

At a regular meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 6th day of December 2005, at the Cumberland Courthouse:

Present: W.F. Osl, Jr., Chairman, District 1
Clifton C. White, District 2
Van Petty, District 3
Elbert Womack, District 4
Jeremiah Heaton, District 5
Darvin E. Satterwhite, County Attorney
Judy Ownby, County Administrator
Sandy Sullivan, Deputy Clerk

Absent: Sherry Swinson, Assistant County Administrator

The Chairman called the meeting to order and the Deputy Clerk called the roll.

The invocation was led by Rev. Howard Cooper, Sr. and the pledge of allegiance was led by the Chairman.

1. Approval of Agenda

On a motion by Mr. Osl and carried, the Board approved an addendum to the agenda as follows:

5. Departments/Agencies
 - a) Additional Information - Emergency Services Committee Report

6. County Administrator's Report
 - d) Recommendation for appointment to Board of Equalization (to replace Linda Simms who has withdrawn)

 - e) Referral to Planning Commission for rezoning from R-2 to A-2 for the purpose of having a horse on the property.

Vote: Mr. Osl - aye Mr. White - aye
 Mr. Petty - aye Mr. Womack - aye
 Mr. Heaton - aye

2. **Ratify resolution in memory of Eddie M. West**

On a motion by Mr. Osl and carried, the Board ratified the following resolution that was presented to the family of Eddie West:

WHEREAS, on behalf of our community, we wish to record our deep sorrow over the passing of Eddie M. West; and

WHEREAS, Eddie M. West served as an elected member of the Cumberland County Board of Supervisors, District 3, from January 1, 1996 through December 31, 1999; and

WHEREAS, Eddie M. West demonstrated his concern for the welfare and well-being of his fellow citizens by his actions both in his private life and through his voluntary service to various community organizations and participation in community events and activities;

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Supervisors records the death of Eddie M. West and extends to the family its deepest sympathy.

Vote: Mr. Osl - aye Mr. White - aye
 Mr. Petty - aye Mr. Womack - aye
 Mr. Heaton - aye

3. **VDOT - Alan Leatherwood, VDOT Representative**

Alan Leatherwood, Mark McKissick, and Keith Halborn, VDOT was present to answer any concerns expressed by the Board of Supervisors and to present the six-year plan to the citizens of Cumberland County.

4. **Public Hearings**

a) Joint hearing with VDOT re: 6-year plan

The Chairman opened the public hearing and with there being no speakers, the public hearing was closed.

On a motion by Mr. Petty and carried, the Board adopted a resolution approving the six-year road plan and construction priority list as presented at the public hearing:

RESOLUTION

**SIX- YEAR ROAD PLAN
AND CONSTRUCTION PRIORITY LIST**

VIRGINIA: At a regular meeting of the Board of Supervisors of the County of Cumberland, held at the Cumberland County Courthouse, Tuesday, December 6, 2005, at 7:00 p.m.

MEMBERS PRESENT:

Mr. William F. Osl, Jr.
Mr. Clifton White
Mr. Van H. Petty
Mr. Elbert R. Womack
Mr. Jeremiah Heaton

On a motion by, Mr. Petty and unanimously carried:

WHEREAS, THE 1977 Session of the Virginia General Assembly amended Sections 33.1-23 and 33.1-23.4 of the 1950 Code of Virginia, as amended, which in part, provided the opportunity for each county to work with the Virginia Department of Transportation in developing a Six Year Road Plan,

WHEREAS, this Board had previously agreed to assist in the preparation of this plan in accordance with the Virginia Department of Transportation policies and procedures and participated in a Public Hearing on the proposed plan as well as the Construction Priority List (2006-2007) on, December 6, 2005 after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed plan and priority list, and

WHEREAS, W. A. Leatherwood, Resident Engineer, Virginia Department of Transportation, appeared before the Board and recommended approval of the Six Year Plan for Secondary Roads (2006-2012) and the Construction List (2006-2007) for Cumberland,

NOW, THEREFORE , BE IT RESOL VED that since said plans appear to be in the best interests of the Secondary Road System in Cumberland County and of the citizens residing on the Secondary System, said Six Year Plan (2006-2012) and Construction Priority List (2006-2007) are hereby approved as presented at the Public Hearing, as amended.

Vote: Mr. Osl - aye Mr. White - aye
 Mr. Petty - aye Mr. Womack - aye
 Mr. Heaton - aye

b) PPTRA Ordinance

The County Attorney explained the proposed ordinance.

The Chairman opened the public hearing and with there being no speakers, the public hearing was closed.

On a motion by Mr. White and carried, the Board approved the following ordinance:

WHEREAS, the Board finds the following ordinance to be in the best interests of the health and welfare of the citizens of Cumberland County.

WHEREAS the Personal Property Tax Relief Act of 1998, Virginia Code §§58.1-3523 *et seq.* ("PPTRA"), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act, hereinafter cited as the "2005 Appropriations Act"); and

WHEREAS these legislative enactments require the County to take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and

WHEREAS these legislative enactments provide for the appropriation to the County, commencing in 2006, of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are

subject to the personal property tax ("PPT") on such vehicles.

WHEREAS, the Board of Supervisors finds that it is necessary and in the public interest to amend the Cumberland County Code by adopting the amendments hereinafter stated.

NOW THEREFORE, BE IT ORDAINED, that the Cumberland County Code be, and it is hereby, amended to add the following new sections to Article VIII of Chapter 58 as follows:

Add: "Division 1. General Provisions" as the designation prior to existing Sec. 58-281.

Sec. 58-289. [Reserved.]

Adopt:

Division 2. Personal Property Tax Relief.

Sec. 58-290. Purpose; Definitions; Relation to other Ordinances.

(a) The purpose of this Division is to provide for the implementation of the changes to the Personal Property Tax Relief Act of 1998, Virginia Code §§58.1-3523 *et seq.* ("PPTRA") effected by legislation adopted during the 2004 Special Session I and the 2005 Regular Session of the General Assembly of Virginia.

(b) Terms used in this Division that have defined meanings set forth in PPTRA shall have the same meanings as set forth in Virginia Code §58.1-3523, as amended.

(c) To the extent that the provisions of this Division conflict with any prior ordinance or provision of the County Code, this Division shall control.

Sec. 58-291. Method of Computing and Reflecting Tax Relief.

(a) For tax years commencing in 2006, the County adopts the provisions of Item 503.E of the 2005 Appropriations Act, providing for the computation of tax relief as a specific dollar

amount to be offset against the total taxes that would otherwise be due but for PPTRA and the reporting of such specific dollar relief on the tax bill.

(b) The Board shall, by resolution set the percentage of tax relief at such a level that it is anticipated fully to exhaust PPTRA relief funds provided to the County by the Commonwealth.

(c) Personal property tax bills shall set forth on their face the specific dollar amount of relief credited with respect to each qualifying vehicle, together with an explanation of the general manner in which relief is allocated.

Sec. 58-292. Allocation of Relief among Taxpayers.

(a) Allocation of PPTRA relief shall be provided in accordance with the general provisions of this section, as implemented by the specific provisions of the County's annual budget relating to PPTRA relief.

(b) Relief with respect to qualifying vehicles with assessed values of \$1,000.00 or less shall be provided at a percentage, annually fixed, that, together with item (c), is estimated to fully use all available state PPTRA relief allocated to the County. The Board shall establish the percentage annually by resolution.

(c) Relief with respect to qualifying vehicles with assessed values of more than \$1,000.00 shall be provided at a percentage, annually fixed and applied to the first \$20,000.00 in assessed value of each such qualifying vehicle, that, together with item (b), is estimated to fully use all available state PPTRA relief allocated to the County. The Board shall establish the percentage annually by resolution.

Sec. 58-293. Transitional Provisions.

