

Chapter 74

UTILITIES*

* **Cross References:** Administration, ch. 2; buildings and building regulations, ch. 14; electrical service connections, § 14-10; businesses, ch. 18; community development, ch. 22; environment, ch. 26; health and sanitation, ch. 34; planning, ch. 50; subdivisions, § 50-241 et seq.; design standards and specifications for sanitary sewage disposal in subdivisions, § 50-350; design standards and specifications for water supply in subdivisions, § 50-352; design standards and specifications for storm drainage in subdivisions, § 50-353; design standards and specifications for utility easements in subdivisions, § 50-354; solid waste, ch. 54; streets, sidewalks and other public places, ch. 58; consumer utility taxes, § 62-61 et seq.; electrical and natural gas service, § 62-121 et seq.; trailers and trailer parks, ch. 70.

Article I. In General

Secs. 74-1--74-25. Reserved.

Article II. Water

Division 1. Generally

Sec. 74-26. Enforcement of article.

Sec. 74-27. Violations and penalties.

Sec. 74-28. Furnishing to other persons; exclusive right of town to furnish to consumers.

Sec. 74-29. Responsibility of town manager.

Sec. 74-30. Laying and size of mains.

Sec. 74-31. Location of private hydrants.

Sec. 74-32. Permit required for water for building purposes; laying of service pipe.

Sec. 74-33. Inspection of premises.

Sec. 74-34. Introduction of foreign substances or water into mains.

Sec. 74-35. Unlawful laying or putting in water pipes or mains.

Sec. 74-36. Bathing in or polluting streams of watershed.

Sec. 74-37. Miscellaneous offenses.

Secs. 74-38--74-65. Reserved.

Division 2. Town Water Service

Sec. 74-66. Application for connection and laying of service pipe; connection permit.

Sec. 74-67. Conditions governing service beyond town limits.

Sec. 74-68. Taps.

Sec. 74-69. Permit to make additions or alterations.

Sec. 74-70. Meter requirements; water charges determined by meter measurement.

Sec. 74-71. Rates and connection fees.

Sec. 74-72. Turn on after connection of service pipe and meter.

Sec. 74-73. Advance deposit required of certain persons.

Sec. 74-74. Water rates.

Sec. 74-75. Notice to clerk of meter readings.

Sec. 74-76. Assessment of rates against consumers.

Sec. 74-77. Payment of bills monthly; penalty for delinquent payment and cut off of water.

Sec. 74-78. Period of payment at time service is begun.

Sec. 74-79. Correction of erroneous assessments.

Sec. 74-80. Bills constitute charge against users; supplying water to delinquents.

Sec. 74-81. Fee for turning on water after cutoff.

Sec. 74-82. Penalty for unauthorized turning on of water after cutoff.

Sec. 74-83. Notice required upon vacation of premises.

Sec. 74-84. No rebate or discount for vacant property unless notice given.

Secs. 74-85--74-110. Reserved.

Division 3. Cross Connection Control; Backflow Prevention

Sec. 74-111. Definitions.

Sec. 74-112. Penalty.

Sec. 74-113. Inspections.

Sec. 74-114. Discontinuance of water service.

Sec. 74-115. Protection of potable water supplies from contamination.

Secs. 74-116--74-140. Reserved.

Article III. Sewers and Sewage

Division 1. Generally

Sec. 74-141. Definitions.

Sec. 74-142. Prohibited disposal of sewage.

Sec. 74-143. Structures used for human occupancy, abutting public sewer, required to have toilet facilities connected to sewer.

Sec. 74-144. Private sewage disposal.

Sec. 74-145. Permits required for construction of private sewage disposal system.

Sec. 74-146. Sewer connection permit.

Sec. 74-147. Sewer fees.

Sec. 74-148. Inspection of work done under connection permit; compliance required.

Sec. 74-149. Unauthorized connections, tampering with, damaging or altering public sewers and appurtenances.

Sec. 74-150. Rules and regulations.

