

**TOWN OF LEESBURG
NOTICE OF PUBLIC HEARING**

LEESBURG TOWN CODE AMENDMENTS:

- I. CHAPTER 34 (UTILITIES), ARTICLE II (WATER SYSTEM), DIVISION 1 (GENERALLY), SECTION 34-39 (CROSS CONNECTION AND BACKFLOW PREVENTION CONTROL PROGRAM)**
- II. APPENDIX B-FEE SCHEDULE, SECTION 34-39 (CROSS CONNECTION AND BACKFLOW PREVENTION PROGRAM) TO ADD A FEE OF \$30 FOR FAILURE TO COMPLY WITH CROSS CONNECTION AND BACKFLOW PREVENTION CONTROL PROGRAM**

Pursuant to Sections 15.2-107, 15.2-1427, 15.2-2109, 15.2-2111, 15.2-2122, 15.2-2119, and 15.2-2143 of the Code of Virginia, 1950, as amended, the **LEESBURG TOWN COUNCIL** will hold a public hearing on **Tuesday, September 25, 2012, at 7:30 p.m.** in the Town Council Chambers, 25 West Market Street, Leesburg, Virginia to consider the following amendments to the Town Code:

Sec. 34-39. - Cross connection and backflow prevention control program.

The cross connection and backflow prevention control program, as may be amended from time to time, is hereby incorporated herein by reference and made a part hereof as if fully set out in this article. A fee in the amount established by the town council shall be charged for resumption of water service after discontinuance for failure to comply with this program.

Appendix B-Fee Schedule. Section 34-39. Resumption of Water Service after Discontinuance for Failure to Comply with Cross Connection and Backflow Prevention Control Program

Adding a fee of \$30.00 for resumption of water service after discontinuance for failure to comply with the Cross-Connection and Backflow Prevention Control Program.

A copy of and additional information regarding this proposed amendment is available at the Office of the Town Clerk located at 25 West Market Street, Leesburg, Virginia during normal business hours (Monday-Friday, 8:30 a.m. to 5:00 p.m.) or by calling (703) 771-2733 and asking for Lee Ann Green.

At this hearing all persons desiring to express their views regarding these matters will be heard. Persons requiring special accommodations should contact the Clerk of Council at 703-771-2733, three day in advance. For TTY/TDD service, use the Virginia Relay Center by dialing 711.

9/12/12, 9/19/12



Date of Council Meeting: September 25, 2012

**TOWN OF LEESBURG
TOWN COUNCIL MEETING – PUBLIC HEARING**

Subject: Town Code amendment to Chapter 34 (Utilities) Article II and Section 34 of Appendix B, Fee Schedule.

Staff Contact: Amy Wyks, Director of Utilities

Recommendation: The Town Council should enact an ordinance amending Cross Connection and Backflow Prevention Control program and publish the related water charge in Section 34 of Appendix B.

Issue: Whether the Town Council should enact an ordinance containing an amendment to the Town Code Chapter 34 (Utilities) Article II to update the Cross Connection and Backflow Prevention Control program and publish the related water charge in Section 34 of Appendix B?

Fiscal Analysis: The financial impact anticipated is less than \$1000 annually in revenue but the fee will cover the cost for the disconnection of water service and meet the requirements of the Cross Connection and Backflow Prevention Control program procedures.

Background: Previously Town Council passed Resolution No. 2011-133 to initiate amendments to Chapter 34 (Utilities) Articles I and II and Appendix B of the Town Code establishing new and revising various water and sewer charges and fees. The Town has developed a regular process and schedule for maintaining the Town Code for the purpose of making minor changes resulting from annual state mandated legislative changes, the correction of errors, inconsistencies or problems discovered in the day-to-day administration of Town Code. The following proposed amendments achieve this objective:

- Previously, Ordinance 2009-O-012 amended the Town Code by incorporating the Cross Connection and Backflow Prevention Control program by reference. The charge for resumption of water service (Cross Connection and Backflow Prevention Control Program, Section XIV Procedures, 6) was never set by Council and never set out in Appendix B (Fee Schedule). The proposed amendment includes a fee to be charged for resumption of water service after disconnected for failure to comply with the program.
- A proposed fee schedule amendment is proposed of \$30.00 for resumption of Water Service after Discontinuance for Failure to Comply with Cross Connection and Backflow Prevention Control program. The proposed \$30.00 charge is equivalent to the recently adopted \$30.00 charge for resumption of water service after discontinuance for non payment of charges in Section 34-69.

