons	\$5.72		

The purpose of the retail service charge is to defray all costs associated with operation and maintenance, and capital improvement for providing water service treatment, transmission, and distribution for domestic, commercial, and industrial uses and for firefighting purposes, including repayment of moneys borrowed to acquire or construct the water system; operation and maintenance; and renewals, replacements and extensions, including replacement, renewals, and extensions, and the repayment of money borrowed to acquire or construct the water treatment, transmission, and distribution system.

~~D C.~~ Independent Water Systems Connection Fee. ~~The developer of any Independent Water System for which the development plans are submitted in accordance with the provisions of Section 19-57, Water Facilities of the Subdivision Ordinance, shall be required to pay a per lot or residential unit Independent Water System Connection Fee of \$8,000 to the JCSA for each lot or residential unit created by the subdivision prior to final approval of a subdivision plat. Any approved subdivision that has been dedicated to and accepted by the JCSA as of April 26, 2011, shall remain at \$4,000 per lot. The developer of any subdivision that requires an Independent Water System to comply with the County Subdivision Ordinance, shall be required to pay to the Authority a connection fee as follows:~~

1. ~~An independent water system approved by the County and the Authority prior to April 26, 2011, shall pay a fee of \$4,000 per lot or residential unit. Payment shall be made prior to final approval of a subdivision plat.~~
2. ~~An independent water system approved by the County and the Authority after April 26, 2011, shall pay a fee of \$8,000 per lot or residential unit. Payment shall be made prior to the acceptance by the Authority of the independent water production and treatment facility.~~

The monies collected shall be placed in a dedicated account; the proceeds and investment returns will be used to offset the costs of operating the Independent Water Systems created after August 10, 2004. Should it become financially practical for the JCSA Authority to connect an Independent Water System constructed under these provisions to the JCSA Authority Central Water System and all necessary land use approvals are obtained from the County, then the monies deposited in the account for such system shall be used to offset the costs of constructing the infrastructure to connect the two water systems. Any balance of the funds will remain in the JCSA Authority account and will be used to offset the operating deficits of the Independent Water System created after August 10, 2004.

1. ~~Contractual Agreement. Any developer (person, corporation or partnership) of an Independent Water System that is to be dedicated to the JCSA shall enter into an agreement with the JCSA prior to approval by the JCSA of the Independent Water Facility submission. The agreement shall set forth, at a minimum, the following:~~
 - a. ~~The location, size, and capacity of the facilities to be constructed;~~
 - b. ~~The developer's obligation to comply with the requirements of the JCSA regulations Section 29.A.2; and~~
 - c. ~~The obligation of the developer to dedicate and the JCSA to accept the facilities pursuant to Section 29.A.4. of the JCSA regulations and after payment of the Independent Water Connection Fee set forth in Paragraph D above.~~

~~2. System Facilities Charge Exemption. Any lots created after August 10, 2004, which are to be served by an Independent Water System, shall be exempt from the Water System Facilities Charge set forth in Section 32. C. 1. of the Regulations Governing Utility Service.~~

~~E. Exceptions to local, system facilities charges. The provisions of Section 29 above shall be observed when there is a conflict between Section 29 and the provisions of Sections 32 (B) and 32 (C) above.~~

F D. Billing and account charges. The *Where certain conditions are met, the* following charges shall be assessed for any customer billed by the Authority.

1. Account charge. An account charge of \$10.00 (~~\$20.00 if the meter is read~~) shall be paid by each applicant ~~for continuing service, whether~~ for a new account or for a transfer of account, for water and/or wastewater service.

The purpose of this charge is to defray the cost incurred in clerical and bookkeeping activities, the turning on of services, and/or meter reading required for each new account or transfer of account.

2. Transaction charge for late payment. A transaction charge for late payment of 1.5% will be assessed on the balance due once the bill is delinquent and then every 30 days thereafter. The late charge will be added to a bill in the event the bill is not paid within twenty-one (21) days following the date thereof.

The purpose of this charge is to defray the cost associated with the rebilling of accounts not paid on a prompt basis.

3. Interest charge for late payments with a lien. An interest charge for late payment of 8 percent simple interest on the principal (delinquent amount) due, shall be added to any account when a lien has been placed upon real estate. Such lien on any real estate may be discharged by the payment to the Authority of the total lien amount, penalty, and the interest which has accrued to the date of the payment.

4. Restoration of service charge. Where service has been terminated ~~on account of the due to~~ nonpayment of any bill, a restoration of service charge of \$30.00 *shall be paid.* (~~\$100.00 for a single service wastewater customer not on metered water service~~) shall be paid before service is restored, ~~except as defined in Section 17 (A)(2).~~

The purpose of this charge is to defray the expenses of terminating and restoring service, including clerical and bookkeeping activities.

5. Meter test deposit fee. A test of a water meter shall be done at the request of a water customer upon payment of a meter test deposit as defined in Section 11 *fee.* ~~If the meter is found to be 3 percent or more fast then the deposit shall be refunded. If inoperable or 25 percent or more slow, the deposit shall be credited against a revised billing.~~ The deposit *meter test fee* shall be determined by meter size, as follows:

Meter size	Deposit	Meter test fee
5/8" to 1"		\$75
Greater than 1"		\$100

When the meter is found to have registered three percent or greater increase between the meter reading and calibrated testing device, the customer shall receive a refund of the overcharge as a credit against future charges for the period that the meter was in use, but not to exceed six months. In addition, the fee remitted with the application for test shall be refunded in full.

No refund of the fee shall be made when the meter registration is less than three percent between the meter reading and calibrated testing device.

- ~~6. Fire hydrant charge. For customer requested hydrants installed under the provisions of Section 21, there shall be an installation cost of actual cost plus an allowance of 25 percent for overhead. The applicant shall deposit with the Authority an estimated fee prepared by the Authority, subsequently adjusted at the completion of the installation with costs exceeding the estimate billed or, in case the estimate exceeds the cost, refunded to the applicant.~~

The purpose of this charge is to assess to the user the cost of installing fire hydrants for the benefit of the applicant.

