

**AT A REGULAR MEETING OF THE GLOUCESTER COUNTY BOARD OF SUPERVISORS, HELD ON TUESDAY, AUGUST 6, 2024, AT 6:00 P.M., IN THE THOMAS CALHOUN WALKER EDUCATION CENTER, 6099 T. C. WALKER ROAD, GLOUCESTER, VIRGINIA ON A MOTION MADE BY \_\_\_\_\_, AND SECONDED BY \_\_\_\_\_, THE FOLLOWING RESOLUTION WAS ADOPTED BY THE FOLLOWING VOTE:**

Phillip N. Bazzani, \_\_\_;  
Ashley C. Chriscoe, \_\_\_;  
Kenneth W. Gibson, \_\_\_;  
Christopher A. Hutson, \_\_\_;  
Michael A. Nicosia, \_\_\_;  
Robert J. Orth, \_\_\_;  
Kevin M. Smith, \_\_\_;

**AN ORDINANCE AMENDING GLOUCESTER COUNTY CODE CHAPTER 19 – WATER, SEWERS AND SEWAGE, SECTIONS 19-52.5, 19-52.6, 19-55.1, 19-132 and 19-138 TO REVISE WHEN A PUBLIC UTILITY MAY BE DISCONNECTED DUE TO NONPAYMENT/DELINQUENCY**

**WHEREAS**, the provisions of Gloucester County’s Code governing water, sewers and sewage are contained in Gloucester County Code, Chapter 19; and

**WHEREAS**, recent changes to State law make necessary and appropriate amendments to Chapter 19; and

**WHEREAS**, the State has enacted provisions effective July 1, 2024, that put restrictions on when a public utility may be disconnected due to nonpayment/delinquency; and

**WHEREAS**, amendments to Chapter 19 are appropriate, and are being sought by the Director of Public Utilities; and

**WHEREAS**, the Board is desirous of amending Chapter 19 of the Gloucester County Code, in accordance with the provisions which follow.

**NOW THEREFORE BE IT ORDAINED AND ENACTED** that the Gloucester County Code Chapter 19, – Water, Sewers and Sewage, Sections 19-52.5, 19-52.6, 19-55.1, 19-132 and 19-138, are hereby amended as follows:

Sec. 19-52.5. Grounds for discontinuance of service.

Service may be discontinued for any of the following reasons:

- (a) Permitting sewer service through a pipe to any property other than that described in the application.

- (b) In case of vacancy of the premises.
- (c) For violation of section 19-52.3.
- (d) For nonpayment for sewer service **pursuant to Code of Virginia § 15.2-2121.2.**
- (e) For introducing into any pipes connected to the county sewer system any water other than that supplied by the county system.

Sec. 19-52.6. Removal of sewer service.

In case sewer service is discontinued a charge shall be assessed for renewal of sewer service. Service will be renewed only upon proper application and when the conditions under which such service was discontinued are corrected and upon the payment of all proper rates and charges to the treasurer of the county. For any person requesting renewal of sewer service outside of normal working hours (before 8:00 a.m. or after 4:30 p.m., Monday through Friday, or Saturday or Sunday **or holiday**), an additional charge shall be assessed for the renewal of sewer service. No person who is delinquent for sewer service at any premises within the county shall have the right to sewer or water service at any other place or premises within the county, whether he is owner or tenant of such premises. Where rental real estate is involved, unless a lien has been recorded against the property owner, the county shall not deny service to a new tenant who is requesting service at a particular property address based upon the fact that a former tenant has not paid any outstanding fees and charges charged for the use and services in the name of the former previous tenant.

Sec. 19-55.1. Time of payment; overdue accounts.

- (a) *Payment.* All charges for sewer service levied by this division shall be due and payable at the office of the treasurer of the county upon receipt of the bill. Failure of the customer to receive either a water bill or disconnect notice shall neither be considered cause for nonpayment, nor justification for an extension of the payment date.
- (b) *Delinquent sewer bills.* Any sewer bill that is not paid by the thirtieth day of the month following sewer service shall be delinquent. A disconnect notice shall be mailed **or emailed** when a **sewer** bill is delinquent. Where rental real estate is involved, if the property owner has requested notice pursuant to section 19-4(b), the disconnect notice shall also be emailed or mailed to the

property owner. If the fees and charges for sewer service are not paid when due, a penalty and interest shall be owed as provided for by general law, and the owner, lessee, or tenant, as the case may be, of such real estate shall, until such fees and charges are paid with such penalty and interest to the date of payment, cease to dispose of sewage. If such owner, lessee, or tenant does not cease such disposal within two (2) months thereafter, the county shall cease supplying water to the property unless the health officers certify that shutting off the water will endanger the health of the occupants of the premises or the health of others.

