FRANKLIN COUNTY PUBLIC WORKS DEPARTMENT
RULES AND REGULATIONS
FOR PUBLIC WATER SERVICE

FRANKLIN COUNTY, VIRGINIA

ADOPTED BY THE BOARD OF SUPERVISORS ON
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COUNTY ADMINISTRATOR'S OFFICE/PUBLIC WORKS DEPARTMENT
40 EAST COURT STREET, ROCKY MOUNT, VA 24151 (540-483-3030)

Document1

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SECTION 1 PURPOSE

The purpose of these regulations is to promote and provide effective and efficient public utility and good business practice. These regulations reflect the obligations of the Franklin County Public Works Department (Department) to its existing and prospective customers; in addition, these regulations reflect requirements that the County's existing and prospective customers must observe. These regulations govern the relations between the customer and the Franklin County Public Works Department.

Inquiries shall be directed to the Director of the Public Works Department, Franklin County, 40 East Court Street, Rocky Mount, VA 24151, phone 540-483-3030.

Obligations of the Public Works Department:

A. Obligations accepted: Inasmuch as the Public Works Department provides utility services that are vital and essential to the health, safety, and welfare of the entire community, the Public Works Department accepts certain obligations to safeguard the public interest. Among these obligations accepted by the Public Works Department are the requirements that it perform in the following manner:

1. Where service is available and/or an extension of the system is financially feasible, serve all that apply and meet the requirements of the Public Works Department.

2. Give equal and adequate service to all customers and potential customers.

3. Within designated service areas, make the same charge to all in the same customer class for the same service, except under special contracts when warranted by the circumstances.

4. Charge customers according to the cost of providing service, including debt service, construction, planning, administration, engineering, operations, and maintenance of the system.

B. Expectations: In return for the faithful discharge of these obligations, the Public Works Department operates with the following expectations:

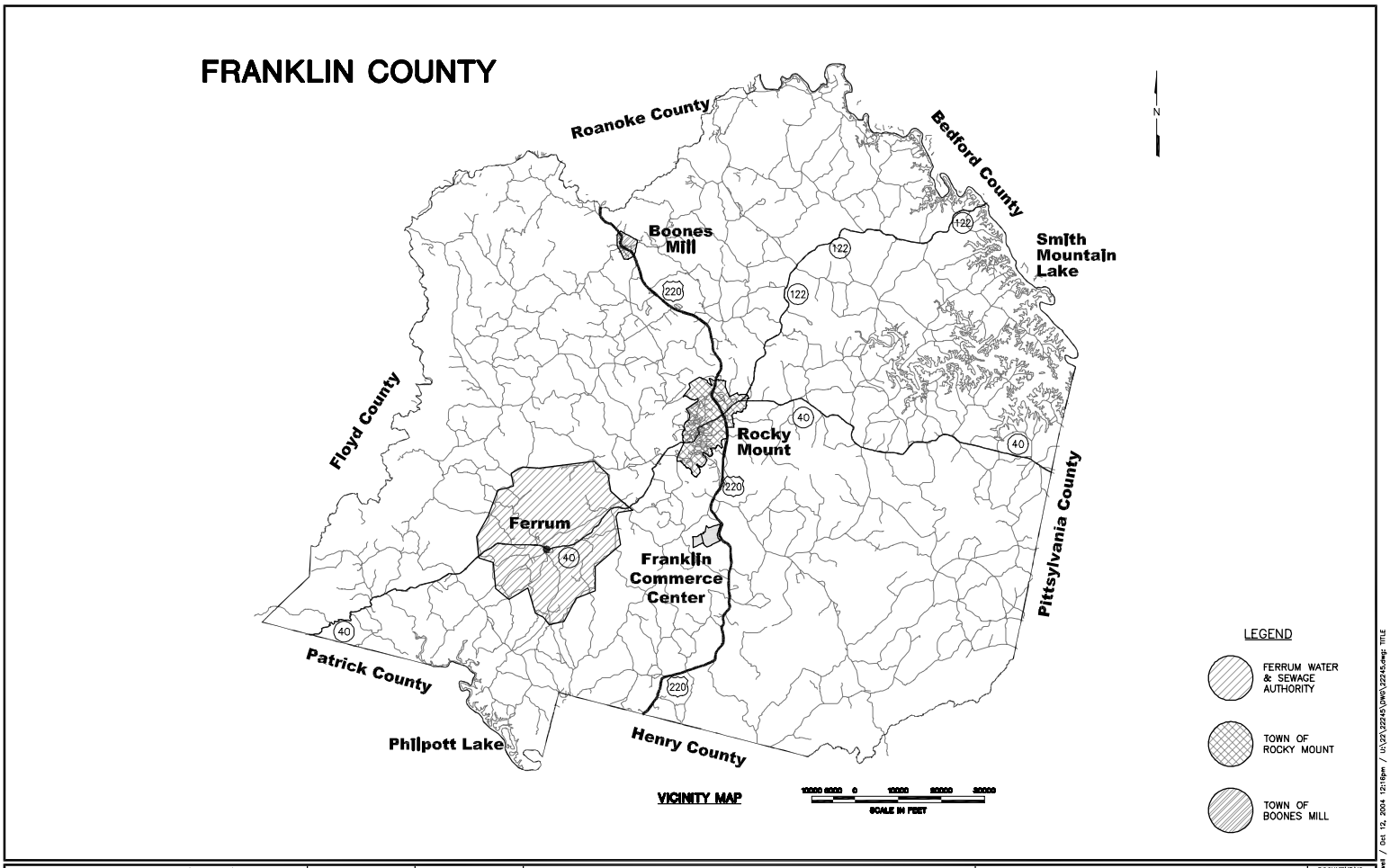
1. Reasonable compensation for services rendered.

2. Customer observance of reasonable rules and regulations which govern the conduct of the business of the Public Works Department.

C. Legal Basis: Section 15.2-2109 of the Code of Virginia, 1950, as amended, provides that a governing body has the power to establish and operate a public water system.

D. Structure: The Public Works Department may provide water and other functions authorized by law. Service areas to be served by these functions are identified on the attached map, included herein as Exhibit A. The Board of Supervisors may, subject to such limitations imposed by law, establish future service areas and/or may add functions to its then existing service area by amending these Rules and Regulations.

Exhibit A - Service Area Map



ANDERSON & ASSOCIATES, INC. Professional Design Services www.andassoc.com Virginia - North Carolina - Tennessee 103 Ardmore St. Blacksburg, Va. 24060 540-552-5592	DATE : 28 JUN 04 DESIGNED: CSF DRAWN : SEC CHECKED : CSF QA / QC :	REVISIONS: 12 OCT 04	FRANKLIN COUNTY PUBLIC WORKS DEPARTMENT RULES & REGULATIONS	EXHIBIT A SERVICE AREA	DOCUMENT NO. 22245 – 001 SHEET 1 OF 1

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SECTION 2 DEFINITIONS

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

1. **Applicant**: The owner or a duly authorized representative who applies to the Public Works Department for public water service.

2. **Availability Fee**: The charge applied to recover capital cost incurred by the Department when constructing facilities sized for fire protection for the benefit of potential customers.

3. **Backflow:** The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water supply from any other than its intended source. Backsiphonage and backpressure are types of backflow.

4. **Board**: The Franklin County Board of Supervisors, which is the governing body pursuant to State and Federal law and regulation.

5. **Capital Costs:** The annual charges associated with plant and system 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 equals the total cash requirement recoverable to meet annual capital investment and related costs.

6. **Central Water System:** Any water supply system serving three (3) or more structures, dwellings, or equivalent residential connections (ERC's).

7. **Commercial User:** All non-residential users that use potable water and that provide or offer services or goods which may be purchased or traded. Churches are residential users.

8. **Community System:** Any water supply system serving fifteen (15) or more structures, dwellings or equivalent residential connections (ERC's) or an average of twenty-five (25) individuals for at least sixty (60) days out of the year.

9. **Connection Fee:** The cost to prospective customer(s) for physical connection to the Department's water system, including cost of meter installation.

10. **County**: The County of Franklin, Virginia.

11. **Cross Connection:** Any physical connection between a potable water supply and any waste pipe, soil pipe, sewer, drain, or any unproved source or system; also, any potable water supply outlet which is submerged or can be submerged in waste and/or other source of contamination. (See Franklin County Code, Chapter 22-15.)

12. **Customer**: The party who has applied for and receives public utility service and will be responsible for paying for utility service as periodically billed by the Department or its authorized agent. The customer may be an owner or tenant; however, should a tenant not pay for water services, the owner is responsible for payment.

13. **Department**: The Franklin County Public Works Department, or its duly authorized and designated representative.

14. **Depreciation:** The loss in service value not restored by current maintenance, incurred in connection with the consumption or prospective retirement of a utility plant in the course of service from causes which are known to be in current operation and against which the Department 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, requirements of law, etc.

15. **Developer*:*** Any person, firm, corporation, or association having an interest, whether legal or equitable, sole or partial, in any premise or property which is, or may be in the future, connected to the County's public water system, and who is responsible for design and construction of facilities to be considered for acceptance as part of the County's public water system.

16. **Development:** A tract of land developed or to be developed as a unit under single ownership or unified control which is to be planned for construction and potentially used, sold, rented, or used for any business, industrial, or institutional purpose or is to contain three (3) or more residential dwelling units. The term "development" shall not be construed to include any property, which will be principally devoted to agricultural production.

17. **Director:** The Public Works Department's chief administrative officer who reports to the County Administrator or his/her designee, and who has the day-to-day responsibility of managing, operating, and maintaining the Public Works Department's facilities.

18. **Easement:** A land right given by the owner of a parcel (or parcels) of land, by reason of such ownership, to another entity to enable use of the land for construction and maintenance or as otherwise determined between the parties to the easement.

19. **Equivalent Residential Connection:** An equivalent residential connection (ERC) is the water (sewer) use consumed by a typical residential connection over a specified period of time (gallons per day or gallons per month). An equivalent residential connection (ERC) is equal to a minimum of three-hundred (300) gallons per day (GPD) unless supportive data indicates otherwise and the variation is approved by the County. Design flows shall be based on the current Virginia Department of Health Waterworks Regulations and the State Water Control Board Sewage Collection and Treatment Regulations, and any governing State regulations subsequently approved. (See also Franklin County Code, Section 22-22.)

20. **Expanding Water System:** Any existing water system is considered an expanding water system any time the owner(s), developer(s), or operator(s) of such existing water system serving three (3) or more equivalent residential connections (ERCs) seek(s) approval by regulatory agencies and/or subdivision or site plan approval by Franklin County in order to subdivide or develop a site to serve one or more additional customers or to expand service to an existing customer in an area served or to be served by the water system where water system plans have not been reviewed and approved by Franklin County, or its assigns, for conformance with Chapter 22 of the Franklin County Code, and for subdivision and/or site plan approval under Chapter 19

and/or Chapter 25 of the Franklin County Code. The design of an expanding water system including the addition or substitution of a water source, provision of water treatment, revision of water storage facilities, or construction of water service facilities must be reviewed and approved for conformity with Chapter 22 by the Public Works Department, its successors or assigns, and shall not be constructed or supply water until the expanding water system receives such approvals.

21. **Facilities**: Any and all component and pertinent parts of the entire system of the water utilities under the jurisdiction of the Board of Supervisors, such as water pipe lines and their appurtenances, water storage tanks, treatment facilities and pumping stations, including those items and others now constructed, installed, operated, or maintained by the Department, or any which may be approved and accepted in the future as additions to or extensions of the County's systems.

22. **Fixed Charges:** Charges resulting from the capital investment in the Department's facilities.

23. **Health Hazard:** Any condition, device, or practice in a water system or its operation that creates or may create a danger to the health and well-being of the public.

24. **Hook Up Fee:** Fee charge by the County to connect to the water system which is the sum of the Availability Fee plus the Connection Fee. The Board of Supervisors may, in its discretion, waive one or both of the components of the Hook Up Fee, and may offer a discounted rate in project areas in consideration of existing services characteristics and customer needs.

25. **Industrial User:** A user which employs any industrial, manufacturing, mining, reclamation, recycling, or processing operation that generates domestic or non-domestic wastewater.

26. **Institutional User:** A user which provides services as an organization or corporation, especially of a public character, such as colleges, hospitals, schools, government, sheltered workshops, and research facilities, that uses potable water and generates domestic wastewater or, in some cases, non-domestic wastewater.

27. **New Construction and/or Water Systems:** New structures and/or facilities shall be defined as those which obtain a building permit following the passage of Franklin County Code Section 22-36 (c) by the Board of Supervisors, relating to mandatory connection to the County public water system. New subdivisions, and developments for the purposes of mandatory connection shall be defined as those which are either reviewed, approved, or permitted by the Planning Commission, the Board of Supervisors, the County Planning and Community Development Department, or the County Building Official, or their successors or assigns, following the passage of Franklin County Code Section 22-36 (c) by the Board of Supervisors. New water systems for the purposes of offering such systems to the County of Franklin for dedication and ownership shall be defined as those which are reviewed or approved by the Planning and Community Development Department, or the Public Works Department, or their successors or assigns, following the passage of Franklin County Code Sections 22-36 (d).

28. **Non-user Fee:** A fee which may be applied by the Board of Supervisors to the property owner when the premise is within 300 feet of a right-of-way or easement in which is located a County public water main or line and the property owner voluntarily chooses not to connect to the County's facilities.

29. **Owner:** The person who owns a premise, premises, or development which may access or be served by the County's public water system. Said person may or may not be a customer (as in the instance when a tenant applies in his stead as his agent and thus assumes the immediate responsibility of being the customer), but is responsible for the property and all water connections, and all related charges, including those due but unpaid by his tenant or agent.

30. **Plant:** A facility that treats raw water for potable use.

31. **Premise:** Any building, group of buildings, or structures requiring water, which is or may be served by the Department's facilities.

32. **Public System:** Any water system that serves three or more equivalent residential connections (ERCs) and falls under the guidelines of the County's Chapter 22 Code.

33. **Service Area:** The project area for public water service to be served by the County Public Works Department, its successors and assigns, shall be the entire County of Franklin, and any other project which it may lawfully undertake, within or without or partially within or without the County of Franklin, exclusive of the municipal boundaries of the Towns of Rocky Mount and Boones Mill and the service area of the Ferrum Water and Sewage Authority. Any County public water service within those existing listed service areas shall be subject to agreement between the parties.

34. **"Service Call";** (or "Service Charge") is defined as services rendered at the request of customers. The fee assessed for a service call will be in accordance with the adopted rate schedule. Not all listed services below have a fee assessed in the rate schedule. No charge is made unless the service call is included in the adopted rate schedule. Service calls include but are not limited to:
    - Turn off for non-payment;
    - Turn on after being turned off for non-payment;
    - Leak check; if it is found that the leak is on the customer's side of the meter, a service charge will be assessed;
    - Frozen water line check; if the problem exists on the customer's side of the meter, a service call will be assessed;
    - Special meter readings at the request of the customer; if it is determined that the meter was read wrong, then no service call shall be assessed;
    - Calibration of the meter at the customer's request; if the meter is found to be over-reading, no service charge will be assessed;
    - Meter repair and replacement;
    - Service connection repairs;
    - No service charge will be assessed for new customers' applying for service;
    - No service charge will be assessed for turn on of the meter when a new tap is installed.

35. **Service Connection:** The physical connection to water or sewer facility brought to the property line of the customer.

