

## Chapter 23 - WATER AND SEWER

\***Cross reference**—Solid waste, ch. 17; obstruction of roads, ditches or drains prohibited, § 18-3; approval of installation of culvert pipes for walkways, driveways or other purposes required, § 18-4; use of streets for water and sewer systems, § 18-75 et seq.

\***State law reference**—State Water Control Law, Code of Virginia, § 62.1-44.2 et seq.; powers of localities concerning public utilities including waterworks, sewerage, and other services, Code of Virginia, § 15.2-2109; regulation by locality of stormwater, Code of Virginia, § 15.2-2114.

### ARTICLE I. - IN GENERAL

#### Sec. 23-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Act* means the Federal Water Pollution Control Act (Clean Water Act), 33 U.S.C. § 1251 et seq., including implementing federal regulations.

*Applicant* means a person or business or industrial establishment which has requested utility services. An application of a husband or wife is to be considered as an application by both individually and jointly. The applicant is responsible for payment.

*Assisted living facility* means any congregate residential setting, as defined in Code of Virginia § 63.2-100, that provides or coordinates personal and health care services, 24-hour supervision, and assistance for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting.

*Authorized representative of industrial user* means:

- (1) For corporations, a principal executive officer of at least the level of vice-president.
- (2) For a partnership or proprietorship, a general partner or proprietor.
- (3) An authorized representative of the industrial user who is responsible for discharges into the county's system.

*Backup facilities* means the components of the county's water and sewer systems which deliver water to or collect wastewater from local areas. The term includes the county's complete water and sewer systems except local facilities. Water system backup facilities include source of supply and treatment facilities, water transmission mains, pumping stations, storage facilities and general plant equipment items. Sewer system backup facilities include interceptor and trunk sewers, pumping stations and force mains, wastewater treatment and disposal facilities and general plant equipment.

*Backup service connection* means an additional water service connection to ensure continuous water service if the regular water service connection fails. The backup service connection shall be taken out of service when the regular service connection is restored to service.

*Best management practices* or *BMPs* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 9 VAC 25-31-770 and to prevent or reduce the pollution of surface waters. BMPs also include treatment

requirements, operating procedures, and practices to control plant site run-off, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

*Biochemical oxygen demand (BOD<sub>5</sub>)* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20 degrees Celsius, expressed in terms of weight and concentration (milligrams per liter).

*Categorical standards* means national categorical pretreatment standards promulgated by the United States Environmental Protection Agency at 40 C.F.R. § 403.

*Chesapeake Bay Preservation Areas* means resource protection areas and resource management areas, as defined in section 24-106.3.

*Connected but not metered* means property served by the county sewer system which does not have water consumption or wastewater discharges measured by a meter approved by the director.

*Connection fee* means a charge for connecting to a county water or sewer system.

*Connector* means the person, firm or corporation connecting to the county water or sewer system.

*Contract user* means any user of the county water or sewer system located outside the county or with service requirements that the director has determined are so unique as to require a contractual agreement for service.

*Department* means the department of public utilities.

*Director* means the director of public utilities.

*Discharge* means any spilling, leaking, pumping, pouring, emitting, emptying or dumping of a substance into the county sewer system.

*Dormitory* means a building primarily providing sleeping and residential quarters for large numbers of persons such as students. The term shall also include a hostel for tourists and other transients but shall not include motels and hotels.

*Elderly person* means a person who is at least 62 years old.

*Environmental Protection Agency (EPA)* means the United States Environmental Protection Agency or, where appropriate, the administrator or other official of the EPA.

*Fire service* means a connection from the county water main to the property line to supply water to a private fire protection system.

*Generator permit* means written authorization to an originator of wastes, other than septic, grease trap or portable toilet wastes, that permits a waste hauler to discharge them at the county's wastewater treatment facility.

*Handicapped person* means a person with a physical or mental impairment that:

- (1) Is expected to be of long or indefinite duration;
- (2) Substantially impedes the person's ability to live independently; and
- (3) Is such that the person's ability to live independently could be improved by more suitable housing

conditions.

*Health officer and health department* mean the county health director or his authorized representative, or the county health department.

*Indirect discharge permit* means written authorization by the director to discharge septic, grease trap or portable toilet wastes at the county's wastewater treatment facility.

*Industrial sewage or wastes* means sewage or waste from any facility engaged in the conversion or combining of materials into a new or different material or processing of materials or objects for use or reuse, generally not for sale at retail on the premises of the manufacturing or processing facility.

*Install and repair* mean installation and repair performed in accordance with the specifications and standards established in this chapter.

*Interference* means inhibition or disruption of POTW processes or operations that contributes to a violation of the county's VPDES permit. The term includes any inhibition or disruption preventing sewage sludge use or disposal in accordance with section 405 of the Act (33 U.S.C. § 1345), or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or any more stringent state standard, including those contained in any state sludge management plan prepared pursuant to title IV of the Clean Water Act, applicable to the method of disposal or use employed by the county.

*Liquid waste* means domestic septage, chemical toilet waste, grease and sand trap waste, non-hazardous commercial and industrial (categorical and non-categorical) waste, groundwater remediation site waste, and landfill leachate.

*Local facilities* means the components of the county's water and sewer systems which deliver water to or collect wastewater from individual users. Included are local water distribution mains and valves, local wastewater collection mains, water service lines, meter setters, meter boxes, wastewater lateral lines to the user's premises, and fire hydrants.

*Monitoring manhole* means a manhole with an opening at least 24 inches in diameter that is installed on the discharge line from a user in order to facilitate collection of wastewater from only that user.

*Multifamily units* means two or more single-family units in one structure, including condominiums and townhouses.

*Multimeter installations* means the installation of two or more meters in the same or adjoining vault and served by a single service connection.

*National categorical pretreatment standard and pretreatment standard* mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with 33 U.S.C. § 1342 that applies to a specific category of industrial user.

*Not connected* means not physically connected to the county system after having paid connection fees.

*Nursing facility* means any facility or any identifiable component of any facility, as defined in Code of Virginia § 32.1-123, licensed by the Virginia Department of Health in which the primary function is the provision, on a continuing basis, of nursing services and health-related services for the treatment and inpatient care of two or more nonrelated individuals.

*Off-site extension* means an extension to the existing county utility system off of the connector's property and not in a public right-of-way or easement adjacent to connector's property. Pump stations are included in this definition when built to serve others.

*On-site extension* means an extension to the existing county utility system, in accordance with plans approved by the department, on the connector's property or in a public right-of-way or easement adjacent to the connector's property.

*Pass-through* means discharge of pollutants through POTWs, as defined in the act.

*pH* means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

*Pollutant* means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and any industrial, municipal and agricultural waste intended for or discharged into the sewer system.

*POTW* means publicly owned treatment works and includes wastewater treatment or reclamation facilities, sewage pumping stations, and sewer mains, laterals and other publicly-owned sewage conveyances.

*Premises* means the property to which utility services will be, are being or have been supplied.

*Pretreatment* and *treatment* mean, for wastewater, the elimination or reduction of pollutants or the alteration of pollutant properties to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes or process changes or other means, except as prohibited by 40 C.F.R. § 403.6(d) and state law.

*Septage* means wastes removed from septic tanks, grease traps, portable toilets and the like.

*Service charge* means a charge based on the size of the water meter. Where water is not metered, the charge may be a flat rate as determined from special studies. Except for residential units, all water entering the sanitary sewer system must be metered, either as it enters or as it is discharged from the premises.

*Service connection* means a pipe and meter within a public right-of-way or easement conveying water to a premises or a pipe within a public right-of-way or easement from the building sewer or private sewer system to the collector sewer that conveys wastewater.

*Sewer system* means pipelines or conduits, pumping stations and force mains and all other components for transporting sewage, industrial wastes or other wastes to a point of ultimate disposal.

*Significant industrial user* means:

- (1) All categorical industrial users; or
- (2) Any noncategorical industrial user which:
  - a. Discharges 25,000 gallons per day or more of process wastewater. The term "process wastewater" excludes sanitary, noncontact cooling, and boiler blowdown wastewaters;
  - b. Contributes a process waste stream which makes up five percent or more of the average dry

weather hydraulic or organic (BOD<sub>5</sub>, total suspended solids, etc.) capacity of the treatment plant;  
or

c. Has in the opinion of the director a reasonable potential to adversely affect the treatment plant, pass through pollutants, contaminate sludge or endanger treatment plant workers.

*Significant violator* means any person who fails to correct a violation for 45 days after notification of noncompliance, shows a pattern of noncompliance, fails to accurately report noncompliance, or causes the county to exercise its emergency authority.

*Single-family residential unit* means a group of rooms including cooking facilities occupied exclusively by one or more persons living as a single housekeeping unit.

*Slug discharge* means any discharge of a nonroutine, episodic nature, including an accidental spill or a noncustomary batch discharge which has a reasonable potential to cause interference or pass through, or in any other way violate this chapter, local limits or permit conditions.

*Special discharge permit* means written authorization by the director to discharge other than septic, grease trap or portable toilet wastes at the county's wastewater treatment facility.

*Standard industrial classification (SIC)* means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget (1987) or its successor.

*Strong waste* means wastewater discharged to the sanitary sewer system that exceeds 275 milligrams per liter of suspended solids or a biochemical oxygen demand of 250 milligrams per liter.

*Suspended solids* means all solids that either float on the surface or are in suspension in water, sewage, wastewater or other liquids and which are removable by laboratory filtering.

*Tenant* means an occupant who does not own the premises.

*Underground leak* means a water leak in pipes that cannot be seen without digging, destroying or removing property on the premises of a user whose system is connected to the county system. Leaks due to faulty installation of private systems, even if underground, and leaks due to mechanical failure or malfunction are specifically excluded from this definition.

*User* means a person, business or industrial establishment which benefits from the use of utility services, or an applicant.

*Virginia Pollution Discharge Elimination System permit (VPDES permit)* means a permit issued by the Virginia Department of Environmental Quality pursuant to section 402 of the act (33 U.S.C. § 1342).

*Volume charge* means a charge in proportion to volume of water used or sewage contributed.

*Wastewater* means the liquid and water-carried industrial or domestic waste from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(Code 1980, § 21-1; Code 1995, § 23-1; Ord. No. 1130, § 1, 12-9-2008; Ord. No. 1131, § 1, 12-9-2008)

**Cross reference** – Definitions and rules of construction, § 1-2.

**Sec. 23-2. - Management and records of water and sewer system.**

The director shall be responsible for the construction, operation and maintenance of the water and sewer systems of the county. The director shall maintain the records and plans of the water and sewer systems, including the location of all service connections, pipes and equipment.

*(Code 1980, §§ 21-6, 21-7, 21-39, 21-40; Code 1995, § 23-3)*

**Sec. 23-3. - Right of entry by county.**

Every person occupying premises to which water and sewer service is provided shall permit county employees 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.

*(Code 1980, § 21-41; Code 1995, § 23-4)*

**Sec. 23-4. - Extensions to existing lines.**

No extensions shall be made to existing water or sewer mains without the director's written approval. Applicants for approval shall submit at least four 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, the plans may also be prepared by a licensed land surveyor.

*(Code 1980, §§ 21-12, 21-45; Code 1995, § 23-5)*

**Sec. 23-5. - Approval of development not using public water and sewer.**

- (a) For any development which will not use public water and sewer, the health department must inspect the property and approve the water supply and sewage disposal plans before the building official may issue a building permit. The health department shall note any restrictions on its approval.
- (b) It shall be unlawful to start any development designed for human use without the health department's approval of the plans for water supply and sewage disposal unless public water and sewer are to be provided.