(a) Pursuant to authority conferred in Item 503.D of the 2005 Appropriations Act, unless the assessment is determined to be of no fault of the taxpayer, the County Treasurer is authorized to issue a supplemental personal property tax bill, in the amount of 100 percent of the tax due without regard to any former entitlement to state PPTRA relief, plus applicable penalties and interest, to any taxpayer whose taxes with respect

to a qualifying vehicle for tax year 2005 or any prior tax year remain unpaid on September 1, 2006, or such date as state funds for reimbursement of the state share of such bill have become unavailable, whichever earlier occurs.

(b) Penalty and interest with respect to bills issued pursuant to subsection (a) of this section shall be computed on the entire amount of tax owed. Interest shall be computed at the rate provided in Sec. 58-367 of this Chapter from the original due date of the tax.

Effective Date: December 31, 2005

| | | |
|-------|------------------|------------------|
| Vote: | Mr. Osl - aye | Mr. White - aye |
| | Mr. Petty - aye | Mr. Womack - aye |
| | Mr. Heaton - aye | |

c) Water ordinance

The County Attorney explained the proposed ordinance.

Scott Newton, Water & Sewer Advisory Committee gave and overview and update on the committee.

The Chairman opened the public hearing and with there being no speakers, the public hearing was closed.

On a motion by Mr. Petty and carried, the Board adopted the following ordinance:

WHEREAS, the County of Cumberland owns and operates a public water system serving the citizens of Cumberland County; and,

WHEREAS, in order to assure the public health, safety and general welfare of the users of the public water system and to properly manage the use and enjoyment of the County's water resources, it is necessary to regulate the use of the public water system by the adoption of a Water Ordinance.

NOW THEREFORE, BE IT ORDAINED, that new Article III, “Water” of Chapter 66, “Utilities,” of the Cumberland County Code is hereby adopted as follows:

[Sec. 299. Reserved.]

ARTICLE III. WATER

DIVISION 1. GENERALLY

Sec. 66-300. Management and control of waterworks generally.

The Waterworks Director shall have the general management and control of the waterworks and the properties appertaining thereto.

Sec. 66-301. Records of mains, etc.

The Waterworks Director shall keep on file in his office suitable records showing the size and location of all existing water mains, service connections and appurtenances thereto.

Sec. 66-302. Service generally.

The Waterworks Director shall establish procedures and give all orders to his agents to set, reset, take out and change meters, turn on and turn off water service, protect water system equipment, bill and collect for water service, and all other orders required in connection with furnishing water to consumers. His agents shall perform these orders as promptly as possible.

Sec. 66-303. Right of entry by county.

Every person occupying premises to which water service is provided shall permit any authorized county employee or agent to enter the premises at reasonable times to examine the service lines, meters or other equipment and to take up, repair or remove them so as to determine compliance with this Code or other county regulations. Examinations shall comply with all constitutional requirements.

Sec. 66-304. Obstructing valves, etc.; wasting water; liability for damages.

No person shall place any building material, rubbish or any other matter on the stopcock or valve of a water main or service pipe, obstruct access to any fixture connected with the waterworks or open any pipe, fire hydrant, meter, meter box or valve so as to waste water.

No person shall use water for which he has not made proper application pursuant to Sec. 66-325 unless authorized by the Waterworks Director or by the provisions of this Code. The owner of the premises shall be responsible for water obtained illegally from the owner's service connection. In addition to any other penalty that may be imposed, any person defacing or destroying waterworks property shall be held liable for its repair or replacement.

Sec. 66-305. Use of water in cases of disrepair or fire.

Notwithstanding any other provisions of this chapter, the occupant of premises supplied with county water whose hydrant or pipe is out of order may use water from the hydrant or pipe on another property with the owner's permission. Any person may use county water to put out a fire in an emergency, and fire companies may use county water to practice and to examine, clean and put their engines and hoses in good condition.

Sec. 66-306. Extensions to existing lines.

No extensions shall be made to existing water lines without written approval of the Waterworks Director. Applicants for approval shall submit at least four (4) copies of plans and specifications prepared by a registered engineer licensed to do business in the state. In the case of subdivisions, site plans and plans of development only, a licensed land surveyor may prepare plats, plans and profiles to the extent and in the manner permitted by Section 54.1-408 of the Code of Virginia. No construction shall commence until approval has been obtained from the Waterworks Director.

Sec. 66-307. Connections to existing water mains.

(a) If a public water supply and distribution system is within five hundred (500) feet of the building or structure for which a well is to be installed or requires major repairs to be used as a potable supply, the owner shall connect to such water system. Exceptions: (1) For residential structures existing as of December 6, 2005, the distance for mandatory connection shall be two hundred (200) feet; and, (2) For one single-family residential dwelling not existing as of December 6, 2005 located on a lot of record as of that date, the distance for mandatory connection shall be three hundred (300) feet. As provided above, the County shall require connection to its water systems by owners of property that may be served by such systems; however, those persons having a domestic supply or source of potable water adequate to prevent the contraction or spread of infectious, contagious, and dangerous diseases shall not be required to discontinue use of the same, but shall be required to pay a connection fee, a front footage fee, and a monthly nonuser service charge as set by the board of supervisors that shall not be more than that proportion of a minimum monthly user charge as debt service compares to the total operating and debt service costs.

(b) Such connections shall be made, if approved by the Waterworks Director, upon payment of a connection fee, which is set by the board of supervisors.

Sec. 66-308. Fire hydrant painting.

Fire hydrants shall be red in color with the tops painted according to National Fire Protection Association Standard #24. This standard color coding is based on the main feeding the fire hydrant. In accordance with this, the tops shall be painted as follows:

TABLE INSET:

| | |
|------------------------|-------------|
| | Top Painted |
| 4-inch main | Red |
| 6-inch main | Yellow |
| 8-inch main | Blue |
| 10-inch main | Green |
| 12-inch main or larger | White |

Sec. 66-309. Use of public water for irrigation.

No public water supply may be used for irrigation, except as may be approved in writing by the Waterworks Director. The Waterworks Director may set reasonable conditions upon any use of the public water supply for irrigation.

Sec. 66-310. Defacing or injuring system.

(a) It shall be unlawful for any unauthorized person to disturb, deface, injure or destroy any structure, hydrant, meter, valve, pipe or other fixture connected with the water system.

(b) In addition to criminal charges arising hereunder, any unauthorized person disturbing, defacing, injuring or destroying such facilities shall be held liable for any repair or replacement.

Sec. 66-311. Unauthorized use of public water.

(a) It shall be unlawful for any person to divert or remove, or cause another person to divert or remove, water from a fire hydrant or other unauthorized location on the public water supply and distribution system, without written authorization from the Waterworks Director.

(b) In addition to criminal charges arising hereunder, any person unlawfully removing water from a fire hydrant or other unauthorized location on the public water supply and distribution system shall be held liable for the water used at standard rates. If the amount of water unlawfully removed is uncertain, a flat fee of two hundred dollars (\$200.00) shall be assessed.

DIVISION 2. WATER SHORTAGE

Sec. 66-312. Authority of County Administrator to make emergency declaration.

The County Administrator is hereby authorized to declare emergencies in any or all areas supplied by the county affecting the use of water during any period in which there is a water shortage.

Sec. 66-313. Use of water.

It shall be unlawful for any person whose water supply is furnished from a county-owned or operated water system during any declared emergency to water or sprinkle lawns, gardens or to use water for any purposes not reasonably essential to health and used within the home or business between the hours of 7:00 a.m. and 10:00 p.m. each day or such other period of time as is deemed necessary by the county administrator for which an emergency has been declared pursuant to this division.

Sec. 66-314. Notice of declaration.