- ~~7 6. Temporary water service charge. Under the provisions of Section 22, an applicant for temporary service shall pay, upon application, for the estimated costs of installing, replacing and removing the facilities which are required to furnish such services plus an allowance of 25 percent for overhead. The applicant shall receive a refund if the estimate exceeds the actual. The applicant shall also pay service charges and all charges caused by a late payment or nonpayment. The applicant may also be required to post a deposit as described in Section 6. An applicant for temporary service shall pay, upon application, for the estimated costs of installing, replacing, and removing the infrastructure which is required to furnish such services, plus an allowance of 33 percent for overhead. Any difference between the estimated costs and the actual costs shall either be billed or refunded to the applicant. All applicable usage charges and penalties shall apply. A temporary service shall not exceed 6 months.~~

In the event the temporary service becomes a permanent connection, the cost of facilities installed with moneys advanced by the applicant, which are used in providing permanent service to such applicant, shall be credited to such applicant when service connection fees are remitted for the permanent service connection.

The purpose of this charge is to cover the cost of installing, replacing, and removing temporary services for the benefit of the applicant.

8 7. Fire connection detector check meter charge. Fire connection detector check meters shall be read and billed at least annually or on a more frequent basis, as determined by the Authority. Rates governing normal water usage shall be assessed.

Fire connection detector check meters monitor non-fire flow usage from a fire connection and there should be little or no water activity.

G E. Multiple charges on bills. ~~All~~*In addition to* charges and fees *described* above, *bills may include additional* ~~are in addition to~~ charges and fees assessed and owed to Newport News Waterworks, the Hampton Roads Sanitation District, or any other private or municipal utility.

H F. No free service. There shall be no utility service provided to any customer without the assessment of service charges.

I G. Plan Review Fee. The following charges shall be assessed for the appropriate plan. The purpose of this charge is to defray cost incurred for time used to provide engineer technical review.

<u>Document</u>	<u>Collection</u>
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REZONINGS

5 acres or less	\$100
Greater than 5, but less than 10 acres	\$150
Greater than 10 acres	\$200

SPECIAL USE PERMITS (SUP)

General	\$200
Family Subdivision	\$ 50
Wireless Communication Facilities	\$ 50
Other	\$ 50

SITE PLANS

Administrative Review

Residential Structures (Multifamily)	\$300 plus \$5 per unit
Nonresidential Structures	\$300
Mixed Use Structures	\$200 plus \$5 per residential unit
Utility Easement Plat Review	\$300

Planning Commission Review

Residential Structures (Multifamily)	\$300 plus \$5 per unit
Nonresidential Structures	\$300
Mixed Use Structures	\$300 plus \$5 per residential unit
Utility Easement Plat Review	\$300

Amendment to an Approved Plan

Residential Structures (Multifamily)	\$150 plus \$2 per residential unit
Nonresidential Structures	\$150
Mixed Use Structures	\$150 plus \$2 per residential unit
Utility Easement Plat Review	\$150
Each additional review after —second resubmission	\$150

MASTER PLAN REVIEW

Initial Review	\$600
Revision of plan	\$600

CONCEPTUAL PLAN FOR WATER AND SEWER

General	\$100
Master Utility Plans and Modeling	\$300
Each additional review after —second resubmission	\$150

SUBDIVISION PLAN REVIEW

No Public Improvements Required	\$75
Public Improvements Required	\$300 per plan plus \$5 per lot
Wastewater Pumping Station	\$2,000
Well Facility	\$3,000
Each additional review after —second resubmission	\$150

<i>Document</i>	<i>Fee</i>
<i>Rezoning</i>	<i>\$150</i>
<i>Special Use Permits</i>	<i>\$100</i>
<i>Site Plan-Administrative and Planning Commission Reviews</i>	
<i>-Residential Structures (multifamily)</i>	<i>\$300 plus \$5 per unit</i>
<i>-Nonresidential Use Structures</i>	<i>\$300</i>
<i>-Mixed Use Structures</i>	<i>\$300 plus \$5 per res unit</i>
<i>-Each additional review after 2nd re-submission</i>	<i>\$150</i>
<i>Subdivision Plan Reviews</i>	
<i>-No public utilities required</i>	<i>\$75</i>
<i>-Public utilities required</i>	<i>\$300 plus \$5 per lot</i>
<i>-Each additional review after 2nd re-submission</i>	<i>\$150 plus \$2 per lot</i>
<i>Water/Wastewater Facility Review</i>	
<i>-Wastewater Pumping Station</i>	<i>\$3,500</i>
<i>-Well Facility</i>	<i>\$5,000</i>

-Each additional review after 2nd re-submission	\$600
Master Plan Review	
-General Review	\$600
-Master Plan Revision	\$600
-Master Utility Plan and Modelling (initial and revision)	\$1000 plus \$2 per lot
Conceptual Plan Review	\$150
Plat Review	\$300
Amendment to Approved Plan	
Site Plan	
-Residential Structures (multifamily)	\$150 plus \$2 per unit
-Nonresidential Use Structures	\$150
-Mixed Use Structures	\$150 plus \$2 per res unit
-Each additional review after 2nd re-submission	\$150
Subdivision Plan	
-Public utilities required	\$150 plus \$2 per lot
-Each additional review after 2nd re-submission	\$150

The purpose of this fee is to defray the expenses of plan review.

~~J H.~~ Re-Inspection Fee. There shall be an re-inspection fee of ~~\$25.00~~ **50.00** for the third and subsequent inspections for water and sanitary sewer service connections *and fats, oils, and grease (FOG) re-inspections.* These will include, but are not limited to, water meter box installations, water and sanitary sewer service line connections, and grinder pump ~~installations~~ *service agreement inspections.* This charge will be paid prior to the third and ~~or all~~ subsequent inspections.