36. **Shall and May:** Construed as mandatory and permissive, respectively.

37. **Standard Methods**: The methods contained in the most recent edition of the "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association and others.

38. **State Corporation Commission (SCC) Certificate of Public Convenience and Necessity:** A grant of defined service territory in which to provide a public utility which may be provided by the SCC to a waterworks owned by a public service corporation serving 50 or more customers. When there is a public service authority in the locality of reference, the certificate must first be approved by the Board of Supervisors before the SCC will consider the application for such a certificate.

39. **Tenant**: Resident of a premise served by the Department who may act as a customer via application as the agent of the owner.

40. **Utility Bill**: Notice for payment sent by the Department to a customer for water services on a regular basis which is based upon usage and the rate schedule adopted by the Board, which must be paid in accordance with the adopted rate schedule.

41. **Utility Service:** Water service, either permanent or temporary.

42. **Water Facilities:** The structures, equipment, and processes required to pump, treat, store, and distribute potable water.

43. **Water Main:** Any water supply pipeline that is part of the Department's water distribution facilities.

44. **Water System:** A network of water source(s), water mains, storage facilities, and/or treatment facilities used to supply potable water to the public.

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.

SECTION 3 POLICY

1. **Establishment of the Department:**

The Department was created by Resolution (Appendix 1) of the Franklin County Board of Supervisors on August 19, 2003, pursuant to Sections 15.2-2109, 15.2-2143, and 15.2-2111 Code of Virginia, 1950, as amended.

The County may enter into contracts with any person, firm, corporations, or political subdivision or public body for the rendering of any utility services; provided, the rates paid shall be an amount which is fair and equitable, taking into account the County's cost of providing and maintaining such service.

2. **Responsibility for Property of Customers:**

The County has sovereign immunity and is not liable for damages to the property of the customer by utility service delivered through the County's system facilities or the customer's facilities. Nor is the County liable for damage to property caused by spigots, faucets, and valves, or building plumbing or plumbing fixtures, and other equipment that may be open when utility service is turned on at the meter (either when turned on originally or when turned on after a temporary suspension of utility service). The County assumes no liability for loss or damage to any utility facilities of the customer. The County does not and will not waive its sovereign immunity.

3. **Duties of the Department:**

The Department and its employees are charged with establishing, providing, and maintaining public utility services and systems that meet applicable local, State, and Federal law and regulation.

The Department may, at any time, shut off water utility service 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 public fire protection or other emergencies whenever, in the sole opinion of the Department, the public safety may require. It is the Department's intention to give notice in advance of any disruption of utility service. Customers are responsible for regulating their service connections so that damage will not occur when utility service is disrupted.

Whenever the public water supply diminishes to the extent that in the judgment of the Director the public health, safety, and welfare of the community is in danger, a water emergency may be declared. Whenever such emergency is declared, the public shall be notified by the publication of an emergency proclamation in two (2) consecutive issues of a newspaper of general circulation throughout the Department's service area, or by local media in the form of radio and television announcements. Such proclamation shall contain all the rules and regulations governing the use of water throughout the length of such period.

The Department shall maintain an accurate, up-to-date map of all the Department's facilities and an accurate, complete, and up-to-date record of all Department customers.

Resale of utility service is prohibited. It shall be unlawful for any person to trespass on any land or building owned, leased, or controlled by the County and used either directly or indirectly in association with the Department's system facilities.

4. Mandatory Connection Requirements:

No person shall make any connection to the Franklin County public water system or alter any fixtures so connected without first having received written approval from the Department of Public Works, its successors or assigns.

As authorized by Virginia Code Sections 15.2-2110 and 15.2-2143, the County requires that all new structures, facilities, subdivisions, and developments in the vicinity of the public water system shall connect to the County's public water system, as follows:

A. All new structures and/or facilities which are located within 300 linear feet of the County's public water system (as measured from the closest point of the structure to the edge of an easement or right-of-way including the public water distribution system) shall be required to connect to the County's public water system.

B. All new structures and/or facilities, subdivisions, and developments with three (3) to fourteen (14) equivalent residential connections (ERCs) having a property line within six-hundred (600) linear feet of the County's public water system (as measured from the closest point of the property line to the edge of an easement or right-of-way including the public water distribution system) shall be required to connect to the County's public water system.

C. All new structures, facilities, subdivision, and developments with fifteen (15) or greater equivalent residential connections (ERCs) shall be required to connect to the County's public water system if they meet the following distance requirements for the number of applicable lots or ERCs (the distance measured from the closest point of the property line to the edge of an easement or right-of-way including the public water distribution system):

Number of Lots or ERCs	Required Extension (Linear Feet)
15-20	1,000
25	1,250
30	1,500
35	1,750
40	2,000
45	2,250
50	2,500
60	3,000
70	3,500
80	4,000
90	4,500
100	5,000
125	6,250
150	7,500

The County shall require up to 1,000 linear feet (L.F.) extension for 15-20 lots or ERCs, and each lot or ERC over 20 shall require an additional 50 L.F. extension. The maximum extension required is 7,500 L.F.

D. Structures, facilities, subdivisions, and developments existing at the time of the passage of these policies are exempt from the requirement to connect to the public water system; except, in the event of a privately owned well or water system failure as determined by the Virginia Department of Health, existing structures and facilities which were served by the failed well or water system shall be required to connect to the County public water system if they meet the aforementioned vicinity and distance requirements of new structures, and/or facilities, subdivisions, and developments. The Board of Supervisors may charge a nonuser fee or other such fees as allowed by Virginia State Code (Section 15.2-2110).

5. **Extensions and Improvements of System Facilities:**

a. General Provisions

The County reserves the right at any time to make, connect, or permit new utility connections, extensions, or improvements to new or existing developments within or outside the County's service area or to otherwise use the facilities in the best interest of the County, in its sole determination and in compliance with local, State, and Federal law and/or regulation. Off-site and on-site extensions of the County's public waterline to serve new buildings, subdivisions and developments are the responsibility of the developer or owner (hereafter called "developer"). The County or others as approved by the County and in conformity with these policies may construct and install public water facilities anywhere within its service area whenever the County determines that circumstances warrant utility service. To the maximum extent possible, access, environmental necessity, fiscal feasibility, and system capacity shall govern all County approved extensions and improvements.

It shall be the purpose of the County to obtain, improve, expand, and maintain facilities to serve the County's existing and prospective service area, as same may be approved by the Board of Supervisors. All extensions and improvements shall comply with the Virginia Department of Environmental Quality and the Virginia Department of Health regulations and applicable County requirements (Zoning, Subdivision, Building Code, water standards, etc).

When utility service is desired to serve existing and/or new premises or new developments which require the construction of new facilities, application for utility service shall be made by the owner or his agent to the Department, and approval obtained, before starting construction of any facilities.

Utility service may be provided by the Department subject to the availability of facilities, fiscal and environmental (including capacity of facilities) feasibility of such proposed extensions and improvements, at the sole discretion of the Department and as directed by the Board of Supervisors. The Department may include fixed charges, debt service, administrative costs, related costs, and capital costs in such determination. Utility service to new premises and/or

developments may require a written contract executed by the owner and the Department. There exists no inherent or implied obligation, legal or otherwise, on the Department to provide utility service to existing and/or new premises or developments.

All new water systems designed, approved, and built to County standards shall be offered to the County for ownership at no cost to the County as a condition precedent to subdivision or site plan approval under Chapters 19 and 25 of the Franklin County Code. If accepted, the developer shall follow all rules and regulations and meet all standards to accomplish the transfer of ownership. The County shall review the location of the new water system in relation to the mandatory connection distance of the existing public County water service and the plans for short- and long-term water development, and shall consider the location and other factors in its determination of whether or not to accept the new water system. There is no obligation on the part of the County to accept new water systems which are offered to it for ownership.

b. Developer Extensions

Off-site and on-site extensions of the County's public waterline to serve new buildings, subdivisions and developments are the responsibility of the developer or owner (hereafter called "developer"). Where County public water is available or accessible, application in writing shall be made to the Department for water service. The application shall include a conceptual plan of the proposed development along with an estimated water use based on the conceptual plan. Upon receipt of the information, the Department will schedule a preliminary engineering meeting with the developer and his/her/its representatives to review the application and requirements.

c. Design Documents

Upon completion of the preliminary engineering meeting and approval of the conceptual plan, the developer shall submit to the Department of Public Works for review and approval two (2) sets of detailed drawings, specifications, and design calculations. Drawings shall include plan and profile views of the proposed lines, locations, design, and identification of all appurtenances and accessories. Drawings shall also show the plan and profile of the contiguous sections of street or easement(s), or both, as indicated by the application. The plans shall meet all standards of Chapter 22 of the County Code, and shall show existing and proposed water lines, other utilities, property lines and deed references, dedicated easements, houses, buildings, streets, sidewalks, curbs, gutters, and other features which affect the design (for instance, underground drainage features, street lighting, or stop lights). A hydraulic analysis prepared by a professional engineer shall accompany the proposed design to be reviewed by the Department, in order to demonstrate that there will be no adverse effects to the existing water system. The hydraulic analysis shall demonstrate that the proposed water system extension pressure will be 20 psi or greater at all service conditions under all demand scenarios, including but not limited to fireflows. Minimum fireflow for residential areas shall be 500 gpm. Fireflow for non-residential shall be adequately justified to meet the needs of the prospective end user of the proposed facility. The hydraulic analysis shall

be performed using software as specified by the Department. Both a hard copy and a digital copy of the hydraulic model shall be provided along with the design calculations.

Where the required fireflow standards of Chapter 22 of the County Code cannot be met, the developer shall seek a temporary waiver from the County Administrator or his/her designee, explaining in full why the standards may not be achieved and what substitute firefighting capability is proposed. Facilities that are granted a temporary waiver shall be required by contract to connect to the County's public water system and install fire hydrants and other improvements in the future when the County's public water system is available to the proposed development within a distance of three-hundred (300) linear feet as measured from the closest point of the property line of the structures and/or facilities, subdivision, and/or development to the edge of an easement or right-of-way including the public water distribution system. All costs associated with the connection will be borne by the owner of the development's water system. The owner and/or developer of the water system which is granted the temporary waiver may choose to connect to the County public system as a community system, or connect to obtain fireflow only, or may offer and/or negotiate to deed the water system to the County upon its connection to the County public water system.

If any facilities other than the water line extension and its appurtenances are proposed by the owner and/or developer or required for the operation of the proposed utilities, such as pumping stations, tanks, or other like equipment, the application shall include two (2) sets of detailed plans and specifications for such proposed facilities, designed and sealed by an engineer registered in the Commonwealth of Virginia.

The Department will review and comment upon the proposed extension designs within sixty (60) days of receipt of a complete submission as determined by the Public Works Department, its successors or assigns. It shall provide one (1) marked up set of the submitted plans and/or specifications to the applicant with its comments. The Department may reject or disallow any equipment that it, in its sole opinion, finds incompatible or undesirable for the County public water system. If or when the submissions are satisfactory, the applicant will be informed in writing. All construction shall conform to the plans approved unless otherwise determined in writing by the Department.

Any agreements required by the Department between the developer and/or owner and the County shall be approved and executed by all parties prior to construction.

d. Construction Participation by the County

The County may determine to participate in off-site and on-site extensions of water lines to serve new developments when the size of line or other system features approved by the Department to serve the development are different than required for service to the development alone, and will serve properties other than those of the developer. The County shall only consider construction participation on water lines and features which shall be accepted by the County

for transfer and dedication to County ownership. There is no obligation on the part of the County to participate in such extensions or features, and the County will not consider participation in lines sized less than eight (8) inches in diameter**.** The County shall have the right to refuse to participate upon any reasonable grounds and specifically for any extension determined to be detrimental to the water system or when, in the sole opinion of the Department, the extension is economically unfeasible for the County's participation. See Appendix 2 for regulations regarding County participation in construction of water system components.

e. Public Participation Projects

Where an existing neighborhood desires to be connected to the public waterline and/or make improvements in its existing water system, an agreement may be developed with the County which may include financing by an agreement or a Special Assessment. See Appendix 3 for requirements of such projects.

f. Potential County Ownership of Existing Water Systems

Where owners of an existing system wish to offer their system to the County, the Public Works Department shall initiate a study, with the full cooperation of the owners, to determine the feasibility and conditions under which an existing system may be passed to County ownership by sale or gift. The County is under no obligation to accept existing systems. See Appendix 4 for considerations in evaluating a potential water system for ownership in the future by the County.

6. **SCC Certificate of Public Convenience and Necessity**

Those water systems which fall under the purview of the State Corporation Commission (SCC) are required to seek a certificate of public convenience and necessity from the SCC if they serve 50 or more customers. Because Franklin County has a public service authority, the Board of Supervisors must approve the application of the water system for a certificate of public convenience and necessity prior to its consideration by the SCC. The Board of Supervisors shall consider each application on an individual basis; however, it is not obligated to approve the application, and shall generally deny any such application due to service area conflicts which may occur over time.

7. **Application for Individual Utility Services/Service Connections:**

All maintenance of lines on the customer side of the meter shall remain the responsibility of the owner.

Individual meters shall be used to the fullest extent possible for all structures and facilities, including those located within developments and subdivisions. Where not feasible, however, due to limitations of construction, cost, or maintenance, the Director of Public Works may consider approval of a meter for each structure, and its hookup fee shall be comprised of the connection fee and availability fee for the appropriately sized meter for the structure or facility. The size of the meter to be installed for commercial, industrial, institutional, multifamily, and other uses will be determined

based upon either the flow capacities required or the number and kind of fixtures that will be installed in the facility. The County reserves the right to calculate the hookup fee based upon a residential equivalency basis, when in its discretion it is appropriate to do so. One ERC is equivalent to a meter size of 5/8" x ¾", and 300 gallons per day of use unless supportive data indicate otherwise and the variation is approved by the County.

Community systems may connect through one meter and the hookup fee is as adopted by the Board of Supervisors. (See Appendix 6 for connection policies.)

Connection policies for individually metered customers of existing systems which are connected to the public water system have been adopted by the Board of Supervisors. (See Appendix 6.)

Where public water service is available and approved by the Public Works Department, the customer shall make written application to the Department on forms prescribed by the Department. Such application shall set forth the name and social security number of the applicant, the location, square footage and description of the premises to be served, billing location, the purpose of such utility service, tax map number of the premise to which service connection is requested, the size of the service requested, the desired date to begin service, the name of the customer, and other reasonable information deemed necessary by the Department. See Appendix 5 for application forms.

Where system connections are made to the public water system, new subdivision customers, and those within other new developments who are individually metered, shall pay the County a hookup fee as prescribed in the current rate schedule (Appendix 7), and follow all connection policies approved by the Board of Supervisors (Appendix 6). An exception may be possible where connection credits have been granted in writing to a developer by agreement with the County (Appendix 2).

Connections to the County's system facilities may be denied and/or delayed due to the capacity limitations of such system facilities. There are no legal requirements to provide utility service. The Department, as approved by the Board of Supervisors, shall make all reasonable efforts to provide, extend, and upgrade public utility service within its service area, given sufficient source capacity and financial resources.

By signing the application, the customer acknowledges responsibility for the timely payment of all utility charges arising from utility service supplied by the Department to the premise. In the event of customer non-payment within the specified payment periods, the Department may either terminate service to the premise or institute any action allowed by law to satisfy unpaid bills, including imposing a lien upon the premise receiving such service, or both. If the customer is a renter, the landlord or owner shall be responsible for any unpaid public water bills and charges.