*(Code 1980, § 21-73; Code 1995, § 23-6)*

**Secs. 23-6 – 23-28. - Reserved.****ARTICLE II. - SANITARY SEWAGE DISPOSAL**

\***Cross reference** – Sewage disposal in parks, § 14-40; sanitary sewer system in subdivisions, § 19-165.

\***State law reference** – Localities authorized to establish sewage disposal systems, Code of Virginia, § 15.2-2122 et seq.; sanitary sewers, Code of Virginia, § 32.1-163 et seq.; regulations concerning water, sewer and other facilities in subdivisions, Code of Virginia, § 15.2-2121.

**DIVISION 1. - GENERALLY****Sec. 23-29. - Discharging sewage onto land or into water body.**

It shall be unlawful to discharge untreated sewage or septage onto the land or into the waters of the state.

*(Code 1980, § 21-77; Code 1995, § 23-31)*

**State law reference** – Prohibition of discharges, Code of Virginia, § 62.1-44.5.

**Sec. 23-30. - Sewage disposal required.**

It shall be unlawful for the owner of any house, warehouse, building or other structure where human beings congregate or are employed to use or occupy or to rent or lease the property for use or occupancy until the property is supplied with an approved method of disposal of human excrement that complies with state law and this chapter.

*(Code 1980, § 21-3; Code 1995, § 23-32)*

**Sec. 23-31. - Approved methods of sewage disposal.**

For the purpose of this chapter, an approved method of disposal of human excrement shall be deemed to be:

- (1) A properly installed and properly functioning flush toilet connected to one of the following:
  - a. An approved public or privately owned sewage disposal system; or
  - b. An approved properly installed septic tank system.
- (2) A standard pit privy constructed in accordance with specifications established by the state department of health pamphlet entitled The Standard Pit Privy, dated 1973.

*(Code 1980, § 21-4; Code 1995, § 23-33)*

**Sec. 23-32. - Location and construction of sewage disposal system.**

Any approved method of disposal of human excrement shall be located and constructed so that it will not endanger a source of drinking water or be accessible to flies, other insects or animals.

*(Code 1980, § 21-5; Code 1995, § 23-34)*

**Sec. 23-33. - Maintenance of sewage disposal system; pump-out requirement.**

It shall be unlawful for any owner, tenant or lessee of premises supplied with a sanitary privy, flush toilet or other approved device for the disposal of human excrement to allow it or cause it to be unsanitary. In addition, owners of all private sewage disposal systems and septic tank systems in the Chesapeake Bay Preservation Areas (as defined in section 24-3) shall, at least once every five years, either pump out their septic tanks and submit documentation thereof or submit documentation, certified by an operator or on-site soil evaluator licensed or certified under chapter 23 of Title 54.1 of the Code of Virginia as being qualified to operate, maintain, or design on-site sewage systems, that the septic system has been inspected within the last five years, is functioning properly, and the tank does not need to have the effluent pumped out of it. All documentation shall be submitted to the director of public works.

*(Code 1980, § 21-72; Code 1995, § 23-35; Ord. No. 968, § 1, 2-25-1998)*

**Sec. 23-34. - Connection to sewer.**

If a public or private sewer is within 300 feet of the building for which a septic tank or privy is to be installed, the owner shall connect to the sewer if the owner of the sewer consents. If a public or private sewer is within 300 feet of the building for which a septic tank or privy is to be repaired, the owner shall connect to the sewer if the sewer owner consents and if the health officer determines that correction of an

unsanitary condition due to a malfunctioning sewage disposal device would necessitate major repairs.

*(Code 1980, § 21-70; Code 1995, § 23-36)*

**State law reference** – Water and sewer connections, exceptions, Code of Virginia, § 15.2-5137.

**Secs. 23-35 – 23-56.** - Reserved.

## **DIVISION 2. - PRIVATE SEWAGE DISPOSAL SYSTEMS**

**\*State law reference** – Septic tank permit, Code of Virginia, § 32.1-164.

**Sec. 23-57.** - Approval of plans.

Before construction is begun on any privately owned sewage disposal system or standard pit privy, plans shall be approved by the health director and, if required, by the state health department and the state water control board.

*(Code 1980, § 21-2; Code 1995, § 23-61)*

**Sec. 23-58.** - Septic tank permit.

**(a) Required; application.** It shall be unlawful to install or repair, have installed or repaired, allow to be installed or repaired, or contract to install or repair a septic tank system without first obtaining a septic tank permit from the health department. The applicant shall provide the legal description, location and dimensions of the land on which the septic tank, distribution box and drain tile are to be installed, the proposed and existing structures and driveways, all underground utilities, the adjacent soil absorption systems, the bodies of water, drainageways, and wells and springs within 200 feet of the proposed building site, and the plans and specifications of the proposed septic tank system. The application shall also show the location of Chesapeake Bay Preservation Areas and the reserve drainfield required by section 23-60.

**(b) Determination by health officer.** Upon receipt of a permit application and a fee of \$50.00, the health officer shall determine whether the land is suitable for installation and use of a septic tank system. The health officer shall follow the sewage handling and disposal regulations of the state board of health. In addition, the health officer shall ensure that septic systems are not located within ten feet of any wetlands, resource protection areas as defined in section 24-106.3, reserve drainfields required by section 23-64 or buffers required by zoning proffers or section 24-106.2.

**(c) Issuance.** Upon approval of the application, the health officer shall issue a permit for the installation or repair of the septic tank system in accordance with the plans and specifications. If the plans are not approved but the size and topography of the land and the type of soil are suitable for a septic tank system, the health officer shall set out proper plans and issue the permit for such plans.

*(Code 1980, § 21-74; Code 1995, § 23-62)*

**Sec. 23-59.** - Installation and location.

**(a) Size of excavation; removal of obstructions.** All excavations and trenches for a private sewage disposal system shall be of sufficient size to permit installation of sewers, tanks and other structures and to permit removal of any obstructing material within the purification field or trees located closer than ten feet to any part of the septic tank system. Where it is necessary to remove any trees, removal must be done prior to installation and final approval of the septic tank system.

**(b) Removal of trees.** If trees interfere with the proper functioning of a septic tank system, the owner must remove them or take other corrective actions. Correction shall be made according to health department

directions, which may require that any or all trees within ten feet of any part of the septic tank system be removed. Where it is necessary to remove any trees, removal must be done prior to installation and final approval of the septic tank system.

(c) *Criteria for installation and location.* Location and installation of the sewage disposal system shall ensure that it will function in a sanitary manner with reasonable maintenance and will not create a nuisance or endanger the safety of any domestic water supply. In determining a suitable location for the system, consideration shall be given to the nature of the soil, the size and shape of the lot, the slope of the natural and finished grade, the depth of the groundwater table, proximity to existing or future water supplies, proximity to Chesapeake Bay Preservation Areas, and possibilities for expansion of the system.

(d) *Location in relation to domestic water supplies.* No part of the system shall be located less than 50 feet from any water supply or where surface drainage from the system may reach any domestic water supply.

(e) *Minimum lot area.* The lot size shall be sufficient to permit proper location, installation and operation of the system and a replacement system. Any new lot with both a well and septic system shall not be less than one acre in area and 150 feet in lot width. The health officer shall verify that any lot not served by either public water or sewer meets the minimum requirements for lot area and width in accordance with the provisions of chapter 24.

(f) *Modification of requirements.* The health officer may modify the requirements of this section if he finds that modification will not adversely affect any other requirements of this chapter concerning water supply and disposal of sanitary wastes.

(Code 1980, § 21-75; Code 1995, § 23-63)

#### **Sec. 23-60. - Reserve drainfield.**

A reserve sewage disposal site with a capacity equal to or greater than the primary drainfield must be provided wholly on each lot or acre for new construction. This reserve sewage disposal site requirement shall not apply to any lot or parcel recorded prior to October 1, 1989, if the health department determines the lot or parcel is not sufficient in capacity to accommodate a reserve sewage disposal area. Building shall be prohibited on the area of all primary and reserve sewage disposal sites until the structure is served by public sewer or an on-site sewage treatment system which operates under a permit issued by the state water control board.

(Code 1980, § 21-76; Code 1995, § 23-64; Ord. No. 1059, § 1, 11-12-2003)

#### **Secs. 23-61 – 23-78. - Reserved.**

### **DIVISION 3. - LIQUID WASTE HAULING AND DISPOSAL**

#### **Sec. 23-79. - Approval of equipment.**

No person shall engage in the business of hauling sewage, septage or other liquid industrial or commercial wastes in the county unless the person has provided the director with copies of all required equipment inspection permits issued by the health department, the United States Department of Transportation, or other agency.

(Code 1980, § 21-78; Code 1995, § 23-81)

#### **Sec. 23-80. - Display of identification on equipment.**

The name and address of the person owning and operating septage hauling equipment shall be displayed on the vehicle in letters at least four inches high prior to inspection and operation of the vehicle.

(Code 1980, § 21-79; Code 1995, § 23-82)

**Sec. 23-81. - Records of liquid waste haulers.**

(a) Every waste hauler discharging in the county shall maintain a manifest containing the following information on each load:

- (1) The name and address of the customer.
- (2) The address of the load's origin.
- (3) The nature and volume of the waste.
- (4) The kind of facility serviced, e.g., grease trap, septic tank, etc.
- (5) The date of the servicing.
- (6) The location of the discharge.

(b) A copy of the manifest must be presented to the department at the time of discharge.

(Code 1980, § 21-80; Code 1995, § 23-83)

**Sec. 23-82. - Disposal of wastewater.**

(a) *Generally.*

- (1) *Location for discharge of waste.* It shall be unlawful to dispose of any truck-hauled wastewater removed from septic tanks, grease traps and portable toilets or wastes from any other source anywhere in the county except by depositing it at the wastewater treatment facility, 2601 Kingsland Road.
- (2) *Discharge permit required; issuance; renewal.* Disposal of such wastes shall require an indirect discharge permit or special discharge permit issued by the director. The indirect discharge permit or special discharge permit shall be issued for a period of one year and shall be renewed only upon written request 30 days prior to expiration of the permit. The permit shall specify the conditions under which a discharge may be made to the sewer system.
- (3) *Maintenance of sanitary conditions.* The waste material shall be carefully deposited. The surface of the ground or area surrounding the receptacles into which the deposit is made shall be maintained in a sanitary condition. Any spillage of material on the surface of the ground shall be promptly and completely removed by the discharger.

(b) *Types of discharge permits.* An indirect discharge permit is required for persons engaged in the business of discharging truck-hauled septic tank, grease trap or portable toilet wastes into the wastewater treatment facility. A special discharge permit is required by persons engaged in the business of discharging truck hauled wastes other than septic tank, grease trap or portable toilet wastes into the wastewater treatment facility.

(c) *Use of wastewater facility.* Disposal into the wastewater facility shall be in accordance with the following provisions:

- (1) No material shall be deposited into the sewer system in conflict with other provisions of this Code.
- (2) No material shall be deposited into the sewer system at any location except at the wastewater treatment facility.
- (3) Any person disposing of septic tank or grease trap wastes, portable toilet wastes or other approved wastes shall be liable for a volume charge of \$0.05 per gallon.
- (4) Any person disposing of wastes other than septic tank, grease trap or portable toilet wastes may be subject to an additional charge based upon the strength and volume of the waste.
- (5) No material in excess of the local effluent limits set forth in section 23-117 shall be deposited in the

sewer system.