The purpose of this fee is to defray the expenses of making multiple on-site inspections to correct previously identified deficiencies.

~~K I.~~ Sub-Meter Account Charge. An account charge of \$18.00 shall be paid annually by each customer who has established a Sub-Meter Account. The payment for this charge will be prorated in equal amounts in the customer utility service charge billing.

The purpose of this charge is to defray the cost incurred in clerical and bookkeeping activities. ~~The sending out and receiving of sub-meter forms for each reading and making adjustments to the respective accounts.~~

~~L J.~~ Inspection Fee for Water and Sanitary Sewer Lines Mains. There shall be a fee for the inspection of ~~public water and sewer installations~~ *water and sanitary sewer infrastructure to be dedicated or turned over to the Authority upon completion.* Such fee shall be \$2.87 per foot for every foot of water main and sewer main constructed and shall be submitted at the time of ~~filing an application for a certificate to construct.~~ *The fee shall be \$4.10 per linear foot of water mains, sanitary sewer mains, and 6-inch laterals to be constructed. Inspection fees shall be paid at the time of filing an application for a Certificate to Construct.*

Additional inspection fees will be required for any field modifications or plan amendments that result in water and sanitary sewer infrastructure changes to previously inspected infrastructure. The additional inspection fees shall be \$4.10 per linear foot of mains, any size of laterals, and water service piping requiring inspection. Additional inspection fees shall be paid prior to the Authority providing subsequent inspections.

The purpose of this change is to defray the cost incurred to make the actual inspection of the water and sewer lines. The purpose of this change is to defray the cost incurred by the Authority to conduct inspection and administration on behalf of the Authority of the water and sanitary sewer mains and laterals.

K. Facility Inspection Fee. There shall be a fee for the inspection of water and sanitary sewer facilities (i.e. well facilities, storage tanks, and pump stations) to be dedicated or turned over to the Authority upon completion. The fee shall be 1.5% of the facility construction cost as approved by the Authority. Inspection fees shall be paid at the time of filing an application for a Certificate to Construct.

The purpose of this charge is to defray the cost incurred by the Authority to conduct the Authority's inspection and construction administration on behalf of the Authority for the water and sanitary sewer facilities.

M L. Outdoor Water Use Fee. The following fee or fees will be assessed for any customer or builder who installs referenced outdoor watering devices or systems.

1. Outdoor Hose Bib Fee. There shall be Outdoor Hose Bib Fee of \$500.00 established for each residential and commercial account that has ~~an~~ *one or more* outdoor hose bib installed. This fee will be paid prior to issuance of Plumbing Permit by the County Building Safety and Permits Division.
2. Lawn Irrigation System Fee. *Where lawn irrigation systems are being connected to the Authority's water system,* There shall be a Lawn Irrigation System Fee of \$1000.00 established for each residential and commercial account, ~~as described below:~~ *An irrigation system connected to the Authority's water system and supplemented by a cistern or rainwater harvesting type system will not be exempt from this fee.*

<u>Lot Size</u>	<u>Connection Fee</u>
Up to 10,000 Sq. Ft.	\$250.00
10,001 to 30,000 Sq. Ft.	\$500.00
30,001 to 45,000 Sq. Ft.	\$800.00
Over 45,000 Sq. Ft.	\$1,400.00

This fee will be paid to the ~~JCSA~~ *Authority* prior to issuance of a Lawn Irrigation Permit by the County Building Safety and Permits Division.

The purpose of the above fees are to defray in part the cost of providing major supply, transmission main, booster pumping and distribution storage facilities required to meet irrigation demands.

M. Required deposit. *At the discretion of the Authority deposits may be required in the following circumstances.*

1. *The applicant is a tenant and the owner does not execute an application for service and contract.*
2. *The applicant has previously had service terminated for nonpayment or had been assessed a transaction charge for late payment three times during the last 24 months of prior service.*
3. *The applicant currently has a utility bill that is past due.*
4. *The applicant desires temporary service for any purpose other than at a construction site.*
5. *Service is terminated and the customer requests that the service be reinstated.*

If the Authority holds a deposit of a customer who has service terminated as a result of nonpayment, the deposit will not be applied to the outstanding balance if the customer desires service to be reinstated. In addition, a second deposit will be required before service is reinstated under the provisions of these Regulations The Authority will hold no more than two deposits at any given time for the same customer account.

N. Returned payment charge. *A charge of thirty dollars (\$30.00) plus any applicable bank or other charges incurred by the Authority as a result of the returned payment shall be assessed for any payment of a utility bill that is returned for insufficient or uncollected funds, or drawn on a closed or nonexistent account. If such payment was presented in order to avoid termination of service for nonpayment of a utility bill, or to have service restored after such termination, utility service shall be terminated and this charge, as well as all others due and payable, shall be submitted in cash, cashier's check, certified check, or money order before utility service is restored.*

Sect17RatePolicySchedule

SECTION 3. APPLICATION FOR SERVICE AND CONTRACT

~~A. General.~~

- ~~1. Any person qualified by these Regulations who either desires or is required to connect to water or wastewater service shall complete and submit to the Authority at its office an "Application for Service and Contract" according to the regulations below.~~
- ~~2. All information requested by the Authority shall be provided before an application is approved.~~
- ~~3. A separate service connection shall be required for each premises unless otherwise determined by the Authority in accordance with Section 12 below.~~
- ~~4. All applicable charges shall be paid before service is provided. Authority service shall not be provided to any prospective customer if that customer has any outstanding and unpaid utility charges arising from prior utility service to such prospective customer, except as provided in Section 13 (L) below.~~

~~B. Content of application. The application for service and contract form shall contain, in addition to the information described below in Section 3(C), the following:~~

- ~~1. Written assurance to the prospective customer that the customer shall receive, upon request, a copy of these Regulations.~~
- ~~2. Written acknowledgment by the prospective customer, that as a customer, he is responsible for the timely and complete payment of all utility charges arising from utility service supplied to the premises identified in the application for service and contract form, which charges are due and payable upon receipt of the utility bill; and that in the event of nonpayment of such charges the Authority shall either terminate service or institute any action at law to satisfy unpaid bills, or both.~~