A separate application shall be required for each requested service connection. A separate service connection and meter shall be required for each structure, or as approved by the Director of Public Works. Payment of a service deposit, and any other applicable fees and charges consistent with the existing rates and fees schedule shall accompany each application.

Application for service to an existing service connection must be made in writing by the customer. When the request is for a premise previously or currently billed for utility service, the account for that premise shall be transferred to the customer's name on the date that service is requested or the effective date of the lease or sale of the premise, whichever is first. A service deposit shall be applied as applicable in the current rates.

An applicant for utility service shall connect to the Department's facilities within ninety (90) days of filing an application, or as otherwise determined by the Director. Mandatory utility connections authorized by Section 15.2-2110 and 15.2-2143, 1950 Code of Virginia, as amended, are required by the Department as detailed in Item 4 above. New construction of structures within 300 feet of a right-of-way or easement that contains a County waterline shall connect to the County public water system. The connection of a premise to a utility service of the County shall not be required or made when access to the affected property requires the crossing of another property without an available easement, provided that County property and property of the Virginia Department of Transportation shall be excepted.

8. **Applicant/Customer Notices:**

The applicant and/or customer shall notify the Department in writing on the following matters:

a. Service request, including temporary service.

b. Request turn-on or terminate service; if notice is to terminate service, then a forwarding address shall be provided.

c. Request to check meter.

d. Disputed utility bill.

e. Request for change in service, notice of complaint, notice of mailing address change, change of occupancy, notice for a service connection, or request for a line inspection.

f. Possible water leak affecting amount of bill.

9. **Department Notices:**

The Department shall provide to the customer or his representative written notice at the billing address on the following matters:

a. Amount and due date of bill.

b. Failure to comply with Department regulations.

c. Scheduled temporary shutdowns for repairs, maintenance, improvements.

d. Termination of services and reasons thereto.

10. **Report and Inspection of Connection:**

Any service connection made by the customer shall be inspected and certified by the Department. No connection shall be covered up until approved by the Department.

It shall be the responsibility of the owner and/or plumber making such connection to place barriers by day and flares by night around any excavation or pile of dirt or rubbish resulting from the connection. The owner and/or plumber shall indemnify, hold harmless, and relieve the County of any responsibility and liability for damages caused by work on the connection in question.

The cost of material and labor for installing individual service and lateral lines shall be borne by the owner independent of any fees or charges required by the Department. The owner shall also be required to obtain such other permits and fees as may be required from the County Building Inspection Department before construction, alteration, or repair is begun on a building water service pipe, or connection thereof is made to a service connection. All appropriate reviews and approvals by the Department or applicable State and/or Federal agencies shall be obtained prior to beginning work on a service connection.

11. **Maintenance, Ownership, and Relocation Responsibilities:**

All service connections shall remain the property of the Department and shall be under its sole control and jurisdiction.

a. Water: The Department shall maintain the water connection line (lateral) from the water main through and including the meter. The owner shall maintain the water connection (lateral) from the meter to the premise.

Should the customer require a change in location of the utility connection, the customer shall request Department approval and shall be responsible for the relocation and all associated costs. Disconnection and/or reconnection to the Department's facilities shall be approved and inspected by the Department's authorized personnel prior to disconnection and/or reconnection. The disconnection and/or reconnection shall not be covered up until inspected and approved by the Department.

It shall be the responsibility of the owner and/or plumber making such connection to place barriers by day and flares by night around any excavation or pile of dirt or rubbish resulting from the connection. The owner and/or plumber shall indemnify, hold harmless, and relieve the County of any responsibility and liability for damages caused by work on the connection in question.

12. **Water Meters and Meter Installation:**

All water consumption, except fire protection and other authorized use of fire hydrants, shall be metered. Unobstructed access to installed water meters is required by the Department at all reasonable times. Water meters shall be read and the monthly consumption amount shall be used to compute the monthly billing.

a. The Department 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 customer. Commercial and industrial customers shall provide all information required by the Department relating to meter sizing.

b. All water meters shall be tested for accuracy before installation. The Department may at any time remove any water meter for routine test, repair, or replacement.

c. Water meters shall be owned, approved, maintained, and removed by the Department at its expense.

d. All water meters shall be sealed by the Department, which seal shall not be tampered with without the prior approval of the Department.

e. The Department accepts no responsibility for water damage within the premise caused by burst water meters or connections.

f. The customer shall promptly notify the Department of any known or suspected defects in or damage to the system facilities.

g. The owner shall be responsible for the service lateral between the meter and the premise. Any leak or break occurring at any point between the meter and the premise shall be promptly repaired by the Owner.

h. Each service connection shall be separately metered and billed unless otherwise approved by the Public Works Director, his successors or assigns.

i. Once installed, only the Department may turn on, turn off, move, remove, or replace a meter or its connection. Should the Department determine that a water meter or its connection has been tampered with, the customer shall be prosecuted to the fullest extent allowed by law. All expense related to the correction shall be borne by the customer. Payment of all fines and costs shall be paid by the customer prior to restoring utility service.

13. **Temporary Utility Service:**

Temporary utility service for a period not exceeding six (6) months may be provided by the Department to builders and developers at construction sites and for such special purposes or time periods as may be approved by the Department. All applications for temporary service shall include a payment equal to the estimated cost of installing, maintaining, replacing, and removing such temporary service. User fees shall be consistent with the Department's existing rate schedule.

The temporary use of fire hydrants for non-firefighting purposes may be authorized by the Director. Use of fire hydrants shall not be approved to circumvent the installation of a permanent metered water connection. Written authorization from the Director must be obtained to temporarily use a fire hydrant for non-firefighting purposes.

Water haulers may seek authorization to temporarily use a fire hydrant for pumping bulk water. The water tank of the hauler must be inspected and approved by

Department personnel for proper backflow protection. The Department may set a time limit on the temporary use of the fire hydrant. Time extensions may be sought, but must be approved by the Department. The hauler shall provide the Department with the amount of water taken.

All other non-fire-related uses of fire hydrants shall be through a fire hydrant meter, if approved by the Department. The Department may charge a suitable deposit for the fire hydrant meter, or require that a model satisfactory to the Department be provided by the water hauler.

The Department may set other regulations for the use of fire hydrants to provide water on a temporary basis, the use of temporary meters, and bulk water stations, including prioritizing the provision of water from these sources by intended use.

All water taken through temporary meters or fire hydrants used on a temporary basis shall be charged at the then current rates.

14. **Damage to Department Property:**

When damage occurs to a meter, a service connection, or to any other Department property by the acts of the customer or the customer's agent, or by the act of any person other than the Department, or from hot water, steam from the premise, or other actions of the customer, agents of the customer, or the customer's employees, the Department shall bill said customer for the cost of repairing such damage. The cost shall include, but not be limited to materials, labor, utility equipment charges, cost of subcontracting repairs, plus ten percent (10%) of all costs.

15. **Meter Tests; Adjustment of Billing:**

A customer may request that the Department examine and test the customer's meter to ascertain the accuracy of the registration of the amount of water measured as delivered to the premise. Such request must be accompanied by documented reasons for the test. The Department may grant such request. In the event no discrepancy is determined in the accuracy of the meter, the customer shall bear the cost of such removal and testing, as detailed in the then current rate schedule. Failure of the customer to pay the assessed costs within a specified reasonable time shall constitute grounds for disconnecting utility service to the customer until such costs are paid in full.

If the water meter registers three percent (3%) or greater increase in 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, not exceeding three (3) months.

If a non-commercial water meter registers more than ten percent (10%) slow on any flow level, the customer may be billed for the undercharge for the period that the meter was in use, not exceeding three (3) months. When a commercial water meter used for other than domestic service is more than five percent (5%) slow, the customer may be billed for the undercharge for the period that the meter was in service, not exceeding three (3) months.

If a defective water meter does not register, the Department shall bill the customer an average of the premise's consumption as reflected on the last three (3) consecutive utility bills. Overpayments made by the customer for that period shall either be refunded in cash or as a credit against future utility consumption, at the option of the customer. If historical data are unavailable, then the utility bill shall reflect the minimum monthly metered rate.

16. **Utility Billing:**

A utility bill based on the customer's water consumption as reflected by the meter reading shall be periodically prepared and mailed by the Department to every customer for utility service provided to the premise during the time period shown on the utility bill. Once applicable fees have been paid and a connection to the Department's systems facilities has been approved by the Department and made, the customer shall pay a minimum monthly bill on each service connection, regardless of consumption reflected by the meter reading, premise occupancy, or physical connection to the Department's system facilities.

The utility bill shall be sent to the mailing address shown on the "Application for Service" or to the mailing address designated to the Department in writing by the customer subsequent to completing such "Application". A customer shall be liable for all utility service furnished to such premise by the Department until such time as the customer has properly notified the Department to terminate utility service to such premise. In no event shall the customer be relieved of liability for all billing charges for utility service to the customer's premise and the Department shall not be obligated to notify the customer of nonpayment by someone other than the said customer.

A utility bill is due and payable upon receipt by the customer. County public water system bills shall be paid to the County Treasurer or to such bank as the County may direct. Failure of the customer to receive a utility bill shall not be considered a cause for nonpayment nor justification for extension of the due date. Payments shall be timely made prior to or on the due date noted on the utility bill at the Department's office in person or by mail, or at such other places as may be designated by the Department. Failure of the customer to remit full payment prior to the due date noted on the utility bill shall result in a penalty fee in an amount established by the Department. Failure of the customer to remit full payment within a specified time period established by the Department and noted on the bill after the due date may result in termination of utility service until all payments due the Department have been made. A reconnection fee shall be imposed in the event the Department terminates utility services in accordance with then current rate schedule. A fee will be imposed by the Department for "returned checks" returned from the customer's bank for any reason.

An estimated utility bill shall be presented to the customer if for any reason the meter fails to register or the meter reader is unable to gain access to the meter 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 past three (3) consecutive monthly utility bills. If historical data are unavailable, then the utility bill shall reflect the minimum monthly metered rate. The Department reserves the right to correct, in the sole discretion of the Department, a utility bill rendered in error.

The Department is not responsible for water charges incurred due to leakage or for water wasted by water service pipes or fixtures either damaged or in disrepair which belong to the owner. If a water leak on the customer's side of the meter is reported to the Department and the Department determines that a leak exists or existed over a certain period, the customer's bill shall be adjusted based on billing the customer for the average usage of the preceding three (3) months before the leak. No leak adjustment shall be allowed where the Department determines that the customer did not take appropriate remedial action within a reasonable time.

Adjustments shall not be made for disputed utility billings more than six months prior to the date of filing a written dispute.

The billing amount for a partial utility bill, initial or final, which does not exceed the minimum monthly consumption amount shall be prorated to the percentage that the partial period bears to the total billing period. In the event consumption for the partial period exceeds the minimum monthly consumption amount, the bill shall be based on consumption for said partial period.

A customer requesting the termination of utility service shall provide the Department in writing a termination date and a forwarding address. The Department shall read the customer's meter on the specified termination date and prepare and forward a final bill to the terminating customer.

Unpaid charges for utility service may be enforced in the same manner and to the same extent and with the same rights as now or may hereinafter be provided by law for claims or demands between individuals. Proceedings for the enforcement of utility bills (charges) shall be instituted and conducted in the name of the County. In all cases where there is a delinquent bill due the County, the owner of record of the premise shall be responsible for full payment of the delinquent account in the event a tenant does not pay.

Any bills not paid within thirty (30) days of the billing date will be considered delinquent and a notice requesting payment will be mailed to the customer. This notice shall indicate a date after which the delinquent account will be subject to disconnection.

In the event charges for water service are not paid when due, interest shall begin to accrue after the first thirty (30) days of non-payment in accordance with the rate schedule.

The Department may choose to give further notice; if it does so, any account for which the delinquent amount has not been received at the Department's offices by the date and time indicated on such further notice will be assessed a reconnection charge , whether or not the account has been physically disconnected.

The Department may discontinue water service to any customer whose account is at least two (2) months delinquent. Water service, if discontinued, shall not be resumed until the account and other charges related to the delinquency are paid in full.

The County may impose a lien upon the real estate of the premise served by the Department for the amount of any delinquent bill pursuant to Section 15.2-2118 of the

Code of Virginia. This lien shall have the full force and effect of a judgment and shall be superior to the interest of the owner of the real estate.

All unpaid utility bills for utility service which have been delinquent for more than ninety (90) days, shall be referred to the County's Attorney for collection. All legal costs arising out of the civil prosecution of any violation of County public water service regulations shall be recoverable as costs to any such person, persons, or entity violating such regulation. If any unpaid utility bill is referred to the Attorney for collection, then the customer agrees to pay all costs of collection including reasonable Attorney's fees.

17. **General Rate Policy and Rate Schedule (Fees):**

Charges for public County water services commence when the meter is installed and the connection is made, when the service is available, whether used or not.

A water use rate shall be assessed periodically on each service connection based on the fixed volume of water periodically consumed as measured (metered) in hundred (100) gallon increments. The fee assessed for water consumed by the Department's utility customers shall conform to the rate schedule and be made an integral part hereto. Each service connection shall be assessed monthly a minimum user fee regardless of consumption.

Costs relating to unique uses of the Department's system facilities, such as separate fire connections and grinder pumps, will be rated separately and uniquely to the customer that benefits.

A hook-up fee conforming to the rates and fees schedule and made an integral part hereto for each utility connection shall be payable at the time application is made for utility service if the connection is a new connection; otherwise, a transfer fee shall be charged.

A reconnection fee for utility service shall be charged when utility service is terminated for any cause enumerated in Section 3 (18), other than vacancy of the premise.

An interest charge consistent with State law and the rate schedule on the principal shall be added monthly to any account when a lien has been placed upon property. Such lien on any property may be discharged by the payment to the Department of the total lien amount, penalty, and the interest, which has accrued to the date of the payment.

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. Temporary service shall not exceed six months. The applicant shall receive a refund if the estimate exceeds the actual cost. The applicant shall also pay all applicable fees and rates from the then current rates and fees schedule, including charges caused by a late or non-payment. The applicant may also be required to post a deposit as determined by the Department.

The Department shall periodically review and the County shall adopt pursuant to State law a rate schedule, including penalty and interest on delinquent accounts, that, when applied, generates revenue sufficient so that the Department may meet its operational, maintenance, and debt service costs, establish and accumulate a reserve for contingencies, and other legally binding financial obligations. Said rate schedule shall be adopted by the County Board of Supervisors as an ordinance or resolution, attached to these regulations and made an integral part thereto. The operational and maintenance cost per one thousand (1,000) gallons shall be uniform for the Department's system facilities and may be separately computed by system cost (except for industrial surcharges), but the debt service portion of the rate may be calculated separately for customers in various service areas. The final decision on rates rests with the Board of Supervisors, after due consideration of customer needs and resources, and costs of the system.

All applicable fees shall be paid before utility service is provided. Utility service shall not be provided to any owner, applicant, and/or customer if that owner, applicant, and/or customer has any outstanding and/or unpaid utility fees arising from utility service to such prospective owner, applicant, and/or customer or premise.

There shall be no utility service provided to any customer by the Department without the assessment and payment of all applicable fees.