- (c) *Late payment fee.* A late payment fee shall be assessed on delinquent accounts.
- (d) *Collection fee.* For those customers who are delinquent and a service representative has been dispatched to terminate sewer or water service, an additional fee shall be due and collected from the customer to defray collection expenses, whether or not the service representative takes action to terminate service.

Sec. 19-132. Grounds for discontinuance of service.

Service may be discontinued for any of the following reasons:

- (a) Permitting the use of water through a pipe to any property other than that described in the application.
- (b) In case of vacancy of the premises.
- (c) For willful waste of water from improper pipes, fixtures or otherwise.
- (d) For nonpayment for water service **pursuant to Code of Virginia § 15.2-2121.2.**
- (e) For introducing into any pipes connected to the county system any water other than that supplied by the county system.
- (f) For tampering or altering by the customer, or others with the knowledge of the customer, with any meter, service connection, water service line, or any other appurtenances of the county water system which regulate or control the customer's water supply.

- (g) For continuing to dispose of sewage or industrial waste directly or indirectly into the county sewer disposal system following two (2) months following a delinquency in payment for sewer service, unless the health department certifies that shutting off the water will endanger the health of the occupants of the premises or the health of others.

Sec. 19-138. Time of payment; overdue accounts.

- (a) *Payment.* All charges for water service levied by this division shall be due and payable at the office of the treasurer of the county upon receipt of the bill. Failure of the customer to receive either a water bill or disconnect notice shall neither be considered cause for nonpayment, nor justification for an extension of the payment date.
- (b) *Delinquent water bills.* Any water bill that is not paid by the thirtieth day of the month following water service shall be delinquent. A disconnect notice shall be mailed **or emailed** when a **water** bill is delinquent **for thirty (30) days**, ~~and in the event a water bill is delinquent for fifteen (15) days, the director shall discontinue the water supply without notice.~~ Where rental real estate is involved, if the property owner has requested notice pursuant to section 19-4(b), the disconnect notice shall also be emailed or mailed to the property owner. **In the event a water bill is delinquent for forty-five (45) days, the director shall discontinue the water supply.**
- (c) *Late payment fee.* A late payment fee shall be assessed on delinquent accounts.
- (d) *Collection fee.* For those customers who are delinquent and a service representative has been dispatched to terminate water service and the customer tenders payment to avoid such termination, an additional fee per meter shall be due and collected from the customer to defray collection expenses.

A Copy Teste:

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Carol E. Steele, County Administrator



# Amendments to Gloucester County Code Chapter 19 – Water, Sewers and Sewage



August 6, 2024



Code of  
Virginia

## Public Utility Disconnect Restrictions Effective July 1, 2024

- Forecasted temperature of 92° or higher
- Fridays, weekends, state holidays, or the day immediately preceding state holiday
- Delinquency of 45 days minimum

**§ 15.2-2121.2. Disconnection suspension for utilities.**

A. 1. No electric utility...

2. No gas utility...

3. No water or wastewater utility shall disconnect from service any residential customer when the forecasted temperature is at or above 92 degrees Fahrenheit within the 24 hours following the scheduled disconnection.

4. To ascertain the projected temperature as provided in this subsection, each utility shall refer to the forecasted local temperature provided by the National Weather Service where the customer to be disconnected is located.

B. No utilities shall disconnect from service any residential customer for nonpayment of bills or fees on Fridays, weekends, state holidays, or the day immediately preceding a state holiday.

§ 15.2-2121.3. Notice procedures for nonpayment; disconnecting utility service.

A. Each utility subject to the provisions of this article shall provide to each of its residential customers a copy of its disconnection for nonpayment policy (i) at any time a new residential account is established, (ii) when any disconnection for nonpayment of bills or fees is scheduled by including a copy of the policy with such notice, or (iii) by publishing the disconnection policy on the utility's website. Each such utility shall provide all required notices in English and Spanish. Such required notices shall include information regarding payment plans and state, federal, or utility energy assistance programs.

B. Each utility subject to the provisions of this article shall deliver notice of nonpayment of bills or fees to its residential customers prior to disconnection by using at least one of the following methods: (i) mail, (ii) email, (iii) text message, (iv) phone call, or (v) door hanger.

**C. Utility disconnections due to the nonpayment of bills or fees are prohibited for residential customers until the customer's account is 45 days in arrears.** After each missed payment, the utility shall provide notice pursuant to subsection B and make contact with the customer and offer bill payment assistance, arrange a payment plan, or provide information to the customer for other bill payment assistance or energy savings programs.