(d) *Authority to establish additional rules and regulations.* The director may establish rules and regulations to ensure compliance with the provisions of this chapter.

(e) *Generator permit.* Any person generating a liquid waste other than septic tank, grease trap or portable toilet wastes is required to obtain a generator permit issued by the director to dispose of the waste at the wastewater treatment facility. A separate generator permit must be secured for each separate discharge unless wastewater is routinely produced and is of a quantity and quality allowed by the permit.

(f) *Violations.* Discharge of truck-hauled waste without a permit or in violation of a permit shall be punishable as provided in section 1-13.

*(Code 1980, § 21-81; Code 1995, § 23-84)*

**Sec. 23-83. - Insertion of hoses into manhole, sewer or water body.**

No hose from a truck-hauled waste vehicle may be inserted into any county manhole or sewer, nor may it be inserted into any water of the state.

*(Code 1980, § 21-82; Code 1995, § 23-85)*

**Secs. 23-84 – 23-109. - Reserved.**

**DIVISION 4. - COUNTY SEWER SYSTEM**

**Sec. 23-110. - Service to be provided to property line.**

Upon the director's approval, sewer service will be provided from the existing main in the street, alley or easement to the property line of an applicant.

*(Code 1980, § 21-44; Code 1995, § 23-101)*

**Sec. 23-111. - Damaging system.**

It shall be unlawful for any person to deface, injure or destroy any structure, pipe or other fixture connected with the sewer system. Violators shall be subject to criminal charges and the cost of repair or replacement.

*(Code 1980, § 21-42; Code 1995, § 23-102)*

**Sec. 23-112. - Claims for damages caused by sewer backups.**

Owners may submit a written claim for damages caused by a backup of a county sewer to the director. Claims must state the basis and amount of the claim and include copies of invoices or estimates for repair or replacement. The claim may be paid if the county caused the damages by negligent maintenance or operation, faulty construction, or overloading of the sewer line.

*(Code 1980, § 21-42.1; Code 1995, § 23-103)*

**Sec. 23-113. - Removal of manhole covers.**

It is unlawful for any person to remove a manhole cover without the permission of the director or his designee.

*(Code 1980, § 21-43.1; Code 1995, § 23-104)*

**Sec. 23-114. - Monitoring facilities.**

- (a) A monitoring manhole shall be provided for all new construction and for all renovations or modifications of existing facilities if the new, renovated or modified facility will have discharges which are or may be nondomestic in nature.
- (b) The director may require a monitoring manhole in other cases where the director deems it to be necessary. The facility shall install the manhole at its own expense to meet the director's requirements.
- (c) The monitoring manhole shall have an opening at least 24 inches in diameter to allow inspection, sampling and flow measurement from the building and its internal drainage systems. The monitoring manhole shall be located on the premises, except when the director determines such location would be impractical or would cause undue hardship, in which case the director may allow the manhole to be constructed on county property or in county easements.
- (d) The monitoring manhole shall be constructed to provide ample room for accurate sampling and preparation of samples for analysis. The facility must maintain the manhole in a safe, accessible and proper operating condition at all times.

*(Code 1980, § 21-43.3; Code 1995, § 23-106)*

**Sec. 23-115. - Removal of plug from service line.**

It shall be unlawful for any person to remove any plug from the sanitary sewer service line for any purpose other than to make the house connection. Such person shall pump dry the trench in which the house sewer is laid and remove the plug in such a way as to prevent the entry of any groundwater, surface water, trench water, silt or any combination thereof into the sewer system.

*(Code 1980, § 21-43(k); Code 1995, § 23-107)*

**Sec. 23-116. - Prohibited wastes.**

It shall be unlawful to discharge or place, or to cause to be discharged or placed, or to permit the discharge or placing of, any of the following materials in the county's sewer system:

- (1) Any liquid or vapor with a temperature higher than 150 degrees Fahrenheit or any discharge that causes the temperature of the influent at the wastewater treatment plant providing treatment to exceed 104 degrees Fahrenheit;
- (2) Any flammable or explosive liquid, solid or gas;
- (3) Any raw garbage except from residential garbage grinders, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other materials that cause obstruction of sewer flow or interference with system operation;
- (4) Any wastewater having a corrosive property that is likely to cause damage or injury to the system's structures, equipment or personnel;
- (5) Any wastewater containing a substance that is likely to injure or interfere with any wastewater treatment process or which after treatment is likely to constitute or create a hazard to life or the environment;
- (6) Any wastewater containing substances not susceptible to treatment by the wastewater treatment plant providing treatment;
- (7) Any wastewater containing a pollutant that passes through as defined in section 23-1;
- (8) Any wastewater containing a substance that would render the operation of the treatment system or plant through which it passes unlawful;
- (9) Any noxious or malodorous gas or substance that creates a public nuisance;

- (10) Any stormwater, surface water or subsurface water;
- (11) Any gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates carbides, hydrides, sulfides, radioactive waste, steam condensate, and any other substance which the director, the state or the EPA has notified the user is a fire hazard to the system;
- (12) Solid or viscous substances which may cause flow obstructions or interference with the operation of wastewater treatment facilities;
- (13) Any wastewater containing toxic pollutants which singularly or by interaction with other substances injure or interfere with any wastewater treatment process, constitute a hazard to humans or the environment, create a toxic effect in the receiving waters, or exceed the limitations set forth in a categorical pretreatment standard;
- (14) Any wastewater with a color objectionable to the director which is not removed in the treatment process;
- (15) Any pollutants, including oxygen-demanding pollutants (BOD<sub>5</sub>, etc.) released at a flow rate or concentration which will cause interference with proper operation of the system;
- (16) Any wastewater that causes a hazard to human life or that constitutes a public nuisance; or
- (17) Any other material that the director deems to be inconsistent with the best management and operation of the POTW.

*(Code 1980, § 21-43; Code 1995, § 23-108; Ord. No. 956, § 2, 8-13-1997)*

**Sec. 23-117. - Restricted wastes.**

(a) Unless permitted by a wastewater discharge permit or other document created pursuant to divisions 3, 4, or 5 of article II of this chapter, no user shall discharge wastewater to the POTW containing any of the following listed pollutants or characteristics in excess of the provided level or concentration:

<i>Regulated Pollutant or Characteristic</i>	<i>Maximum Daily Discharge*</i>
Arsenic	4.9 mg/L
Cadmium	0.23 mg/L
Chromium	2.75 mg/L
Copper	1.16 mg/L
Cyanide	1.86 mg/L
Lead	0.44 mg/L
Mercury	0.0031 mg/L
Nickel	1.31 mg/L
Selenium	2.85 mg/L
Silver	1.58 mg/L
Zinc	4.27 mg/L
Oil and grease (petroleum-based)	100 mg/L
Oil and grease (animal- or vegetable-based)	300 mg/L
Total toxic organic compounds (TTO)	2.13 mg/L
pH	5 – 11 s.u.
Flashpoint less than 140 degrees F	
*All measurements shall be made in accordance with 40 CFR 136.	

All concentrations for metallic substances are for total metal.

(b) The above limits apply at the point where the wastewater is discharged to the POTW. The director shall develop industrial user-specific local limits for appropriate pollutants of concern in accordance with state and federal Local Limits Guidance Criteria, and the director shall include the applicable limits in individual significant industrial user wastewater discharge permits.

(Code 1980, §§ 21-43.4, 21-64; Code 1995, § 23-109; Ord. No. 956, § 2, 8-13-1997; Ord. No. 1131, § 2, 12-9-2008)

**Secs. 23-118 – 23-147. - Reserved.**

## **DIVISION 5. - INDUSTRIAL PRETREATMENT**

**Sec. 23-148. - State pretreatment standards.**

Users must comply with all state pretreatment standards, as set out at 9 VAC § 25-31-730 through 9 VAC § 25-31-900, as they may be amended.

(Ord. No. 1131, § 3(23-127), 12-9-2008)

**Sec. 23-149. - Dilution.**

No user shall attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limit unless expressly authorized by an applicable pretreatment standard or permit requirement.

(Ord. No. 1131, § 4(23-128), 12-9-2008)

**Sec. 23-150. - Violations.**

(a) Users shall orally notify the director of any violation of a permit or of divisions 3, 4, or 5 of article II of this chapter within 24 hours after becoming aware of the violation. Within five days after the date of the violation, the user shall submit to the director a detailed written statement describing the cause of the violation and the measures that the user is taking to prevent future violations. The director may require a user to correct a violation by taking measures to prevent the discharge of prohibited materials or other wastes that are regulated by Section 23-116 and Section 23-117. Users shall correct all violations promptly and shall take reasonable actions to prevent damage to the POTW or the public from the violation.

(b) The director shall annually publish a list of significant industrial users who have been in significant noncompliance during the previous 12 months. This list shall be published in the largest daily newspaper of general circulation in the county. A significant industrial user is in significant noncompliance if one or more of the following criteria apply:

- (1) Sixty-six percent or more of wastewater measurements taken during a six-month period exceed the daily maximum limit for the same pollutant parameter ("chronic violations of wastewater discharge limits");
- (2) Thirty-three percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equal or exceed the product of the daily maximum limit multiplied by the applicable criteria (1.4 for BOD, total suspended solids, fats, oils, and grease, and 1.2 for all other pollutants, except pH) ("technical review criteria violations");
- (3) Any other discharge violation that the director believes has caused, alone or in combination with other discharges, interference or pass through, or endangered the health of county personnel or the public;

- (4) Any discharge of pollutants that has caused imminent danger to the environment or has required the director to exercise his emergency authority to halt or prevent such a discharge;
- (5) Failure to meet a compliance schedule requirement contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance, within ninety (90) days of the scheduled date;
- (6) Failure to provide any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules, within forty-five (45) days after the due date;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation, which may include a violation of Best Management Practices, which the director determines will adversely affect the operation or implementation of the local pretreatment program.

(Ord. No. 1131, § 5(23-129), 12-9-2008)

**Sec. 23-151. - Administrative enforcement remedies.**

- (a) *Notice of violation.* When the director finds that a user has violated, or continues to violate, any provision of divisions 3, 4, or 5 of article II of this chapter, a wastewater discharge permit, an order issued hereunder, or any other pretreatment standard or requirement, the director may serve upon that user a written notice of violation.
- (b) *Submission of plan.* Within five days of the receipt of such notice, the user shall provide the director a written explanation of the violation and a plan for the satisfactory correction and prevention of future violations, including specific required actions. Submission of a plan shall not relieve the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.
- (c) *Show cause hearing.* The director may order a user who has violated, or continues to violate, any provision of divisions 3, 4, or 5 of article II of this chapter, a wastewater discharge permit, an order issued hereunder, or any other pretreatment standard or requirement, to appear before the director and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place of the hearing, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. If a civil penalty is proposed, the notice shall also include the facts and legal requirements related to the alleged violation and the amount of the proposed penalty. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) on any authorized representative of the user at least thirty (30) days prior to the hearing date. At the hearing, the user may present evidence including witnesses regarding the occurrence of the alleged violation and the amount of the penalty, and the user may examine any witnesses for the locality. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.
- (d) *Consent orders.* The director may enter into a consent order, an agreement with assurances of voluntary compliance, or a similar document with any noncompliant user. Such document shall state specific action the user must take to correct the noncompliance within a specified time period. Such documents shall have the same force and effect as administrative orders issued pursuant to section 23-151(e) and shall be judicially enforceable.
- (e) *Compliance orders.* When the director finds that a user has violated, or continues to violate, any provision of divisions 3, 4, or 5 of article II of this chapter, a wastewater discharge permit, an order issued hereunder, or any other pretreatment standard or requirement, the director may issue an order to the user responsible for the discharge directing that the user become compliant within a specified time. If the user does not

become compliant within the time provided, the director may discontinue sewer service until the user installs and properly operates adequate treatment facilities, devices, or other related appurtenances. Compliance orders also may contain other requirements to resolve the noncompliance, including additional self-monitoring and management actions designed to minimize the amount of pollutants discharged to the POTW. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, and a compliance order shall not relieve the user of liability for any violation, including a continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

**(f) Right to review.** Any order issued by the director shall inform the user of his right under Code of Virginia § 15.2-2122(10)(c) to seek reconsideration by the director and of the user's right to judicial review of any final order by appeal to the circuit court on the record of the proceedings before the director.