~~C. Service to existing connection. Application for service and contract may be made in person or by phone by the owner or tenant at which time a Service Request Form will be filled out. When the application is for a premises previously or currently billed for utility service the account for that premises is transferred to the applicant's name on the date that service is requested.~~

~~The Service Request Form shall contain the following information:~~

- ~~1. Date of application~~
- ~~2. Name of prospective customer.~~
- ~~3. Social Security Number of Customer if provided.~~
- ~~4. Name of owner (if different than the applicant).~~

- ~~5.—The mailing address to be supplied utility service.~~
- ~~6.—The address to which the utility bill is to be sent (if different than the premises).~~
- ~~7.—The desired date for commencement of utility service.~~

~~When the situation arises and there is an anticipated need to prevent water damage, the applicant for water service to an existing premises to which public water has been supplied previously must arrange to have someone present with access to the premises when the water is turned on. Twenty four hours' notice shall be given to schedule such turn-on.~~

- ~~D.—Service to new connection on existing facilities.—Application for service and contract for initial service to serve either an existing or future structure to which facilities of the Authority are adjacent and available shall be made by the owner or authorized agent on a form prescribed and furnished by the Authority for the purpose of such application. The application shall be in writing, signed and verified by the owner of the premises to which the service is to be connected, and contain the following information and attachment(s):~~
- ~~1.—The information identified in Section 3 (B) above.~~
 - ~~2.—Name and social security number or employer identification number of owner and tenant, if applicable, and street address of the premises to be supplied utility service.~~
 - ~~3.—Name of subdivision.~~
 - ~~4.—Tax map number of the parcel to which the service connection is to be made.~~
 - ~~5.—The desired date for commencement of utility service.~~
 - ~~6.—Size of service requested.~~
 - ~~7.—Address to which bills are to be mailed or delivered (if different than the premises).~~
 - ~~8.—The square feet and proposed use of the structure which the owner intends to build (not required if a site plan has been submitted and approved or for residential structures).~~
 - ~~9.—The anticipated water demand and sewage flow, in gallons, except single family dwelling units and mobile homes (not required for developments that have submitted and have approved site plans or for residential structures).~~
 - ~~10.—Other information as may reasonably be required.~~
 - ~~11.—Agreement to abide by the Regulations of the Authority.~~
-

- ~~E. Service to new connection on new facilities. When either water service or wastewater service is desired to serve existing or future structures or new development which requires the construction of new facilities, application for service and contract shall be made by the owner as required in Section 29 entitled "Extension and Expansion of Authority Facilities."~~
- ~~F. Facility capacity. Facility capacity shall be obligated by contract on a first come – first serve basis and in the best interests of the Authority.~~

SECTION 4. LOW INCOME PAYMENT PLAN

The Authority provides by agreement an installment plan program to aid low income homeowners in paying the local and system facilities fees, for water and sewer service, charged to applicants for new connections. To be eligible, prospective customers shall apply at the James City County Office of Community Development. If the applicant is deemed eligible, he shall be permitted to pay the local and system facilities fees in monthly installments without interest, after the service connection has been made. The payment plan shall exist until the entire amount of the connection fees has been paid or until the property is sold. The amount of the installments and length of the payment period shall be based on the recommendations made to the Authority by the Office of Community Development.

- A. Eligibility Criteria. Low income households shall be defined as those with total gross income below eighty percent of the area median income adjusted for family size as determined by the U.S. Department of Housing and Urban Development. The applicant shall be required to occupy the property and have title or ownership interest in the property. If the applicant is deemed eligible, then he shall enter into a contract with the Authority which provides conditions to be observed by both parties, as well as a specific payment schedule, set forth by the Office of Community Development. A Deed of Trust shall be placed on the applicant's property to ensure payment of the amount owed to the Authority.
- B. Payment Schedule Determination. Thirty percent of the household's adjusted gross monthly income based on U.S. Department of Housing and Urban Development guidelines shall be calculated. From this amount, housing expenses shall be subtracted to arrive at a residual figure. Housing expenses shall include mortgage payments, real estate taxes, hazard insurance, utilities and maintenance. Mortgage payments shall include payments on purchase money mortgage and housing rehabilitation mortgages, as well as payments on loans required to finance other water and sewer installation expenses. Utilities shall include projected water and sewer usage charges, as well as all other utilities, excluding telephone and cable television. A utility allowance determined by the Office of Community Development shall be used for these projections, provided, the applicant may provide proof of higher actual bills. Maintenance shall be calculated at a flat rate of \$35.00 per month.
1. For those households whose total gross income is between fifty and eighty percent of the area median income the required monthly installment payment shall be equal to the residual figure determined above. A minimum payment of \$20.00 per month shall be required.
 2. For those households whose total gross income is below fifty percent of the area median income, the required monthly installment payment shall be equal to the residual figure determined above. If this residual figure is a negative number, payment shall be deferred for one year, at which time the residual figure shall be recalculated and a new payment plan determined.
- C. Collection of other funds advanced. The Authority may enter into an agreement with the Office of Community Development to collect installment payments on funds loaned to customers for the purpose of paying for expenses of connecting to water and sewer in addition to local and system facility fees.

- D. ~~Payment.~~ Installment payments shall be made monthly to the Authority, either in person or by mail. Payments shall be due on the first day of the month with a late payment fee charged if the payment is received after the fifteenth day of the month. The late payment fee shall equal five percent of the monthly payment rounded to the nearest dollar.
- E. ~~Change in Ownership.~~ Should the ownership of the property change before the fees have been completely paid to the Authority, the balance of the fees shall be due immediately in accordance with the provisions of the Deed of Trust. Exception shall be made when the change in ownership is based on inheritance and the new owner of the property also qualifies for the program and agrees to assume the liability for the balance of the unpaid fees. A payment plan will then be calculated by the Community Development Office based on the new owner's gross monthly household income.
- F. ~~Rights of the Authority.~~ All recommendations made by the Office of Community Development are subject to approval by the General Manager. In cases of financial crisis, the General Manager may approve a written agreement with the customer to temporarily modify the payment plan. However, the Authority reserves the right to call due the balance of the unpaid fees should the program participant be found to be habitually delinquent.

