

UTILITY REVIEW BOARD Policies and Procedures

NUMBER: 1
EFFECTIVE DATE: 05-04-2015
SUPERCEDES: NA
SUBJECT: **Utility Review Board**

I. Purpose

1. Section 78-52(a) of the Chesapeake City Code in part, requires the owner, agent, tenant or occupant of an improved piece of property, located within the city's public utility franchise area and bordering upon a street or alley along which a public water or sanitary sewer line or both have been laid by the city or others, shall cause the property to be connected with such public water and sanitary sewer line.
2. All questions of interpretation and enforcement of Section 78-52 shall be first presented to the director of public utilities. Appeals may be made to the utility review board by any interested party from any interpretation or application of Section 78-52 by the director of public utilities.
3. The purpose of the Board is to review, interpret and respond to appeals from property owners requesting a variance from the mandatory required connection to the city water and/or sewer facilities, pursuant to Section 78-52 of the Chesapeake City Code.

II. Procedure

(A) Appeals Process:

1. All such appeals must be made in writing and filed with the Department of Public Utilities within 30 days of the decision of the Director of Public Utilities.
2. All Applicants requesting an appeal shall utilize the "Application for appeal Pursuant to City Code §78-51" as amended. This application form shall be made readily available online on the City of Chesapeake's website and physical copies shall be available at the Department of Public Utilities.

3. Applicants must fully compete and supply all necessary supporting documentation and information required by the application.
4. Once a completed application and all necessary supporting documentation and information required by the application is received by the Department of Public Utilities, the Application will be stamp dated and reviewed for completeness by DPU staff.
5. Once the application is determined to be complete, acknowledgement of such will be sent to the applicant and the application and all supplemental documentation shall be forwarded to all members of the Utility Review Board.
6. Utility Review Board Chairman will then set a date for review by the Utility Review Board. Applicants will be notified of the date of Utility Review Board's review at least 14 days in advance of the public meeting.
7. Utility Review Board may approve, deny or continue the appeal at the public meeting. If a continuance is granted, the continuance shall not be for more than 60 days, unless requested by the applicant.
8. All variance approvals shall be granted for no more than 24 months. All approvals shall expire and terminate automatically upon the expiration of the initial 24 months. Applicants whose approval has expired, shall reapply and comply with all requirements at that time of reapplication, if a variance is needed after the initial 24 month period.

(B) Guidelines and Legal Authority:

The Utility Review Board shall use the following as their guidelines and legal authority: The utility review board shall have the power and duty to authorize upon appeal, in the cases enumerated in this subsection, only such variance from the terms of section 78-52 as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of this article would result in unnecessary or undue hardship, provided that the spirit of this article shall be observed and substantial justice done. The variance may be granted where it is shown by substantial evidence that:

1. The owner or tenant is unable to pay the required connection fees under section 78-87 or to make connections required under section 78-52 owing to peculiar financial difficulties; or
2. The owner or tenant is unable to cause his or her premises to be connected with a public water and sanitary sewer line as required by section 78-52, due to an absence of available plumbers to perform the required connection; or
3. Through negligence, error or other causes, the owner or tenant has not received notice of mandatory connections to the city water and/or sanitary sewer lines, as required by section 78-52; or
4. The property is in possession of a lessee; the lease will expire within six months from the date mandatory connection is required; and at the termination of the lease, the property will revert to an unimproved status; or

5. The title to property subject to the provisions of section 78-52 has been or will be taken by purchase or condemnation for public purposes by any authority which possesses the power of eminent domain as provided by law; or
6. The owner or tenant of a single-family residence will be caused to expend unreasonable or prohibitive costs in order to cause such premises to be connected to the city water and/or sanitary sewer facilities.

V. Amendments

1. Any proposal for amending these policy and procedures must be made in writing to the Chairman who in turn will refer it to the Board for review and recommendation.
2. An amendment to the Policy and Procedures can be read at any meeting but action shall not be taken before the next subsequent regular meeting.
3. Approval shall require a three-fifths (3/5) vote of a quorum.

VI. Approval Authority

Upon the Utility Review Board's and the Director of Public Utilities concurrence and approval of the procedural changes, the Committee Chairperson shall be responsible for incorporating the newly adopted change into the existing Policy and Procedures and to distribute same to all Committee members, including the Director of Public Utilities.



Utility Review Board Chairman

5-04-2015

Date



Director of Public Utilities

5-04-2015

Date