**(g) Emergency suspensions.** After informal notice to the user, the director may immediately suspend a user's right to discharge whenever suspension is necessary to stop an actual or threatened discharge which appears, in the director's reasonable judgment, to present an imminent or substantial danger to the health or welfare of the public. After notice and opportunity to respond, the director may also suspend a user's right to discharge if the discharge threatens to interfere with the operation of the POTW or presents, or may present, a danger to the environment.

**(1)** Any user notified of a suspension of its right to discharge shall immediately stop or eliminate its discharge to the POTW. If a user fails to immediately comply with the suspension order, the director may take any steps he deems necessary to prevent or minimize damage to the POTW, its receiving stream, or danger to any person, including immediate severance of the sewer connection. Unless termination proceedings pursuant to section 23-151(i) are initiated, or have been initiated, against the user, the director may allow the user to recommence its discharge when the user has demonstrated, to the satisfaction of the director, that the period of endangerment has passed.

**(2)** Prior to the date of any show cause or termination hearing under section 23-151(c) or (i), a user that is responsible, in whole or in part, for any discharge presenting imminent danger to the public, the environment or to the operation of the POTW shall submit to the director a detailed written statement describing the causes of the harmful discharge and the measures taken to prevent any future occurrence.

This section does not require a hearing prior to any emergency suspension.

**(h) Termination of right to discharge.** A user's right to discharge may be terminated if any of the following occur:

- (1)** User's violations of wastewater discharge permit conditions;
- (2)** User's failure to accurately report the wastewater constituents and characteristics of its discharge;
- (3)** User's failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (4)** User's refusal of reasonable access to its premises for inspection, monitoring, or sampling; or
- (5)** User's violation of any pretreatment standard or requirement.

**(i)** The director shall notify the user of the proposed termination of its right to discharge and offer an opportunity to show why its right to discharge should not be terminated. Exercise of this option by the director shall not be a bar to, or a prerequisite for, any other action against the user.

*(Ord. No. 1131, § 6(23-130), 12-9-2008)*

### **Sec. 23-152. - Enforcement.**

**(a) Injunctive relief.** When the director finds that a user has violated, or continues to violate, any provision of divisions 3, 4, or 5 of article II of this chapter, a wastewater discharge permit, an order issued hereunder, or any other pretreatment standard or requirement, the director may petition the circuit court for a

temporary or permanent injunction which restrains or compels compliance with the user's wastewater discharge permit, an order issued pursuant to this chapter, or other requirement imposed by this chapter. The director may also seek legal or equitable relief, including remediation of any environmental damage caused by the user's violation or noncompliance. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

**(b) Civil penalties.**

(1) The director's assessment of civil penalties shall be made in accordance with Code of Virginia § 15.2-2122(10). The court's assessment of civil penalties shall be made in accordance with Code of Virginia § 62.1-44.32(a).

(2) A user who has violated, or continues to violate, any provision of divisions 3, 4, or 5 of article II of this chapter, a wastewater discharge permit, an order issued hereunder, or any other pretreatment standard or requirement shall be liable to the county for a civil penalty of \$1,000 up to \$32,500.00 per violation, not to exceed \$100,000 per order. In the case of violations of monthly or other average discharge limits, the director may assess penalties for each day of violation.

(3) In addition to a civil penalty, the director may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement actions under divisions 3, 4, or 5 of article II of this chapter, including sampling and monitoring expenses and the cost of any actual damages incurred by the county.

(4) In determining the amount of a civil penalty, the director shall consider the severity of the violation, the extent of any potential or actual environmental harm or facility damage, the compliance history of the user, any economic benefit realized from the noncompliance, and the ability of the user to pay the penalty.

(5) Filing suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

**(c) Criminal prosecution.**

(1) A user who willfully or negligently violates any provision of divisions 3, 4, or 5 of article II of this chapter, a wastewater discharge permit, an order issued hereunder, or any other pretreatment standard or requirement, or who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage, shall, upon conviction, be guilty of a class 1 misdemeanor, punishable by a fine of not more than \$2,500.00, imprisonment for not more than 12 months, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

(2) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other document filed or maintained pursuant to divisions 3, 4, or 5 of article II of this chapter or a wastewater discharge permit or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be guilty of a class 1 misdemeanor punishable by a fine of not more than \$2,500.00, imprisonment for not more than 12 months, or both.

**(d) Remedies nonexclusive.** The remedies provided for in division 5 of article II of this chapter are not exclusive. The director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the county's enforcement response plan. However, the director may take other action against any user when the circumstances warrant.

*(Ord. No. 1131, § 7(23-131), 12-9-2008)*

**Sec. 23-153. - Liability for damage caused by discharged substance.**

If any discharged substance results in damage to the county sewer system, the wastewater treatment

plant providing treatment or other real or personal property, or if it alters the nature or quality of the sludge generated by the wastewater treatment plant so as to increase the cost of either safe sludge removal or sludge disposal, the discharger shall be liable to the county for all damage.

*(Code 1980, § 21-66; Code 1995, § 23-132)*

**Sec. 23-154. - Applicability of categorical standards.**

All discharges subject to categorical standards shall comply with the requirements of any applicable federal categorical standard, including the general pretreatment regulations set forth in the Code of Federal Regulations, and with the local limits contained in section 23-117. More stringent limits shall be imposed by the director where appropriate. In case of conflict, the more stringent limit shall apply.

*(Code 1980, § 21-54; Code 1995, § 23-133; Ord. No. 1131, § 8(27-133), 12-9-2008)*

**Sec. 23-155. - Industrial wastewater discharge permit requirements.**

- (a) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the director, except that a significant industrial user that has filed a timely application pursuant to subsection (d) of this section may continue to discharge for the time period specified therein.
- (b) The director may require users other than significant industrial users to obtain wastewater discharge permits when necessary to carry out the purpose of this chapter. Such users must obtain a discharge permit prior to discharging to the POTW.
- (c) Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal, state, and local laws, including the standards in this chapter, categorical pretreatment standards, and local discharge limits.
- (d) Wastewater discharge permit application requirements.
  - (1) To apply for a wastewater discharge permit, the applicant shall submit a complete industrial waste survey form to the director.
  - (2) An application for a wastewater discharge permit must be filed at least 60 days before discharging to the POTW.
  - (3) Any user sent an industrial waste survey form by the director must complete and return the form to the director within 60 days of receipt.
  - (4) The director will not process incomplete or inaccurate industrial waste survey forms and will return them to the user for revision.
- (e) Duty to reapply. All users shall reapply for authorization and reissuance of a permit to discharge at least 90 days before the expiration of the existing permit unless the director grants permission for a later date.

*(Code 1980, § 21-55; Code 1995, § 23-134; Ord. No. 1131, § 9(23-134), 12-9-2008)*

**Sec. 23-156. - Wastewater discharge permit conditions.**

Wastewater discharge permits must contain, at a minimum, the following conditions:

- (1) The permit's issuance date, the permit's effective date, the permit's duration (up to five years), and the permit's expiration date.
- (2) Statement of nontransferability without prior notification to the director and certification that the existing permit and any orders issued under divisions 3, 4, or 5 of article II of this chapter have been provided to the new owner or operator.

- (3) Effluent limits or best management practices, based on the applicable general pretreatment standards in division 5 of article II of this chapter, categorical pretreatment standards, and local limits.
- (4) Self-monitoring and sampling provisions, and reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type.
- (5) Statement of applicable civil and criminal penalties for violation of pretreatment standards and other requirements; and any applicable compliance schedules, which may not extend beyond applicable federal and state deadlines.
- (6) Any requirements to control slug discharges determined by the director.

*(Code 1980, § 21-56; Code 1995, § 23-135; Ord. No. 1131, § 10(23-135), 12-9-2008)*

**Sec. 23-157. - Amendments to discharge permit; renewal of permit.**

- (a) Discharge permits may be amended by the director in the following situations:
  - (1) To incorporate changes in federal, state or local requirements;
  - (2) When the director determines existing permit conditions are inadequate to ensure compliance with the requirements of the act, state law, or the requirements of this article; or
  - (3) To impose the terms of a compliance schedule.
- (b) Permits shall continue in effect for the term specified therein, which may not exceed five years. Applicants desiring to continue to discharge substances after the expiration of the permit shall submit a reapplication to the director not less than 90 days prior to the permit expiration date. Reapplications shall be processed in the same way as initial applications.
- (c) The permit holder shall notify the county of any changes in its operations that may change the regulated substances, the permit or the wastewater discharged.

*(Code 1980, § 21-57; Code 1995, § 23-136)*

**Sec. 23-158. - Suspension or revocation of discharge permit.**

- (a) The director is authorized to make rules for the suspension or revocation of discharge permits. Such rules shall provide for reasonable notice to the permit holder of a possible revocation or suspension and give an opportunity for a hearing. The rules may provide for suspension or revocation when:
  - (1) The permit holder is no longer in compliance with either the applicable effluent standards or the permit requirements;
  - (2) The substance discharged by the permit holder reasonably threatens the health, safety or welfare of the public;
  - (3) The substance discharged by the permit holder presents a danger to the environment; or
  - (4) The substance discharged by the permit holder interferes with or threatens the lawful operation of the county sewer system or the wastewater treatment plant.
- (b) Upon suspension of a permit, the permit holder shall cease all discharges until all violations are corrected to the satisfaction of the director.
- (c) Upon revocation of a permit, the permit holder shall cease all discharges until a new permit is issued.

*(Code 1980, § 21-58; Code 1995, § 23-137)*

**Sec. 23-159. - Correction of violations.**

- (a) Each permittee shall prevent accidental discharges and slug discharges of prohibited materials or other substances regulated by Section 23-116 and Section 23-117 at the permittee's expense. If an accidental discharge or slug discharge is released into the POTW, the permittee must immediately notify the director.

(b) The director shall evaluate whether each significant industrial user requires an accidental discharge/slug discharge control plan or other action to control accidental or slug discharges. The director may require any user to develop, submit for approval, and implement such a plan or take other action necessary to control accidental and slug discharges. Alternatively, the director may develop a control plan for any user. An accidental discharge/slug discharge control plan shall address the following:

- (1) Description of discharge practices, including nonroutine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the director of accidental or slug discharges, including any discharge that would violate a prohibition under section 23-116, and procedures for written notification to the director within five days; and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures should include inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and measures and equipment for emergency response.

*(Code 1980, § 21-59; Code 1995, § 23-138; Ord. No. 1131, § 11(23-138), 12-9-2008)*

**Sec. 23-160. - Transfer of discharge permit.**

A discharge permit is not transferable. It is issued for a specific operation, based upon the information submitted. Any new dischargers shall apply for a new permit.

