

CHAPTER 13

SEWER AND DRAINS

The provisions of this chapter shall be known as the SEWER AND DRAINS ORDINANCE OF HURT, VIRGINIA, and may be so cited.

The object of this Ordinance shall be to regulate the use of the public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer systems and to provide for penalties for the violations thereof.

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(Entire Chapter 13 added 6-5-01).

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Article I - Sewer System Established

Sec. 13-1. Establishment of Hurt Community Sewer System; control by Town Council; Management of Sewer System.

A. There is hereby established the Hurt Community Sewer System to be operated under the supervision of the Hurt Town Council and its designated agents, the function of which shall be to manage and operate a system of public sewer collection for the benefit of the citizens of the Town. To this end Council and its agents shall promulgate reasonable rules and regulations and see that the same are carried out to the end that the health and welfare of the people of Hurt are adequately protected. There is hereby established a permanent standing committee of the Town

(Entire Chapter 13 added 6/5/01)

Council which shall be composed of three members, who shall be members of the Town Council which Committee shall be known as the Water and Sewer Committee. Said Committee shall be appointed in the same manner and have the same powers and duties as any other Standing Committee under Chapter 1, Article II, Part 2.

B. It shall be the duty of the Council to see that the equipment and facilities of the Hurt Community Sewer System are maintained in good order and to have charge of all materials, tools and supplies as well as the control of all the personnel engaged in the operation of the same. The Council, or its designated agent, shall also keep a careful record of all connections made to the system and shall prepare and keep available a map showing the location of mains and laterals and all connections thereon. Council shall establish a billing system and see that all users pay for sewer service provided to them.

C. *Management and Maintenance of Water System.* The Council shall hire, or contract with, parties deemed necessary for the management and maintenance of the sewer system said parties to be under the supervision of the Council.

Sec. 13-2. Rules and regulations.

A. The Council shall promulgate reasonable rules and regulations for the installation, maintenance, and operation of the Hurt Community Sewer System and shall see that the same are adequately enforced.

B. The Council shall establish a grievance procedure for citizens who may have complaints regarding the system or the operation thereof. The Water and Sewer Committee shall hear and decide said grievances and its decision shall be appealable to the full Town Council.

Sec. 13-3. Conducted as separate enterprise.

The Hurt Community Sewer System shall be conducted as a separate enterprise for accounting purposes but shall be backed by the full faith and credit of the town and operated under the control of the Town Council. Wherever the term "Town" is used in connection with the operation of the sewer system it shall be synonymous with "Hurt Community Sewer System".

Sec. 13-4. Billing and collecting for charges.

The Town Clerk, or other designated agent, shall bill for and collect on behalf of the Hurt Community Sewer System the charges due from domestic, commercial and industrial users of sewer.

(Entire Chapter 13 added 6/5/01)

Sec. 13-5. Budget.

A separate budget of the Hurt Community Sewer System shall be prepared annually by the Council, or its designated agent, at the same time as the town budget, which shall include estimates of receipts and expenditures for the ensuing fiscal year.

Sec. 13-6. Accounting and financial statements.

The Council, by its designated agent, shall keep a separate account in accordance with the accepted principles of accounting. Expenditures shall be authorized and made in accordance with the budget. Within ninety (90) days after the close of the fiscal year, the financial statements for the Hurt Community Sewer System for the fiscal year just ended shall be submitted to the Council. For the purpose of this chapter, all indebtedness of the Town incurred on account of the Hurt Community Sewer System shall be regarded as the indebtedness of the System.

Sec. 13-7. Inhabited premises within town to have approved sewage disposal system; maintenance thereof.

The owner of any premises within the town used for human occupancy, employment, recreation, or for commercial or industrial purposes shall be required to have said premises served by an approved sewage disposal system. This will be accomplished by having a current connection to the public sewer where available or by having an approved private sewage disposal system. Failure to have an approved private sewage disposal system is hereby declared a public health hazard and may be declared a public nuisance.

Before commencement of construction of or use of a private sewage disposal system the owner shall first comply with all rules and regulations of the Virginia Department of Health and obtain permits required by State law from the County Health Officer.