SECTION 6. DEPOSIT

~~To secure the Authority against loss, these Regulations require certain customers and applicants for service to provide a deposit to guarantee payment for utility services received when certain conditions apply.~~

- A. ~~Required deposit. Each applicant for service or for reinstatement of service shall post a deposit for one and one-half times billing period's estimated charges with the Authority if one or more of the following circumstances applies:~~
- ~~1. The applicant is a tenant and the owner does not execute an application for service and contract.~~
 - ~~2. The applicant has previously had service terminated for nonpayment or had been assessed a transaction charge for late payment three times during the last 24 months of prior service.~~
 - ~~3. The applicant currently has a utility bill which is past due.~~
 - ~~4. The applicant desires temporary service for any purpose other than at a construction site.~~
 - ~~5. Service is terminated and the customer requests that the service be reinstated.~~
- B. ~~Receipt. Upon receiving a cash deposit, the Authority shall furnish the applicant for service or customer a receipt showing: 1) the date thereof; 2) the name of the applicant or customer and the address of the premises to be served; 3) the utility service to be furnished; and, 4) the amount of the deposit.~~
- C. ~~Refund of deposit. Upon termination of service, the Authority shall promptly and automatically refund the customer's deposit, or the balance, if any, in excess of the unpaid utility bills for service furnished by the Authority. A transfer of service from one premises to another within the service area of the Authority shall not be deemed a termination of service within the meaning of these Regulations.~~
- D. ~~Record of Deposit. The Authority shall keep a record of each cash deposit until the deposit is refunded. The record shall show:~~
- ~~1. the name and current billing address of each depositor; and~~
 - ~~2. the amount and date of the deposit; and~~
 - ~~3. each transaction concerning the deposit.~~

- E. ~~Appeal by applicant or customer.~~ The Authority customer representative shall inform an applicant for service or customer if a deposit is required. If the applicant expresses dissatisfaction with the decision of the Authority customer representative on the matter of the deposit, the Authority customer representative shall inform the applicant of his right to have the problem considered and acted upon by the General Manager. The decision of the General Manager shall be final and binding on the Authority and the applicant or customer.
- F. ~~Number of Deposits.~~ If the Authority holds a deposit of a customer who has service terminated as a result of nonpayment, the deposit will not be applied to the outstanding balance if the customer desires service to be reinstated. In addition, a second deposit will be required before service is reinstated under the provisions of subsection A above. The Authority will hold no more than two deposits at any given time for the same customer account.

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SECTION 7. NOTICES

The following regulations shall be observed when either an applicant or customer, as appropriate, gives notice to the Authority and when the Authority gives notice to an applicant or customer.

A. ~~Applicant, customer notices.~~ The applicant or customer shall give to the Authority written notice at the office of the Authority or shall notify the Authority in person or by telephone on the following matters:

1. ~~Application for service, including temporary service.~~
2. ~~Request to either turn on or terminate service; if notice is to terminate service, then a forwarding address shall be supplied.~~
3. ~~Request for a meter for private water supply.~~
4. ~~Request for a meter accuracy test.~~
5. ~~Disputed utility bill.~~
6. ~~Change in mailing address if different than that of the premises.~~
7. ~~Request for change in service, notice of complaint, notice of mailing address change, notice for a service connection, or request for a line inspection.~~

B. ~~Utility notice.~~ The Authority shall give to the applicant or customer, as appropriate, written notice at the last known mailing address on the following matters:

1. ~~Amount of bill due.~~
2. ~~Failure to observe a regulation.~~
3. ~~Scheduled temporary shutdown for repairs, improvements.~~
4. ~~Termination of service.~~

~~In an emergency or when conditions warrant, the Authority may give notice either by phone or in person.~~

SECTION 9. BUILDING SEWER; WATER SERVICE PIPE

~~The materials and equipment used in, and the construction and installation of the building sewer and water service pipe, shall comply with the Virginia Uniform Statewide Building Code. The required permits shall be obtained from the County Department of Code Compliance before construction, alteration or repair is commenced on a building sewer or water service pipe or connection thereof is made to a service connection.~~

SECTION 11. METER TESTS; ADJUSTMENT OF BILL

- A. ~~Test for accuracy.~~ A customer may request the Authority to examine and to test the meter serving his premises to ascertain the accuracy of the registration of the amount of water delivered through it. The request for such test shall be made by written application to the Authority. A deposit in an amount determined by meter size reflected in Section 32 shall accompany the application to cover the cost of the test.
- B. ~~Written report.~~ The Authority shall then remove the meter and, in the presence of the customer, or in the presence of his authorized representative, when so requested by the customer, conduct a test of the accuracy of such meter. A written report of the results of the test shall be delivered to the customer within ten calendar days after completion of the test.
- C. ~~Bill adjustment.~~
1. ~~Fast meter.~~ When the meter is found to have registered three percent or greater increase on any flow level, the customer shall receive a refund of the overcharge, either in cash or a credit against future charges at the option of the customer, for the period that the meter was in use, but not to exceed six months. In addition, the deposit remitted with the application for test shall be refunded in full.

No refund of the deposit shall be made when the meter registration is less than three percent fast.
 2. ~~Slow meter.~~ When the meter for a domestic service is more than twenty five percent slow on any flow level, the customer shall be billed for the undercharge for the period that the meter was in use, but not to exceed six months. When a meter used for other than domestic service is more than five percent slow, the customer shall be billed for the undercharge for the period that the meter was in service, but not to exceed six months. The deposit remitted with the application for test shall be refunded.
 3. ~~No registration.~~ When a defective meter does not register, the Authority shall bill the customer an average of the consumption shown on the last three (3) consecutive utility bills or if historical data is absent then base bill on the minimum monthly metered rate.