18. **Termination of Utility Service:**

Utility service, after notice required herein, shall be terminated for any of the following causes:

a. nonpayment of utility billings in accordance with the Department's current rate schedule;

b. contamination of the water supplied by the Department when caused by a customer's appliance or apparatus;

c. the owner's failure to protect and/or maintain the water service pipe or building drain on the premise after written notice of the Department;

d. the customer's, or others' with the knowledge of the customer, tampering with any of the Department's system facilities which control or regulate the customer's utility service;

e. failure to provide Department employees free and reasonable access to the premise serviced, or for obstructing ingress to the meter or other appliances which control or regulate the customer's utility service;

f. failure to correct a backflow or cross-connection violation as required by the Waterworks Regulations of the Virginia Department of Health or the Virginia Uniform Statewide Building Code, as same may be enacted or amended;

g. failure to comply with the Department's regulations, as same may be enacted or amended;

h. fraud or abuse, including the disclosure of false information on the "Application for Service", or making any false or misleading statement to the Department or its representatives;

i. negligent or wasteful use of water when the Department imposes water consumption limits on its customers or portions of same;

j. failure to maintain plumbing inside the structure so no escapes or discharges of water occur in the structure and/or on the premise.

If the Department terminates utility service to any premise for any cause, other than vacancy of the premise, the Department shall mail a notice of termination to the customer within seven (7) days of becoming aware of a cause of termination. The termination notice shall include:

a. the date of the notice of termination

b. the date of the termination, which shall be at least ten (10) days from the date of the notice of termination

c. the amount of all outstanding utility service billing, including penalty and interest and/or the corrective steps the customer must take before utility service will be restored to the premise.

If the Department has not received at its office by the date of termination complete payment in cash or certified check of all amounts due and/or notice that all corrective steps have been made, then the Department shall terminate utility service to the premise on the date of termination. The Department shall terminate utility service only between the hours of 8:30 a.m. to 4:00 p.m., prevailing time, Monday-Thursday. No termination shall occur on a legal Commonwealth of Virginia holiday or on the day before a legal holiday.

Termination of utility service to any premise for any cause shall not prevent the County from pursuing any lawful remedy by action at law or otherwise for the collection of delinquent bills due the County from the customer. Unpaid charges for utility services shall constitute a lien upon the premises served to the full extent provided by law and as provided for by the Code of Virginia (1950, As Amended). When judgment for a monetary award is rendered against the owner, and the owner defaults in the payment thereof, the Department's Attorney shall immediately request a writ from the ruling court. Such writ shall be docketed in all jurisdictions in which the customer is known to own or have an interest in real or personal property, or both, thereby creating a lien upon such property.

When utility service to a premise has been terminated for any cause, other than vacancy of the premise, 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 Department, and upon payment of all utility charges due and payable by the customer in accordance with the Department's duly adopted rate and fee schedule, as the County Board of Supervisors may adopt and amend from time to time.

Restoration of utility service shall be made by Department personnel upon payment of all delinquent utility charges and/or the completion of work that corrects the cause for which utility service was originally terminated. Restoration of utility service shall be made as soon as practical by the Department during the Department's normal working hours, Monday through Friday, exclusive of County recognized holidays. Same day utility service restoration cannot be promised.

19. **Private Fire Protection Systems:**

Upon application to the Department and upon payment of all applicable fees in accordance with the attached rate schedule(s), the Department shall 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 requirements, the prior approval, and the inspection of the Department.

A fire service detector check meter shall be installed in a bypass to monitor small flows in the fire service connection. The Department reserves the right to require an existing fire service connection customer to pay for and install a detector check meter with a bypass pipe.

The Department is unable to guarantee a continuous uninterrupted quantity of public water at a specified pressure; therefore the County assumes no responsibility for loss or damage due to inadequate water quantity or pressure.

20. **Public Fire Hydrants:**

To the extent that funds are available, the Department, at its expense, may install public fire hydrants on public property and/or right-of-way whenever and wherever, in the sole opinion of the Department, such hydrants may be required to provide fire protection service. Owners may request installation of public fire hydrant(s) at their expense. The Department shall have ownership, maintenance, and operational responsibility of fire hydrants and shall pay for any replacement and/or relocation of same.

All fire hydrants shall be installed in accordance with all state, County, and Department requirements. Manufacturer of fire hydrants shall be approved in writing by the Director.

Public fire hydrants shall be limited in use only to extinguish fires; water shall not be taken from any public fire hydrant at any time for any other use, unless specifically approved by the Department for a particular use and time.

It shall be unlawful for any person to deny access to any fire hydrant or water main valve by any physical barrier or other restraint that would prevent or delay an access to such fixtures in an emergency situation. It shall be unlawful for any person to deface or damage any stopcock valve, fireplug, public hydrant, or anything connected with the Department's waterworks; to throw or deposit any building materials rubbish or other matter onto the stop box of a service pipe, valve box, or fireplug or meter. It shall be likewise unlawful for any person to remove or injure any cap or screw of a stop box, valve, fireplug, meter or hydrant or open any of them; or to in any way deface said

items without the Department's prior approval. However, in the case of an emergency, in cleaning or sprinkling streets, or when cleaning fire hoses firemen are authorized to use the fireplugs. Additionally for Department purposes the fireplugs, valves, etc., may be used by the Department itself.

The County public water system and Department 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. Further, the County public water system and Department shall not be responsible to any person for any loss, damage, or injury by reason of fire or by an act of God, or failure to supply water or pressure, or for any other cause whatsoever.

It shall be unlawful for any person, except for firemen, volunteer or paid, acting in an emergency situation or when such use has been approved in advance by the Department, to open or cause to be opened any valve or hydrant except while acting in an emergency situation. If a public fire hydrant is discovered to have been used for any purpose other than fire suppression or for an emergency situation without the prior approval of the Department, legal action may be sought against such unauthorized user to the full extent of the law and these regulations. Utility service to the violator may be immediately terminated until any assessments have been paid in full. The access to and use of values and hydrants shall be reserved exclusively to the Department.

21. **Cross Connection and Backflow Prevention Control:**

The Department water system shall be designed, installed, and maintained in such a manner as to prevent contamination from non-potable liquids, solids or gases from being introduced into the potable water supply through cross connections or any other piping connections to the system facilities. Cross connections between the Department water system and other systems or equipment containing water or other substances of unknown quality are prohibited except when and where approved by the Department in advance, with suitable protective devices installed, tested, and maintained to insure public safety on a continuing basis.

Such cross-connection or backflow prevention device or system shall be designed, installed, and maintained in compliance with the Cross-Connection Control Manual, U.S. Environmental Protection Agency, Office of Water Programs, Water Supply Division, 1973, as amended; the plumbing sections of the Virginia Statewide Building Code; Section 6.00 of the Virginia Waterworks Regulations entitled "Cross-Connection and Backflow Prevention Control in Waterworks," as amended, and the County Code, Chapter 22.

The Department's water system shall be protected against backflow and backsiphonage by installing and maintaining at all fixtures, equipment, and outlets where backflow or backsiphonage may occur, a backflow prevention device as approved by the Department. The Department may periodically inspect the plumbing within every premise served by the Department, including backflow prevention devices, to insure that such plumbing has been installed and maintained in such a manner as to prevent the possibility of the pollution of the Department's public water supply.

The Department may require the owner, or designated agent, on any premises where backflow protective devices are installed, to have competent inspections made as frequently as in the judgment of the Department is necessary to insure that the backflow protective devices have been installed and are being maintained in a manner to prevent the possibility of pollution of the Franklin County public water system through the plumbing. Records of such test shall be sent to the Director.

The Department shall notify the owner, or authorized agent of the owner, of any building or premises in which there is found a violation of these rules and regulations. The notice shall be in writing and shall set a reasonable time for the owner to have the violation removed or corrected. Upon failure of the owner to have the defect corrected by the end of the specified time interval, the Director may, if in his judgment an imminent health hazard exists, cause the water service to the building or premises to be terminated or deny service to such premises.

22. **Leak Detection Station:**

All new developments that connect to the County public water system are required to install a leak detection station. The leak detection station shall consist of a valved bypass with an adequately sized coppersetter and meter in vault or box to measure water flow into the development. The costs of the leak detection station shall be borne by the development.

SECTION 4 MISCELLANEOUS:

1. Amendments and Interpretations:

The County reserves the sole right to revise and/or amend its rules and regulations for the provision of utility service within its service area. The Department shall have the full power and authority to carry out and enforce the provisions of these regulations consistent with local, state, and federal law, regulation, and/or administrative requirements.

2. Violations:

Any person who is found to be in violation of these Rules and Regulations shall be punishable in accordance with County code.

3. Severability:

Should any provision of these Rules and Regulations be determined to be unconstitutional or invalid by a Court of competent jurisdiction, such determination shall not affect the validity of these Rules and Regulations as a whole, or any part thereof other than the part so held to be unconstitutional or invalid.

APPENDIX 1
RESOLUTION TO CREATE PUBLIC WORKS DEPARTMENT

THE FRANKLIN COUNTY BOARD OF SUPERVISORS HELD THEIR REGULAR MONTHLY MEETING ON TUESDAY, AUGUST 19TH, 2003, AT 1:30 P.M., IN THE BOARD OF SUPERVISORS MEETING ROOM IN THE COUNTY COURTHOUSE.

THERE WERE PRESENT:	Wayne Angell, Chairman Don Riddle David Hurt Charles Poindexter Charles Wagner Page Matherly Hubert Quinn, Vice-Chairman
OTHERS PRESENT:	Richard E. Huff, II, County Administrator Bonnie N. Johnson, Asst. County Administrator B. J. Jefferson, County Attorney Sharon K. Tudor, Deputy Clerk

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CREATION OF A COUNTY PUBLIC WORKS DEPARTMENT

It is hereby resolved this 19th day of August, 2003, by the Franklin County Board of Supervisors, to create a county public works department to include but not necessarily be limited to administration, operations and management of the following purposes, subject to the approval of the Board of Supervisors, as indicated:

Acquire, contract for, establish, construct, operate, maintain, extend, and enlarge water systems in the County of Franklin to include development of water sources and supplies, production and treatment facilities, and the provision of transmission and distribution, storage and pumping facilities, and related appurtenances.

Contract with other localities to acquire a water supply or for the use and management of the water supply of either locality.

Acquire land within or outside the County limits in accord with State law in order to acquire, locate, establish, maintain, operate, extend, or enlarge the County waterworks.

Enter into agreements with other localities, authorities, sanitary districts, and other public entities to create one or more exclusive service areas for water service, with such powers as granted to the locality by the Commonwealth of Virginia.

Seek financing assistance from such Federal, State, and other entities as are applicable.

Set rates, fees, and charges for the water system.

Provide for appropriate metering of water usage and billings and collections for water services.

Develop policies and regulations for the water system.

Assure that County and State standards for water systems are implemented in the design, construction, and administration of the countywide public water system.

Adhere to applicable Federal, State, and local law.

Any additional services to be provided by the public works department which are unrelated to the provision of a public water system shall be subject to review by and prior approval of the Board of Supervisors.

The project area for public water service to be served by the County Public Works Department shall be the entire County of Franklin, and any other project which it may lawfully undertake, within or without or partially within or without the County of Franklin, exclusive of the municipal boundaries of the Towns of Rocky Mount and Boones Mill and the service area of the Ferrum Water and Sewage Authority. Any County public water service within those existing listed service areas shall be subject to agreement between the parties.

The County Administrator is hereby designated to oversee the County Public Works Department and authorized to delegate its administration and programming as he sees fit, including contracting for services.

The County Public Works Department shall be operated similarly to other County Departments and fall within the fiscal management exercised by the Board of Supervisors and as delegated to the County Administrator. Its employees shall be included in the County's personnel classification system, and be eligible for compensation and benefits in the same manner as other County employees.

No financial obligations, contracts, or agreements may be initiated in the name of the County Public Works Department, and all such obligations and commitments must be approved by and be in the name of the Board of Supervisors.

No water project or extension may be initiated without the approval of the County Board of Supervisors; however, connections to existing County systems, repairs, and maintenance may proceed under the authority of the County Administrator.

The Board of Supervisors may provide for the termination of the public works department and the transfer, sale, or gift of its assets and obligations as provided by State law.

Moved by: Charles Poindexter

Seconded by: Page Matherly

Ayes: Riddle, Hurt, Poindexter, Wagner, Matherly, Quinn & Angell

Date of Resolution: August 19th, 2003

BY: Sharon K. Tudor
Deputy Clerk
Franklin County Board of Supervisors

APPENDIX 2
REGULATIONS REGARDING COUNTY CONSTRUCTION PARTICIPATION

APPENDIX 2: REGULATIONS REGARDING COUNTY CONSTRUCTION PARTICIPATION

I. Responsibility for Service

Off-site and on-site extensions of the County's public waterline to serve new buildings, subdivisions and developments are the responsibility of the developer or owner (hereafter called "developer"). An off-site extension is an extension of water line by a developer from the developer's property boundary to the existing County public waterline. An on-site extension is an extension of the County's public waterline within the boundaries of a development or subdivision.

County participation may be considered for service extensions to three (3) or more equivalent residential connections. It may not be considered for facilities, developments or subdivisions where such water systems shall not become the property of the County (following its approved construction).

The County may also consider participating in the construction of off-site extensions and/or the upsizing of water facilities or addition of County-required design features in the event that a water system is beyond the mandatory connection distance of the County public water line, but (1) it is located within 7,500 linear feet of the County public water line, or (2) it is within the County's anticipated public water service area as developed by the County, and (3) the water system is offered by the developer to the County for dedication and ownership, and (4) the County has agreed to accept the water system when all requirements are met.

II. County Participation

The County may participate in an off-site or on-site extension of the public waterline or other water system upgrades only when, in the opinion of the Public Works Department, such extension or upgrades will serve properties in the vicinity of the development in question, and the size of waterline to be constructed is oversized or appurtenances such as valves, fittings or hydrants are added at the County's request for the developer's project.

The County will not participate in an off-site line or on-site line or line improvement sized at or under 8" (eight inches) in diameter.

The County's participation shall be confined to the difference in the cost of pipe material and size (i.e., ductile iron vs. PVC or 8 inch vs. 12 inch) as required for installation by the County compared to that which is required solely to serve the developer's development or subdivision alone. The determination of the comparable cost of sizes and materials of pipe in question is made solely by the County.

The County reserves the right to refuse to participate at its sole discretion and specifically for any extension determined to be detrimental to the public water system or economically unfeasible. These determinations rest solely with the Public Works Department.

If the County agrees to participate in an off-site or on-site extension or other water system improvements, the County shall enter into a written contract with the developer, as follows:

1) The developer is solely responsible for all aspects of the construction project, which shall be approved in advance by the Public Works Department and other approval agencies and in conformity with all local, State, and Federal law, regulations, and standards, and which shall meet all regulations of the County with regard to design approval, Chapter 22 of the local Code, construction and inspection. Copies of all recorded easements, permits and approvals shall be provided to the County.

2) The developer may select a contractor of his choice or request that the County select one for him through the competitive bidding process. All contractors who construct public water facilities must be licensed and bonded to perform such work in Virginia.

3) The developer shall offer the waterline extension and/or water system to the County at the completion of the project when approved by the County, and upon acceptance by the County, meet any and all requirements and procedures set forth by the County to accomplish the transfer of ownership. The project shall be dedicated to the County free and clear of any liens or encumbrances.

4) Prior to construction, the developer shall provide the County a bond, letter of credit or escrow for 125% of the value of the construction and a maintenance bond of similar amount for one year following construction and acceptance of the waterline project by the County.