In the event that the County Health Officer finds a private sewage disposal system is inadequate or ineffective or not in proper working order and therefor constitutes a public health hazard notice of said finding by the County Health Officer together with requirements to bring the system into conformity shall be served upon the owner of the premises by the Town Manager or his agent and said owner shall have a period of 60 days to bring his system into conformity with the requirements of the County Health Officer or to connect, at his expense, to the public sewer if same is available to said owner's premises. In the event said owner elects to connect to the public sewer, any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

Article II - Application; Connection fee; Rates; Collection

Sec. 13-8. Applications for connection and for sewer service; deposit; miscellaneous provisions.

A. Whenever a service connection with the Town's sewer line is desired, the owner of the property to be connected with such sewer shall be required to execute an application prepared for this purpose before such service connection is made. Said application shall set forth the location and character of the property to be served, the name and address of the owner of the property and the name and address of the party who will pay the sewer charges if it is not to be the owner.

B. Whenever sewer service is desired the applicant shall be required to execute an application for such service before the service will be commenced. Said application shall state the applicant's name, the name of the owner of the property, the address of the property, the address to which bills should be sent if different from the property address, and a statement that applicant will pay the sewer charges. Applicant shall be responsible for sewer charges under Section 13-10 from the date said application is filed by applicant and applicant shall continue to be responsible for the said charges until either applicant vacates the premises or another party agrees to be responsible for said charges. Said sewer charges shall commence on the date when applicant begins occupying the premises.

C. In the case of rental property, if the tenant is to be responsible for the sewer charges and not the owner then before the service is commenced, the tenant shall execute an application pursuant to this section and pay a deposit as shown on the Town of Hurt Master List of Fees and Charges, hereinafter the "Master List" which Master List is incorporated herein by reference and made a part hereof and shall be enforceable as if set out herein the said deposit shall be paid per the terms stated in Sec. 11-8 C. of this Code.

If applicant is connecting to both the water system and the sewer system, applicant will use a combined application form supplying the foregoing information and in the case of rental property shall be required to make a single deposit as shown on the Master List for both services. (Ref. Sec. 11-8 C. of this Code).

If at the time of application, applicant is a current customer of the Hurt Community Water System and has on file an application for water service, such customer may add sewer services to the water service form and need not file a separate application and in the case of rental property no additional deposit shall be required.

D. If the same service supplies more than one premise, or if one premise is occupied by more than one tenant, the charges for sewer rendered to such premise shall be contracted for and paid for by the owner unless otherwise agreed.

Replacement Page. (Entire Chapter 13 added 6/5/01. Sec. 13-8 amended 6/2/15
Sec. 13-8 C. amended effective December 3, 2019).

E. Whenever a service connection and/or service is requested for building purposes or for other temporary reasons, the applicant will be responsible for all service fees and the protection of the Town's service facilities. The applicant will pay in accordance with the bills rendered by the Town for any respective damages and/or adjustment charges.

Sec. 13-9. Connection Fee.

A. Each owner of premises required to be connected to the Town's sewer system shall pay a fee for such connection as shown on the Town of Hurt Master List of Fees and Charges, hereinafter the "Master List" which Master List is incorporated herein by reference and made a part hereof and shall be enforceable as if set out herein.

B. *Sewer connection fees outside Corporate Limits.* All sewer connection fees for connections described in Subparagraphs A. above located outside the Corporate Limits shall be double the amount stated in said Subparagraphs A.

The said connection fee shall be paid in full before connection is effected.

Sec. 13-10. Charges for Sewer.

A. *Sewer rates inside Corporate Limits.* The rate for sewer service furnished inside the Corporate Limits shall be as shown on the Town of Hurt Master List of Fees and Charges, hereinafter the "Master List" which Master List is incorporated herein by reference and made a part hereof and shall be enforceable as if set out herein.

B. *Sewer rates outside Corporate Limits.* The rates for sewer service as described above furnished outside the Corporate Limits shall be double the rates stated in the Master List.

Replacement Page. (Entire Chapter 13 added 6/5/01. Sec. 13-8 amended 6/2/15.

Sec. 13-9 amended effective December 3, 2019.

Sec. 13-10 A. amended effective June 18, 2002. Sec. 13-10 amended March 15, 2013, effective July 1, 2013, and 6/2/15.