In declaring an emergency pursuant to this division, the County Administrator shall immediately post a written notice of emergency at the front door of the courthouse and at three (3) prominent places in the affected areas in which such emergency is declared; in addition thereto, he shall run an item in a newspaper of general circulation in the area in which such emergency has been declared.

DIVISION 3. CHARGES

Sec. 66-315. Reading meters.

In order to facilitate the rendering of bills for water consumed and the collection thereof, the Waterworks Director shall cause to be inspected and read at least once every two (2) months all water meters supplying water to consumers in order that proper bills may be prepared and presented to each consumer. On occasion consumption may be estimated; however, not more than two (2) consecutive bills will be estimated except in extreme emergencies. It shall be the responsibility of the owner, user and/or tenant of the premises to keep the meter box free from debris or any obstacle or animal which will hinder the reading of the meter.

Sec. 66-316. Collection generally; promulgation of rules and regulations.

Water consumers' accounts and collection shall be under the supervision and control of the Waterworks Director, who may, from time to time, make such rules and regulations, subject to the approval of the county administrator and the board of supervisors, as may be found necessary or deemed advisable for the protection and preservation of the property and appliances pertaining thereto.

Sec. 66-317. Payments for water generally; service deposit by tenant.

(a) A customer set up charge of ten dollars (\$10.00) shall be charged on the first bill of every new water or sewer account whether established by a new customer or an existing customer. Water bills shall be paid at the county treasurer's office or to an agent appointed to receive such payments. All payments shall be deemed delinquent if not paid in full within thirty (30) days; a twenty dollar (\$20.00) charge shall be added thereto to cover related delinquency costs. Users of water from the County public water system shall pay County water bills based upon the following rates for each metered unit or structure:

(a) Commercial & Residential Rate:

- For the first 2,000 gallons, a \$25.00 minimum monthly fee shall be payable;
- For any amounts used exceeding 2,000 gallons per month, the user shall pay at a rate of \$4.00 per 1,000 gallons or part thereof.

(b) Governmental/Educational Users Rate:

- For the first 2,000 gallons, a \$100.00 minimum monthly fee shall be payable;

For any amounts exceeding 2,000 gallons per month, the user shall pay at a rate of \$15.00 per 1,000 gallons or part thereof.

The agents shall be authorized to accept payments only for the total amount due. The treasurer of the county shall receive monies from the sale of water, and shall handle all deposits or advance payments for water, refunds to depositors of advance payments for water, refunds to depositors of advance payments or other refunds on account errors.

(b) Bills shall be considered as paid only after the payment is properly validated by the Department of Accounting. If any delinquent bill is not paid within ten (10) days after mailing of the notice of delinquency, the supply of water to the premises shall be discontinued. Such water supply and services shall not be restored until the delinquent account and a charge of thirty dollars (\$30.00) for reconnecting the supply of water shall have been paid in full. So long as the premises is owned, maintained or occupied by the person who is in default on account of nonpayment of water, service shall not be supplied to such premise. Water shall not be supplied to any premise on the application or the benefit of any person, so long as the delinquent charges for water service remain unpaid.

(c) Persons applying for service to property that they do not own will be required to make a deposit of one hundred dollars (\$100.00), to be held by the county as surety, without

interest, so long as the service is continued. Applicants may be granted one (1) week for the posting of the deposit if the application is made other than in person. Deposits not received within such time shall be billed to the customer's account. The county shall hold the deposit as surety without interest. When service is discontinued, the deposit shall be applied to the final bill, and if the deposit exceeds the amount owed, the excess will be refunded except as provided in Sec. 66-327.

Sec. 66-318. Payment per meter reading generally; relief in certain cases.

All water passing through a meter will be charged for whether used or wasted, beginning with the installation of the meter; provided that, where underground leaks occur in water pipes or metered services and the owner, agent or tenant shall have promptly made all necessary repairs, the Waterworks Director may rebate the amount in excess of double the amount of the average bimonthly bills for the premises. The Waterworks Director may grant this relief where an unknown problem results in metered water consumption in excess of double the average bimonthly bills and, in the Waterworks Director's judgment, the water was not beneficially used. Adjustments for an unknown problem will be limited to once in a three-year period per customer unless an extreme hardship exists. Such average bimonthly bill shall be determined by averaging bimonthly bills for the preceding six (6) months, or preceding three (3) bimonthly billing periods.

Sec. 66-319. Billing frequency.

Bills shall normally be rendered bimonthly. The Waterworks Director may direct monthly billing of customers' accounts if deemed to be in the best interest of the county.

Sec. 66-320. Overdue bills; disconnection for nonpayment generally.

All utility billing for water and sewer service shall be due when rendered and payable at the office of the county treasurer and shall be deemed delinquent if not paid within thirty (30) days. Except as provided in the following section, if a bill for water shall remain unpaid for thirty (30) days after it is rendered, it shall be delinquent, and a twenty dollar (\$20.00) charge shall be added thereto to cover related costs. If not paid within ten (10) days after the notice of delinquency is mailed, the supply of water shall be stopped and a reconnect charge of thirty dollars (\$30.00) payable in advance will be required before the water supply is restored. So long as the premises are occupied by the person who is in default on account of nonpayment of any such bill, including the appropriate reconnect charge, water shall not be restored to such premises. Water shall not be supplied to any premises on the application or for the benefit of any person who is in default by reason of nonpayment of any such bill, including the appropriate reconnect charge. If a user vacates the premises, the outstanding charges may be transferred to any other premises within the county where the user has service and if not paid within the time specified service may be discontinued at the latter premises.

Sec. 66-321. Liens--Taxes and charges to constitute lien.

All fees, assessments, taxes or charges imposed or incurred by this chapter for water or sewer or use thereof shall be a lien on the real estate served by such water line or sewer pursuant to §15.2-2118 of the Code of Virginia 1950 (as amended).

Sec. 66-322. Enforcement, liens.

Any such lien shall attach to the real estate for the delinquent property and may be enforced in the same manner as other taxes to the county, or by terminating water service, provided the public health and safety will not be endangered thereby.

Sec. 66-323. Exception from disconnection in case of contagious or infectious diseases.

Notwithstanding any of the provisions of this chapter, water shall not be stopped or shut off from any lot or premises on which there is a contagious or infectious disease which, in the opinion of the director of health, is of such character that the risk of communicating the disease to others would be increased by stopping or shutting off such water; and in any case, the water shall not be stopped or shut off until the owner or occupant of such premises shall have continued in default in the payment of his water bill for a period of thirty (30) days after the termination of such case of contagious or infectious disease.

Sec. 66-324. Charges when meter is broken.

In the event of a water meter failing to register properly for any cause and the consumer has received the usual or necessary supply of water during the time of such failure of the meter to register, it shall be lawful to bill the consumer for such amount as is shown to be the average bimonthly amount of water consumed on his premises for the preceding six (6) months or preceding three (3) bimonthly billing periods, if available, or for a longer period if deemed proper, or for the percentage of this consumption shown by the test of the meter.

Sec. 66-325. Application for water service where service exists.

Under the provisions of this chapter as hereinafter provided, water may be supplied to any premises upon proper application to the Waterworks Director, which application must be made at least three (3) days prior to occupancy. In the event the occupant has failed to make application, he shall be secondarily liable for all water consumed from the previous regular reading, and the supply of water shall be shut off until such time as proper application is made, except as provided in Sec. 66-323.

Sec. 66-326. Responsibility of moving tenant; new service for delinquent user.

When the tenant of a premises using water is about to move, he shall give the Waterworks Director at least three (3) days' notice thereof that the water shall be stopped, or he will be chargeable for any water that may pass through the meter before it was cut off. Any user leaving a premises without paying for the water consumed by him therein up to that time shall not have the use of water in the premises to which he may move until the amount so due from him shall have been paid; except that such service shall be provided on a lot or premises where there is a contagious or infectious disease which, in the opinion of the director of health, is of such character that the risk of communicating the disease to others would be increased or where the customer's landlord was paying utility bills for the customer and the customer was not in default in his payments to the landlord.