SECTION 12. SEPARATE SERVICE CONNECTIONS; MULTIPLE UNITS

~~Each dwelling unit and each unit in a non-residential structure shall be served by a separate service connection and a separate meter; provided, however, the premises identified below shall be considered one premises and shall be served by one service connection and one meter:~~

- ~~A. — Residence used as a rooming house;~~
- ~~B. — Dwelling or building for transients;~~
- ~~C. — Dwelling with accessory apartment;~~
- ~~D. — Mobile home park where the utility service to each mobile home lot is included in the rent;~~
- ~~E. — Nonresidential structure which contains two or more contiguous units occupied by a tenant or lessee where the utility service is included in the rent;~~
- ~~F. — Separate houses, buildings, or mobile homes located on the same premises and under single ownership or management.~~

SECTION 14. CUSTOMER DISPUTE WITH THE UTILITY BILL

A. ~~General.~~ At any time before the date of termination of utility service for nonpayment of the amount(s) shown on either a utility bill or a notice of termination, a customer may dispute the correctness of all or part of the amount(s) shown in accordance with the provisions of these Regulations.

A customer shall not be entitled to dispute the correctness of all or part of the amount(s) if all or part of the amount(s) was (were) the subject of a previous dispute under this Section.

B. ~~Procedure.~~ The procedure for customer disputes shall be as follows:

1. ~~Before the date of termination, the customer shall notify the Authority in writing at its office that he disputes all or part of the amount(s) shown on a utility bill, or a notice of termination, stating as completely as possible the basis for the dispute.~~
2. ~~If the Authority determines that the present dispute is either untimely or that the customer previously disputed the correctness of all or part of the amount(s) shown, the Utility shall mail to the customer a notice stating that the present dispute is untimely or invalid. The Utility shall then proceed as if the customer had not notified the Utility of the present dispute.~~
3. ~~If the Authority determines that the present dispute is timely or valid under this Section, the Authority, within three (3) days after receipt of the customer's notice, shall arrange an informal meeting between the customer and the Utility customer representative.~~
4. ~~Based on the Authority's records, the customer's allegations and all other relevant materials available to the customer representative, the customer representative shall resolve the dispute, attempting to do so in a manner satisfactory to both the customer and the Authority.~~
5. ~~Within five (5) days of completion of the meeting, the customer representative shall mail to the customer a notice of his decision resolving the dispute.~~
6. ~~If the decision is unsatisfactory to the customer, the customer, within seven (7) days of the date of notice of the customer representative's decision, may request in writing a hearing before the General Manager.~~
7. ~~The hearing before the General Manager shall be held within ten (10) days of the Authority's receipt of the customer's written request.~~
8. ~~At the hearing the Authority and the customer shall be entitled to present all evidence that is, in the view of the General Manager, relevant and material to the dispute.~~
9. ~~Based on the record established at the hearing, the General Manager, within five (5) days of completion of the hearing, shall issue his written decision formally resolving the dispute. His decision shall be final and binding on the Authority and the customer.~~

- ~~C. Payment of undisputed charges. Use of this dispute procedure shall not relieve a customer of his obligation to timely and completely pay all other undisputed utility charges and the undisputed portion(s) of the amount(s) which is (are) the subject of the present dispute. Notwithstanding Section 14(D) below, failure to timely and completely pay all such undisputed amounts shall subject the customer to termination of utility service in accordance with the provisions of these Regulations.~~
- ~~D. Payment of disputed charges. Until the date of the General Manager decision, the Authority shall not terminate the utility service of the customer and shall not issue a notice of termination to him solely for nonpayment of the disputed amount(s). If it is determined that the customer must pay some or all of the disputed amount(s), the Authority shall promptly mail to, or personally serve upon, the customer a notice of termination, which shall contain the following:~~
- ~~1. The amount to be paid.~~
 - ~~2. The date of the notice of termination.~~
 - ~~3. The date of termination, which shall be ten (10) days after the date of notice of termination.~~
 - ~~4. Notice that unless the Authority receives at its office complete payment of the amount shown prior to the date of termination, utility service shall be terminated under Sections 15 and 16 below.~~

SECTION 16. UTILITY SERVICE TERMINATION PROCEDURE

- ~~A. Nonpayment of utility charge. The provisions of this Section shall govern all terminations of utility service for nonpayment of utility charges.~~
- ~~1. Notice of termination. If by the payment date shown on a utility bill the Authority has not received complete payment of the amount(s) shown on the bill, the Authority shall mail to, or personally serve upon, the customer a notice of termination within seven (7) days after the payment date. In case of a customer tenant, the Authority shall mail a copy of such notice to the owner of the premises.~~
 - ~~2. Content of notice. The notice of termination shall contain the following:~~
 - ~~(a) The amount to be paid.~~
 - ~~(b) The date of the notice of termination.~~
 - ~~(c) The date of termination, which shall be at least ten (10) days from the date of the notice of termination.~~
 - ~~(d) Notice that unless the Authority receives at its office complete payment of the amount shown prior to the date of termination, utility service shall be terminated under Section 16 (A)(3) below.~~
 - ~~(e) Notice that in lieu of paying the entire amount shown, a customer, prior to the date of termination, may notify the Authority that he disputes the correctness of all or part of the amount shown, if all or part of the amount shown was not the subject of a previous dispute under Section 14 above.~~
 - ~~(f) The telephone number of the Authority customer representative.~~
 - ~~3. Termination of utility service. If, prior to the date of termination:~~
 - ~~(a) the Authority has not received at its office complete payment of the amount shown on the notice of termination, or~~
 - ~~(b) the customer has not notified the Authority that he disputes the correctness of all or part of the amount shown on the notice of termination, then the Authority shall terminate utility service provided to the customer on the date of termination.~~
 - ~~4. Payment prior to termination date. If the Authority receives payment at its office of the entire amount shown on the notice of termination prior to the date of termination, such payment shall be considered a timely and complete payment for purposes of these Regulations.~~
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~~5. Payment in the Field. If an employee of the Authority goes to a site for the purpose of terminating service to a customer for nonpayment, and such customer requests to pay the employee the amount owed to the Authority in order to avoid service termination, then an additional \$10.00 fee shall be assessed. Payment, of the entire amount, shall be made by check.~~