*(Code 1980, § 21-61; Code 1995, § 23-139)*

**Sec. 23-161. - Inspection and sampling.**

The county shall inspect the facilities of any discharger to determine compliance with this Code. Persons or occupants of premises where wastewater is created or discharged or monitored shall give the director and his agents ready access to the premises at reasonable times for the purpose of inspection, sampling, record examination or monitoring.

*(Code 1980, § 21-62; Code 1995, § 23-140)*

**Sec. 23-162. - Confidentiality of information.**

All reports and information submitted to the department under this subdivision are subject to disclosure under the Virginia Freedom of Information Act (Code of Virginia, § 2.2-3700 et seq.), except as confidential information under 40 C.F.R. § 403.14 is protected from disclosure under Code of Virginia, § 62.1-44.21.

*(Code 1980, § 21-63; Code 1995, § 23-141)*

**Sec. 23-163. - Notice to employees; employee education program.**

(a) A notice to employees of a discharge permit holder advising them who to call in the event of an accidental or unlawful discharge shall be permanently posted on the permit holder's bulletin board and near each location where wastes may be discharged into the county sewer system.

(b) Each permit holder shall have an employee education program to instruct employees involved in waste management about the requirements of the permit holder's permit. A copy of the education program shall be submitted with each permit application.

*(Code 1980, § 21-60; Code 1995, § 23-142)*

**Secs. 23-164 – 23-194.** - Reserved.

### **ARTICLE III. - WATER SYSTEM**

\***Cross reference** – Water supply systems in subdivisions, § 19-164.

\***State law reference** – Public water supplies, Code of Virginia, § 32.1-167 et seq.; water supplies and facilities, Code of Virginia, § 15.2-2143.

### **DIVISION 1. - GENERALLY**

**Sec. 23-195.** - Water service generally.

The director shall oversee the delivery of public water in the county, including setting, resetting, taking out and changing meters, turning water service off and on, installing and protecting water system equipment, billing and collecting for water service, and all other necessary activities.

*(Code 1980, §§ 21-8, 21-18; Code 1995, § 23-171)*

**Sec. 23-196.** - Connection to existing mains.

If a county-owned water supply and distribution system is within 300 feet of a structure for which a well is to be constructed to provide potable water, the owner must connect to the county water system.

*(Code 1980, § 21-13; Code 1995, § 23-172)*

**Sec. 23-197.** - Interruption of service.

The county shall not be responsible for damages or payment refunds if water service is interrupted because of choking or accident to the water meter or service pipe, failure of the water supply, or stoppages for repairs and additions. The director is authorized to interrupt water service to make repairs or additions to pipes and meters.

*(Code 1980, § 21-33; Code 1995, § 23-173)*

**Sec. 23-198.** - Application for service.

Application for water service should be made to the director at least three days prior to occupancy. If the occupant did not apply for service, he shall be secondarily liable for all water consumed since the previous regular reading, and the supply of water shall be shut off until he has made proper application.

*(Code 1980, § 21-28; Code 1995, § 23-174)*

**Sec. 23-199.** - Exemption from disconnection in case of contagious or infectious diseases.

Notwithstanding any other provision of this chapter, water service shall not be stopped or shut off to any premises where the health officer finds there is contagious or infectious disease which could be spread to others by stopping or shutting off service. Service shall not be stopped or shut off unless the occupant remains in default on his water bill for a period of 30 days after the end of the contagious or infectious disease.

*(Code 1980, § 21-25; Code 1995, § 23-175)*

**State law reference** – Liens for unpaid charges, Code of Virginia, § 15.2-2120.

**Sec. 23-200. - Obstructing valves or other fixtures; wasting water; unlawful use of water; liability for damages.**

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

(b) The owner of the premises shall be responsible for the cost of all water obtained illegally from the service connection for the premises.

(c) Any person who damages water system property shall be responsible for the cost of repairs or replacement in addition to any criminal penalties.

(d) No person shall use water for which he has not made proper application unless authorized by the director or the provisions of this Code.

*(Code 1980, § 21-10; Code 1995, § 23-176)*

**Sec. 23-201. - Exceptions to use restrictions.**

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, and fire companies may use county water to practice and to examine, clean and put their engines and hoses in good condition.

*(Code 1980, § 21-11; Code 1995, § 23-177)*

**Sec. 23-202. - Notification of director on moving from premises; new service for delinquent users.**

A water customer shall give the director at least three days notice before moving or the customer shall be charged for any water that passes through the meter before water service is cut off. Any water customer with an outstanding bill may not obtain service at a different address until the bill is paid unless:

(1) The health officer finds that water service is necessary to protect the health of the occupants or to prevent the risk of spreading a contagious or infectious disease; or

(2) The customer's water bills were being paid by a landlord and the customer was not in default on payments to the landlord.

*(Code 1980, § 21-29; Code 1995, § 23-178)*

**State law reference** – Charges, fees, rents, Code of Virginia, § 15.2-2111.

**Secs. 23-203 – 23-227. - Reserved.**

**DIVISION 2. - WATER METERS AND BILLING**

**Sec. 23-228. - Connection generally.**

Upon approval of service, the department shall provide a suitable service line to deliver water from the main in the street easement or alley to the property line of the applicant and shall place a stopcock and a water meter on the service pipe near the property line. All meters shall be the property of the county. The applicant shall be responsible for all charges after the meter has been set.

*(Code 1980, §§ 21-31, 21-36; Code 1995, § 23-201)*

**Sec. 23-229. - Location of meter.**

Water meters on the premises shall be set in places approved by the director and accessible to department employees. The owner shall be responsible for the cost of relocating a meter at his request.

*(Code 1980, § 21-32; Code 1995, § 23-202)*

**Sec. 23-230. - Damage to meter.**

After a water meter has been set, the owner shall be responsible for the amount of any damage caused by hot water or steam settling back from a boiler. If the amount is not paid within five days of billing, the director shall turn off the water to the premises until the amount is paid. The director shall be responsible for investigating and determining responsibility for such damage and the cost of repairs.

*(Code 1980, § 21-35; Code 1995, § 23-203)*

**Sec. 23-231. - Disconnection of meter.**

No water meter shall be disconnected, moved or disturbed without the director's permission, and the director shall be responsible for making any needed changes. The director shall charge a \$35.00 reconnection fee for restoring service after a customer's water service is turned off.

*(Code 1980, § 21-34; Code 1995, § 23-204; Ord. No. 1130, § 2, 12-9-2008)*

**Sec. 23-232. - Reading meters.**

The department shall read all water meters at least once every two months to ensure proper billing. No more than two consecutive bills may be for estimated usage except in emergencies. The water customer or owner shall be responsible for keeping the meter box free from debris and any obstacle or animal which hinders reading the meter.

*(Code 1980, § 21-17; Code 1995, § 23-205)*

**Sec. 23-233. - Billing; adjustment of bills.**

Unless the director chooses to send monthly bills, the department shall bill on a bimonthly basis for all water passing through a meter, whether used or wasted, after installation of the water meter. If underground leaks occur in water pipes or metered services and the owner, tenant or customer has promptly made all necessary repairs, the director may rebate any charges in excess of double the amount of the average bimonthly bills for the premises. The director may give the same rebate where an unexplained problem causes metered water consumption to exceed double the average bimonthly bills and the director believes the water was not beneficially used. Adjustments for an unexplained problem may only be made once every three years except in cases of extreme hardship. Average bimonthly bills are to be determined by averaging bimonthly water consumption for three previous equivalent billing periods.

*(Code 1980, §§ 21-20, 21-21; Code 1995, § 23-206; Ord. No. 1130, § 3, 12-9-2008)*

**Cross reference** – Adjustment of sewer charge, § 23-363.

**Sec. 23-234. - Payment of charges by county departments.**

County departments shall pay for their water consumption except for water used to extinguish fires.

(Code 1980, § 21-26; Code 1995, § 23-207)

**Sec. 23-235. - Determination of charges when meter is not operating.**

If a customer has received the usual supply of water during a period when his water meter is not operating for any reason, the director shall bill the customer for the average bimonthly amount of water used during the preceding six months, or longer period if deemed proper by the director. In the alternative, the director may bill for the percentage of average consumption shown by a test of the meter.

(Code 1980, § 21-27; Code 1995, § 23-208)

**Secs. 23-236 – 23-263. - Reserved.**

**DIVISION 3. - WATER SHORTAGES**

\***Cross reference** – Open burning prohibited during drought conditions, § 11-19.

\***State law reference** – Local water-saving ordinances, Code of Virginia, § 15.2-923; water supply emergency ordinances, Code of Virginia, § 15.2-924.

**Sec. 23-264. - Definitions.**

The following words and phrases, when used in this division, shall have the meanings ascribed to them below, except in those instances when the context clearly indicates a different meaning:

*Assessment date* means the date of the water bill on which a fine for violation of this article is imposed.

*Established landscaping* means landscaping plantings including, but not limited to, gardens, flowers, trees and shrubs existing in an area after such period of time as to accomplish an establishment and maintenance of growth.

*Established lawns* means lawns existing in an area after such period of time as to accomplish an establishment and maintenance of growth.

*Fountain* means a water display where water is sprayed strictly for ornamental purposes.

*Golf course* means an irrigated and landscaped playing area made up of greens, tees, fairways, roughs and related areas used for the playing of golf.

*New landscaping* means any landscaping planted in or transplanted to an area within such period of time as to accomplish a reasonable establishment and maintenance of growth.

*New lawns* means lawns made up of sod or seeds planted in or transplanted to an area within such period of time as to accomplish a reasonable establishment and maintenance of growth. This does not include refurbishment of established lawns by means of aeration and seeding, dethatching and seeding, or power overseeding.

*Swimming pool* means any structure, basin, chamber, or tank including hot tubs, containing an artificial body of water for swimming, diving or recreational bathing and having a depth of two feet or more at any point.

(Code 1995, § 23-231; Ord. No. 1119, § 1, 1-8-2008)

Cross reference – Definitions and rules of construction, § 1-2.

**Sec. 23-265. - Mandatory public water use restrictions.**

The use of the public water system shall be limited as follows:

- (1) *Fountains.* Water use is prohibited.
- (2) *Paved areas.* Washing is prohibited except for health and safety requirements.
- (3) *Swimming pools.* Filling and replenishing to maintain health and safety is permitted. New or repaired pools may be filled as needed to maintain their structural integrity. All other uses are prohibited.
- (4) *Vehicle washing.* Noncommercial washing of vehicles is prohibited, except that construction, emergency or public transportation vehicles may be washed as needed to preserve their proper functioning and safe operation. Commercial vehicle washing businesses are permitted to operate under normal conditions.
- (5) *Established landscaping.* Watering is limited to three days per week by address. Addresses ending in an odd number may water only on Tuesday, Thursday and Saturday. Addresses ending with an even number, or with no number, may water only on Wednesday, Friday and Sunday. No watering is allowed on Mondays. Bucket watering (five-gallon maximum size) is permitted any time.
- (6) *Established lawns.* Watering is prohibited except as follows:
  - a. Bucket watering (five-gallon maximum size) is permitted any time.
  - b. Watering is permitted for one day before and 30 days after refurbishment of established lawns by means of motorized core aeration and seeding, motorized thatching and seeding, or motorized light tilling and seeding, provided such refurbishment takes place between September 1 and October 31.
- (7) *New landscaping.* Watering is permitted for the first 30 days after planting. Thereafter, the restriction for established landscaping shall apply.
- (8) *New lawns.* Watering is permitted for the first 30 days after sodding or seeding. Thereafter, the restriction for established lawns shall apply. New lawns do not include refurbishment of established lawns by means of aeration and seeding, dethatching and seeding, or power overseeding.
- (9) *Restaurants.* Water shall be served to customers only upon request.
- (10) *Golf courses.* Watering is prohibited from 10:00 a.m. to 8:00 p.m., except for the watering of greens or watering by hand-held hoses that are one inch or smaller in diameter.
- (11) *All other businesses.* Water use is limited to uses essential for business use and human hygiene.
- (12) *Athletic fields.* Athletic fields may be watered only between 8:00 p.m. and 10:00 a.m. and only at a rate not exceeding a total of one inch during any ten-day period.