Sec. 66-327. Water service and volume charges.

(a) *Charges.* The charges for water service shall consist of a service charge, plus a volume charge, as set by the board of supervisors from time to time. These charges are categorized as follows:

(1) *Service charge.* All users billed bimonthly for water service in accordance with section Sec. 66-319 shall pay the amount fixed from time to time by the board of supervisors for each meter. Users billed monthly shall pay one-half (1/2) of said amount each month.

(2) *Volume charge.* In addition to the service charges, the volume charges shall apply to all water delivered and are listed separately in the monthly bill.

(b) *General provisions.*

(1) Any bills rendered for less than a full billing period shall have the service charge prorated according to days of use, plus the actual volume charge; except that the minimum prorated bill shall be fixed from time to time by the board of supervisors for all services (water, sewer) combined. Credit balances on final bills of less than said minimum amount shall not be refunded unless requested by the user.

(2) Charges shall begin as required by contract or when the appropriate connection fees are paid.

(3) Rates for service provided to contract users shall be established by contract with users.

(4) The volume charge on multimeter installations shall be applied to the sum of the volume.

DIVISION 4. CONNECTIONS; METERS

Sec. 66-328. Connections generally.

Upon approval of the application of an owner or tenant, water from the main in the street or alley shall be conducted to the property line of the applicant by means of a suitable service line, and there shall be placed on the service pipe near the property line a stopcock and a water meter. All meters shall be the property of the county. The applicant shall be responsible for all charges after the meter has been set.

Sec. 66-329. Location of meter.

Meters, when located on premises and not in the street easements or alleys, shall in all cases be set in places accessible to the agents of the Waterworks Director. The location of the

meter, if on the premises, is to approved by the Waterworks Director. Should the meter be changed at the request of the owner from one (1) location to another, the whole cost of such change shall be paid by the owner.

Sec. 66-330. Liability of county for water failure; authority to shut off for repairs or additions.

No person shall be entitled to damages or to have any portion of a payment refunded for any stoppage of supply of water occasioned by choking or accident to either the service pipe or meter or for the stoppage of water due to failure of the water supply or for stoppage for the purpose of additions or repairs; and the Waterworks Director shall have the right to shut off the water to make repairs, additions to pipes and meters, or other public purpose.

Sec. 66-331. Disconnection of meter.

No water meter shall be disconnected, moved or disturbed without the Waterworks Director's permission. The Waterworks Director shall be responsible for making any needed changes.

Sec. 66-332. Damage to meter.

After a water meter shall have been placed on the pipe supplying any premises, the owner of the premises shall be responsible for any damage which may result from hot water or steam settling back from a boiler; and the cost of renewals or repairs shall be paid by such owner to the county; and in the event such bill for damages is not paid within five (5) days after presentation, the Waterworks Director shall cause the water to be turned off to the premises and shall not turn it on again until the charges shall have been paid. It shall be the duty of the Waterworks Director to investigate and determine in each case the responsibility for the damage and the cost of the renewal or repairs.

Sec. 66-333. Setting meters; title to meters; installation charges.

All meters shall be set by the Waterworks Director or his authorized agent and shall be the property of the county. No meter shall be set until proper application has been made and approved by the Waterworks Director. The applicant upon installation of the meter shall be responsible for payment of all charges.

Sec. 66-334. Water connection fees--Generally.

The total water connection fee shall consist of costs and considerations associated with (1) a basic connection fee, (2) local facilities, (3) offsite extensions, and (4) oversized main credit policy, to the extent applicable.

(1) *Basic connection fee.* The basic connection fee for all applicants is to cover the cost of the water meter and its installation and partial payment for backup facilities, water capacity and distribution system. The basic connection fee, which will be fixed from time to time by the board of supervisors, shall be assessed all connectors, and the payment shall accompany the application for connection to the water system.

(2) *Local facilities.* The connector shall pay for all local facilities subject to the application of the oversized mains credit policy.

a. Where local facilities are not available to the connector's property, the connector shall be responsible for the full cost of the local facilities required to serve the connector's property. Developers of new subdivisions shall install local water facilities in accordance with Waterworks Director's specifications. Along any public right-of-way or easement where the property owner desires service for his own personal use (i.e., a single-family residential unit in which the owner intends to reside), the county will approve the extension of local facilities at the owner's expense.

b. Where local facilities are available to the connector's property and where the costs of said local facilities have not been previously assessed against the property being connected, a local facility fee equal to such costs as determined by the Waterworks Director shall be required.

(3) *Offsite extensions.* The connector shall pay for all offsite extensions required to provide service to the connector's property, subject to the application of the oversized mains credit policy.

(4) *Oversized mains credit policy.* Credits will be allowed against the basic connection fee for line sizes in excess of eight (8) inches required by the county. For any extension on the owner's property or in a public right-of-way or easement adjacent to the owner's property, credits will be allowed against basic connection fees for line size in excess of eight (8) inches in diameter required by the county. Notwithstanding the foregoing, no oversizing credit will be due where a main size greater than eight (8) inches in diameter is required to adequately serve the owner. Credits will be computed based on annual contract prices for miscellaneous utility construction in effect for the year in which construction was completed. If annual contract prices are not available, credits will be computed based on unit prices assimilated from recent bids taken by the county or bids taken by the owner, whichever is less. Credits shall not be paid in cash, but only be used as a credit toward other connection fees due from the owner in the future. Credits may be used only within the ten years following completion of the lines being oversized and their acceptance by the county.

Sec. 66-335. Applicability of plumbing codes.

This division is a supplement to the applicable plumbing and other building codes.

Sec. 66-336. Potable water to be protected.

The potable water made available on the properties served by the waterworks shall be protected from possible contamination or pollution by enforcement of this division and the plumbing code adopted by the county.

Sec. 66-337. Labelling of outlets not supplied by potable water system.

Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable water system must be labeled as "Water Unsafe for Drinking" in a conspicuous manner.

DIVISION 5. PRIVATE WATER SUPPLY

Sec. 66-338. Private well standards.

Development utilizing a private well as a potable water source shall conform to the following criteria:

- A. All bored wells shall have a minimum output of one (1) gallon per minute. All bored wells shall contain storage capacity within the well for twenty-four (24) hours of service.
- B. All drilled wells shall have a minimum output of one (1) gallon per minute and storage capacity for twenty-four (24) hours of service. Drilled wells yielding more than three (3) gallons per minute output shall not require such storage.
- C. Storage capacity requirements shall be based on health department regulations on estimated water usage.
- D. All wells, drilled or bored, shall be grouted to a minimum depth of twenty (20) feet.
- E. All wells, drilled or bored, shall be grouted by the well contractor within two (2) business days of the completion of the well. The well borehole and casing shall be protected from surface water intrusion, foreign materials and animals until the grout is installed.

F. A water sample shall be obtained by an individual approved by the health department and tested with negative results for coliform bacteria and compliance with all health department regulations for potable water prior to the issuance of a county certificate of occupancy.

Sec. 66-339 Reserved.

DIVISION 6. COMMUNITY WATERWORKS
CROSS CONNECTION CONTROL ORDINANCE

Sec. 66-340. Purpose of this Division 6.

Purpose of this Division 6 (sometimes referred to herein as the “ordinance”) is to abate or control actual or potential cross connections and protect the public health. This ordinance provides for establishment and enforcement of a program of cross connection control and backflow prevention in accordance with the Commonwealth of Virginia, State Board of Health, *Waterworks Regulations* 1995, or as amended. This ordinance is directed at service line protection (containment).

Sec. 66-341. Authority for this Article III and Division 6.