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## Sec. 19-52.5 – Grounds for discontinuance of service

Service may be discontinued for any of the following reasons:

- (a) Permitting sewer service through a pipe to any property other than that described in the application.
- (b) In case of vacancy of the premises.
- (c) For violation of section 19-52.3.
- (d) For nonpayment for sewer service **pursuant to Code of Virginia 15.2-2121.2.**
- (e) For introducing into any pipes connected to the county sewer system any water other than that supplied by the county system.

## Sec. 19-52.6 – Removal of sewer service

In case sewer service is discontinued a charge shall be assessed for renewal of sewer service. Service will be renewed only upon proper application and when the conditions under which such service was discontinued are corrected and upon the payment of all proper rates and charges to the treasurer of the county. For any person requesting renewal of sewer service outside of normal working hours (before 8:00 a.m. or after 4:30 p.m., Monday through Friday, or Saturday or Sunday **or holiday**), an additional charge shall be assessed for the renewal of sewer service. No person who is delinquent for sewer service at any premises within the county shall have the right to sewer or water service at any other place or premises within the county, whether he is owner or tenant of such premises. Where rental real estate is involved, unless a lien has been recorded against the property owner, the county shall not deny service to a new tenant who is requesting service at a particular property address based upon the fact that a former tenant has not paid any outstanding fees and charges charged for the use and services in the name of the former previous tenant.

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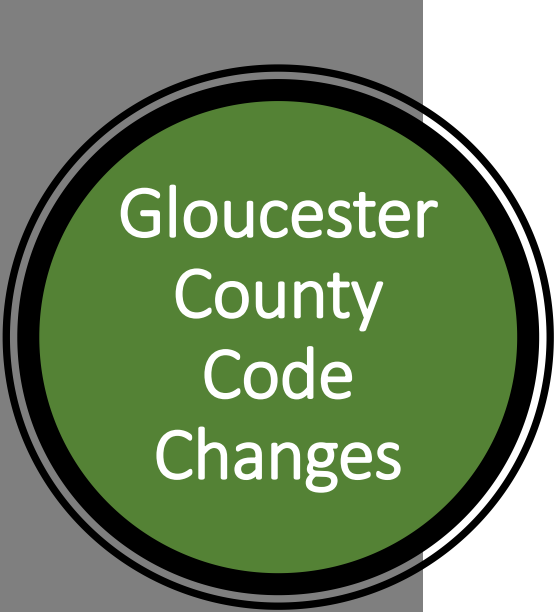
## Sec. 19-55.1 – Time of payment; overdue accounts

(b) *Delinquent sewer bills.* Any sewer bill that is not paid by the thirtieth day of the month following sewer service shall be delinquent. A disconnect notice shall be mailed **or emailed when a sewer** bill is delinquent. Where rental real estate is involved, if the property owner has requested notice pursuant to section 19-4(b), the disconnect notice shall also be emailed or mailed to the property owner. If the fees and charges for sewer service are not paid when due, a penalty and interest shall be owed as provided for by general law, and the owner, lessee, or tenant, as the case may be, of such real estate shall, until such fees and charges are paid with such penalty and interest to the date of payment, cease to dispose of sewage. If such owner, lessee, or tenant does not cease such disposal within two (2) months thereafter, the county shall cease supplying water to the property unless the health officers certify that shutting off the water will endanger the health of the occupants of the premises or the health of others.

## Sec. 19-132 – Grounds for discontinuance of service

Service may be discontinued for any of the following reasons:

- (a) Permitting the use of water through a pipe to any property other than that described in the application.
- (b) In case of vacancy of the premises.
- (c) For willful waste of water from improper pipes, fixtures or otherwise.
- (d) For nonpayment for water service **pursuant to Code of Virginia 15.2-2121.2.**
- (e) For introducing into any pipes connected to the county system any water other than that supplied by the county system.
- (f) For tampering or altering by the customer, or others with the knowledge of the customer, with any meter, service connection, water service line, or any other appurtenances of the county water system which regulate or control the customer's water supply.
- (g) For continuing to dispose of sewage or industrial waste directly or indirectly into the county sewer disposal system following two (2) months following a delinquency in payment for sewer service, unless the health department certifies that shutting off the water will endanger the health of the occupants of the premises or the health of others



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## Sec. 19-138 – Time of payment; overdue accounts