(Code 1995, § 23-232; Ord. No. 1119, § 2, 1-8-2008; Ord. No. 1134, § 1, 8-11-2009)

**Sec. 23-266. - When restrictions go into effect; notice.**

- (a) The water use restrictions set forth in this division shall take effect when any one or more of the following conditions occurs:
  - (1) The director of public utilities for the city or his designee advises the director of public utilities for the county in writing that the city is invoking mandatory water use restrictions;
  - (2) The director of public utilities for the county or his designee advises the county manager in writing that the James River flow levels meet the water treatment plant's DEQ intake permit

requirements for mandatory water conservation; or

(3) The county manager declares in writing the need for mandatory water conservation for the county.

(b) The water use restrictions shall end when the notice that triggered them is superseded by a notice indicating the reason for the restrictions no longer exists.

(c) Notice of these public water use restrictions shall be published in the Richmond Times-Dispatch for a period of one day per week each week during which the restrictions are in effect.

*(Code 1995, § 23-233; Ord. No. 1119, § 3, 1-8-2008)*

**Sec. 23-267. - Violation and penalties.**

(a) Any person who uses water, or allows or causes the use of water, in violation of any provision of this division after publication of notice pursuant to section 23-233(c) shall be subject to the following penalties:

(1) For the first offense, violators shall receive a written warning delivered in person or posted by a representative of the county department of public utilities.

(2) For the second offense, violators shall be fined \$50.00, the fine to be imposed on the violator's next water bill.

(3) For the third and each subsequent offense, violators shall be fined \$100.00 for each offense, the fine to be imposed on the violator's next water bill.

(4) Each violation by a person shall be counted as a separate violation by that person, irrespective of the location at which the violation occurs.

(b) Persons who have been assessed a penalty shall have the right to challenge the assessment by providing a written notice to the director of public utilities within ten days of the assessment date. The director shall determine whether the penalty was properly assessed and notify the complaining person in writing of his determination. Should the director determine that the penalty was properly assessed, the person may appeal that determination by providing written notice to the county manager within ten days of receiving the notice of determination. The county manager or his designee shall determine whether the penalty was properly assessed and notify the complaining person in writing of his determination.

(c) The director of public utilities may waive the penalty if he determines that the violation occurred due to no fault of the person.

*(Code 1995, § 23-234; Ord. No. 1119, § 4, 1-8-2008)*

**Secs. 23-268 – 23-297. - Reserved.**

**ARTICLE IV. - FEES, CHARGES AND ASSESSMENTS FOR WATER AND SEWER SERVICE**

\*State law reference – Fees and charges for sewer services, Code of Virginia, § 15.2-2119 et seq.

**DIVISION 1. - GENERALLY**

**Secs. 23-298 – 23-327. - Reserved.**

**DIVISION 2. - DEPOSITS AND PAYMENTS**

**Sec. 23-328. - Service deposit.**

(a) *Deposit required.* Persons applying for available water and sewer service to property they do not own shall pay a deposit to ensure payment for each type of service of \$100.00 or another amount deemed necessary by the director to cover anticipated usage for one billing period. The deposit shall be billed to the customer's account. The county shall hold the deposit as surety without interest. A security deposit shall

not be required if the customer is a lessee or tenant who has provided the director with a letter from the owner of the property where service is to be provided attaching documentation that such lessee or tenant receives need-based local, state or federal rental assistance.

**(b) Return of deposit.** The deposit shall be credited to the customer's account under the following circumstances:

**(1)** When service is discontinued; or

**(2)** If the customer has not been turned off for nonpayment and has not had more than one late payment on the account over the last 365 days.

In addition, the director shall have the right to return the deposit under other circumstances in his discretion.

**(c) Waiver of deposit.** A service deposit may be waived for a customer that has had a water or sewer account with the county for at least 12 months during the 24 months preceding the application for service, if service under that account was not turned off for nonpayment and the customer had no more than one late payment during the 12-month period of service preceding the application date. A service deposit may be waived for a new customer to the county who provides a letter from the customer's previous water or sewer provider that states the customer had a satisfactory payment record for the 12 months prior to the application date.

*(Code 1980, §§ 21-19, 21-46; Code 1995, § 23-281; Ord. No. 918, § 1, 4-24-1996; Ord. No. 943, § 1, 4-23-1997; Ord. No. 1130, § 4, 12-9-2008)*

#### **Sec. 23-329. - Payments generally.**

All fees, charges, assessments and deposits for water and sewer service shall be paid to the director of finance or authorized payment agents.

*(Code 1980, § 21-19; Code 1995, § 23-282)*

#### **Sec. 23-330. - Installment payments.**

Upon written request, any owner may pay basic connection fees and local facilities fees in installments subject to the following provisions:

**(1)** Basic connection fees may be paid in up to 36 monthly installments and local facilities fees may be paid in up to 120 monthly installments. Interest based upon the Wall Street Journal Prime Rate in effect on the date of the contract plus one percent shall be charged on a per annum basis on the unpaid balance.

**(2)** The owner shall execute a contract and a note in a form approved by the county attorney to evidence and secure the obligation to make the installment payments. The contract and note shall state the amount and number of payments and other terms deemed necessary by the director. A memorandum of lien shall be recorded in the circuit court of the county.

**(3)** The county shall have the right to collect overdue amounts as provided by law or the contract between the parties.

**(4)** The note shall be paid in full prior to the owner's transfer of title to the property. If it is not, the county may, in addition to its other rights and remedies, remove all of its facilities and discontinue service if there is no danger to public health or safety. If service is subsequently reestablished, the county may require payment of the fees in effect at the time of reestablishment as if service had never been installed.

*(Code 1980, §§ 21-38, 21-48; Code 1995, § 23-283; Ord. No. 1132, § 1, 1-13-2009)*

**Sec. 23-331. - Overdue bills; discontinuance of service.**

(a) All charges for water and sewer service shall be due within 30 days of billing, and a \$1.00 service charge shall be added to all delinquent bills. If a due date falls on a weekend or holiday, the due date shall be the next business day. The director shall notify the owner or tenant in writing that the bill is delinquent, that the owner or tenant may contest the bill by contacting the director and that all utility service may be discontinued if the delinquent bill is not paid within 15 days of the notice. If the delinquent bill is not paid by the delinquent due date, refuse service may be discontinued and water service to the premises may be disconnected unless the health officer certifies that shutting off the water will endanger the health of the occupants of the premises or the health of others.

(b) Once disconnected and discontinued, the supply of water and refuse service shall not be restored until the outstanding balance and a charge of \$35.00 for reconnecting water service is paid in full or until the director has approved other payment arrangements. If the owner or tenant vacates property with a delinquent utility bill, the outstanding balance may be transferred to any other property within the county where the owner or tenant has utility service if the owner or tenant has been notified as provided in this section. If the outstanding balance is not paid within the time specified, water and refuse service at the property to which the balance has been transferred may be discontinued.

(c) In cases of delinquent bills where the county supplies sewer but not water service to the property, sewer service to the premises may be disconnected using the same procedures, and sewer and refuse service shall not be restored until the outstanding balance and the cost of disconnecting and reconnecting sewer service shall have been paid in full.

*(Code 1980, §§ 21-22, 21-51; Code 1995, § 23-284; Ord. No. 1130, § 5, 12-9-2008)*

**Cross reference** – Bill for refuse collection, etc., § 17-60.

**Sec. 23-332. - Charges to constitute lien.**

All fees, charges and assessments for water and sewer service shall be a lien on the real estate served by the water and sewer systems. Where residential real estate is involved, no lien shall attach unless the user of the water or sewer service is also the owner of the real estate or unless the owner negotiated or executed the agreement by which water or sewer service is provided to the property.

*(Code 1980, §§ 21-23, 21-52; Code 1995, § 23-285)*

**State law reference** – Lien, Code of Virginia, § 15.2-2118.

**Sec. 23-333. - Enforcement of lien.**

Any lien for water and sewer service fees, charges or assessments docketed in the circuit court may be enforced in the same manner as other county taxes.

*(Code 1980, §§ 21-24, 21-53; Code 1995, § 23-286)*

**State law reference** – Enforcement of lien, Code of Virginia, § 15.2-2120.

**Sec. 23-334. - Customer setup charges.**

A customer setup charge of \$14.00 shall be charged on the first bill of every new water or sewer account, whether established by a new customer or an existing customer.

*(Code 1995, § 23-287; Ord. No. 944, § 1, 4-23-1997; Ord. No. 1120, § 2, 4-22-2008)*

**Sec. 23-335. - Costs and fees for collecting delinquent utility charges.**

If a person fails to timely pay a utility charge due the county, such person shall be liable for costs incurred by the county and attorney's or collection agency's fees equal to 20 percent of the delinquent utility bill associated with the collection of delinquent utility charges. Costs, attorney's and collection agency's fees may be recovered by an action at law or suit in equity.

*(Code 1995, § 23-288; Ord. No. 951, § 1, 7-9-1997)*

**Secs. 23-336 – 23-358. - Reserved.**

**DIVISION 3. - CONNECTION FEES AND SERVICE CHARGES**

**Sec. 23-359. - Water connection fees.**

**(a) Components of fee.** The total water connection fee shall consist of costs for basic connection, local facilities, off-site extensions, and off-site and oversized main credits.

**(b) Basic connection fee.**

**(1)** The basic connection fee covers installation of the water meter and partial payment for backup facilities. The basic connection fee shall be assessed all connectors except for fire service and payment shall accompany the application for connection as follows:

Single-family dwellings, including semi-detached dwellings	\$4,635.00/ dwelling unit
Multifamily dwellings	4,270.00/ dwelling unit
Motel and hotel	2,350.00/ room
Hospital	5,430.00/ bed
Nursing facility	3,625.00/ bed
Assisted living facility	1,810.00/ bed
Dormitory	1,360.00/ bed
Facilities providing permanent housing for elderly or handicapped persons and operated by charitable, nonstock, nonprofit organizations which are exempted by section 501(c)(3) of the Internal Revenue Code	1,810.00/ dwelling unit

**(2)** The basic connection fee for an existing single-family dwelling served by an individual private well shall be \$2,315.00.

**(3)** The fee for all other business, industrial and public buildings will be based on meter size as follows:

<i>Meter Size (inches)</i>	<i>Basic Connection Fee</i>
5/8	\$4,635.00

1	16,570.00
1½	33,060.00
2	65,615.00
3	131,235.00
4	205,050.00
6	410,105.00
8	656,160.00
10	943,130.00

The connection fee for a permanent connection which will be used at special events for no more than 12 days per calendar year shall be ten percent of the basic connection fee above. If usage exceeds 12 days per year, the balance of the fees above shall be due within 30 days.

- (4) There shall be no connection fee for a backup service connection as long as it is used only when the regular water service connection fails. If both the regular and the backup water connection are ever used simultaneously, the owner shall pay the basic connection fee in subsection (3) for the backup service connection.

