



The Mount Vernon Council of Citizens Associations, Inc.

P.O. Box 203, Mount Vernon, VA 22121-9998

Supervisor Gerald Hyland
2511 Parkers Lane
Alexandria, VA 22306

Dear Supervisor Hyland,

July 01, 2013

Reference: MVCCA COAF-2011-01: Resolution *re*: Ownership of Building Sewer, Municipal Code Section 65-6-5.

Based on MVCCA records, it appears this resolution needed to be forwarded to your office. The MVCCA resolution forwarded in this communication is directed to sub-street sewer line maintenance and repair. The MVCCA overwhelmingly supported the resolution by a vote of 14 For and 0 Against during its general membership meeting on 21 December 2011. Unfortunately, there is no apparent copy that is signed and dated. To complete our records, the letter and the resolution are being resent via email and will be followed by hand-delivery.

The resolution seeks to amend Section 65-6-8 of the Fairfax County Municipal Code by transferring responsibility of operating/maintaining building sewers, or portions thereof, located within the rights-of-way of public streets from the building owner to Fairfax County property.

Section 65-6-8 of the Fairfax County Municipal Code (Municipal Code) requires homeowners to have an independent sewer connection with a public or private sewer system. At the same time, Section 65-6-5 of the Municipal Code vests ownership of subsurface sewer laterals in the homeowner rather than the County, including those portions of the lateral that are located within the rights-of-way of public streets.

Many, if not most, County homeowners are unaware sewer line stipulations includes in Municipal Code 65-6-5 would force them to demolish a public road in order to replace or repair a broken sewer lateral that is located outside of their property line and that may have been broken by the construction of a public storm drain or a public utility line, or some other action or entity in no way related to the homeowner.

Repair of sewer line breaks that are located within an owner's property line is the responsibility of the homeowner. However, the maintenance and repair of sewer laterals located under public streets and sidewalks should be the responsibility of the County and provided as a public service.

Thank you for your assistance,

A handwritten signature in black ink that reads "Christopher Low". The signature is written in a cursive, flowing style.

Christopher Low
Co-Chair

cc:

MVCCA Co-Chairs
Gretchen Walzl
James Davis
MVCCA, Consumer Affairs Chair
Queenie Cox

MVCCA Resolution COAF-2011-01 Attached to the letter

Resolution on Ownership of Building Sewer, Municipal Code Section 65-6-5:

- 1) WHEREAS homeowners in Fairfax County are required by Section 65-6-8 of the Fairfax County Municipal Code to have an independent sewer and an independent water service connection with a public or private sewer and/or water system (“Every building, whether residential or nonresidential, attached or detached, and every business establishment having an outside entrance in a multiple-tenant building, shall have an independent sewer and an independent water service connection with a public or private sewer and/or water system”);
- 2) WHEREAS homeowners in Fairfax County assume ownership, by law, of all subsurface sewer laterals up to and including the juncture with the main County sewer line, as per Section 65-6-5 of the Fairfax County Municipal Code (“The ownership of building sewers, including the connections between buildings and sewer mains and including those portions located within a recorded easement, the rights-of-way of public or private streets, shall be vested in the owners of the premises on which such building sewers, or portions thereof, are located. The County shall not be responsible for operation or maintenance of such sewers. (15-95-65; 18-98-65.)”);
- 3) WHEREAS sections of the sewer lateral connecting the building to the County sewer main may be located within a public street;
- 4) WHEREAS Fairfax County law does not require the seller of a property to disclose a subsurface break in the sewer lateral or prove that no such break exists;
- 5) WHEREAS homeowners are often unaware of the sewer line ownership stipulations included in Municipal Code 65-6-5;
- 6) WHEREAS homeowners will be forced to apply for permits, to demolish a public road, and to hire licensed contractors in order to replace or repair a broken sewer lateral that is located outside of their property line and that may have been broken by the construction of a public storm drain or a public utility line, or some other action or entity in no way related to the homeowner;

THEREFORE BE IT RESOLVED THAT the Mt. Vernon Council of Citizens Associations (MVCCA) urges the Fairfax County Board of Supervisors to adopt legislation to transfer from the building owner to the County, the responsibility of operating and maintaining building sewers, or portions thereof, that are located within a public street.

BE IT FURTHER RESOLVED THAT the MVCCA urges the Fairfax County Board of Supervisors to amend, effective immediately, Section 65-6-5 of the Municipal Code to read:

The ownership of building sewers, including the connections between buildings and sewer mains and including those portions located within a recorded easement, the rights-of-way of public or private streets, shall be vested in the owners of the premises on which such building sewers, or portions thereof, are located. The County shall not be responsible for operation or maintenance of ~~such~~ sewers located within a recorded easement or the rights-of-way of private streets. The County shall be responsible for operation and maintenance of building sewers, or portions thereof that are located within a public street.

Reviewed and passed by the MVCCA General Council Membership meeting held on 21 December 1211 by a vote of 14 For and 0 Nays.