Sec. 13-10 A. and B. amended effective December 3, 2019)

C. The owner, tenant or other occupant of the property shall pay in accordance with the service charges set forth in subparagraph A. above or with such charges as are hereafter established by the Town as bills are rendered therefor and shall be bound by all the rules, regulations and ordinances now or hereafter adopted governing the supply of public water.

Sec. 13-11. When sewer charges due and payable; delinquency; deposit to assure payment.

A. When both sewer and water service are provided the customer shall be billed on a combined bi-monthly bill and all bills for water and sewer service prescribed in this Chapter shall be due and payable within fifteen (15) days from the date of the bill. If such bill is not paid within such period, the customer shall be deemed in default and the Town Manager or his or her duly appointed agent, is hereby vested with authority to discontinue service to anyone in default after said date without further notice pursuant to Sec. 11-11 of this Code.

B. Failure to receive a bill for charges prescribed herein shall not prevent the discontinuance of service.

Sec. 13-12. Unpaid sewer charges a lien against property.

All sewer bills shall be due and payable as prescribed in Section 13-10 of this ordinance and according to the regulations prescribed by the Town Council. Unpaid sewer bills may, if so prescribed by resolution of the Town Council, accrue interest at the rate of one per cent per month until the same are paid.

In addition, the Town Council may, in conformity with Section 15.2-2119 of the Code of Virginia, establish by resolution a policy for enforcement of payment whereby the owner of said premises may be required to cease discharging sewage into the Town's sewage disposal system.

All such unpaid sewer bills may be recovered by the Town by action at law or suit in equity and shall constitute a lien against the property served by said sewer tanking on a parity with liens for unpaid taxes.

Article III - Miscellaneous Provisions

Sec. 13-13. Authorized work related to service connections.

No person, except those duly authorized by the Town in writing pursuant to application filed with the Town, shall uncover, tap or make any connection with any Town sewer lines.

Replacement Page. (Entire Chapter 13 added 6/5/01. Sec. 13-10 amended 3/15/13, effective 7/1/13 and 6/2/15).

Sec. 13-14. Relocation of tap and meter.

A. In any case where a customer desires that an existing connection be moved, the charge to the customer shall be the greater of \$50.00 or the actual cost of labor, materials and equipment, plus fifteen (15) percent for administration. A deposit of the greater of \$50.00 or the estimated cost as determined by the Town shall be paid before any work is done. Should the cost exceed the estimate the customer shall promptly pay the difference to Town. Should the cost be less than the estimate Town shall refund the difference.

B. No person, except employees or agents of the Town shall move any connection to the Town sewer system from the location in which it is placed by the Town.

Sec. 13-15. Separate and independent sewer connection required.

A separate and independent sewer connection shall be required for every building.

Sec. 13-16. Repair of damage to system generally.

Whenever any person shall cause damage to any part of the sewer collection system, including, but not limited to, all mains, connectors, laterals, lines, and any and all appurtenances attached thereto or thereon, the Town shall be notified immediately of such damage and the Town shall repair same as quickly as is possible. The cost for the repair shall include all actual costs for labor, material and equipment, plus a charge of fifteen (15) percent of actual cost for administrative expense and overhead. Such costs shall be borne by the party causing any damage or responsible therefor. Invoices showing all costs incurred shall be rendered to the party or parties liable therefor and shall be payable upon receipt thereof.

Sec. 13-17. Town not liable for damage caused by defective plumbing, backups, etc.

A. The Town will not be responsible for any damage caused by defective plumbing or open outlets when sewer is connected by request of any property owner, lessee or agent.

B. The Town shall not be liable for any damage resulting from the bursting or blockage of any sewer main, sewer back-up or from the shutting off of service for repairs, or from the accidental failure of the sewer system from any cause whatsoever.

(Entire Chapter 13 added 6/5/01)

Sec. 13-18. Disconnection fees.

Whenever a building or premise is demolished, torn down or removed, the owner of the building or premise shall request the Town to disconnect and securely seal the Town's sewer connections and said owner shall pay the cost therefor as set forth on the Town of Hurt Master List of Fees and Charges, hereinafter the "Master List" which Master List is incorporated herein by reference and made a part hereof and shall be enforceable as if set out herein. A minimum charge in an amount as set forth in the Master List for each connection will be deposited with the Town prior to such time as work may be required.