This Article III is adopted pursuant to §15.2-1200 and §15.2-2109 of the Code of Virginia 1950 (as amended) and in conjunction with Commonwealth of Virginia, Department of Health *Waterworks Regulations*, Part II, Article 3: Cross Connection Control and Backflow Prevention in Waterworks.

Sec. 66-342. Administration of this Article III and Division 6.

A. The Waterworks Director shall administer and enforce the provisions of this Article III under the direction of the County Administrator.

B. It shall be the duty of the Waterworks Director to cause assessment to be made of properties served by the waterworks where cross connection with the waterworks is deemed possible. The method of determining potential cross connection with the waterworks and the administrative procedures shall be established by the Waterworks Director in a Cross Connection Control Program (Program) approved by the Commonwealth of Virginia, Department of Health, Division of Water Supply Engineering.

C. The responsibility to carry out the Program lies with the Waterworks Director.

Sec. 66-343. Enforcement of this Division 6.

A. Upon request, the owner or occupants of property served shall furnish to the Waterworks Director pertinent information regarding the consumer's water supply system or systems on such property for the purpose of assessing the consumer's water supply system for cross connection hazards and determining the degree of hazard, if any. The refusal of such information, when requested, shall be deemed evidence of the presence of a high degree of hazard cross connection.

B. Notice of violation.

Any consumer's water supply system owner found to be in violation of any provision of this ordinance shall be served a written notice of violation sent certified mail to the consumer's water supply system owner's last known address, stating the nature of the violation, corrective action required and providing a reasonable time limit, not to exceed 30 days, from the date of receipt of the notice of violation, to bring the consumer's water supply system into compliance with this ordinance or have water service terminated.

C. Penalties.

Any owner of properties served by a connection to the waterworks found guilty of violating any of the provisions of this Article III, or any written order of the County Administrator or the Cumberland County Waterworks Director, in pursuance thereof, shall be guilty of a Class 1 misdemeanor for each violation. Each day upon which a violation of the provisions of this act shall occur shall be deemed a separate and additional violation for the purposes of this ordinance.

Sec. 66-344. Responsibilities of the County of Cumberland and the Waterworks Director.

(a) Effective cross connection control and backflow prevention requires the cooperation of the County of Cumberland, the Waterworks Director, the owner(s) of the property served, the Local Building Official (Cumberland County Building Inspector) and the backflow prevention device tester.

The Waterworks Director shall develop a Program to guard against cross connection control and assist in backflow prevention. The Program shall be carried out in accordance with the Commonwealth of Virginia, State Board of Health, *Waterworks Regulations* and shall as a minimum provide containment of potential contaminants at the consumer's service connection.

(b) The owner of the property served and the County of Cumberland shall have shared responsibility for water quality and for the construction, maintenance, and operation of the consumer's water supply system from the service connection to the free flowing outlet.

(c) The Waterworks Director shall, to the extent of the County's jurisdiction, provide continuing identification and evaluation of all cross connection hazards. This shall include an assessment of each consumer's water supply system for cross connections to be followed by the requirement, if necessary, of installation of a backflow prevention device or separation.

Assessments shall be performed at least annually.

(d) In the event of the backflow of pollution or contamination into the waterworks, the Waterworks Director shall promptly take or cause corrective action to confine and eliminate the pollution or contamination. The Waterworks Director shall report to the appropriate Commonwealth of Virginia, Department of Health, Office of Water Programs Field Office in the most expeditious manner (usually by telephone) when backflow occurs and shall submit a written report by the 10th day of the month following the month during which backflow occurred addressing the incident, its causes, effects, and preventative or control measures required or taken.

(e) The Waterworks Director shall take positive action to ensure that the waterworks is adequately protected from cross connections and backflow at all times. If a cross connection exists or backflow occurs into a consumer's water supply system or into the waterworks or if the consumer's water supply system causes the pressure in the waterworks to be lowered below 10 psi gauge, the Waterworks Director may discontinue the water service to the consumer and water service shall not be restored until the deficiencies have been corrected or eliminated to the satisfaction of the Waterworks Director.

(f) In order to protect the occupants of a premises, the Waterworks Director should inform the consumer's water supply system owner(s) of any cross connection beyond the service connection that should be abated or controlled by application of an appropriate backflow prevention device or separation. Appropriate backflow prevention device or separation should be applied at each point-of-use and/or applied to the consumer's water supply system, isolating an area which may be a health or pollutional hazard to the consumer's water supply system or to the waterworks.

(g) Records of backflow prevention devices, separations, and consumer's water supply systems, including inspection records, records of backflow incidents, and records of device tests shall be maintained by the Waterworks Director for ten years.

Sec. 66-345. Responsibilities of the consumer's water supply system owner.

(a) The consumer's water supply system owner(s), at their own expense, shall install, operate, test, and maintain required backflow prevention devices or backflow prevention by separations.

(b) The consumer's water supply system owner(s) shall provide copies of test results, maintenance records and overhaul records to the Waterworks Director within 30 days of completion of testing or work. Such testing or work shall have been performed by device testers which have obtained a certificate of completion of a course recognized by the American Water Works Association, the Virginia Department of Health or the Virginia Cross Connection Control Association for cross connection control and backflow prevention inspection, maintenance and testing or otherwise be certified by a Commonwealth of Virginia tradesman certification program.

(c) All new residential service connections shall be fitted with a residential dual check (ASSE #1024).

(d) All existing residential service connections shall be fitted with a residential dual check (ASSE #1024) prior to connection to the County Water System.

Sec. 66-346. Preventative and control measures for containment.

(a) Service Line Protection .

Backflow prevention device or separation shall be installed at the service connection to a consumer's water supply system where, in the judgment of the Waterworks Director a health or pollutional hazard to the consumer's water supply system or to the waterworks exists or may exist unless such hazards are abated or controlled to the satisfaction of the Waterworks Director.

(b) Special Conditions

The following circumstances shall be deemed “Special Conditions” for the purposes of the enforcement of this Division 6:

1. When, as a matter of practicality, the backflow prevention device or separation cannot be installed at the service connection, the device or separation may be located downstream of the service connection but prior to any unprotected takeoffs.
2. Where all actual or potential cross connections can be easily correctable at each point-of-use and where the consumer's water supply system is not intricate or complex, point-of-use isolation protection by application of an appropriate backflow prevention device or backflow prevention by separation may be used at each point-of-use in lieu of installing a containment device at the service connection.

(c) A backflow prevention device or backflow prevention by separation shall be installed at each service connection to a consumer's water supply system serving premises where the following conditions exist:

1. Premises on which any substance is handled in such a manner as to create an actual or potential hazard to a waterworks (this shall include premises having auxiliary water systems or having sources or systems containing process fluids or waters originating from a waterworks which are no longer under the control of the waterworks owner).
2. Premises having internal cross connections that, in the judgment of the Waterworks Director may not be easily correctable or intricate plumbing arrangements which make it impracticable to determine whether or not cross connections exist.
3. Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make an evaluation of all cross connection hazards.

4. Premises having a repeated history of cross connections being established or reestablished.

5. Other premises specified by the Waterworks Director where cause can be shown that a potential cross connection hazard not enumerated above exists.

(d) Premises having booster pumps or fire pumps connected to the waterworks shall have the pumps equipped with a pressure sensing device to shut off or regulate the flow from the booster pump when the pressure in the waterworks drops to a minimum of 10 psi gauge at the service connection.