5) The County and the developer shall agree in writing in advance of construction upon the project cost with regard to the unit cost of the pipe which is oversized compared to that which is required solely to serve the developer's development or subdivision, based on a survey prior to construction of reputable local vendors and distributors of pipe regarding the unit costs of the material required by the County to be installed by the developer as opposed to that which would be sufficient to serve the developer's development or subdivision.

6) The County and the developer shall agree in writing in advance of construction upon the amount of linear feet of pipe and appurtenances to be installed in which the County chooses to participate. Any deviation from the agreement in terms of the amount of pipe installed must be approved in advance by the County prior to installation, whether to increase or decrease that amount. The County and the developer shall agree on the amount of pipe and appurtenances actually installed as the construction proceeds and at its end.

7) The developer shall make his job site open to the County for inspection and determination of the amount and type of pipe and other appurtenances actually installed.

8) The County shall inspect the work during construction and perform or observe testing as required to insure that the quality of workmanship and future performance shall meet acceptable standards. A final inspection will be made by a representative of the County and the design engineer. Any deficiencies noted must be corrected prior to final approval and acceptance by the County.

9) After the County has approved the construction, the developer shall provide the following to the County:

Design Engineer:

- Certificate of Substantial Completion and conformance with Plans and Specifications;
- Two (2) sets of "as-built" plans bearing the Engineer's seal and signature;
- A digital copy of the "as-built" plans as requested by the County of Franklin.

Project Developer:

- A maintenance bond or warranty against defects in materials and workmanship equal to 125% of the construction costs and valid for one (1) year from the date of final completion.
- Dedication of the project to the County upon County acceptance.
- Certification of the actual construction costs.

10) The developer and the County shall execute an addendum to the participation agreement at the close of construction as to the amount of County participation, following inspection and the receipt of County and all other required approvals.

11) The County's participation may take one of two forms to be determined in the agreement between the developer and the County:

A) *Credit against Future Hookup Fees for the Developer*-- Upon completion of the project and acceptance into the County's public water system, the County

shall grant the developer, his/her/its heirs or assigns as named in the agreement, a credit against future water hookup fees up to 100% of the County's participation in the waterline extension, in an amount as set forth by written agreement. Such credit shall be provided over a period up to ten (10) years after the date of the agreement; after such date, the credit shall cease whether used in its entirety or not. The hookup fees credited shall be 100% of the amounts as adopted by the Board of Supervisors and in effect at the time of use of the credit. The hookup fee credit may only be applied to hookups on the line extension in which the County participated, which is the subject of the agreement.

B) *Repayment to the Developer from Future Hookup Fees on the Line Extension or Other Appurtenances or Improvements in Which the County Participated Which is the Subject of the Agreement*--Upon completion of the project and acceptance into the County's public water system, the County shall grant the developer, his/her/its heirs or assigns as named in the agreement, a payment based on the water hookup fees occurring on the line extension in which the County participated, in an amount up to 100% of the County's participation in the waterline extension, as set forth by written agreement. Such participation payment shall be provided over a period up to ten (10) years after the date of the agreement as the hookups occur; after such date, the participation payment shall cease whether completed in its entirety or not. The hookup fees paid shall be 100% of the amounts as adopted by the Board of Supervisors and in effect at the time of the hookup. The hookup fee participation payment may only be provided from hookups on the line extension as they occur and on the line in which the County participated; that is, the water line which is the subject of the agreement.

APPENDIX 3

REGULATIONS FOR PUBLIC PARTICIPATION PROJECTS

APPENDIX 3: REGULATIONS FOR PUBLIC PARTICIPATION PROJECTS

General:

Landowners may agree with the County to provide an extension of the County public waterline and/or replacement, improvement, or enlargement of existing waterlines which shall be dedicated to the County. The project would take the form either of an Agreement with an identified pledged cost-share or a Special Tax Assessment to provide the construction costs (see Section 15.2-2404 of the Virginia Code).

The Board of Supervisors may be requested by the landowners through a petition to front the cost of the public participation projects, with the landowners repaying the County through an identified pledge and/or some or all of the hookup fees and/or a Special Assessment. Unless sufficient funds are available, approved, and pledged by all parties, projects may not be planned and developed.

At a minimum, 60% (sixty percent) of the landowners affected must petition the Board for the project for it to be considered for funding by the Board and those landowners must agree to pay their share of the project. Notice is given to the abutting landowners notifying where and when the petition will be considered by the Board of Supervisors, and they may comment in favor or against the water improvements. If the Board approves the project as a Special Assessment, a lien is assessed against all affected property owners for their unpaid share until it is paid. There is a process of appeal for those property owners who disagree with the lien.

Special provisions may be made for those who are elderly or unable to pay their share at the time of the project, but in any case, the amount of outstanding lien is paid when the property transfers.

Landowners pay their normal hookup fees when their property is connected (or reconnected, as applicable) to the project, and the County may apply the connection portion of those hookup fees to the cost of the project. Any additional cost of the project is provided through pledges or a Special Assessment on the property, payable over a period up to 20 years. Installment payments are assessed over time, together with interest at an annual interest rate representing the index of average yield on U.S. Treasury securities adjusted to a constant maturity of one year as made available by the Federal Reserve Bank at the time the assessment ordinance is adopted or as based on the funding agreement which is made between the landowner and the County. The yearly installments are due and payable at the same time that County real estate taxes are due and payable, that is, by December 5th of each year.

How to Implement a Public Participation Project—by a "Petition for Public Works":

(1) A citizen/landowner organizes a petition (copy attached) to request that the Board of Supervisors investigate the feasibility and cost of providing public water to a service area.
(2) The Public Works Department performs the feasibility study and determines the cost of services.
(3) The Public Works Department staff meets with the petitioners and their Board of Supervisors member and presents the findings of the feasibility study and the anticipated costs. The citizens may ask questions and discuss the project with the County staff. Review of cost share repayment alternatives is included in the discussion.
(4) The costs detailed are estimated as "not to exceed" and include the connection and availability fees and an anticipated Special Assessment.
(5) The Public Works Department sends a letter to all affected property owners that may be served by the proposed water project. The letter explains the cost to each property owner for the project and requests a written response as to their agreement to participate.
(6) At such time as there are 60% of the affected property owners willing to pay the cost of the water project and connect their property to the public water line, the Public Works Department staff takes the project to the Board of Supervisors for consideration. The project construction would begin after Board approval, funding, design, agency approvals, bid and award of the project.

(7) If the project is funded by means of a Special Assessment, when approved, the Special Assessment is placed against all the affected property owners and it is assessed for the number of years required (up to 20), and is placed as a lien against each property until paid.

(8) If the project is funded by agreements between the County and the landowners, all necessary agreements shall be signed in advance of the project's bid, and a lien shall be placed against the property until the amount of the agreement is paid by the landowner according to the terms of the agreement.

(9) In the event that the successful bid amount of the project exceeds the amount presented to the landowners by the County and agreed to be paid by them, the County will request the landowners to pay their proportionate share of the increased cost and modify any existing agreements or Special Assessment to that effect. The landowners participating in the project must agree to the funds increase prior to the project's award of construction.

(10) If the project is funded by means of agreements between the County and the landowners (as opposed to a Special Assessment), all landowners in the project area who do not sign an agreement prior to the completion of the project and who later make application to hookup to the completed waterline, shall be required to sign an agreement with the County to pay their share of the project cost and they shall pay a hook-up fee in accord with the then current schedule of adopted rates and fees of the public water system.

DRAFT: PETITION FOR PUBLIC WORKS
PRESENTED TO THE
FRANKLIN COUNTY BOARD OF SUPERVISORS

We the undersigned property owners are interested in having the County of Franklin provide public water service to our property located in the area of _____(major road or roads' names). We, therefore, petition the Board of Supervisors to conduct the necessary engineering and feasibility study to determine the cost to the property owner to provide the public water service. We understand that this petition in itself does not obligate us to pay any cost associated with the proposed water service study. Our signature is an indication of our desire to have public water provided under the provisions of the Public Participation Petition Project program operated by the County through the levying of a Special Tax Assessment (VA Code Section 15.2-2404) or by Agreement between the County and the landowners.

NAME	ADDRESS	DATE

DRAFT: AGREEMENT OF INTENT
FOR A PUBLIC PARTICIPATION WATER EXTENSION OR IMPROVEMENT PROJECT IN THE _____
NEIGHBORHOOD

THIS AGREEMENT OF INTENT, dated _____, 20___, by and between the Board of Supervisors of Franklin County ("the County") and the owners of certain lot(s) in _____ subdivision, Franklin County, Virginia ("the neighborhood") identified by the street address and/or lot number next to their signature(s) at the end of this Agreement (the "Owners"),

WITNESSETH

WHEREAS, the Owners have petitioned the Board of Supervisors of Franklin County to construct and/or improve a waterline ("the Waterline") to provide public drinking water (and fireflow) to lots within the neighborhood, such project described as follows:
_____
_____; and

WHEREAS, the County, in accordance with its Public Participation Projects policies is prepared to assist the Owners in the financing arrangements and construction of the Waterline through an Agreement between the County and the landowners or the creation of a Special Assessment District as authorized by Section 15.2-2404 of the Virginia State Code and _____ of the Franklin County Code; and

WHEREAS, the County has estimated the cost of the Waterline to be $_____ (the "Estimate"); and

WHEREAS, the County policy requires that at least sixty percent (60%) of the lot owners within the finite project area have formally petitioned the County in writing to extend a water line and agree to each pay their hook-up fees and an additional Special Assessment for the cost of the project or the amount of their contribution as outlined in an Agreement between the County and the landowners; and

WHEREAS, the citizens request that the Board of Supervisors assess the Special Assessment for the project cost on the affected landowners or provide an Agreement with the landowners to accomplish the funding of the project; and

WHEREAS, it is understood that the connection portion of the project hook-up fees ("the funds") paid prior to construction will be used toward the design, construction, and associated requirements of the project; and

WHEREAS, it is understood that the Owners desire that the County use the connection portion of the hook-up fees, the Special Assessment or funds produced by means of Agreement between the landowners and the County, and such other project fees as are provided by the County or others, for the implementation of the project;

NOW THEREFORE, the County and the Owners enter into this Agreement setting out their respective duties and responsibilities to provide for the financing and construction of the Waterline:

The owner agrees to the imposition of a Special Assessment against the property listed below in the amount of $_____ or the owner agrees to pay his/her/their share of the amount of the project cost as outlined in an agreement between the County and the landowner, such amount being $_____ and shall be placed as a lien against the property to be served by the waterline.

The Owner agrees that hook-up fees must be received by the County on or before _____, 20____ (the "Deposit Date"); and if not, such as have not been received will be assessed as part of the Special Assessment to be levied on the property or the amount of the agreement between the landowner and the County for the cost share of the project.

The Owner agrees to the imposition of a lien against the property listed below in the amount of the Special Assessment or agreement between the landowner and the County and any outstanding hookup fees.

The Owner agrees to connect within ninety (90) days to the Waterline upon its availability.

With the signing of this agreement by sixty percent (60%) of the affected property owners, the County will proceed with diligence to design the Waterline and prepare final cost estimates of its construction. Following construction completion, the Special Assessment shall be levied. If funding for the waterline is accomplished by agreement between the landowners and the County, the agreement must be executed prior to the bid of the project.

The County reserves the right, with issuance of notice to the Owners, to cease design on the Waterline at any time if in its professional judgment there exists a situation which will prevent a timely and/or cost effective completion of the construction of the Waterline. Should this occur, hookup fees which have been paid by the Owner shall be returned to the Owner by the County.

The Owners and the County understand that the Owners who have paid their hookup fee may proceed to connect to the waterline upon its availability. Those Owners who have not paid their hookup fee will be required to do so, and to sign an agreement if they have not done so and one was required for the financing of the project, before they may connect to the new waterline at such rates as are adopted by the Board of Supervisors.

WITNESS the following signatures and seals:

COUNTY OF FRANKLIN

By: _____
Authorized Agent of the County

OWNER

By:_____
Signature

_____
Printed Name

_____
Street Address

_____
City/State/Zip Code

Lot Number: _____ Section # _____

_____
Subdivision Name

APPROVED AS TO FORM:

_____
County Attorney

_____
Date

APPENDIX 4

CONSIDERATION OF WATER SYSTEMS FOR OWNERSHIP BY THE COUNTY OF FRANKLIN

APPENDIX 4: CONSIDERATION OF WATER SYSTEMS FOR OWNERSHIP BY THE COUNTY OF FRANKLIN

GENERAL:

The County's water source distribution system is in its initial phases of growth and will not reach many existing water systems for several years. The County's long range goal is to provide potable water and fireflow to all residents, and, in the interim, to assist owners of existing systems to achieve the standards of Chapter 22 of the local code to the maximum extent possible. Where feasible, primary and standard considerations of any system acceptance shall be the goals of connection of the system in question to the Countywide public water system and the provision of fireflow in neighborhoods as feasible. The County realizes that to achieve the goal of fireflow, some water systems will require moderate to extensive rehabilitation, repair, and upgrades, as well as new line extensions to meet that goal. Public participation and support shall be important components of any projects seeking to upgrade existing systems, incorporate fireflow, and transfer ownership to the County.

Existing water systems (built prior to adoption of these Rules and Regulations) having 3 or more ERCs may offer the water system to the County for ownership. New (built after adoption of these Rules and Regulations) water systems having 3 or more ERCs shall offer the water system to the County for ownership according to provisions of these regulations and the adopted Franklin County Code.

Where new water systems which are designed to serve 3 or more ERCs are built both within and beyond the mandatory connection distance requirements of the County public water distribution system, such systems shall meet all standards of Chapter 22 of the County Code, shall seek and obtain approval by the Public Works Department, and shall be offered to the County of Franklin for ownership without cost to the County. The developer and/or owner of any such new water system shall follow all applicable regulations and seek all required approvals for its planning, development, and transfer.

The County may evaluate the location of the water system offered for potential public ownership and consider whether it is located within 7,500 linear feet of the existing County system and/or it is within the anticipated water service area. Location of the system is one factor which may influence the County's assessment and determination of potential public ownership.

Any system which is offered to the County which holds an SCC certificate of public convenience and necessity shall, as part of any transfer agreement, agree to satisfy the regulations of the SCC regarding its notice and approval.

The County of Franklin will review the potential acceptance or ownership of public water systems which are offered to it on a case by case basis. If all requirements are met as determined by the Public Works Department, the County may accept all new systems both within and beyond the distance stated for mandatory connection to the public water system. The County is not required to accept any water system, and it cannot accept systems which are substandard in the delivery of potable water and the owners are unwilling to provide for its upgrade. The County realizes that existing water systems are of different ages and in different states of maintenance and repair need. Therefore, the potential ownership of each system offered shall be reviewed individually.

In those instances where existing systems will require moderate to extensive repair and rehabilitation, the system owners are encouraged to consider a Public Participation Project to upgrade their system so that it may be considered for being taken into the County public water system.

There are existing systems which do not currently provide fireflow and which are in good condition and have reliable source for domestic water service. Such systems may not require extensive public participation prior to being considered for County acceptance. These systems may be reviewed on an individual basis as to the feasibility of acceptance by the County. (See also Appendix 3.)

Existing systems may also consider connecting as community systems where the public source is available, through one meter with a pressure reducing valve, and continuing to own and maintain their own water system.

NON-CHAPTER 22 SYSTEMS

Owners of existing non-Chapter 22 systems may offer their water system to the County for consideration of ownership.