Sec. 13-19. Usage charge when water meter fails to register.

Whenever a water meter is out of order and fails to register, the customer shall be charged for sewer service based on an average daily water consumption as shown by the meter when in good working order and registering correctly. Customer may have his or her water meter tested pursuant to Sec. 11-24 of this Code.

Article IV - General Provisions; Enforcement

Sec. 13-20. Protection of sewer system facilities.

It shall be unlawful for any person in any manner to damage or obstruct any part of the sewer system including any pipes, pumping station, apparatus, tools or fixtures. No person, except the duly authorized agent of the Town, shall uncover any town sewer lines and then only on approval from the Town, unless such use is necessary for emergencies. Violation of this section shall constitute a misdemeanor punishable as set forth in Section 13-28.

Sec. 13-21. Discharge of storm water, etc., roof runoff, cooling water, etc. to sanitary sewer prohibited.

No person shall discharge or cause to be discharged any storm water, ground water, roof runoff, subsurface drainage, down spouts, yard drains, yard fountain, fish ponds or lawn sprays into any sanitary sewer.

Sec. 13-22. Unlawful to Connect Without Authority.

A. It shall be unlawful for any person or persons (without the written permission of the Town) to connect to the sewer system and use sewer service without

Replacement Page. (Entire Chapter 13 added 6/5/01. Sec. 13-18 amended effective December 3, 2019.)

first paying a connection fee and paying for the current month's user fees. If any person take, use or receive the services before making application for the same and paying for the current month, he or they shall be guilty of a misdemeanor punishable as set forth in Section 13-28 hereof.

B. Any such unauthorized consumption shall be billed to such unauthorized user by determining the estimated actual consumption and charging therefor at the regular water usage rates set forth in Section 13-28.

C. No person shall discharge sewage into the sanitary sewer system who uses water from any source other than the town water system without the approval of the Town Manager and paying the necessary permit and inspection fees and providing the necessary measuring devices as required by the Town Manager and complying with all other applicable provisions of this Chapter.

Sec. 13-23. Obstructing valves, manholes, meters, etc.

It shall be unlawful for any person to place, upon any part of or facility or equipment of the Hurt Community Sewer System, any object, material, debris or structure of any kind which will prevent free access to such facilities at all times. It shall be the responsibility of the owner or occupant of all premises upon which such facilities are placed to maintain a three-foot clearance around all such facilities. Violation of this section shall constitute a misdemeanor punishable as set forth in Section 13-28.

Sec. 13-24. Discharge of prohibited wastes.

If any waters or wastes are discharged, or are proposed to be discharged to the sewer system which waters contain the substances or possess the characteristics described in Section 13-25 of this ordinance or which violates any provision of Articles VII, VIII and IX of Chapter 17 of the Code of the Town of Altavista or which in the judgment of the Manager of the Altavista sewer treatment plant, hereinafter referred to as the Publicly Owned Treatment Works (POTW), may have a deleterious effect upon the POTW, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the town shall reject the wastes or require pretreatment to an acceptable condition for discharge to the public sewer system under the Altavista Pretreatment Program contained in Article IX of Chapter 17 of the Altavista Town Code.

It shall be unlawful for any user to allow any discharge to a town sewer that would result in a public or private nuisance, or contamination or pollution of any receiving waters.

It shall be unlawful for any user to violate any statute, rule, regulation or ordinance of any public agency (including the Environmental Protection Agency) or to allow any discharge into the town's sewerage system that is specifically prohibited by EPA regulations. Violation of this section shall constitute a misdemeanor punishable as set forth in Sec. 13-28 hereof.

Sec. 13-25. Certain waters or wastes prohibited in public sewer.

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the Town of Altavista treatment plant or which violates any provisions of Articles VII, VIII and IX of Chapter 17 of the Code of the Town of Altavista. No user shall contribute any of the following substances to the sewer system:

1. Pollutants which create a fire or explosive hazard in the sewer collection system and sewage treatment plant or Publicly Owned Treatment Works (POTW), including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21.

2. Any wastewater having a pH less than 6.0 or more than 10.5 or otherwise causing corrosive structural damage to the POTW or equipment, or endangering Town personnel.