(e) An approved backflow prevention device or backflow prevention by separation shall be installed at each service connection to a consumer's water supply system or installed under Special Conditions, Sec. 66-346 b). serving, but not necessarily limited to, the following types of facilities:

1. Hospitals, mortuaries, clinics, veterinary establishments, nursing homes, dental offices and medical buildings;
2. Laboratories;
3. Piers, docks, waterfront facilities;
4. Sewage treatment plants, sewage pumping stations, or storm water pumping stations;
5. Food and beverage processing plants;
6. Chemical plants, dyeing plants and pharmaceutical plants;
7. Metal plating industries;
8. Petroleum or natural gas processing or storage plants;
9. Radioactive materials processing plants or nuclear reactors;

10. Car washes and laundries;
11. Lawn sprinkler systems, irrigation systems;
12. Fire service systems;
13. Slaughter houses and poultry processing plants;
14. Farms where the water is used for other than household purposes;
15. Commercial greenhouses and nurseries;
16. Health clubs with swimming pools, therapeutic baths, hot tubs or saunas;
17. Paper and paper products plants and printing plants;
18. Pesticide or exterminating companies and their vehicles with storage or mixing tanks;
19. Schools or colleges with laboratory facilities;
20. High rise buildings (4 or more stories);
21. Multiuse commercial, office, or warehouse facilities;
22. Others specified by the Waterworks Director when reasonable cause can be shown for a potential backflow or cross connection hazard.

(f) Where lawn sprinkler systems, irrigation systems or fire service systems are connected directly to the waterworks with a separate service connection, a backflow prevention device or backflow prevention by separation shall be installed at the service connection or installed under Special Conditions, Sec. 66-346 (b)(1).

Sec. 66-347. Type of protection required.

The type of protection required shall depend on the degree of hazard which exists or may exist. The degree of hazard, either high, moderate, or low, is based on the nature of the contaminant; the potential health hazard; the probability of the backflow occurrence; the method of

backflow either by backpressure or by backsiphonage; and the potential effect on waterworks structures, equipment, and appurtenances used in the storage, collection, purification, treatment, and distribution of pure water.

Table 1 shall be used as a guide to determine the degree of hazard for any situation.

(a) An air gap or physical disconnection gives the highest degree of protection and shall be used whenever practical to do so in high hazard situations subject to backpressure.

(b) An air gap, physical disconnection and a reduced pressure principle backflow prevention device will protect against backpressure when operating properly.

(c) Pressure vacuum breakers will not protect against backpressure, but will protect against backsiphonage when operating properly. Pressure vacuum breakers may be used in low, moderate or high hazard situations subject to backsiphonage only.

(d) A double gate - double check valve assembly shall not be used in high hazard situations.

(e) Barometric loops are not acceptable.

(f) Interchangeable connections or change-over devices are not acceptable.

Sec. 66-348. Backflow prevention devices and backflow prevention by separation for containment.

(a) Backflow prevention devices for containment include the reduced pressure principle backflow prevention assembly, the double gate - double check valve assembly, and the pressure vacuum breaker assembly.

(b) Backflow prevention by separation shall be an air gap or physical disconnection.

The minimum air gap shall be twice the effective opening of a potable water outlet unless the outlet

is a distance less than three times the effective opening away from a wall or similar vertical surface, in which case the minimum air gap shall be three times the effective opening of the outlet. In no case shall the minimum air gap be less than one inch.

(c) Backflow prevention devices shall be of the approved type and shall comply with the most recent American Water Works Association Standards and shall be approved for containment by the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research.

(d) Backflow prevention devices shall be installed in a manner approved by the Waterworks Director and in accordance with the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research recommendations and the manufacturer's installation instructions. Vertical or horizontal positioning shall be as approved by the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research.

(e) Existing backflow prevention devices approved by the Waterworks Director prior to the effective date of this ordinance shall, except for inspection, testing, and maintenance requirements, be excluded from the requirements of Sec. 66-349 (c) and (d) if the Waterworks Director is assured that the devices will protect the waterworks.

(f) For the purpose of application to Special Conditions, Sec. 66-346(b)(2), point-of-use isolation devices or separations shall be as specified by the Waterworks Director where reasonable assurance can be shown that the device or separation will protect the waterworks. As a minimum, point-of-use devices should bear an appropriate American Society of Sanitary Engineering Standard Number. See the Cross Connection Control Program, Appendix A, for Isolation Device Application.

(g) Backflow prevention devices with openings, outlets, or vents that are designed to operate or open during backflow prevention shall not be installed in pits or areas subject to flooding.

Sec. 66-349. Maintenance and Inspection Requirements.

(a) It shall be the responsibility of the consumer's water supply system owner(s) to maintain all backflow prevention devices or separations installed in accordance with Section VII in good working order and to make no piping or other arrangements for the purpose of bypassing or defeating backflow prevention devices or separations.

(b) Operational testing and inspection schedules shall be established by the Waterworks Director as outlined in the Cross Connection Control Program for all backflow prevention devices and separations which are installed at the service connection or installed under Special Conditions, Sec. 66-346. The interval between testing and inspection of each device shall be established in accordance with the age and condition of the device and the device manufacturer's recommendations. Backflow prevention device and separation inspection and testing intervals shall not exceed 1 year.

(c) Backflow prevention device overhaul procedures and replacement parts shall be in accordance with the manufacturer's recommendations.

(d) Backflow prevention device testing procedures shall be in accordance with the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research, Backflow Prevention Assembly Field Test Procedure and the manufacturer's instructions.

Sec. 66-350. Definitions.

For the purposes of this ordinance, the following words and phrases shall have the following meanings and definitions:

Air Gap — means the unobstructed vertical distance through the free atmosphere between the lowest point of the potable water outlet and the rim of the receiving vessel.

Auxiliary Water System — means any water system on or available to the premises other than the waterworks. These auxiliary waters may include water from a source such as wells, lakes, or streams; or process fluids; or used water. They may be polluted or contaminated or objectionable, or constitute an unapproved water source or system over which the water purveyor does not have control.

Backflow — means the flow of water or other liquids, mixtures, or substances into a waterworks from any source or sources other than its intended source.

Backflow Prevention by Separation ("Separation") — means preventing backflow by either an air gap or by physical disconnection of a waterworks by the removal or absence of pipes, fittings, or fixtures that connect a waterworks directly or indirectly to a non-potable system or one of questionable quality.

Backflow Prevention Device ("Device") — means any approved device intended to prevent backflow into a waterworks.

Backpressure Backflow — means backflow caused by pressure in the downstream piping which is superior to the supply pressure at the point of consideration.

Backsiphonage Backflow — means backflow caused by a reduction in pressure which causes a partial vacuum creating a siphon effect.

Consumer — means person who drinks water from a waterworks.

Consumer's Water Supply System ("Consumer's System") — means the water service pipe, water distributing pipes, and necessary connecting pipes, fittings, control valves, and all appurtenances in or adjacent to the building or premises.

Containment — means the prevention of backflow into a waterworks from a consumer's water supply system by a backflow prevention device or by backflow prevention by separation at the service connection.

Contaminant — means any objectionable or hazardous physical, chemical, biological, or radiological substance or matter in water.

Cross Connection — means any connection or structural arrangement, direct or indirect, to the waterworks whereby backflow can occur.

Degree of Hazard — means either a high, moderate or low hazard based on the nature of the contaminant; the potential health hazard; the probability of the backflow occurrence; the method of backflow either by backpressure or by backsiphonage; and the potential effect on waterworks structures, equipment, and appurtenances used in the storage, collection, purification, treatment, and distribution of pure water.

Distribution Main — means a water main whose primary purpose is to provide treated water to service connections.

Division — (unless referring to a Division of this Article) means the Commonwealth of Virginia, Virginia Department of Health, Office of Water Programs, Division of Water Supply Engineering.

Domestic Use or Usage — means normal family or household use, including drinking, laundering, bathing, cooking, heating, cleaning and flushing toilets (see Appendix A for Title 32.1, Article 2, *Code of Virginia*, 1950, as amended).

Double Gate-Double Check Valve Assembly — means an approved assembly designed to prevent backsiphonage or backpressure backflow and used for moderate or low hazard situations, composed of two independently operating, spring-loaded check valves, tightly

closing shutoff valves located at each end of the assembly and fitted with properly located test cocks.

