

ORDINANCE NO. 1816

AN ORDINANCE to amend Article I by adding thereto new sections numbered 28-10.1, 28-11.1 and 28-12.1, and to amend and reordain Sections 28-11 and 28-12 of said Article, all of Chapter 28 of The Code of the City of Alexandria, Virginia, 1963, as amended; which Chapter 28 relates to SEWAGE DISPOSAL AND DRAINS, which Article I relates to IN GENERAL, which new Section 28-10.1 relates to DRAINING RAIN WATER INTO PUBLIC SANITARY SEWERS DECLARED A NUISANCE, which new Section 28-11.1 relates to PENALTY and which new Section 28-12.1 relates to EXCEPTIONS FOR CONNECTIONS EXISTING ON November 28, 1972, UPON FINDING OF HARDSHIP, which Section 28-11 relates to DRAINING RAIN WATER INTO PUBLIC SANITARY SEWERS, and which Section 28-12 relates to DISCONTINUANCE OF RAIN WATER CONNECTIONS.

WHEREAS, there are in the city roof, down spout, yard and walkway drains and other drains which carry rain water and are connected with public sanitary sewers; and

WHEREAS, the introduction of rain water into the city sanitary sewer system overloads our sewage treatment plant and causes raw and untreated sewage to enter the Potomac River; and

WHEREAS, our treatment plant is fast approaching capacity and the city may soon be faced with a sewer moratorium; and

WHEREAS, the disconnection of drains from the city sanitary sewer system may defer the imposition of such a moratorium and increase the efficiency and economy of operation of our present or any expanded sewage treatment plant; and

WHEREAS, the City Council is of the opinion that the introduction of rain water into the city sanitary system is detrimental to the public health, safety and welfare and constitutes a public nuisance, and a public emergency; therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article I of Chapter 28 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new section numbered 28-10.1 to read as follows:

Sec. 28-10.1. Draining rain water into public sanitary sewers declared a nuisance.

The connection of any roof, down spout, yard or walkway drain or any other drain, except for existing driveway or existing footer drains, carrying rain water into any house service sewer connected with any public sanitary sewer or any other sewer leading into a public sanitary sewer in the city is detrimental to the public health, safety and welfare and is hereby declared a public nuisance.

Section 2. That Section 28-11 of Article I of Chapter 28 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 28-11. Draining rain water into public sanitary sewers.

(a) It shall be unlawful for any property owner to connect or cause to be connected any roof, down spout, yard or walkway drain or any other drain carrying rain water into any house service sewer connected with any public sanitary sewer, or any sewer leading into any public sanitary sewer in the city.

(b) Except when Section 28-12.1 applies, it shall be unlawful for any property owner to fail, within fourteen (14) days from the receipt of the written notice prescribed for in section 28-12, to disconnect or cause to be disconnected any roof, down spout, yard or walkway drain or any other drain, except for an existing driveway drain or existing footer drain, carrying rain water into any house service sewer connected with any public sanitary sewer or any sewer leading into any public sanitary sewer in the city.

Section 3. That Article I of Chapter 28 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new section numbered 28-11.1 to read as follows:

Sec. 28-11.1. Penalty.

Any person violating Section 28-11 shall, upon conviction thereof, be punished by a fine not to exceed twenty-five dollars.

Section 4. That Section 28-12 of Article I of Chapter 28 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 28-12. Discontinuance of rain water connections.

Whenever the property owner fails to disconnect or cause to be disconnected any rain water drainage connection, except for any existing driveway drain, or existing footer drain, with any public sanitary sewer or any other sewer leading into a public sanitary sewer in the city within fourteen (14) days from the receipt of written notice from the city manager to disconnect such rain water drainage connection, the city manager is hereby authorized to cause any such connection to be disconnected. The cost for such disconnection by the city shall be computed thereafter, charged to the property owner, and a bill for such costs shall be prepared by the department of finance and mailed to such owner at his last known post office address within a reasonable time after the disconnection. In the event the city does not receive payment of the bill within thirty (30) days after mailing, a duplicate statement of the bill shall be forwarded to the city collector, who shall see that the costs are charged to the owner and collected in the same manner as city taxes. Every such cost shall constitute a lien against the real estate from which such rain water connection was disconnected, the lien to continue until actual payment of such cost shall have been made to the city.

Section 5. That Article I of Chapter 28 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new section numbered 28-12.1 to read as follows:

Sec. 28-12.1. Exceptions for connections existing on
November 28, 1972, upon finding of hardship.

Whenever the City Manager finds that a disconnection would constitute a financial hardship to an owner, the City Manager shall direct that the disconnection be done by or for the City at the expense of the City. This exception shall apply only to connections in existence in the City on November 28, 1972.

Section 6. That this ordinance shall be published in a newspaper of general circulation published in the city not later than five-days following its introduction together with a notice containing the time and place for a public hearing. The clerk of the council shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

Charles E. Beatley, Jr.
Mayor

Final Passage: November 28, 1972