



Date of Council Meeting: December 8, 2015

**TOWN OF LEESBURG
TOWN COUNCIL MEETING**

Subject: Authorize Public Hearing and Initiating Amendments to Chapter 34 (Utilities) Articles II and III and Appendix B of the Leesburg Town Code

Staff Contact: Amy Wyks, Director of Utilities

Council Action Requested: Council authorization of a public hearing and initiation of a resolution to amend Town Code Chapter 34 and Appendix B.

Staff Recommendation: Staff recommends Council adopt a resolution to amend and edit the Town Code. Actual revisions identified below in the “Background” section.

Commission Recommendation: Not Applicable

Fiscal Impact: To be evaluated and presented at the Public Hearing.

Work Plan Impact: Additional staffing and resources are not necessary to accommodate these changes as the additional workload will be absorbed within staff’s current duties.

Executive Summary: Staff has identified the need for Town Code changes to clarify and further define various sections of Chapter 34, Articles II and II and Appendix B of the Town Code. Staff also has identified the need to implement charges for certain activities performed by Utilities in order to offset the cost associated with the services provided. Specific revisions identified below in the “Background” section.

Background: At the November 9, 2015 Council Worksession, the Town Manager presented the Town’s current utility billing policies and procedures based on customer service concerns over penalties applied to past-due balances, and the number of times the Town will waive late penalties over the life of a utility account. During the work session, Council discussed initiating Town Code amendments in order to revise the billing process.

While revising the billing process, Town staff also recommends minor changes and new sections in order to correct errors, inconsistencies and problems discovered in the day to day administration of the Town Code Chapter 34 while recovering costs associated with services provided by the Department of Utilities.

The following Chapter 34 Section Amendments are proposed:

1. Amendment to define eligibility of portable water availability fees. (Sec. 34-40. Portability of water availability fees)
2. Amendment to charge a processing fee per billing. (Sec. 34-62. Water drawn at existing designated public fire hydrant with a town issued hydrant meter)

3. Amendment to clarify eligibility for bill adjustments. (Sec. 34-68. Adjustment of bills for underground leaks)
4. Amendments to provide late payment penalty waiver, grace period prior to assessing late payment penalty and define delinquent account processing fee. (Sec. 34-69. When due and payable; notice, late payment penalty and second billing to delinquent accounts; discontinuance of service to delinquent accounts)
5. Amendment for new section regarding denial or discontinuation of water service to customers who refuse to fix or acknowledge leaks inside their homes or on their property. (Sec. 34-72. Denial or discontinuation of water service due to leaks)
6. Amendments to define eligibility of portable sewer availability fees. (Sec. 34-137. Portability of sewer availability fee)

The following Appendix B (Fee Schedule) Amendments are proposed:

1. Amendment to define penalty for violations of unauthorized connections. (Sec. 34-22. Damage or obstruction of water system property; cross connections; unauthorized connections)
2. Amendment to define calculation of water availability fees. (Sec. 34-29. Availability charges for water service)
3. Amendment to add fees to support hydrant meter program. (Sec. 34-62. Water drawn at existing designated public fire hydrant with a town issued hydrant meter)
4. Amendment to clarify title based on when delinquent fee is applied. (Sec. 34-69. Disconnection and resumption of water service for nonpayment of charges)
5. Amendments to add fees and charges for miscellaneous utility services provided. (Sec. 34-71. Miscellaneous fees and charges)
6. Amendment to charge for closed circuit television inspection (CCTV) of new sanitary sewer mains. (Sec. 34-126. Fee for sewer connection)
7. Amendments to define calculation of sewer availability fees. (Sec. 34-127. Availability charge for sewer service)
8. Amendments to establish pretreatment inspection fees and a schedule of fees for violations of the regulations. (Sec. 34-136. Sewer Use Regulations)