Entry Point — means the place where water from the source is delivered to the distribution system.

Health Hazard — means any condition, device, or practice in a waterworks or its operation that creates, or may create, a danger to the health and well being of the water consumer.

Isolation — means the prevention of backflow into a waterworks from a consumer's water supply system by a backflow prevention device or by backflow prevention by separation at the sources of potential contamination in the consumer's water supply system. This is also called point-of-use isolation. Isolation of an area or zone within a consumer's water supply system confines the potential source of contamination to a specific area or zone. This is called area or zone isolation.

Maximum Contaminant Level — means the maximum permissible level of a contaminant in water which is delivered to the free flowing outlet of the ultimate user of a waterworks, except in the cases of turbidity and VOCs, where the maximum permissible level is measured at each entry point to the distribution system. Contaminants added to the water under circumstances controlled by the user, except those resulting from corrosion of piping and plumbing caused by water quality, are excluded from this definition. Maximum contaminant levels may be either "primary" (PMCL) meaning based on health considerations or "secondary" (SMCL) meaning based on aesthetic considerations.

Plumbing Fixture — means a receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water therefrom; or discharges used water, waste materials, or sewage either

directly or indirectly to the drainage system of the premises; or requires both a water supply connection and a discharge to the drainage system of the premises.

Pollution — means the presence of any foreign substance (chemical, physical, radiological, or biological) in water that tends to degrade its quality so as to constitute an unnecessary risk or impair the usefulness of the water.

Pollution Hazard — means a condition through which an aesthetically objectionable or degrading material may enter the waterworks or a consumer's water system.

Premises — means a piece of real estate; house or building and its land.

Pressure Vacuum Breaker — means an approved assembly designed to prevent backsiphonage backflow and used for high, moderate, or low hazard situations, composed of one or two independently operating, spring-loaded check valves; an independently operating, spring-loaded air-inlet valve; tightly closing shutoff valves located at each end of the assembly; and fitted with properly located test cocks.

Process Fluids — means any kind of fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted which would constitute a health, pollutional, or system hazard if introduced into the waterworks. This includes, but is not limited to:

1. Polluted or contaminated water,
2. Process waters,
3. Used water, originating from the waterworks, which may have deteriorated in sanitary quality.
4. Cooling waters,
5. Contaminated natural waters taken from wells, lakes, streams, or irrigation systems,

6. Chemicals in solution or suspension, and
7. Oils, gases, acids, alkalis, and other liquid and gaseous fluid used in industrial or other processes, or for fire fighting purposes.

Pure Water or Potable Water — means water fit for human consumption and domestic use which is sanitary and normally free of minerals, organic substances, and toxic agents in excess of reasonable amounts for domestic usage in the area served and normally adequate in quantity and quality for the minimum health requirements of the persons served.

Reduced Pressure Principle Backflow Prevention Device (RPZ device) — means an approved assembly designed to prevent backsiphonage or backpressure backflow used for high, moderate, or low hazard situations, composed of a minimum of two independently operating, spring-loaded check valves together with an independent, hydraulically operating pressure differential relief valve located between the two check valves. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the assembly and be fitted with properly located test cocks.

Service Connection — means the point of delivery of water to a customer's building service line as follows:

1. If a meter is installed, the service connection is the downstream side of the meter;
2. If a meter is not installed, the service connection is the point of connection to the waterworks;
3. When the water purveyor is also the building owner, the service connection is the entry point to the building.

System Hazard — means a condition posing a threat of or actually causing damage to the physical properties of the waterworks or a consumer's water supply system.

Used Water — means water supplied from the waterworks to a consumer's water supply system after it has passed through the service connection.

Water Supply — means the water that shall have been taken into a waterworks from all wells, streams, springs, lakes, and other bodies of surface water (natural or impounded), and the tributaries thereto, and all impounded groundwater, but the term "water supply" shall not include any waters above the point of intake of such waterworks.

Waterworks — means a system that serves piped water for drinking or domestic use to (1) the public, (2) at least 15 connections, or (3) an average of 25 individuals for at least 60 days out of the year. The term "waterworks" shall include all structures, equipment, and appurtenances used in the storage, collection, purification, treatment, and distribution of pure water except the piping and fixtures inside the building where such water is delivered (see Title 32.1, Article 2, *Code of Virginia*, 1950, as amended).

Waterworks Owner — means an individual, group of individuals, partnership, firm, association, institution, corporation, government entity, or the Federal Government which supplies or proposes to supply water to any person within this State from or by means of any waterworks (see Title 32.1, Article 2, *Code of Virginia*, 1950, as amended).

Sec. 66-351. Adoption of state regulations.

The board of supervisors hereby adopts by reference Section 6.00, Cross-Connection and Backflow Prevention Control in Waterworks, of the state waterworks regulations, as it may be amended from time to time, or applicable successor provisions.

TABLE 1
DETERMINATION OF DEGREE OF HAZARD

| | |
|--------------------|--|
| High Hazard | The contaminant is toxic, poisonous, noxious or unhealthy |
| | In the event of backflow of the contaminant, a health hazard would exist |
| | A high probability exists of a backflow occurrence either by backpressure or by backsiphonage |
| | The contaminant would disrupt the service of piped water for drinking or domestic use |
| | Examples — Sewage, used water, non potable water, auxiliary water systems and toxic or hazardous chemicals |

| | |
|------------------------|---|
| Moderate Hazard | The contaminant would only degrade the quality of the water aesthetically or impair the usefulness of the water |
| | In the event of backflow of the contaminant, a health hazard would not exist |
| | A moderate probability exists of a backflow occurrence either by backpressure or by backsiphonage |
| | The contaminant would not seriously disrupt service of piped water for drinking or domestic use |
| | Examples — Food stuff, nontoxic chemicals and non-hazardous chemicals |

Premises with the following conditions shall be rated at the corresponding degree of hazard.

| | |
|-------------------|--|
| Low Hazard | The contaminant would only degrade the quality of the water aesthetically |
| | In the event of backflow of the contaminant, a health hazard would not exist |
| | A low probability exists of the occurrence of backflow |
| | Backflow would only occur by backsiphonage |
| | The contaminant would not disrupt service of piped water |
| | Examples — Food stuff, nontoxic chemicals and non-hazardous chemicals |

Vote: Mr. Osl - aye Mr. White - aye
Mr. Petty - aye Mr. Womack - aye
Mr. Heaton - aye

5. Department/Agencies

a) Emergency Services Committee report

Kevin Ingle, Emergency Services Committee representative presented the Board with its monthly report from the committee.

Mr. Ingle stated that the Emergency Services Committee is considering the introduction of a new "Rip and Run" technology. The hopes are that this new technology would help to decrease communication time for emergency calls. The Committee is also preparing to put GIS location equipment in each county fire and rescue department. This will be for a ninety day trial to determine if the equipment will be beneficial.

Mr. Ingle stated that the Committee recommends that each local fire department have their own Fire Marshall, instead of one Fire Marshall to cover the entire county.

Mr. White inquired as to the County being ready to provide adequate emergency shelters in the event of an avian flu outbreak.

Mr. Ingle stated that the Emergency Services Committee and the Local Emergency Planning Committee will be looking at how to enhance operations at the designated emergency shelters in the County.

b) Public Works/LEPC Report - Jerry Giles - monthly report

Mr. Giles was unable to attend and the County Administrator stated that the LEPC meeting that was scheduled for 12-5-2005 was cancelled due to inclement weather. However, the committee had planned to address shelter operations which will be discussed at their next meeting.

6. **County Administrator's Report**

a) Consent Agenda

The County Administrator explained each item in the consent agenda and on a motion by Mr. Osl and carried, the Board approved items 1 through 4.