Sec. 74-151. Violations and penalties; civil remedies.

Secs. 74-152--74-180. Reserved.

Division 2. Building Sewers and Connections

Sec. 74-181. Classes of building sewer permits; application for permit.

Sec. 74-182. Costs of installation; indemnification against loss.

Sec. 74-183. Separate building sewer for each building or dwelling unit; exceptions.

Sec. 74-184. Use of old building sewers.

Sec. 74-185. Excavations.

Sec. 74-186. Materials and methods.

Secs. 74-187--74-215. Reserved.

Division 3. Extension of Sanitary Sewer Lines

Sec. 74-216. Within town.

Sec. 74-217. Beyond town limits.

Secs. 74-218--74-245. Reserved.

Division 4. Use of Sewers

Sec. 74-246. Waters prohibited in sanitary sewers.

Sec. 74-247. Waters intended for discharge into storm sewers and natural outlets.

Sec. 74-248. Liquids and solids prohibited in all town sewers.

Sec. 74-249. Grease, oil and sand interceptors.

Sec. 74-250. Preliminary treatment facilities.

Sec. 74-251. Control manholes.

Sec. 74-252. Determination of measurements, tests and analyses.

ARTICLE I.

IN GENERAL

Secs. 74-1--74-25. Reserved.

ARTICLE II.

WATER*

* **Charter References:** Public utilities, § 11 et seq.; collection of water rents by treasurer, § 20.

Cross References: Digging in street incident to water supply or sewer system, § 58-4.

State Law References: Water-saving ordinances, Code of Virginia, § 15.2-923; water supply emergency ordinances, Code of Virginia, § 15.2-924; municipal regulation of lakes, waters and pools, Code of Virginia, § 15.2-1110; general provisions for public utilities, Code of Virginia, § 15.2-2109 et seq.; water supply systems generally, Code of Virginia, § 15.2-2134 et seq.; health regulations pertaining to public water supplies, Code of Virginia, § 32.1-167 et seq.; State Water Control Law, Code of Virginia, § 62.1-442 et seq.

DIVISION 1.

GENERALLY

Sec. 74-26. Enforcement of article.

The mayor, town manager and all town officers shall diligently enforce this article, this Code and all other ordinances in any way relating to the town waterworks and shall prosecute all violators thereof.

(Code 1992, § 22-1)

Sec. 74-27. Violations and penalties.

Any person who shall violate or fail to comply with any of the sections of this article for the violation of or noncompliance with which a penalty has not been specifically provided shall be guilty of a class 1 misdemeanor, and each day such violation or noncompliance continues shall constitute a separate offense.

(Code 1992, § 22-12)

Sec. 74-28. Furnishing to other persons; exclusive right of town to furnish to consumers.

(a) It shall be unlawful for any person, for either direct or indirect compensation, to furnish within the corporate town limits to any other person a supply of water for any purpose without the consent of the town council, the council reserving for the town the exclusive right and privilege of furnishing water, whether to individuals, firms, corporations or persons for whatever purpose the water may be used.

(b) Every violation of this section shall be a class 2 misdemeanor, and each day such violation continues shall constitute a separate offense under this section. The penalty attached to this section shall not prevent the town from prosecuting any proper civil procedure to prevent the continuance of the violation or to enforce any right to which it is entitled.

(Code 1992, § 22-2)

Sec. 74-29. Responsibility of town manager.

(a) The town manager, under the supervision of the town council, shall have supervision of the watershed, intake, well, all buildings, fireplugs, fixtures and pipes erected or laid down and all lands owned by the town in any way pertaining to the water system.

(b) The town manager shall keep all parts of the machinery and equipment in good order and in proper condition and shall keep the water supply as pure and clean as practicable.

(c) The town manager shall keep a map showing the location of the main pipes and the length and size of each of them. When there is an extension of any main pipes, he shall mark on the map the place of the extension, the size of pipe used, etc. He shall keep an account of the cost of material used and labor for making such extension, and he shall keep a book in which he shall make an entry of all branch pipes, hydrants and other connections from the water main.