The County may determine to conduct a feasibility study of the system which shall include a review of the location, storage and treatment facilities and distribution infrastructure, the water source, the financial status of the system including audited revenues and expenditures when available, and such other features of the system as required by the Public Works Department (see attached for example considerations). Systems without water meters cannot be considered for County ownership, and water meters must be provided by the owners as part of any County acceptance of a system. The owners shall provide all information required.

The Public Works Department shall determine the costs of required upgrades and maintenance including connection to the Countywide public water system where feasible and supported by the owners and customers. The upgrades shall bring the system to VDH standards and to Chapter 22 standards where the inclusion of fire hydrants is supported. The owners and customers on the system shall be provided with the report of the County. Where it is possible to connect the existing system to the County's public water source, owners and customers are encouraged to support projects which will implement all Chapter 22 standards.

The owners and customers may petition the County to provide the required improvements selected and financially supported by the owners of the system and 60% of the property owners served by the system, and follow the citizen participation program petition process to accomplish the improvements.

Should the water system not be upgraded to include fire hydrants, the property owners served by the system and the owners of the system shall provide written notice to the County of this decision, and shall acknowledge and pledge that should they desire improvements to be made to support fireflow in the given water system in the future, the property owners shall follow the citizen participation program petition process to accomplish these improvements. (See Appendix 3.)

The County may accept or reject the system based on its review of the financial status and outlook of the system operations, the system's operational and maintenance condition and the willingness of the owners and/or property owners served by the system to undertake the improvements required to rehabilitate the system, and the property owners' declarations regarding support of a project to bring their water system to the standards of Chapter 22. The County may also accept or reject the system based on its proximity to the service area of the County's public water system or its anticipated water service area at the time of the request. Should the County agree to accept the water system, a transfer agreement shall stipulate whether any purchase price is set by the County and owners, the improvements which shall be provided by the owners and/or property owners served by the system (such as meters), any other considerations, and the parties affected by the agreement (potentially the system owners and property owners served by the water system) shall participate in the transfer agreement, to the satisfaction of the County Attorney.

CHAPTER 22 SYSTEMS

Systems built to the standards of Chapter 22 may be offered by their owners to the County for consideration of County ownership.

The County may determine to conduct a feasibility study of the system which shall include a review of the location, storage and treatment facilities and distribution infrastructure, the water source,

the financial status of the system including audited revenues and expenditures when available, and such other features of the system as required by the Public Works Department (see attached for example considerations). Systems without water meters cannot be considered for County ownership, and would require their addition at the cost of the owner(s) prior to any agreed-upon transfer. The owners shall provide all information required.

The Public Works Department shall determine the costs of any required upgrades and maintenance including connection to the Countywide public water system where feasible. The upgrades shall be determined with inclusion of fire hydrants where the source and storage are adequate and without the inclusion of fire hydrants where the source and storage are not adequate and connection to the Countywide public system is not possible due to distance. The owners of the system shall be provided with the report of the County.

The County may accept or reject the system based on its review of the system's financial status or projections (including audited revenues and expenditures where available), and financial outlook regarding system operations, the condition and the costs involved in any maintenance and upgrades which are immediate or long-range, including eventual connection to the Countywide public water system and the provision of fire hydrants. The County may also accept or reject the system based on its proximity to the service area of the County's public water system or its anticipated service area at the time of the request. Should the County agree to accept the water system, a transfer agreement shall stipulate whether any purchase price is set by the County and owners, and such other agreements as are included, and all system owners shall participate in the transfer agreement.

EXAMPLE REVIEW BY THE COUNTY OF WATER SYSTEMS OFFERED FOR OWNERSHIP

1) Name, PWSID #; SCC regulated/holder of certificate of public convenience and necessity?

2) Owner

3) Operator (Contacts for emergencies and repairs)

4) Location; Service Territory, Proximity to County Public Water System and Anticipated Service Area

5) Number of Customers (residential, commercial, other); Concentration of Customers; Potential for Growth

6) History of volume of usage

7) Source Description; depth, production, history of well records; how performed during most recent droughts and since; future source plans

8) Water Quality and Treatment; water testing requirements and history

9) VDH Reports on system

10) Who built system; who designed it; plans and materials, distribution system, tank/storage, water meters

11) Water Pressure; system hydraulics

12) Fireflow and fire hydrants?

13) Active User Agreements for Service; Rules and Regulations

14) Maintenance history of major facilities

15) Upcoming maintenance/rehab and other capital needs and problems

16) Loans outstanding

17) Contracts outstanding

18) Easements dedicated to system

19) Land and buildings, other assets, owned by system

20) Current rate schedule and when imposed

21) Revenues and history; billing cycle

22) Audit(s); Expenditures and history (staff, benefits, testing, postage, supplies, electrical, telecommunications, repairs/maintenance, insurances—workman's comp, liability, unemployment--, rent/office space, vehicles, travel, fuel, training, debt service, upkeep of facilities—mowing, etc., professional services, capital, reserves for replacement)

23) Operations staff; costs; contracted or FT/PT (meter reading, operator, billings/collections, sampling and analyses, reports, audit)

24) Facilities planning (5-year CIP, facilities planning for extensions, rehab/repairs, tank, equipment, pumps, lines, offices, vehicles, etc.)

APPENDIX 5

APPLICATION FORMS

COUNTY OF FRANKLIN

PUBLIC WORKS DEPARTMENT
40 East Court Street, Rocky Mount, Virginia
(540) 483-3030

Water Tap: New _____ Existing _____
Rental Property: (yes) ____ (no) ____
Community System: (yes) ____ (no) ____ PWSID#_____

USER AGREEMENT & TAP AGREEMENT

Account: Community _____ Residential (Single-Family)_____
Commercial/Multi-Family/Other_____

I. *COMMUNITY SYSTEM:*

OWNER'S/ACCOUNT NAME _____

CORPORATION, LLC, OR ASSOCIATION? _____

FIN# _____

OPERATOR'S NAME _____

OPERATOR'S PHONE _____

OPERATOR'S ADDRESS _____

_____

BACK-UP CONTACT _____

BACK-UP PHONE _____

BILLING ADDRESS _____

_____

LOCATION OF METER _____

METER SIZE _____

II. *SINGLE FAMILY RESIDENTIAL:*

ACCOUNT NAME _____ SS#_____

CHECK ONE: Individual _____ Individuals_____Married Couple _____

JOINT ACCOUNT NAME _____ SS#_____

BILLING ADDRESS _____

_____

911 PHYSICAL ADDRESS _____

A BUSINESS TO BE OPERATED FROM THIS ADDRESS? (yes) ___ (no) ____

NEAREST RELATIVE'S NAME AND ADDRESS _____

_____

PLACE OF EMPLOYMENT _____ PHONE _____

JOINT ACCOUNT NAME PLACE OF EMPLOYMENT _____

PHONE _____

LOCATION OF METER _____

PROPERTY OWNER'S NAME AND ADDRESS IF NOT ACCOUNT NAME:

_____

_____

PREVIOUS TENANT _____

METER SIZE _____

III. *COMMERCIAL/INDUSTRIAL, PUBLIC BUILDINGS, AGRICULTURAL, MULTI-FAMILY, OR USE NOT OTHERWISE INCLUDED:*

OWNER'S/ACCOUNT NAME _____

CHECK ONE:
INDIVIDUAL ____ INDIVIDUALS ____ CORPORATION____ LLC____
COMPANY ____ ASSOCIATION ____ OR
OTHER (SPECIFY) _____

FIN# or SS#_____

BILLING ADDRESS _____

_____

911 PHYSICAL ADDRESS _____

LOCATION OF METER _____

PROPERTY OWNER'S NAME AND ADDRESS IF NOT ACCOUNT NAME:

_____

_____

PREVIOUS TENANT _____

METER SIZE _____

FIRE SERVICE DEMANDS _____

_____

_____

OFFICE USE ONLY:

DEPOSIT $_____ PAID BY CASH ___ CHECK ___ MONEY ORDER ____

AVAILABILITY FEE $_____ (CASH ____ CHECK ___
MONEY ORDER ___)

CONNECTION FEE AMOUNT $_____ (CASH ____ CHECK ___
MONEY ORDER ___)

FIRE PROTECTION FEE $_____

INSTALLMENT PAYMENT Yes____ No ____ If yes, amount/month without interest
$_____ (interest to be determined annually by the Board of Supervisors)

COMMUNITY SYSTEMS

This agreement entered into this ____ day of _____, 20___, between the County of Franklin, hereinafter called the "Public Works Department" or "Department", and _____, a customer of the Department, hereinafter called "Customer";

WITNESSETH:

FOR AND IN CONSIDERATION of the monies paid pursuant to this agreement and the agreement to deliver water which both parties hereto deem to be adequate consideration, the parties hereto agree as follows:

1. The Customer agrees to install and maintain a pressure reducing valve (PRV) on its side of the meter at its cost, in conjunction with its connection to the County water system;
2. The Customer agrees to make available and dedicate to the County a meter site and shall provide access for the County to read and maintain such meter;
3. The Customer shall be charged a monthly minimum and volume charges as adopted by the Board of Supervisors;
4. All other rates and fees and customer policies as adopted by the Board of Supervisors shall apply to the customer;
5. As a separate water system, the community system shall be responsible for all water system operations, repairs, replacements, improvements, and maintenance on its side of the meter; and
6. The Customer agrees to make timely installment payments on a monthly basis or pay all fees at this time, and agrees that the outstanding amount of installment payments constitute a debt of

the Customer which if not satisfied within three (3) years of the date of this agreement may be collected by the County as legally allowed; and

7. The Customer desires to purchase public water service and is requesting the Department to extend water lines and/or provide a connection hereby enters into an agreement to perform the duties of the Customer as required by the County's water department policies.

I hereby state that I am authorized by the community water system to execute this agreement on its behalf.

SIGNED BY THE CUSTOMER: _____
Name

_____
Print Name and Title

_____
DATE

SIGNED FOR THE DEPARTMENT: _____

_____
DATE

ALL OTHER COUNTY WATER SYSTEM CUSTOMERS

This agreement entered into this ____ day of _____, 20___, between the County of Franklin, hereinafter called the "Public Works Department" or "Department", and _____, a customer of the Department, hereinafter called "Customer";

WITNESSETH:

FOR AND IN CONSIDERATION of the monies paid pursuant to this agreement and the agreement to deliver water which both parties hereto deem to be adequate consideration, the parties hereto agree as follows:

1. The Customer agrees to make available and dedicate to the County a meter site and shall provide access for the County to read and maintain such meter;
2. The Customer shall be charged a monthly minimum and volume charges as adopted by the Board of Supervisors;
3. All other rates and fees and customer policies as adopted by the Board of Supervisors shall apply to the customer;
4. The Customer agrees to make timely installment payments on a monthly basis or pay all fees at this time, and agrees that the outstanding amount of installment payments if not repaid within five (5) years of the date of this agreement constitute a lien against the property to be served by the water system; and
5. The Customer desires to purchase public water service and is requesting the Department to (1) extend water lines and/or provide a connection or (2) transfer an existing account to

his/her/its name, hereby enters into an agreement to perform the duties of the Customer as required by the County's water department policies.

I/we certify that I am/we are the authorized party/parties to sign for this requested water service.

SIGNED BY THE CUSTOMER: _____
Name

_____
Print Name and Title (if any)

_____
Print Business Name (if any)

_____
DATE

SIGNED BY JOINT CUSTOMER: _____
Name

_____
Print Name and Title or Relationship (if any)

_____
Print Business Name (if any)

_____
DATE

SIGNED BY THE OWNER IF DIFFERENT THAN THE CUSTOMER:

_____
Name

_____
Print Name and Title (if any)

_____
Print Business Name (if any)

_____
DATE

SIGNED FOR THE DEPARTMENT: _____

_____
DATE

COUNTY OF FRANKLIN
WATER USERS AGREEMENT:
DOE RUN/POWER DAM ROAD/FOREST HILLS PROJECT

This agreement entered into this _____ day of _____, 200__, between the County of Franklin, a Virginia body politic, hereinafter called the "County" and
_____,
hereinafter called the "Customer".

WITNESSETH

WHEREAS, the Customer desires to purchase water from the County and to enter into a water users agreement as required by Board of Supervisors,

NOW THEREFORE, in consideration of the mutual covenants, promises, and agreements herein contained, it is hereby understood and agreed by the parties hereto as follows:

The County shall furnish, subject to its policies now in force or as hereafter amended, such quantity of water as the Customer may desire in connection with the Customer's occupancy of the following described property:

1. Commonly known as: _____

2. Legal property address: _____

   _____

3. Legally described as: Tax Map No. _____

   _____

The County shall install at the County's expense a water meter, a cutoff valve and a service line which shall begin at the water main line and extend to the property line. The County shall have exclusive right to use such cutoff valve and water meter. The service line shall connect with the water main line of the County at the nearest place of desired use by the Customer, provided the County has determined in advance that the system has sufficient capacity to permit delivery of water at that point.

The Customer agrees to grant to the County, its successors and assigns, a perpetual easement in, over, under and upon the above described land, with the right to erect, construct, install, and lay, and thereafter use, operate, inspect, repair, maintain, replace, and remove water pipelines and appurtenant facilities, together with the right to utilize adjoining lands belong to the Customer for the purpose of ingress and egress from the above-described lands.

The Customer shall install and maintain at the Customer's expense a service line which shall begin at the meter and extend to the dwelling or place of use. The service line shall connect to the County's water meter.

The Customer also agrees to be fully responsible for the service line from the water meter to the home or place of use including the installation of an approved back-flow device if required.

The Customer agrees to comply with and be bound by the policies, laws, and regulations of the County, now in force, or as hereafter duly and legally supplemented, amended or changed. The Customer also agrees to pay for the hook-up fee and for the monthly use of water at such rates, time, and place as shall be determined by the County, and agrees to the imposition of such penalties for noncompliance as are now set out in the County's policies, laws, and regulations, or which may be hereafter adopted and imposed by the Board of Supervisors.

Excerpts from the schedule of hookup and other water fees adopted by the Board of Supervisors are attached. The Customer agrees to select a hookup payment method, as follows:

_____ Payment in one lump sum during the first year of water service availability (discount to be applied)

_____ Payment in monthly installments during the first year of water service availability to be billed by the County of Franklin (discount to be applied)

_____ Payment in monthly installments over a 5-year period with annual interest set at prime rate each year to be billed by the County (no discount applied)

_____ Payment in monthly installments over a period longer than 5 years, up to 10 years, with annual interest set at prime rate each year to be billed by the County (no discount applied)

_____ Other Payment Schedule (detail:) _____

_____

_____

The Customer agrees to pay a service deposit in the amount of the monthly minimum water rate for his/her/its home or place of public water use, as adopted by the Board of Supervisors. For most customers, the service deposit amount is $21.50. The service deposit shall be paid either at the time of signing the User Agreement or as otherwise agreed between the Customer and the County. In the event service to the Customer is terminated, either voluntarily by the Customer, or by the County for cause, the service deposit shall be held and applied by the County to any unpaid balance then owing on the Customer's account. Should the account be fully paid at the time of termination of service to the Customer, the deposit shall be refunded by the County within a reasonable time thereafter.