(c) *Local facilities fee.* The connector shall pay for all local facilities subject to the off-site and oversized mains credit policy.

(1) Where local facilities are not available to the connector's property, the connector shall pay the full cost of the local facilities installed to serve the connector's property. Developers of new subdivisions shall install local water facilities in accordance with chapter 19 and water agreements approved by the board of supervisors. 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 extend the local facilities at the owner's expense. The cost of such extension shall be \$30.00 per linear foot of water main extension, except that the cost for such extension to serve an existing single-family dwelling served by an individual private well shall be \$15.00 per linear foot, plus the cost of installing the connection from the main to the property line as follows:

<i>Water Meter Size (inches)</i>	<i>Service Size (inches)</i>	<i>Installation Charge</i>	<i>Water Meter Charge</i>
5/8	1>	\$2,625.00	\$143.00
5/8	1½	3,360.00	143.00
1	1	2,775.00	186.00
1	1½	3,360.00	186.00
1	2	3,360.00	186.00
1½	1½	5,460.00	367.00
1½	2	5,460.00	367.00
2	2	5,460.00	482.00

The cost of a five-eighths-inch domestic meter is included in the basic connection fee for single-

family residential connections.

(2) Where local facilities are available to the connector's property and where costs of the local facilities have not been previously assessed against the property being connected, a local facilities fee shall be required. The local facilities fee shall be as follows:

Meter Size (inches)	Local Facilities Fee
$\frac{5}{8}$	\$2,625.00
1	3,360.00
1½	5,460.00
2	5,460.00

(d) *Off-site extensions.* The connector shall pay for all off-site extensions required to provide service to the connector's property, subject to the off-site and oversized mains credit policy.

(e) *Off-site line credit policy.* The director shall give a credit against the basic water connection fee for any off-site waterline extension in excess of 300 feet required to provide water service to the property. No credit shall be given for off-site extensions of less than 300 feet, and the amount of the credit shall be based upon the length of the extension greater than 300 feet. Credits for construction of the waterline extension will be computed based on unit prices taken from recent bids received by the county or arms' length bids received by the applicant, whichever are less.

(f) *Oversized line credit.* The director shall give a credit against the basic water connection fee for any waterline larger than necessary to adequately serve the property. The amount of the credit shall be the difference in the estimated cost between the oversized waterline provided and the waterline size necessary to adequately serve the property.

(g) *Off-site and oversized line credit.* When the waterline provided is both off-site and oversized as specified in subsections (e) and (f) of this section, the amount of the credit shall be the sum of:

- (1) For the on-site extension and the first 300 feet of the off-site extension, the difference in cost between the waterline provided and the waterline necessary to adequately serve the property; and
- (2) 100 percent of the cost of the off-site extension in excess of 300 feet.

(h) *Credit transfer.* If an applicant becomes entitled to credits for a waterline extension approved by the director after May 11, 2004, and such credits exceed the water connection fees required for the project, the applicant may submit written authorization for a transfer of credits to other properties that are under contract with the county for service. Each transferred credit shall be applied to the property specified by the applicant and may not be applied to another property.

(i) *Bonus credit.* If the county requests off-site extension of a waterline for a distance greater than that required to provide water service to the property, and if the applicant provides the additional extension for the benefit of the county, the director shall give a bonus credit for the extension that exceeds the required distance. The amount of the bonus credit shall be 1.5 times the credit computed under subsections (e) through (g) of this section for the portion that exceeds the required distance and shall be added to the credit given under subsections (e) through (g) of this section for the required distance.

(j) *Credits for other facilities.* The director shall give a 100 percent credit for the cost of water facilities other than waterlines or their appurtenances provided by the applicant.

(Code 1980, § 21-37; Code 1995, § 23-311; Ord. No. 913, § 2, 1-10-1996; Ord. No. 918, § 2, 4-24-1996; Ord. No. 944, § 2, 4-23-1997; Ord. No. 974, § 1, 4-22-1998; Ord. No. 984, § 1, 4-27-1999; Ord. No. 1044, § 1, 5-27-2003; Ord. No. 1066, § 1, 5-11-2004; Ord. No. 1075, § 1, 4-26-2005; Ord. No. 1085, § 1, 4-25-2006; Ord. No. 1105, § 1, 4-24-2007; Ord. No. 1120, § 3, 4-22-2008)

(a) *Components of fee.* The total sewer connection fee shall consist of costs for basic connection, local facilities, off-site extensions, and off-site and oversized main credits.

(b) *Basic connection fee.*

(1) The basic connection fee for all applicants is a partial payment for backup facilities. The basic connection fee shall be assessed to all connectors and the payment shall accompany the application as follows:

Single-family dwellings (including semi-detached dwellings)	\$5,605.00/dwelling unit
Multifamily dwelling	5,170.00/dwelling unit
Motels and hotels	2,850.00/room
Hospitals	6,575.00/bed
Nursing facilities	4,380.00/bed
Assisted living facilities	2,190.00/bed
Dormitory	1,645.00/bed
Facilities providing permanent housing for elderly or handicapped persons and operated by charitable, nonstock, nonprofit organizations which are exempted by section 501(c)(3) of the Internal Revenue Code	2,190.00/dwelling unit

(2) The basic connection fee for an existing single-family dwelling served by an individual septic system shall be \$2,805.00. For purposes of computing connection costs and fees under this section, a privy shall be treated as an individual septic system.

(3) Fees for all other business, industrial and public buildings will be based on meter size as follows:

<i>Meter Size (inches)</i>	<i>Basic Connection Fee</i>
5/8	\$5,605.00
1	20,050.00
1½	40,015.00
2	79,415.00
3	158,830.00
4	248,175.00
6	496,340.00
8	794,145.00
10	1,141,585.00

The connection fee for a permanent connection which will be used at special events for no more than 12 days per calendar year shall be ten percent of the basic connection fee above. If usage exceeds 12 days per year, the balance of the fees above shall be due within 30 days.

(c) *Local facilities fee.* The connector shall pay for all local facilities subject to the off-site and oversized mains credit policy.

(1) Where local facilities are not available to the connector's property, the connector shall pay the full cost of the local facilities installed to serve the connector's property. Developers of new subdivisions shall install local sewer facilities in accordance with chapter 19 and sewer agreements approved by the board of supervisors. 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 extend the local facilities at the owner's expense. The cost of such extension shall be \$50.00 per linear foot of sewer main extension, except that the cost for such extension to serve an existing single-family dwelling served by an individual septic system shall be \$25.00 per linear foot, plus a cost of \$3,150.00 for installing the connection from the main to the property line.

(2) Where local facilities are available to the connector's property and where the costs of such local facilities have not been previously assessed against the property being connected, a local facilities fee shall be required. The local facilities fee shall be \$3,150.00.

(d) *Off-site extensions.* A connector shall pay for all off-site extensions required to provide service to the connector's property, subject to the off-site and oversized mains credit policy.

(e) *Off-site line credit policy.* The director shall give a credit against the basic sewer connection fee for any off-site sewer line extension in excess of 300 feet required to provide sewer service to the property. No credit shall be given for off-site extensions of less than 300 feet, and the amount of the credit shall be based upon the length of the extension greater than 300 feet. Credits for construction of the sewer line extension will be computed based on unit prices taken from recent bids received by the county or arms' length bids received by the applicant, whichever are less.

(f) *Oversized line credit.* The director shall give a credit against the basic sewer connection fee for any sewer line larger than necessary to adequately serve the property. The amount of the credit shall be the difference in the estimated cost between the oversized sewer line provided and the sewer line necessary to adequately serve the property.

(g) *Off-site and oversized line credit.* When the sewer line provided is both offsite and oversized as specified in subsections (e) and (f) of this section, the amount of the credit shall be the sum of: (1) for the on-site extension and the first 300 feet of the off-site extension, the difference in cost between the sewer line size provided and the sewer line necessary to adequately serve the property; and (2) 100 percent of the cost of the off-site extension in excess of 300 feet.

(h) *Credit transfer.* If an applicant becomes entitled to credits for a sewer line extension approved by the director after May 11, 2004, and such credits exceed the sewer connection fees required for the project, the applicant may submit written authorization for a transfer of credits to other properties that are under contract with the county for service. Each transferred credit shall be applied to the property specified by the applicant and may not be applied to another property.

(i) *Bonus credit.* If the county requests off-site extension of a sewer line for a distance greater than that required to provide sewer service to the property, and if the applicant provides the additional extension for the benefit of the county, the director shall give a bonus credit for the extension that exceeds the required distance. The amount of the bonus credit shall be 1.5 times the credit computed under subsections (e) through (g) of this section for the portion that exceeds the required distance and shall be added to the credit given under subsections (e) through (g) of this section for the required distance.

(j) *Credits for other facilities.* The director shall give a 100 percent credit for the cost of sewer facilities other than sewer lines or their appurtenances provided by the applicant.

(Code 1980, §§ 21-47, 21-71; Code 1995, § 23-312; Ord. No. 913, § 2, 1-10-1996; Ord. No. 918, § 3, 4-24-1996; Ord. No. 944, § 3, 4-23-1997; Ord. No. 974, § 2, 4-22-1998; Ord. No. 984, § 2, 4-27-1999; Ord. No. 1044, § 2, 5-27-2003; Ord. No. 1066, § 2, 5-11-2004; Ord. No. 1075, § 2, 4-26-2005; Ord. No. 1085, § 2, 4-25-2006; Ord. No. 1105, § 2, 4-24-2007; Ord. No. 1120, § 4, 4-22-2008)

### **Sec. 23-361. - Water service and volume charges.**

(a) *Amount of charges.* The charges for water service shall consist of a service charge and a volume charge, as follows:

(1) *Service charge.* All users billed bimonthly shall pay the following charge. Users billed monthly

shall pay one-half of this charge.

**a.** Connected users:

<i>Meter Size (inches)</i>	<i>Bimonthly Charge</i>
5/8 or 3/4	\$14.90
1	35.20
1½	64.75
2	99.45
3	163.95
4	263.40
6	509.10
8	1,018.90
10	1,018.90

**b.** Single-family residential users with fire sprinkler system, five-eighths-inch, three-fourths-inch or one-inch meter: \$14.90.

**c.** Not connected, single-family and multifamily residential users, per single-family residential unit: \$14.90.

**d.** When there is a backup service connection, the owner shall pay the amount of the service charge in subsection (a) for both the regular service connection and the backup service connection.

**(2)** *Volume charge.* In addition to the service charges, the following volume charges shall apply to all water delivered:

<i>Consumption Block 100 Cubic Feet</i>			
	<i>Monthly</i>	<i>Bimonthly</i>	<i>Volume Charge per 100 Cubic Feet</i>
First	5,000	10,000	\$3.42
Next	35,000	70,000	2.33
Over	40,000	80,000	1.68

For single-family residential customers using six CCF or less bimonthly, the volume charge shall be \$2.13 per CCF.

**(b)** *General provisions.*

- (1)** The service charge shall not apply to meters devoted exclusively to fire service.
- (2)** 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.
- (3)** Charges shall begin as required by contract or when the meter is set and shall continue until water service is abandoned.
- (4)** Rates for service provided to contract users shall be established by the contract.
- (5)** The volume charge on multimeter installations shall be applied to the sum of the volume.