- (a) *Payment.* All charges for water service levied by this division shall be due and payable at the office of the treasurer of the county upon receipt of the bill. Failure of the customer to receive either a water bill or disconnect notice shall neither be considered cause for nonpayment, nor justification for an extension of the payment date.
- (b) *Delinquent water bills.* Any water bill that is not paid by the thirtieth day of the month following water service shall be delinquent. **A disconnect notice shall be mailed or emailed when a water bill is delinquent for thirty (30) days, and in the event a water bill is delinquent for fifteen (15) days, the director shall discontinue the water supply without notice.** Where rental real estate is involved, if the property owner has requested notice pursuant to section 19-4(b), the disconnect notice shall also be emailed or mailed to the property owner. **In the event a water bill is delinquent for forty-five (45) days, the director shall discontinue the water supply.**
- (c) *Late payment fee.* A late payment fee shall be assessed on delinquent accounts.
- (d) *Collection fee.* For those customers who are delinquent and a service representative has been dispatched to terminate water service and the customer tenders payment to avoid such termination, an additional fee per meter shall be due and collected from the customer to defray collection expenses.



## Next Steps

# Public Hearing

Considers amendments to Chapter 19 - Water, Sewers and Sewage to revise when a public utility may be disconnected due to nonpayment/delinquency

- Article IV, County Sewer System
  - Sections 19-52.5, 19-52.6 and 19-55.1
- Article V, County Water System
  - Sections 19-132 and 19-138

# Resolution

**PUBLIC HEARING NOTICE**  
**GLOUCESTER COUNTY BOARD OF SUPERVISORS**

Pursuant to the Code of Virginia, the Gloucester County Board of Supervisors will conduct a Public Hearing on Tuesday, August 6, 2024, beginning at 6:00 p.m. in the Thomas Calhoun Walker Education Center Auditorium, 6099 T. C. Walker Road, Gloucester, Virginia to consider the following:

**AN ORDINANCE TO AMEND CHAPTER 19, WATER, SEWERS AND SEWAGE  
ARTICLE IV, COUNTY SEWER SYSTEM, SECTIONS 19-52.5, 19-52.6 and 19-  
55.1 AND ARTICLE V, COUNTY WATER SYSTEM, SECTIONS 19-132 and 19-138  
AND TO REVISE WHEN A PUBLIC UTILITY MAY BE DISCONNECTED DUE TO  
NONPAYMENT/DELINQUENCY**

As a result of recent amendments to the Code of Virginia and the enactment of §15.2-2121.2, the Board of Supervisors will consider an ordinance amending Chapter 19, Water, Sewers and Sewage, Article IV, County Sewer System, Sections 19-52.5, 19-52.6 and 19-55.1 and Article V, County Water System, Sections 19-132 and 19-138 of the Gloucester County Code. The proposed amendment is intended to revise when a public utility may be disconnected due to nonpayment/delinquency.

The preceding is a summary, not the full text, of the Ordinance. It is not intended to be a comprehensive representation of all of the Ordinance provisions and does not substitute for the full text of the draft Ordinance, which is available for review on the web at [www.gloucesterva.gov](http://www.gloucesterva.gov), and in the County Administrator's Office at 6489 Main Street, Gloucester, Virginia.

The meeting will be broadcast live through the County website meeting portal at: <https://www.gloucesterva.gov/640/Meeting-Portal> and on Cox channel 48.

All interested parties are invited to express their views on this matter. Citizen comments may be submitted prior to the public hearing by three different methods:

- To submit comments online, complete the [Citizen Comment Submission](http://www.gloucesterva.gov/citizencomment) form ([www.gloucesterva.gov/citizencomment](http://www.gloucesterva.gov/citizencomment)). Please follow the instructions on the form to indicate the public hearing on which you want to comment.
- Comments may also be submitted by calling and leaving a message at 804-824-2760. Follow the prompts to leave comments for this specific public hearing, and clearly indicate your name (including spelling if needed) and your magisterial district.
- Finally, comments may be submitted by US Mail to County Administration, ATTN: PUBLIC HEARING, 6489 Main Street, Gloucester, VA 23061. Any mailed comments must include your name, your magisterial district, and the title of this public hearing clearly printed at the top, and all such comments must be

received by the scheduled date of this hearing. Please type or print all comments legibly.

Comments submitted through these methods must be received by 4:30 p.m. on Tuesday, August 6, 2024, and will be read or played aloud during the public hearing up to the set time limit of 3 minutes.

“Form letters,” consisting of communications which are verbatim duplicates (other than the identifying information of the author/submitter) of one or more other communications received by the County pertaining to the matter to be considered at the public hearing, shall be read only once per letter, along with the list of persons submitting the same comments pursuant to such “form letter.”

Persons requiring assistance to submit comments for the meeting should contact the Gloucester County Administrator’s office at (804) 693-4042.

Carol Steele, County Administrator