The County shall have final authority in any question of location of any service line connection to its water main line; shall determine the allocation of water to Customers in the event of a water shortage; and may shut off water to a Customer who allows a connection or extension to be made of the Customer's service line for the purpose of supplying water to another user. In the event the total water supply shall be insufficient to meet all of the needs of the Customers, or in the event there is a shortage of water, the County may prorate the water available among the various Customers on such basis as is deemed equitable by the Board of Supervisors, and may also prescribe a schedule of hours covering use of water for garden purposes by particular Customers and require adherence thereto or prohibit the use of water for garden purposes; provided that, if at any time the total water supply shall be insufficient to meet all of the needs of all the Customers, the County must first satisfy all of the needs of all Customers for domestic purposes before supplying any water for livestock purposes and must satisfy all the needs of all Customers for both domestic and livestock purposes before supplying any water for garden purposes.

The Customer agrees that no other present or future source of water will be connected to any water lines served by the County's waterlines and will disconnect from the present water supply prior to connecting to and switching to the County's system and shall eliminate their present or future cross-connections in the Customer's system.

The Customer shall connect the service lines to the County's water meter and shall commence to use water from the system on the date the water is made available, to the Customer by the County. Water charges to the Customer shall commence on the date service is made available.

The failure of a Customer to pay water charges duly imposed shall result in the automatic imposition of the following penalties:

1) Nonpayment within ten (10) days from the due date will be subject to a penalty of 1.5 percent/month of the delinquent account.

2) Nonpayment with thirty (30) days from the due date will result in the water being shut off from the Customer's property.

3) In the event it becomes necessary for the County to shut off the water from a Customer's property, a fee set by the County in its rate schedule shall be charged for a reconnection of the service.

IN WITNESS WHEREOF, we have executed this agreement this _____ day of _____, 200____.

COUNTY OF FRANKLIN

_____ (SEAL)
County Administrator or Assistant County Administrator

CUSTOMER

_____ (SEAL)
Signature for

_____
Print Name

EXCERPT:
RATES AND FEES FOR "FOREST HILLS" COUNTY PUBLIC WATER SYSTEM (VICINITY OF DOE RUN AND POWER DAM ROADS)
Adopted by the Board of Supervisors, August 17, 2004; Revised September 21, 2004

a) *Service Deposit* (Refundable): One month's minimum water use charge.

b) *Hook-Up Fees:*

Meter Size	Availability Fee	Connection Fee	Hook-up Fee
5/8" x ¾"	1,976.00	750.00	2,726.00
1"	2,767.00	1,050.00	3,817.00
1 ½"	3,557.00	1,350.00	4,907.00
2"	5,731.00	2,175.00	7,906.00
3"	21,739.00	8,250.00	29,989.00
4"	27,668.00	10,500.00	38,168.00
6"	41,501.00	15,750.00	57,251.00
8"	57,312.00	21,750.00	79,062.00

An **introductory discount** shall be offered for hook-up fees paid within one year of construction completion and acceptance by the Franklin County of the "Forest Hills" County public water system, as follows:

Total Hook-up Fee:	Discount of 20%
Availability Fee (Paid Alone):	Discount of 15%
Connection Fee (Paid Alone):	Discount of 10%

Following the discount period, the total hook-up fee will be assessed at its adopted rate.

c) *Water Use Rates*: Customer pays the monthly minimum plus the customer pays for the volume of water used during the month above the monthly minimum amount at the adopted rates based on volume of water purchased.

Monthly Minimum Rate: For most water customers, the minimum monthly use charge shall be $21.50 for the first 3,000 gallons of usage.

Volume Used/Month	Rate/1,000 Gallons Used
Monthly minimum	As established by the Board of Supervisors.
3,001-10,000 gallons	$ 6.50
10,001-50,000 gallons	6.30
50,001-100,000 gallons	6.10
100,001-250,000 gallons	5.90
250,001-500,000 gallons	5.60
500,001 or more gallons	5.00

d) *Late Payment Fee:* 1.5%/month of the unpaid balance, cumulative.

e) *Disconnection Fee:* $20.00/disconnection up to two (2) disconnections/year per customer. If the customer wishes or is assessed three (3) or more disconnections/year, the fee shall be $25.00/disconnection.

f) *Reconnection Fee:* $40.00/reconnection.

g) *Returned Check Fee:* $25.00/returned check.

h) Lien Provision for Unpaid Charges and Fees and Termination of Service: The lien provisions and policies regarding termination/cutting off of the water supply to the customer which are set forth in Section 22-251 of the County Code for unpaid water charges and fees (including availability and connection fees, water rates, and other adopted rates and fees) shall be applicable to customers of the "Forest Hills" County Public Water System .

Note: Call the Public Works Department at 540-483-3030 for additional information.

APPENDIX 6

CONNECTION POLICIES

APPENDIX 6:
COUNTY OF FRANKLIN
ADOPTED WATER CONNECTION POLICIES
PHASE I COUNTYWIDE PUBLIC WATER SYSTEM

Board of Supervisors, February 17, 2004; Revision adopted June 21, 2005

The new public water system will or may access some customers who are already hooked to a water system. To encourage their participation and give recognition to the costs they have expended on connection, the Board of Supervisors resolved on February 17, 2004 to adopt the following policies, revising them on June 21, 2005, which shall be evaluated over time for any changes which appear to be necessary:

A. New County System Accepting Customers of Existing System:

1) Customers of existing systems who are accepted as customers of the new County system shall make application and pay a deposit fee according to the adopted rates and fees of the Franklin County public system, and they shall become a customer of the County system and subject to its requirements of customers. No connection fee shall be charged.

2) An availability fee shall be assessed of the new customers according to the following policies:

a) If the existing system does not have fireflow and the new County system does, the customer shall be connected to the new County system, and shall pay the availability fee. The customer may elect to pay the availability fee on a monthly basis over time (up to 5 years) with interest, by executing an agreement with the County to that effect.

b) If the customer is located within a multi-unit building or development such as a shopping center or office building connected to the existing system, the owner of that multi-unit building or development may elect to pay an availability fee equal to what would be charged as an availability fee for a meter which is sized to serve that multi-unit building or development. In that instance, the individual business or unit is not charged an availability fee, even if it is individually metered. Any existing meters shall be exchanged for the standard meters specified for the new County system, and the owner of the development shall pay the material cost of the new meters sized for the customers served. The owner shall pay the material cost of the new meter only, not any labor or additional fittings or accessories for the meter, such as meter boxes or lids. The new meters shall be set by the County at the County's cost. The owner shall provide the location for the new meters to be set and operational and maintenance access to them by the County. The owner is responsible for any plumbing required on his side of the meter to connect to the County's meter. Any new water lines within the existing development which are built to replace service to the existing customers shall be provided by the owner of the development to meet County standards and shall be deeded to the County. Any new public water customers added within the existing multi-unit building or development, through additions and new construction, shall become customers of the new County system according to the adopted schedule of rates and fees.

c) Any water fees assessed which the customer elects to pay over a period of time are assessed as a lien against the property and must be paid by the owner or his/her/its heirs or assigns, and shall be paid when the property transfers ownership if not satisfied prior to that time.

d) The County Board of Supervisors shall annually set the rate of interest applied to any water fees which are paid over a period of time (prime rate as of July 1st) according to an agreement executed with the County.

e) Owners and tenants of existing individual buildings who are currently connected to existing water systems through a meter but are now connecting to the Phase I water system are not required to pay the County any reimbursement for the setting of a new standard water meter for the Phase I system. These customers are required to pay their availability fees and service deposits in order to be connected to the Phase I system, and, like other customers, are required to have a plumber connect their building to the Phase I meter at their own cost. The property owner shall provide the County access to replace the existing meter, if required, and thereafter access to read and maintain it.

B. System Which Meets Chapter 22 of the County Code Accepted by the County:

1) Customers of existing systems which meet the requirements of Chapter 22, who are accepted as customers of the new County system shall make application and pay a deposit fee according to the adopted rates and fees of the Franklin County public system, and they shall become a customer of the County system and subject to its requirements of customers. No connection fee shall be charged.
2) If the system was built to meet the standards of Chapter 22, and fire hydrants are present on the system, no availability fee shall be charged to the existing customers.
3) If the system was built to meet the standards of Chapter 22, but fire hydrants are not present on the system, the owner of the existing system shall pay an availability fee equal to what would be charged as an availability fee for a meter sized to serve the existing customer base. The existing customers shall not be assessed an availability fee in this instance. After receiving the availability fee from the existing owner and ownership of the system is transferred to the County, the County shall provide fire hydrants as funds are available and approved by the Board of Supervisors.
4) All extensions of the system accepted by the County shall be according to County policy and shall become part of the County water system.
5) New customers on the existing system or its extension accepted by the County shall pay the adopted rates and fees.

C. System Which Does Not Meet Chapter 22 of the County Code:

1) The County will provide technical assistance to existing systems which do not meet Chapter 22 of the County Code and wish to upgrade their system to those standards. Such systems shall contact the County if desired, and shall be provided with information on any available County or other programs which may assist system upgrades.

D. Community Systems Connected to the County Public Water System:

1) Community water systems may apply to connect to the County source. Upon approval the community system shall pay a service deposit, connection and availability fee based on the size of the meter selected for installation by the community system.
2) The community system may elect to pay the hookup fee monthly over a period up to 3 years, with interest as determined annually by the Board of Supervisors. If payment over time is desired by the community system, its authorized representative(s) shall execute an agreement with the County to provide all payments in a timely manner.
3) The community system must install and maintain a pressure reducing valve (PRV) on its side of the meter at its cost, in conjunction with its connection to the County water system.
4) The community system shall make available and dedicate to the County a meter site and shall provide access for the County to read and maintain such meter.

5) The community system shall be charged a monthly minimum and volume charges as adopted by the Board of Supervisors.
6) All other rates and fees and customer policies as adopted by the Board of Supervisors shall apply to the community system.
7) As a separate water system, the community system shall be responsible for all operations, repairs, replacements, and maintenance on its side of the meter.

APPENDIX 6:
COUNTY OF FRANKLIN
WATER CONNECTION POLICIES
"FOREST HILLS" COUNTY PUBLIC WATER SYSTEM (VICINITY OF DOE RUN AND POWER DAM ROADS)

Adopted by the Board of Supervisors by Resolution on August 17, 2004

The new "Forest Hills" County public water system will access both customers not on an existing system and those who may already be hooked to an existing water system. To encourage connections by all members of the community, the Board of Supervisors resolved on August 17, 2004, to adopt the following policies, which shall be evaluated over time for any changes which appear to be necessary:

A. Community Systems Connected to the "Forest Hills" County Public Water System:

1) Community water systems may apply to connect to the County source. Upon approval the community system shall pay a service deposit, connection and availability fee based on the size of the meter selected for installation by the community system.
2) The community system may elect to pay the hookup fee monthly over a period up to 3 years, with interest at prime rate as of July 1 of each year, determined annually by the Public Works Department on behalf of the Board of Supervisors. If payment over time is desired by the community system, its authorized representative(s) shall execute an agreement with the County to provide all payments in a timely manner.
3) The community system must install and maintain a pressure reducing valve (PRV) on its side of the meter at its cost, in conjunction with its connection to the County water system.
4) The community system shall make available and dedicate to the County a meter site and shall provide access for the County to read and maintain such meter.
5) The community system shall be charged a monthly minimum and volume charges as adopted by the Board of Supervisors.
6) All other rates and fees and customer policies as adopted by the Board of Supervisors shall apply to the community system.
7) As a separate water system, the community system shall be responsible for all operations, repairs, replacements, and maintenance on its side of the meter.

B. "Forest Hills" County Public Water System Accepting Customers of An Existing System:

1) Customers of existing systems who are accepted as customers of the "Forest Hills" County public water system shall make application and pay a deposit fee according to the adopted rates and fees of the Franklin County public system, and they shall become a customer of the County system and subject to its requirements of customers. No connection fee shall be charged.
2) An availability fee shall be assessed of the new customers according to the following policies:
   a) If the existing system does not have fireflow and the new County system does, the customer shall be connected to the new County system, and shall pay the availability fee. The customer may elect to pay the availability fee on a monthly basis over time (up to 5 years) with interest, by executing an agreement with the County to that effect.
   b) If the customer is located within a multi-unit building or development such as a shopping center, office building, or housing unit development connected to the existing system, the owner of that multi-unit building or development may elect to pay an availability fee equal to what would be charged as an availability fee for a meter which is sized to serve that multi-unit building or development. In that instance, the individual business or unit is not charged an availability fee, even if it is individually metered. Any existing meters shall be exchanged for the standard meters specified

for the new County system at the cost of the owner of the development. Any new water lines within the existing development which are built to replace service to the existing customers shall be provided by the owner of the development to meet County standards and shall be deeded to the County. If the existing system is not built to the standards of Chapter 22 and shall not be upgraded to those standards by the owner, and the system is not deeded to or accepted by the County, the owner of the multi-unit building or development shall continue to own and maintain the lines on his/her/its property, shall provide a pressure reducing valve(s) as directed by the County, shall pay the County to install a meter sized by the County at his/her/its property line, and shall provide access to the County to read and maintain such meter. In that instance, the metered customers shall not transfer to the County system, but the on-site water distribution system shall remain in the owner's ownership and maintenance, and it shall follow the County's policies for a community system. The meter at the property line shall be read by the County or its agents and the owner shall be invoiced for the appropriate charges for a community system as adopted by the Board of Supervisors.

c) Any water fees assessed which the customer shall pay over a period of time are assessed as a lien against the property and must be paid by the owner or his/her/its heirs or assigns, and shall be paid when the property transfers ownership if not satisfied prior to that time.

d) The rate of interest applied to any water fees which are paid over a period of time according to an agreement executed with the County shall be set at prime as it is on July 1 of each year as ascertained by the Public Works Department on behalf of the Board of Supervisors.

e) Where there is an existing meter which is not standard, the property owner shall pay the County the actual cost of the new meter to replace the existing meter, or the property owner shall provide the new meter to replace the existing meter with one which meets the County's standard. The property owner shall provide the County access to replace the existing meter, if required, and thereafter access to read and maintain it.

C. Customers on a Water System Which Meets Chapter 22 of the County Code Accepted by the County:

1) Customers of existing systems which meet the requirements of Chapter 22, who are accepted as customers of the new "Forest Hills" County public water system shall make application and pay a deposit fee according to the adopted rates and fees of the Franklin County public system, and they shall become a customer of the "Forest Hills" County system and subject to its requirements of customers. No connection fee shall be charged.

2) If the system was built to meet the standards of Chapter 22, and fire hydrants are present on the system, no availability fee shall be charged to the existing customers.

3) If the system was built to meet the standards of Chapter 22, but fire hydrants are not present on the system, the owner of the existing system shall pay an availability fee equal to what would be charged as an availability fee for a meter sized to serve the existing customer base. The existing customers shall not be assessed an availability fee in this instance. After receiving the availability fee from the existing owner and ownership of the system is transferred to the County, the County shall provide fire hydrants as funds are available and approved by the Board of Supervisors.

4) All extensions of the system accepted by the County shall be according to County policy and shall become part of the County water system.

5) New customers on the existing system and its extension(s) built to County standards shall be accepted by the County and shall pay the adopted rates and fees.

D. Customers on a System Which Does Not Meet Chapter 22 of the County Code Seeking to Upgrade the System:

1) The County will provide technical assistance to existing systems which do not meet Chapter 22 of the County Code and wish to upgrade their system to those standards. Such systems shall contact the County if desired, and shall be provided with information on any available County or other programs which may assist system upgrades.

E. All Other Customers Connecting Individually to the "Forest Hills" County Public Water System:

1) Residential, business, industrial, and institutional customers may apply to connect to the "Forest Hills" County public water system. Upon approval, the new water customer shall pay a service deposit and hook-up fee based on the size of the meter selected for installation at the service location.