3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than .5 inch in any dimension.

4. Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the POTW or any wastewater treatment or sludge process, or which will constitute a hazard to humans or animals.

5. Any wastewater which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C).

6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.

7. Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

8. Any trucked or hauled pollutants.

(Entire Chapter 13 added 6/5/01)

9. Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent entry into the sewers for maintenance and repair.

10. Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent thereby violating the Town of Altavista's Virginia Pollutant Discharge Elimination System (VPDES) permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10 percent from the seasonably established norm for aquatic life.

11. Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the Altavista Pretreatment Coordinator in compliance with applicable State or Federal regulations.

12. Any sludges, screenings, or other residues from the pretreatment of industrial wastes.

13. Any medical wastes, except as specifically authorized by the Altavista Pretreatment Coordinator in a wastewater discharge permit.

14. Any wastewater causing the treatment plant's effluent to fail a toxicity test.

15. Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.

16. Any discharge of fats, oils, or greases of animal or vegetable origin is limited to 100 mg/l.

17. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(Entire Chapter 13 added 6/5/01)

18. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with the sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Federal Water Pollution Control Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, or State criteria applicable to the sludge management method being used.

19. Any substance which will cause the POTW to violate its VPDES and/or State Disposal System Permit or the receiving water water quality standards.

20. Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

21. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted industrial wastewater, unless specifically authorized by the Town Manager.

Sec. 13-26. Termination of non-compatible discharges.

Waste discharges that endanger the health or welfare of the public, demonstrate a hazard to the environment, violate the requirements of this Chapter, violate specific Wastewater Discharge Permit requirements, violate any statute, rule or regulation of the Approval Authority, the Control Authority or the EPA, any other Federal agency and any local government with which the control Authority has an interjurisdictional agreement or interrupt the normal treatment plant operations are prohibited. Should a user discharge a material that has the potential noted above the following action will be immediately taken by the town:

A. An informal notice shall be made by telephone to notify the user of the particulars of the violation and/or problem and to instruct the user to take immediate corrective action.

B. Should the discharge not cease within 24 hours of the time the informal notice was given, a formal written notice shall be served upon the user requiring that the discharge be halted not later than 24 hours from the time of said service.

(Entire Chapter 13 added 6/5/01)

C. The user shall within 24 hours of service of said notice terminate said discharge and notify the Town Manager of the fact of said termination.

In the event that the discharge continues more than 24 hours after the time of service of said notice the Town may:

1. Suspend all potable water service.
2. Disconnect the user from the sewerage system. In the case of emergency situations where there is immediate danger to public health and safety or there is significant impairment of the treatment process, the aforesaid waiting period shall be suspended and the town may take summary action as set forth in subparagraph 1. above to prevent further discharge from the offending user and may also apply for injunctive relief under Section 13-28 of this ordinance.

The user shall be liable for all expenses incurred by the town in halting and/or preventing the user's discharge from entering the POTW, removing the residue from the sewerage system, removing the material from the treatment facility and returning it to normal operations and failure to reimburse the town for such charges upon demand by the town shall subject the user to all remedies stated in Sec. 13-28 of this ordinance.

The town may proceed both criminally and civilly to terminate and punish violation of this Chapter and no action taken pursuant to the above procedure shall be considered to be taken in lieu of criminal prosecution under appropriate sections of this Chapter.

Sec. 13-27. No discharge into public sewer.

No person shall discharge holding tank wastes directly into the public sewer.

Sec. 13-28. Enforcement.

A. Any person, firm or corporation violating any provision of this Chapter 13 or of any ordinance which is now or may be hereafter adopted governing the operations of the Hurt Community Sewer System and for which no other penalty is provided shall, upon conviction thereof be fined not less than twenty five dollars (\$25.00) nor more than one hundred dollars (\$100.00). Each day continued violation after notification shall be considered a separate offense and said penalty shall be in addition to all charges normally due with respect to the ordinances violated.

B. In addition to the penalty imposed for the violation of any provision of this Chapter 13 or of any ordinance which is now or may be hereafter adopted governing the operations of the Hurt Community Sewer System the Town may enjoin

(Entire Chapter 13 added 6/5/01)