~~B. Other causes. Normally, the notice and period of time for compliance provisions of Section 16 (A) above shall govern the termination of service for causes other than the nonpayment of utility charges; provided, however, when warranted by the circumstances, the period of time for compliance may be either collapsed or suspended.~~

~~1. Content of notice. The notice of termination for causes other than the nonpayment of utility charges shall contain the following:~~

~~(a) The cause of the termination.~~

~~(b) The corrective action required by the customer when such action is under the control of the customer and the cause can be corrected by the customer without loss or injury to the Authority.~~

~~(c) The date of the notice of termination.~~

~~(d) The date of termination of service.~~

~~(e) Notice that unless the corrective action is completed prior to the date of termination, utility service shall be terminated on the date of termination.~~

~~In case of a customer tenant, the Authority shall mail a copy of such notice to the owner of the premises.~~

~~C. Method of termination. When utility service is terminated one or more of the following methods shall be used:~~

~~1. Sewer service. Sewer service shall be terminated by one of the following methods:~~

~~(a) If water service is furnished to the customer by the Authority, the water supply shall be cut off and the meter removed.~~

~~(b) If water supply is furnished to the customer by the owner, or an entity other than the Authority, the Authority reserves the right to:~~

~~(1) Remove the meter used for measuring the water supply to the public sewer, or~~

~~(2) Seal the building sewer, or~~

~~(3) Remove the sewer service connection to the public sewer.~~

2. ~~Water service.~~ Either Section 16 (C)(1)(a) or (b) above shall be observed.

D. ~~Limitations on termination of utility service.~~

1. ~~Hours, days of termination.~~ The Authority shall terminate utility service for nonpayment of utility charges or for other causes only during the hours of 8:00 a.m. to 4:00 p.m., Monday thru Thursday. No termination shall be permitted on a legal holiday or on the day before a legal holiday.
2. ~~Suspension of limitations.~~ When warranted by the circumstances the limitations in Section 16 (D)(1) above shall not apply to the termination of utility service for causes other than nonpayment of utility charges.

SECTION 17. RESTORATION OF UTILITY SERVICE

- A. ~~Conditions for restoration.~~ When it has been necessary to terminate utility service to any premises because of a violation of these Regulations, or because of nonpayment of any utility bill, utility service shall be restored upon payment of the following charges:
1. ~~If service was terminated only by turn-off of water which supplies the premises, the customer shall pay charges as prescribed in Section 32 for turning on the water plus arrears in charges that may be due and payable to the Authority by the customer.~~
 2. ~~If service was terminated by sealing the building sewage drain, or by removal of the service connection to the public sewer, the customer shall pay the charge as prescribed in Section 32. Such charge shall be estimated by the Authority upon application for restoration of service and the customer shall pay the amount of the estimate prior to restoration of service. Any adjustment in actual cost shall be made upon completion of the restoration of service.~~
- B. ~~Hours, days for restoration.~~ Restoration of water service for nonpayment of a utility bill is made during working hours, 8:30 a.m. to 5:00 p.m., Monday through Friday, within twelve hours of the Authority receipt of complete payment of the amount the nonpayment of which prompted the termination. Such payment shall not be considered a timely payment for purposes of these Regulations.
- C. ~~Deposit.~~ Prior to restoration of service for nonpayment of a utility bill, the customer shall make a deposit as provided in Section 6 of these Regulations.
- D. ~~Other causes.~~ Restoration of service for causes other than nonpayment of utility charges shall be made upon completion of the work necessitated by the termination of service.

SECTION 18. COMPUTATION OF TIME

~~In computing any period of time prescribed by these Regulations, exclusive of Section 17 above, the date of the act or event which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday or a legal holiday, in which event the period runs until the next day which is not a Saturday, a Sunday or a legal holiday. When the period of time prescribed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.~~

SECTION 20. DELINQUENT ACCOUNTS; ACTIONS AT LAW

To secure monies due and payable to the Authority from the customer whose account is delinquent because of the nonpayment of a utility bill(s) totaling more than \$250.00, the General Manager and Attorney shall perform as required the following tasks:

A. Lien for charges.

1. Real estate. Charges for utility services shall be lien upon the premises as provided by the Code of Virginia (1950, as amended). Two (2) weeks after the date that utility service is terminated, as provided in Sections 15 and 16 above, the General Manager shall file with the Clerk of the Circuit Court of James City County a "Statement of Lien." This statement shall contain the following:

- (a) Legal description of the premises served.
- (b) Amount of the unpaid bill.
- (c) Notice that the Authority claims a lien for the amount of the unpaid bill and for all charges for utility service subsequent to the period covered by such bill.
- (d) Petition the Clerk to record the lien in the judgment lien book.

Such lien, when properly entered, shall be enforced by the Authority Attorney as described in Section 20 (B) below.

Normally, such statements shall be batched monthly by the General Manager and filed with the Clerk.