2) The residential, business, industrial, and institutional water customers may elect to pay the hookup fee monthly over a period up to 5 years with interest set at the prime rate on July 1 of each year as as determined annually by the Public Works Department on behalf of the Board of Supervisors. A longer repayment period may be arranged on a case-by-case basis as approved by the Public Works Department. If payment over time is desired by the water customer, he/she/it shall execute an agreement with the County to provide all payments in a timely manner.

3) Any water fees assessed which the customer elects to pay over a period of time are assessed as a lien against the property and must be paid by the owner or his/her/its heirs or assigns, and shall be paid when the property transfers ownership if not satisfied prior to that time.

4) The residential, business, and industrial water customers connecting to the "Forest Hills" County public water system shall provide the connection from their house or building to the water meter set by the County. The customer shall make available and dedicate to the County a meter site, if needed, and shall provide access for the County to read and maintain such meter.

5) The residential, business, and industrial water customers shall be charged a monthly minimum and volume charges as adopted by the Board of Supervisors.

6) All other rates and fees and customer policies as adopted by the Board of Supervisors shall apply to the water customers of the "Forest Hills" County public water system.

7) The water customer shall be responsible for operations and maintenance of the water service line on his/her/its side of the meter.

APPENDIX 7

ADOPTED WATER RATES AND FEES

APPENDIX 7:
(Adopted following public hearing held on Tuesday, March 16, 2004, at 6:00 p.m., Board Meeting Room, County Courthouse, Rocky Mount, VA)
Chapter 22
WATER AND SEWER SYSTEMS
ARTICLE X. RATES AND FEES FOR COUNTY SYSTEMS

Sec. 22-250.1 Phase I of the countywide public water system rates and fees.

It is hereby ordained by the Franklin County Board of Supervisors that the County of Franklin shall charge customers of the Phase I Countywide Public Water System according to the following schedule of water rates and fees:

a) *Service Deposit* (Refundable): One month's minimum water use charge.

b) *Hook-Up Fees*:

Meter Size	Availability Fee	Connection Fee	Hook-up Fee	Total
5/8" x ¾"	$ 1,976.00	$ 750.00		$ 2,726.00
1"	2,767.00	1,050.00		3,817.00
1 ½"	3,557.00	1,350.00		4,907.00
2"	5,731.00	2,175.00		7,906.00
3"	21,739.00	8,250.00		29,989.00
4"	27,668.00	10,500.00		38,168.00
6"	41,501.00	15,750.00		57,251.00
8"	57,312.00	21,750.00		79,062.00

An **introductory discount** shall be offered for hook-up fees paid within one year of construction completion and acceptance of the Phase I water system, as follows:

Total Hook-up Fee: Discount of 20%
Availability Fee (Paid Alone): Discount of 15%
Connection Fee (Paid Alone): Discount of 10%

Following the discount period, the total hook-up fee, availability fee and connection fees will be assessed at their adopted rates.

c) *Fire Protection Hook-Up and Appurtenances:* Provision of fire hydrants, detector checks for fire flow, compound meters, and such appurtenances related to on-site fire protection suppression systems shall be assessed a one-time charge at the County's cost (including materials, labor, contractor and consultant services, and administration) to install the appurtenance(s).

d) *Water Use Rates*: Customer pays the monthly minimum plus the customer pays for the volume of water used during the month above the monthly minimum amount at the adopted rates based on volume of water purchased.

1. Monthly Minimum Rate

A. Community Systems: The monthly minimum shall be $8.00/1,000 gallons applied to 75% of the monthly water usage anticipated for all connections (based on one ERC per connection or 4,000 gallons/month per residential connection). As an example, a community system having 30 homes has a monthly minimum of 30 homes x 4,000 gallons/month minimum water usage = 120,000 gallons/month x 75% = 90,000 gallons/month at the rate of $8.00/1,000 gallons = $720.00/monthly minimum charge. Should the number of connections within the community system increase or decrease, the monthly minimum shall be reconfigured.

An **introductory offer** shall be provided to community systems that execute a user agreement with the County by June 2004 or as approved by the County Administrator, such that the monthly minimum established shall be $8.00/1,000 gallons applied to 65% of the monthly water usage anticipated for all connections (based on one ERC per connection or 4,000 gallons/month per residential connection). As an example, a community system having 30 homes shall have a monthly minimum of 30 homes x 4,000 gallons/month minimum water usage = 120,000 gallons/month x 65% = 78,000 gallons/month at the rate of $8.00/1,000 gallons = $624.00/monthly minimum charge. The introductory offer monthly minimum, if accepted in a timely manner, shall set the monthly minimum terms to be applied to the community system during the entire period of its continuing water purchases as a community system. Should the number of connections within the community system increase or decrease, the monthly minimum shall be reconfigured according to the introductory offer.

After June 2004 or such date as approved by the County Administrator, where service is available to community systems located along the Phase I project, the monthly minimum shall be based on 75% of the monthly minimum water usage anticipated for connections, as opposed to the 65% introductory offer.

B. All Other Connections Not Listed in (A) Above: Meter size flow minimum x $8.00/1,000 gallons, as follows:

Meter Size	Monthly Minimum Charge
5/8" x 3/4" = 1 ERC = 4,000 gallon minimum	$ 32.00
1" = 10,000 gallon minimum	80.00
1 ½" = 20,000 gallon minimum	160.00
2" = 32,000 gallon minimum	256.00
3" = 64,000 gallon minimum	512.00
4" = 100,000 gallon minimum	800.00
6" = 200,000 gallon minimum	1,600.00
Larger than 6" determined by Public Works Director	TBD

2. Monthly Water Purchase Rates

A. Monthly Water Purchase Rates: Customers shall be charged the monthly minimum, and the volume used each month above the monthly minimum amount shall be charged at the volume charges which are applicable, as follows:

Volume Used/Month	Rate/1,000 Gallons Used
Monthly minimum	As established above.
4,001-18,000 gallons	$ 7.00
18,001-25,000 gallons	6.50
25,001-50,000 gallons	6.00
50,001-100,000 gallons	5.50
100,001 gallons and over	5.00

B. Bulk Water Purchase: $8.00/1,000 gallons purchased/month plus one-time application fee of $25.00. Bulk water purchases at locations other than the County's bulk meter station must receive prior approval from the Public Works Director.

e) *Late Payment Fee:* 1.5%/month of the unpaid balance, cumulative.

f) *Disconnection Fee:* $20.00/disconnection up to two (2) disconnections/year per customer. If the customer wishes or is assessed three (3) or more disconnections/year, the fee shall be $25.00/disconnection.

g) *Reconnection Fee:* $40.00/reconnection.

h) *Returned Check Fee:* $25.00/returned check.

i) *Customer Requested Meter Read:* $25.00/meter read.

j) *Meter Test Fee:* If requested by the customer, $35 if the test is conducted by County staff; or cost plus 10% if by contractor or factory tested. The meter test fee shall be assessed only if the meter is accurate according to the test.

k) *Utility Plan Review:* A separate fee from fees assessed by the Planning and Community Development Department shall be assessed for plan review of systems which seek to be turned over to the County. This fee shall be paid to the County Treasurer in care of the Public Works Department, as follows:

- A minimum of $150 flat fee plus $0.25/linear foot of water line for first-time review.
- If subsequent reviews are required by the County for the same water plans, an additional $150 flat fee shall be assessed for each subsequent review.
- Waterline inspections by County staff or County consultants shall be billed to the applicant at actual cost.

l) *Lien Provision for Unpaid Charges and Fees and Termination of Service:* The lien provisions and policies regarding termination/cutting off of the water supply to the customer which are set forth in Section 22-251 of the County Code for unpaid water charges and fees (including availability and connection fees, water rates, and other adopted rates and fees) shall be applicable to customers of the Phase I Countywide Public Water System .

APPENDIX 7:
RATES AND FEES FOR "FOREST HILLS" COUNTY PUBLIC WATER SYSTEM (VICINITY OF DOE RUN AND POWER DAM ROADS)
Adopted by the Board of Supervisors by Resolution on August 17, 2004;
Revised on September 21, 2004

It is hereby resolved by the Franklin County Board of Supervisors that the County of Franklin shall charge customers of the Forest Hills County Public Water System in the Vicinity of Doe Run and Power Dam Roads according to the following schedule of water rates and fees:

a) *Service Deposit* (Refundable): One month's minimum water use charge.

b) *Hook-Up Fees:*

Meter Size	Availability Fee	Connection Fee	Hook-up Fee
5/8" x ¾"	1,976.00	750.00	2,726.00
1"	2,767.00	1,050.00	3,817.00
1 ½"	3,557.00	1,350.00	4,907.00
2"	5,731.00	2,175.00	7,906.00
3"	21,739.00	8,250.00	29,989.00
4"	27,668.00	10,500.00	38,168.00
6"	41,501.00	15,750.00	57,251.00
8"	57,312.00	21,750.00	79,062.00

An **introductory discount** shall be offered for hook-up fees paid within one year of construction completion and acceptance by the Franklin County of the "Forest Hills" County public water system, as follows:

Total Hook-up Fee:	Discount of 20%
Availability Fee (Paid Alone):	Discount of 15%
Connection Fee (Paid Alone):	Discount of 10%

Following the discount period, the total hook-up fee will be assessed at its adopted rate.

c) *Fire Protection Hook-Up and Appurtenances:* Provision of fire hydrants, detector checks for fire flow, compound meters, and such appurtenances related to on-site fire protection suppression systems shall be assessed a one-time charge at the County's cost (including materials, labor, contractor and consultant services, and administration) to install the appurtenance(s).

d) *Water Use Rates*: Customer pays the monthly minimum plus the customer pays for the volume of water used during the month above the monthly minimum amount at the adopted rates based on volume of water purchased.

These rates shall generally be in conformity with the water use rates currently adopted and in use by the Town of Rocky Mount for its out-of-town public water customers; however, it is the intention of the Board of Supervisors to review these water use rates over time and determine whether it is in the best interest of the County to revise them to conform with those of other Countywide public systems.

1. Monthly Minimum Rate

A. Community Systems: The monthly minimum shall be $21.50/month for each connection on the community system. As an example, a community system having 30 connections has a monthly minimum of 30 connections x $21.50/month minimum water rate = $645.00/monthly minimum rate. The monthly minimum rate shall be applied to a water purchase up to 3,000 gallons/month per connection. In the example of 30 connections, the monthly minimum rate shall be applied to a water

purchase of 30 connections x 3,000 gallons/month = 90,000 gallons/month. Any water used above this amount during the month shall be charged according to the rates within this water rates and fees schedule. Should the number of connections within the community system increase or decrease, the monthly minimum shall be reconfigured.

C. All Other Connections Not Listed in (A) Above: The minimum monthly use charge shall be $21.50 for the first 3,000 gallons of usage.

2. Monthly Water Purchase Rates

A. Monthly Water Purchase Rates: Customers shall be charged the monthly minimum, and the volume used each month above the monthly minimum amount shall be charged at the volume charges which are applicable, as follows:

Volume Used/Month	Rate/1,000 Gallons Used
Monthly minimum	As established above.
3,001-10,000 gallons	$ 6.50
10,001-50,000 gallons	6.30
50,001-100,000 gallons	6.10
100,001-250,000 gallons	5.90
250,001-500,000 gallons	5.60
500,001 or more gallons	5.00

B. Bulk Water Purchase: Not available on the "Forest Hills" County Public Water System (Vicinity of Doe Run and Power Dam Roads).

e) *Late Payment Fee:* 1.5%/month of the unpaid balance, cumulative.

f) *Disconnection Fee:* $20.00/disconnection up to two (2) disconnections/year per customer. If the customer wishes or is assessed three (3) or more disconnections/year, the fee shall be $25.00/disconnection.

g) *Reconnection Fee:* $40.00/reconnection.

h) *Returned Check Fee:* $25.00/returned check.

i) *Customer Requested Meter Read:* $25.00/meter read.

j) *Meter Test Fee:* If requested by the customer, $35 if the test is conducted by County staff; or cost plus 10% if by contractor or factory tested. The meter test fee shall be assessed only if the meter is accurate according to the test.

k) *Utility Plan Review:* A separate fee from fees assessed by the Planning and Community Development Department shall be assessed for plan review of systems which seek to be turned over to the County. This fee shall be paid to the County Treasurer in care of the Public Works Department, as follows:

- A minimum of $150 flat fee plus $0.25/linear foot of water line for first-time review.
- If subsequent reviews are required by the County for the same water plans, an additional $150 flat fee shall be assessed for each subsequent review.
- Waterline inspections by County staff or County consultants shall be billed to the applicant at actual cost.

l) *Lien Provision for Unpaid Charges and Fees and Termination of Service:* The lien provisions and policies regarding termination/cutting off of the water supply to the customer which are set forth in Section 22-251 of the County Code for unpaid water charges and fees (including availability and connection fees, water rates, and other adopted rates and fees) shall be applicable to customers of the "Forest Hills" County Public Water System .

APPENDIX 7:
(Adopted following public hearing held on October 19, 1999, at 6:00 p.m., Board Meeting Room, County Courthouse, Rocky Mount, VA)
Chapter 22
WATER AND SEWER SYSTEMS
ARTICLE X. RATES AND FEES FOR COUNTY SYSTEMS

Sec. 22-250. Commerce Center water system rates and fees.

It is hereby ordained by the Franklin County Board of Supervisors that the County of Franklin shall charge for water and connection fees at the Commerce Center according to the following schedule:

Minimum rate/month/3,000 gallons…….. $ 6.00

Rate/1,000 gallons over 3,000/month/1,000 gallons……... 2.00

Connection fees:

5/8" meter…….$ 500.00

1" meter……... 1,200.00

1 ½" meter…….. 1,500.00

2" meter…….. 2,250.00

3" meter…….. 3,500.00

Over 3" meter…….Cost plus 10%

Availability fee…….. 400.00

Disconnection fee……... 3.00

Reconnection fee…… 20.00

Late payment fee…… 20.00

Bulk water purchase rate/1,000 gallons……. 4.00

(Ord. of 10-19-99)

RESOLUTION OF THE FRANKLIN COUNTY BOAD OF SUPERVISORS
Conditions of Purchase of Bulk Water
from the Commerce Center Water System
(Resolution No. 21-09-99, September 1999)

Be it hereby resolved by the Franklin County Board of Supervisors that bulk water purchases from the Commerce Center Water System are subject to the following conditions:

1) When sold as bulk purchase water, the water supply of the Commerce Center Water System shall be deemed raw water unless otherwise approved by the Board of Supervisors;
2) Approval of the County Administrator or his/her designee is required for any bulk rate sale;

3) The purchaser is responsible for collecting and transporting the bulk water and shall hold the County harmless and meet all requirements regarding collection established by the County Administrator or his/her designee;

4) The County Administrator shall ascertain that surplus water is available beyond the needs of monthly customers of the Commerce Center Water System prior to approval of any bulk purchase;

5) The County Administrator shall prioritize any sale of bulk rate water from the Commerce Center Water System, as deemed appropriate, to potential customers as follows:

A) Raw water for public drinking water supplies;

B) Raw water for livestock;

C) Raw water for other agricultural production;

D) Raw water for swimming pools and other uses.

6) At the recommendation of the County Administrator, the Board of Supervisors may consider a negotiated agreement for the sale of bulk water from the Commerce Center Water System at such rates as are included in the proposed agreement.