1. Approved minutes for November 2005.
2. Approved bills for December 2005 totaling \$153,631.35 and ratified bills for November 2005 of warrants totaling \$231,654.93 with check numbers ranging from 46208 to 46490. Direct Deposit totaling \$98,103.35.
3. Reappointed Irene Speas to Planning Commission

Ms. Speas had previously been appointed to complete an unexpired term, therefore, she was appointed for the full term of three years expiring 1/1/09.

Vote: Mr. Osl - aye Mr. White - aye
Mr. Petty - aye Mr. Womack - aye
Mr. Heaton - aye

4. Ratify and reaffirm closed session on November 18, 2005

This item has already been addressed.

b) Appointment to Water & Sewer Advisory Committee - District 5

It was the consensus of the Board to table this item until the January 2006 regular Board of Supervisors meeting. If the position is not filled at that time, consideration will be given to advertise as an at-large position.

c) Schedule public awareness meeting - January re: proposed landfill

It was the consensus of the Board to hold a public awareness meeting on January 23, 2005 at 7:00 p.m. at

the Cumberland Elementary School regarding the proposed landfill.

- d) Recommendation for appointment to Board of Equalization (to replace Linda Simms who has withdrawn)

The County Administrator stated that Larry Atkins has agreed to serve on the Equalization Board.

On a motion by Mr. Osl and carried, the Board recommended Larry Atkins to the Circuit Court Judge for appointment to the Equalization Board to replace Linda Simms in District 3.

Vote: Mr. Osl - aye Mr. White - aye
Mr. Petty - aye Mr. Womack - aye
Mr. Heaton - aye

- e) Referral to Planning Commission for rezoning from R-2 to A-2 for the purpose to have a horse on the property.

On a motion by Mr. Petty and carried, the Board agreed to refer this item to the Planning Commission for consideration.

Vote: Mr. Osl - aye Mr. White - aye
Mr. Petty - aye Mr. Womack - aye
Mr. Heaton - aye

8. Assistant County Administrator's Report

- a) Update on projects

The Assistant County Administrator was not present.

The County Administrator updated the Board on the current funding status on the water line project. Ms. Ownby, County Administrator stated that she has been informed by Skip Notte, Engineer with Dewberry and Davis that based on his conversations with consultant Bob Boyd, Dewberry and Davis, the County is not eligible for any additional grant funding from Rural

Development for the water project. The County has received \$500,000 in funding from Rural Development. The only other option to receive additional funding from Rural Development would be through a grant/loan combination.

Ms. Ownby, County Administrator, stated that Skip Notte, Dewberry and Davis has also spoken with E.C. Pace from E.C. Pace and Company, the contracting firm that was the low bid. He will be reviewing the bid over the next few weeks to look for any cost savings options. The County has the option to submit a letter requesting an extension on action related to the bid. The bid currently has a sixty day time limit.

- b) Resolution of Support of DHR survey and planning grant cost share grant application

The County Administrator asked the Board to consider adopting a resolution in support of DHR survey and planning grant cost share grant application for funding.

On a motion by Mr. Osl and carried, the Board adopted the following resolution, without obligation of funding at this time:

WHEREAS, the Board of Supervisors of the County of Cumberland believes that it is important to recognize and value the cultural and historic resources of the County; and

WHEREAS, Cumberland County wishes to expand federal and state historic preservation recognition beyond the Courthouse itself to the immediate Courthouse Village district; and

WHEREAS, the County of Cumberland is submitting a proposal to the Virginia Department of Historic Resources requesting state survey and planning cost share funds to update surveys of properties and to nominate the Courthouse Village as a national and state historic district; and

WHEREAS, the County of Cumberland will provide a 50/50 match for these cost share funds;

NOW THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Cumberland, Virginia, respectfully requests that the Virginia Department of Historic Resources support the efforts of the County by providing survey and planning cost share funding.

Vote: Mr. Osl - aye Mr. White - aye
 Mr. Petty - aye Mr. Womack - aye
 Mr. Heaton - aye

9. County Attorney's Report

- a) Consider emergency ordinance to provide for Applications and disposition deadlines for equalization of real estate assessments

The County Attorney explained the proposed ordinance.

On a motion by Mr. Womack and carried, the Board adopted the following emergency ordinance:

WHEREAS, pursuant to §58.1-3378 of the Code of Virginia 1950 (as amended), the Board finds it necessary to set appropriate deadlines by which applications must be made by property owners or lessees for relief from the County real estate tax assessments, and the time frame during which all applications must be finally disposed of by the Cumberland County Board of Equalization.

NOW THEREFORE, BE IT ORDANIED, that the deadline for receipt of applications made by property owners or lessees for real estate tax relief to the Cumberland County Board of Equalization shall be 5:00 p.m. on March 15, 2006; and, that all such applications shall be finally disposed of by the Cumberland County Board of Equalization no later than 5:00 p.m. on March 31, 2006.

This ordinance shall be effective on December 6, 2005.

Vote: Mr. Osl - aye Mr. White - aye
Mr. Petty - aye Mr. Womack - aye
Mr. Heaton - aye

10. Public Comments

There were several citizens with questions concerning the proposed landfill. A citizen asked the Board if they had considered building an incinerator instead of a landfill. One citizen asked who was responsible for checking on Board members and what constituted harassment and thought that the County needs to have mock disaster drills to address emergencies.

11. Board Members

Mr. Osl stated that he recently attended the annual VACO Conference, which gave him the opportunity to attend a lot of good seminars that were very educational. Mr. Osl also stated that the Commonwealth Regional Council received forty applications for the Executive Director position. Interviews will be held over the next two weeks.

Mr. Heaton stated that he attended the annual VACO Conference and attended a meeting of the Census Bureau. Everyone will be receiving the new abbreviated census sheets in 2010.

Mr. Heaton also attended an Emergency Planning meeting that offered information that he will be passing on to the County's Emergency Services Coordinator.

Mr. White stated that he attended the VACO Conference. He attended a meeting with the Deputy Secretary of VDOT regarding the VDOT matching program. VDOT has not had an increase in funding since 1988. Their funding comes from gasoline tax and the gasoline tax has not been increased since 1988. However, there is almost double the amount of vehicles on the road now. VDOT started a matching program which allows localities to put in local money and VDOT will match 50 percent. Basically, County citizens would be providing funding through their taxes to pave roads within their own County. The Board of Supervisors has explored the possibility of participating in this program. However, VDOT has realized that localities are willing to put money forward for their own program which would cause matching

funds to be increased and construction funding to be reduced.

The Library Board meeting was postponed due to the weather on December 5, 2005 however, Mr. White stated that he has spoken to Mr. Rigsby concerning the deficit in the Library Board's budget this year. The Library has applied for grants and received \$20,000 in grant money to pay for computer needs. The Library Board still needs the Board to consider funding salary and health insurance for the Librarian. Mr. White stated that this is something that needs to be researched during the next budget process. Mr. White stated that he and Mr. Petty attended a meeting with the IT Committee and would like to explore the possibility of funding a communications tower that would cover 3,000 ft. diameter around the tower. The tower would be self supportive.

Mr. Womack shared articles from other counties on preserving farm land. Mr. Womack asked the Board to take steps to preserve open spaces in the County rather than to have land sub-divided.

Mr. Petty stated that he attended the telecommunications work shop at the annual VACO Conference. They are trying to have a uniform rate for all localities. Some counties have no fees on telephone services. Telecommunication companies have no incentive to provide services to rural areas and he feels that local government needs to help with the incentive.

12. Additional Information

No action taken.

13. **Adjourned**

The Chairman ordered the meeting recessed until December 19th at 7:00 a.m. for a trip to North Carolina to visit the Uwarrie landfill, operated by Republic, Inc.

Chairman

County Administrator