Attachment: (1) Draft Ordinance

PRESENTED September 25, 2012

ORDINANCE NO. _____

ADOPTED _____

AN ORDINANCE: TO AMEND AND REORDAIN CHAPTER 34 (UTILITIES), ARTICLE II (WATER SYSTEM), DIVISION 1 (GENERALLY) SECTION 34-39 (CROSS CONNECTION AND BACKFLOW PREVENTION CONTROL PROGRAM) OF THE TOWN CODE OF LEESBURG, VIRGINIA, 2009, AS AMENDED; AND TO ADD SECTION 34-39 OF APPENDIX B, FEE SCHEDULE TO ADD A FEE FOR RESUMPTION OF WATER SERVICE FOR FAILURE TO COMPLY WITH THE CROSS CONNECTION AND BACKFLOW PREVENTION PROGRAM

WHEREAS, the Town Council passed Resolution No. 2011-133, initiating amendments to Chapter 34 (Utilities) Articles I and II and Appendix B/Fee Schedule of the Town Code to establish new and revised fees for water and sewer services provided by the Utilities Department; and

WHEREAS, Ordinance No. 2012-O-018 included certain fees and charges for services provided to residents by the Utilities Department; and

WHEREAS, a fee for the resumption of water service after discontinuance for failure to comply with the Town's cross connection and backflow prevention program was omitted in Ordinance No. 2012-O-018; and

WHEREAS, this fee is necessary to offset the costs associated with the service provided by the Utilities Department and the fee is equivalent to the fee charged for the resumption of water service after shutoff for nonpayment of water and sewer charges.

THEREFORE, ORDAINED by the Council of the Town of Leesburg in Virginia as follows:

SECTION I. That Chapter 34, Article II, Division I of the Town of Leesburg Code, be and the same is hereby amended to read as follows:

Sec. 34-39. Cross connection and backflow prevention program.
The cross connection and backflow prevention program, as may be amended from time to time, is hereby incorporated herein by reference and made a part hereof as if fully set out

AN ORDINANCE: TO AMEND AND REORDAIN CHAPTER 34 (UTILITIES), ARTICLE II (WATER SYSTEM), DIVISION 1 (GENERALLY) SECTION 34-39 (CROSS CONNECTION AND BACKFLOW PREVENTION CONTROL PROGRAM) OF THE TOWN CODE OF LEESBURG, VIRGINIA, 2009, AS AMENDED; AND TO ADD SECTION 34-39 OF APPENDIX B, FEE SCHEDULE TO ADD A FEE FOR RESUMPTION OF WATER SERVICE FOR FAILURE TO COMPLY WITH THE CROSS CONNECTION AND BACKFLOW PREVENTION PROGRAM

in this article. A fee in the amount established by the town council shall be charged for resumption of water service after discontinuance for failure to comply with this program.

SECTION II. That Section 34 of APPENDIX B FEE SCHEDULE be and the same is hereby incorporated and shall be amended to read as follows:

Sec. 34-39. Resumption of water service after discontinuance for failure to comply with cross connection and backflow prevention program: \$30.00.

SECTION III. This ordinance shall become effective on the date approved.

SECTION IV. If any provision of this ordinance is declared invalid, the decision shall not affect the validity of the ordinance as a whole or any remaining provisions of the ordinance.

PASSED this _____ day of September, 2012.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council