*(Code 1980, § 21-30; Code 1995, § 23-313; Ord. No. 918, § 4, 4-24-1996; Ord. No. 928, § 1, 7-24-1996; Ord. No. 944, § 4, 4-23-1997; Ord. No. 974, § 3, 4-22-1998; Ord. No. 984, § 3, 4-27-1999; Ord. No. 1044, § 3, 5-27-2003; Ord. No. 1065, § 1, 4-27-2004; Ord. No. 1075, § 3, 4-26-2005; Ord. No. 1085, § 3, 4-25-2006; Ord. No. 1105, § 3, 4-24-2007; Ord. No. 1120, § 5, 4-22-2008; Ord. No. 1130, § 6, 12-9-2008; Ord. No. 1142, § 1, 5-11-2010)*

**Sec. 23-362. - Sewer service charges and rates.**

(a) *Amount of charges.* The charges for sewer service shall consist of a service charge and a volume charge, as follows:

(1) *Service charge.* All users billed bimonthly for water service shall pay the following charge based on the size of the water meter which serves or the size of the water meter which would serve the premises if one were installed. Users billed monthly shall pay one-half of this charge.

a. Connected users:

Meter Size (inches)	Bimonthly Charge
5/8 or 3/4	\$30.05
1	49.70
1½	72.85
2	105.20
3	178.00
4	281.45
6	560.35
8	959.25
10	959.25

b. Single-family residential users with fire sprinkler system, five-eighths-inch, three-fourths-inch or one-inch meter: \$30.05.

c. Not connected, single-family and multifamily residential users, per single-family residential unit: \$30.05.

d. Connected and not metered single-family and multifamily residential users, per single-family residential unit: \$78.95.

(2) *Volume charge.*

a. In addition to the service charges, the following volume charges shall apply to all water delivered:

<i>Consumption Block Hundred Cubic Feet</i>			
	<i>Monthly</i>	<i>Bimonthly</i>	<i>Volume Charge per Hundred Cubic Feet</i>
First	5,000	10,000	\$3.63
Next	35,000	70,000	2.59
Over	40,000	80,000	2.33

b. For single-family residential customers using six CCF or less bimonthly, the volume charge shall be \$2.22 per CCF.

c. For residential units receiving water service from the county, other than multifamily, bimonthly sewer volume charges shall be based on the lesser of actual usage or usage determined from the first meter reading cycle of the calendar year. For residential units receiving water service from the City of Richmond, other than multifamily, bimonthly sewer volume charges shall be based on usage determined from the first meter reading cycle of the calendar year. For the purpose of this subsection, if the first reading is estimated as provided in section 23-205 or if the user joins the system after the first reading cycle, or an allowance is made for an underground leak during the first billing cycle, billing shall not exceed charges for 14

CCF.

(3) *Industrial and commercial strong waste charge.* In addition to the charges set out in subsections (a)(1) and (2) of this section, there will be charged to individual users a strong waste charge as applicable:

a. Suspended solids, when the concentrations of suspended solids exceed 275 milligrams per liter: \$25.50 per CWT for suspended solids in excess of 275 mg/L.

b. BOD, when concentrations of BOD exceed 250 milligrams per liter: \$35.40 per CWT for BOD in excess of 250 mg/L.

(b) *General provisions.*

(1) Any bills rendered for less than a full billing period shall have the service charge prorated according to days' use, plus the actual volume charge; except that the minimum prorated bill shall be \$4.00 for all services (water, sewer and refuse collection) combined. Credit balances on final bills of less than \$4.00 shall not be refunded unless requested by the user.

(2) Charges shall begin as required by contract or when the meter is set and shall continue until sewer service is abandoned. When there is no contract for service and no water or sewer meter, the service charge shall begin upon completion of the sewer lateral from the main sewer line to the property line or payment of the connection fee if the sewer lateral does not need to be extended.

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

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

(5) Whenever any user obtains all or part of the water supply from sources other than the water distribution system of the county, the quantities of wastewater may be determined either from the total metered water consumption from both county and private supplies, or from the metered quantities of wastewater discharged into the wastewater system. All meters on private water supplies and all wastewater meters shall be provided and maintained to produce an accurate record of the true quantities of water and wastewater discharged into the wastewater system. All costs of meter installation, calibration and maintenance shall be borne by the user. The type of meter shall be approved by the director, and the meter shall be accessible at all times for inspection.

(Code 1980, § 21-49; Code 1995, § 23-314; Ord. No. 918, § 5, 4-24-1996; Ord. No. 928, § 2, 7-24-1996; Ord. No. 944, § 5, 4-23-1997; Ord. No. 974, § 4, 4-22-1998; Ord. No. 984, § 4, 4-27-1999; Ord. No. 1044, § 4, 5-27-2003; Ord. No. 1065, § 2, 4-27-2004; Ord. No. 1075, § 4, 4-26-2005; Ord. No. 1085, § 4, 4-25-2006; Ord. No. 1105, § 4, 4-24-2007; Ord. No. 1120, § 6, 4-22-2008; Ord. No. 1130, § 7, 12-9-2008; Ord. No. 1131, § 12, 12-9-2008; Ord. No. 1142, § 2, 5-11-2010)

#### Sec. 23-363. - Adjustment of sewer charge.

Where the sewer charge is based on the amount of sewage entering the system and if an allowance is made for an underground water leak, then an allowance may be made against the sewer charge for the same quantity of sewage as the quantity of water allowed.

(Code 1980, § 21-50; Code 1995, § 23-315)

**Cross reference** – Adjustment of water charges, § 23-233.

#### Secs. 23-364 – 23-384. - Reserved.

### DIVISION 4. - ASSESSMENTS FOR EXTENSIONS OF SERVICE LINES

\***State law reference** – Authority to impose assessments for local improvements, Code of Virginia, § 15.2-2404 et seq.

**Sec. 23-385. - General procedure.**

The board of supervisors may order the construction of water lines or sanitary sewers, collectively referred to as "improvements" in this division. The cost of construction shall be paid pursuant to agreements between the county and the abutting landowners or by tax assessments for all or part of the cost. The board of supervisors may order tax assessments by a two-thirds vote of all members elected to the board or on a petition from not less than 60 percent of the affected landowners. Petitions shall be submitted to the director for processing.

*(Code 1980, § 21-95; Code 1995, § 23-331)*

**State law reference**— Similar provisions, Code of Virginia, § 15.2-2405.

**Sec. 23-386. - Payment of costs by county.**

If less than all of the cost of construction of improvements is to be paid by assessment, the board of supervisors shall apportion the cost between the county and abutting landowners. The board of supervisors may use state or federal funds received for such construction to pay for costs not apportioned to the abutting landowners.

*(Code 1980, § 21-96; Code 1995, § 23-332)*

**State law reference**— Similar provisions, Code of Virginia, § 15.2-2406.

**Sec. 23-387. - Docketing of resolution or ordinance authorizing improvement.**

(a) When the board of supervisors authorizes any improvement for which assessments may be made against the abutting landowners, it may cause the recording of an abstract of the resolution or ordinance authorizing the improvement in the deed book of the circuit court clerk's office of the county before the amount to be finally assessed or apportioned to each landowner or fixed by agreement is determined. The abstract shall show the ownership and location of the property to be affected by the proposed improvement and the estimated amount to be fixed by agreement or assessed or apportioned to each owner. The abstract shall be indexed in the name of each owner of the affected property.

(b) After completion of the improvement, the estimated amount shall be amended to show the amount finally fixed by agreement or assessed or apportioned against the owner, which shall in no case exceed the estimated amount. The amount finally assessed or apportioned to the owner may be greater than the initially assessed amount if the excess is for additional work requested by the owner and performed under a separate agreement between the county and the owner.

(c) From the time of the docketing of such abstract, any purchaser of, or creditor acquiring a lien on, any of the property described in the abstract shall be deemed to have had notice of the proposed assessment.

*(Code 1980, § 21-102; Code 1995, § 23-333; Ord. No. 924, § 1, 7-10-1996)*

**State law reference**— Similar provisions, Code of Virginia, § 15.2-2412.

**Sec. 23-388. - Notice to property owners.**

(a) When the assessment or apportionment under this division is not fixed by agreement, the director shall notify each of the abutting landowners of the amount assessed or apportioned and of the opportunity to appear in person or by counsel before the board of supervisors to present reasons and objections against the

assessment or apportionment. The meeting of the board of supervisors to receive reasons and objections shall not be held less than ten days after the date of the notice.

(b) Notice may be given by personal service on all persons entitled to notice. Notice to an infant or insane person may be served on his guardian or committee. Notice to a nonresident may be mailed to him at his place of residence or served on any agent of his having the property in charge or on the tenant of the freehold. In addition, when the owner is a nonresident or the owner's residence is not known, notice may be given by publication in a newspaper of general circulation once a week for four successive weeks.

(c) In the alternative, notice to all parties may be published in a newspaper of general circulation once a week for two successive weeks, the second publication to be made at least seven days before the meeting to receive reasons and objections is held.

*(Code 1980, §§ 21-98, 21-99; Code 1995, § 23-334)*

**State law reference**—Similar provisions, Code of Virginia, §§ 15.2-2408, 15.2-2409.

**Sec. 23-389. - Appeals.**

If the board of supervisors overrules a landowner's reasons and objections regarding an assessment under this division, the landowner shall have 30 days to file an appeal of right to the circuit court of the county. If any appeal is filed, the clerk of the board of supervisors shall send the original notice relating to the assessment and the decision of the board to the clerk of the circuit court for docketing.

*(Code 1980, § 21-100; Code 1995, § 23-335)*

**State law reference**—Similar provisions, Code of Virginia, § 15.2-2410.

**Sec. 23-390. - Report of assessments to director of finance; collection of assessments; postponement of payment for elderly or disabled persons.**

The director shall promptly notify the director of finance of the amount owed by each landowner because of an agreement or assessment, and the director of finance shall handle such amounts as provided for other taxes. Elderly or permanently and totally disabled persons may postpone the payment of such amount until the sale of the property or the death of the last eligible owner if they meet the criteria for exemption in section 20-78(d) and (e). The director of finance shall enter amounts postponed under this section as provided for other taxes, and the eligible owner shall have the option of payment or postponement.

*(Code 1980, § 21-97; Code 1995, § 23-336)*

**State law reference**—Collection and payment of assessments, Code of Virginia, § 15.2-2407.

**Sec. 23-391. - Lien for amount of assessment or agreement.**

The amount fixed by agreement or finally assessed or apportioned to each landowner shall be a lien enforceable in equity from the time the improvements have been completed, subject to the landowner's right to present reasons and objections and to appeal the decision of the board of supervisors. The lien shall be enforceable against any person having notice of the proposed assessment under section 23-387. If no abstract of the resolution or ordinance authorizing the improvement is docketed as provided in section 23-387, the lien shall be void as to all purchasers for valuable consideration without notice and lien creditors until it is admitted to record in the county.

*(Code 1980, § 21-101; Code 1995, § 23-337)*

**State law reference** – Lien, Code of Virginia, § 15.2-104.

**Sec. 23-392. - Installment payments.**

Persons may pay assessment or agreement amounts in equal semiannual installments over a period not exceeding ten years. The director shall charge interest on unpaid balances at an annual interest rate not to exceed the rate of one-year United States treasury bills at the time the assessment resolution or ordinance was adopted. Such installments shall become due at the same time as real estate taxes, and the amount of each installment, including principal and interest, shall be shown on a bill mailed not later than 14 days before the installment due date. The director shall add the revenues collected for such assessments to the water and sewer fund.

*(Code 1980, § 21-103; Code 1995, § 23-338)*

**State law reference** – Installment payments of assessments, Code of Virginia, § 15.2-2413.