Attachments: Draft Resolution

PRESENTED _____

RESOLUTION NO. _____

ADOPTED _____

A RESOLUTION: AUTHORIZING THE TOWN MANAGER TO ADVERTISE A PUBLIC HEARING AND INITIATING AMENDMENTS AND TO CHAPTER 34 ARTICLES II AND III AND APPENDIX B OF THE LEESBURG TOWN CODE ESTABLISHING AND REVISING NEW SECTIONS AND VARIOUS WATER AND SEWER CHARGES AND FEES

WHEREAS, 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 the Town Code; and

WHEREAS, Council has recommended amendments to Town Code Chapter 34 regarding the utility billing process; and

WHEREAS, staff has reviewed and presented the current utility billing process; and

WHEREAS, it is the desire of the Council of the Town of Leesburg to consider water and sewer fees in order to ensure compliance with all revenue bond covenants and meet water and sewer revenue sufficiency; and

WHEREAS, the Town Council shall hold a public hearing to consider these amendments to the Town Code Chapter 34:

1. Amendment to define eligibility of portable water availability fees. (Sec. 34-40. Portability of water availability fees)
2. Amendment to charge a processing fee per billing. (Sec. 34-62. Water drawn at existing designated public fire hydrant with a town issued hydrant meter)
3. Amendment to clarify eligibility for bill adjustments. (Sec. 34-68. Adjustment of bills for underground leaks)
4. Amendments to provide late payment penalty waiver, grace period prior to assessing late payment penalty and define delinquent account processing fee. (Sec. 34-69.

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When due and payable; notice, late payment penalty and second billing to delinquent accounts; discontinuance of service to delinquent accounts)

5. Amendment for new section regarding denial or discontinuation of water service to customers who refuse to fix or acknowledge leaks inside their homes or on their property. (Sec. 34-72. Denial or discontinuation of water service due to leaks)
6. Amendments to define eligibility of portable sewer availability fees. (Sec. 34-137. Portability of sewer availability fee)

WHEREAS, the Town Council shall hold a public hearing to consider these amendments to the Town Code Appendix B (Fee Schedule):

1. Amendment to define penalty for violations of unauthorized connections. (Sec. 34-22. Damage or obstruction of water system property; cross connections; unauthorized connections)
2. Amendment to define calculation of water availability fees. (Sec. 34-29. Availability charges for water service)
3. Amendment to add fees to support hydrant meter program. (Sec. 34-62. Water drawn at existing designated public fire hydrant with a town issued hydrant meter)
4. Amendment to clarify title based on when delinquent fee is applied. (Sec. 34-69. Disconnection and resumption of water service for nonpayment of charges)
5. Amendments to add fees and charges for miscellaneous utility services provided. (Sec. 34-71. Miscellaneous fees and charges)
6. Amendment to charge for closed circuit television inspection (CCTV) of new sanitary sewer mains. (Sec. 34-126. Fee for sewer connection)
7. Amendments to define calculation of sewer availability fees. (Sec. 34-127. Availability charge for sewer service)
8. Amendments to establish pretreatment inspection fees and a schedule of fees for violations of the regulations. (Sec. 34-136. Sewer Use Regulations)

THEREFORE, RESOLVED, by the Council of the Town of Leesburg;

SECTION 1. Amendments to the Leesburg Town Code Chapter 34 Articles II and III and

A RESOLUTION: AUTHORIZING THE TOWN MANAGER TO ADVERTISE A PUBLIC HEARING AND INITIATING AMENDMENTS AND TO CHAPTER 34 ARTICLES II AND III AND APPENDIX B OF THE LEESBURG TOWN CODE ESTABLISHING AND REVISING NEW SECTIONS AND VARIOUS WATER AND SEWER CHARGES AND FEES

Appendix B are hereby initiated and referred to the Town Attorney and staff to make minor changes and recommend additions and clarification revisions.

SECTION 2. The Town Council shall hold a public hearing to consider amendments to the Town Code for adoption.

PASSED this _____ day of _____, 2015.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council