2. Personal property. Two (2) days after the date that utility service is terminated, as provided in Sections 15 and 16 above, the General Manager shall file with the Authority Attorney a "Statement of Delinquent Account" when such account is one hundred dollars (\$100) or more in arrears. This statement shall contain the following:

- (a) Name and last known address of the customer.
- (b) Amount of the unpaid bill, the amount(s) classified according to utility service(s) furnished.
- (c) Time period covered by the unpaid bill.
- (d) Date complete payment was due and payable.
- (e) A copy of the "Application for Service and Contract."
- (f) Petition to the Authority Attorney to motion for a judgment for money in the

~~James City County General District Court (James City County Circuit Court when the sum of unpaid bill exceeds \$7,000).~~

~~The Authority Attorney shall immediately motion for judgment for money in the proper court of James City County. When judgment for money is rendered against the customer and the customer defaults in the payment thereof, the Authority Attorney shall immediately request the ruling court for a writ of feri facias and he shall docket same in all jurisdictions in which the customer is known to own or have interest in real or personal property, or both, thereby creating a lien upon such property.~~

~~B. — Enforcement of lien.~~

- ~~1. — Writ of fieri facias. When a writ of feri facias has been issued, the Authority Attorney shall petition the James City County court having jurisdiction to issue to the customer a summons to answer interrogatories to ascertain the personal estate (goods and chattels) and the real estate in and out of the Commonwealth, on which the writ is lien.~~
- ~~2. — Interrogatories. Upon the issuance and service of such summons to the customer to answer interrogatories, the Authority Attorney shall secure from the customer sufficient information about ownership and interest in real and personal estate to determine the appropriate action to satisfy the judgment for money.~~
- ~~3. — Garnishment; levy; creditor's suit. The Authority Attorney, on facts learned during the interrogatories, shall initiate at his election the following actions:~~
 - ~~(a) — Garnishment. A petition to the Clerk of the James City County General District Court to issue a summons to one or more garnishees (a third party, e.g., an employer, who is indebted to the customer) to enforce the lien created by the writ. Payment(s) rendered to the Authority by the garnishee shall be applied in satisfaction of the judgment for money.~~
 - ~~(b) — Levy. A petition to the Sheriff of James City County to levy on the personal property (e.g., savings account, checking account, notes, securities, automobiles) of the customer. The Authority Attorney shall request the Sheriff to levy on certain personal estate (goods and chattels) at a certain location(s). The Sheriff seizes and then sells the goods and chattels of the customer and returns to the Authority the proceeds therefrom to satisfy the judgment for money. At the request of the Sheriff, the Authority Attorney shall cause the procurement of a bond to indemnify the Sheriff in such seizure and sale.~~
 - ~~(c) — Creditor's suit; sale of land. When the judgment for money cannot be satisfied by the personal estate of the customer, the Authority Attorney institutes a suit in equity to have the real estate, if any, of the customer sold; provided, however, such suit shall not be instituted until the sum of the unpaid bill amounts to at least five hundred dollars (\$500), or the sum of the unpaid bill amounts to at least two hundred fifty dollars (\$250) and a period of three years has elapsed from date of~~

~~termination of service reflected on the notice of termination of service.~~

~~(d) — Enforcement priority; customer tenant. The Authority Attorney, without delay, shall (1) obtain judgment for money against a customer tenant who is delinquent in the payment of a utility bill and (2) cause the clerk of court to issue a writ of feri facias upon the property of such customer tenant. The Authority Attorney shall make a reasonable effort to satisfy the judgment from the personal and real estate of the customer tenant before instituting action at law to satisfy the judgment against the owner of the real estate the use of which by the customer-tenant gave cause for the judgment for money.~~

~~(e) — Suspension of action. The Authority Attorney, at his discretion, and after conferring with the James City County Director of Social Services, may suspend action to motion for judgment for money, or to initiate a creditor's suit, when a customer is the recipient of either unemployment compensation, or workmen's compensation, or a participant in a social services program.~~

~~C. — Tenant Delinquent Accounts Less Than \$250.00. For bills totaling less than \$250.00, the JCSA will obtain judgment against a tenant before placing a lien on the landlord's property.~~

Sec20_DelinAccts

SECTION 22. TEMPORARY SERVICE

- A. ~~Special purposes; conditions.~~ Temporary service shall be provided to builders and developers at construction sites and for such special purposes as a circus, bazaar, fair, outdoor music or entertainment festival, irrigation of vacant property and similar uses when the following conditions are observed:
1. ~~Temporary service is available for a period not to exceed six months; such service is billed in accordance with Section 32.~~
 2. ~~Completion and execution of an agreement on a form provided by the Authority which describes the nature of the temporary service.~~
 3. ~~Remit with the application for temporary service a sum of money equal to the estimated cost of installing, maintaining, replacing and removing the facilities which are required to furnish such service.~~
 4. ~~No wastewater may enter a sewer service connection until the installation of the service connection is approved by the Authority.~~
- B. ~~Credit for permanent connection.~~ In the event the temporary service becomes a permanent connection, the cost of facilities installed with moneys advanced by the applicant, which are used in providing regular service to such applicant, shall be credited to such applicant when facilities charges are remitted for the regular service connection.

~~SECTION 25. GROUND WIRE ATTACHMENTS~~

~~The Authority may terminate service, after proper notice, in the event electrolysis damage occurs to the public water mains of the Authority by the attachment of electrical ground wires to building water piping.~~

SECTION 28. SWIMMING POOLS

- A. ~~Unmetered water.~~ Upon written application, which shall be filed annually, the Authority shall credit the sewer account of a customer with a private swimming pool where the water in filling the empty pool is not metered and not discharged into the public sewer, when the following conditions are observed:
1. ~~The swimming pool contains 5,000 gallons of water or more;~~
 2. ~~A certificate, provided by the Authority, is presented by the pool contractor or pool maintenance firm which certifies the gallons of water used in filling the pool.~~
 3. ~~Where the customer constructs his own swimming pool or performs maintenance which requires filling or refilling, the customer presents to the Authority documentation (plans, drawings) that substantiates the water capacity of the pool and certifies the same as in (2) above.~~
- B. ~~Metered water.~~ Upon written application and approval of the Authority, the applicant may install a separate water meter at applicant's expense to supply a private swimming pool. Water supplied to a swimming pool through such separate meter, which is not discharged into the public sewer, shall be annually read and credited to the sewer account of the customer.