(d) When water is introduced in any premises, the town manager shall take the meter readings and make a record thereof.

(Code 1992, § 22-3)

Sec. 74-30. Laying and size of mains.

Water mains shall be laid in such streets and shall be of such size and laid in such manner as the town council may direct.

(Code 1992, § 22-4)

Sec. 74-31. Location of private hydrants.

No private water hydrant shall be placed on any sidewalk or on any street or other exposed position where water may be taken therefrom without detection.

(Code 1992, § 22-5)

Sec. 74-32. Permit required for water for building purposes; laying of service pipe.

No water shall be used for building purposes except under a special permit from the mayor. Upon application in writing, as provided in this article, the town manager shall lay the service pipe to or near the property line and attach thereto a water meter. The water used shall be paid for as provided in this article.

(Code 1992, § 22-6)

Sec. 74-33. Inspection of premises.

Every person occupying any lot or tenement into which water is conveyed under this article shall permit the town manager or any authorized town agent to enter such premises at reasonable hours to inspect the pipes and fixtures on such premises connected with the waterworks. Any person refusing to comply with this section shall be guilty of a class 4 misdemeanor. If such refusal continues, each refusal shall constitute a separate offense.

(Code 1992, § 22-7)

Sec. 74-34. Introduction of foreign substances or water into mains.

No person shall introduce into the town water pipes or mains any foreign substance or water other than what is pumped therein by the town or permit the introduction into the town water pipes or mains any water or other substance other than what is pumped therein by the town.

(Code 1992, § 22-8)

Sec. 74-35. Unlawful laying or putting in water pipes or mains.

No person, other than the town manager, shall, without permission:

- (1) Introduce into any lot or tenement water from the pipes or mains;

(2) Introduce any fixture into such pipes;

(3) Construct or lay down or have constructed or laid down any pipe or other works for the purpose of introducing water into a lot or tenement; or

(4) Break any street, lane or easement for the purpose of laying down any such pipe or works.

(Code 1992, § 22-9)

Sec. 74-36. Bathing in or polluting streams of watershed.

(a) It shall be unlawful for any person to:

(1) Wash or bathe in streams of the watershed or any of its tributaries above the intake dam of the town water supply, located southeast of the town.

(2) Cast into any of those streams or any of its tributaries above such dam any offal, dead fish or carcass of any animal or any human or animal filth; any other foul or waste matter; any mineral substance; or the refuse of any mine, factory or manufacturing process.

(3) Discharge or permit to flow into those streams or tributaries the contents of any sewer, privy, stable or barnyard; the impure drainage of any mine or chemical; or any foul, noxious or offensive drainage whatsoever.

(b) It shall be unlawful for any person to:

(1) Construct or maintain any privy or cesspool;

(2) Stock manure or other soluble fertilizer of any offensive character; or

(3) Dispose of the carcass of any animal or any foul, noxious or putrescible substance, whether solid or fluid and whether the carcass or substance is buried or not on the watershed or any of its tributaries, or if there should thereby be caused any liability of contamination of such watershed or any of its tributaries by washing or percolation into the watershed.

(Code 1992, § 22-10)

Sec. 74-37. Miscellaneous offenses.

No person shall intentionally:

(1) Injure or deface any house, wall, cock, fire hydrant or other fixture connected with or pertaining to the waterworks;

(2) Bathe in the intake or reservoir;

(3) Deposit any offensive matter or any stick, mud or rubbish in such intake;

(4) Place any building material, rubbish or other matter on the stopcock of a street main or service pipe;

(5) Obstruct access to any fireplug or to any fixture connected with the waterworks;

(6) Remove or injure any pipe, fireplug, hydrant or cock or open any of them so as to waste water; or

- (7) Use the town water for which he has neither paid nor obtained the right to do so.

(Code 1992, § 22-11)

Secs. 74-38--74-65. Reserved.

DIVISION 2.

TOWN WATER SERVICE*

* **Charter References:** Authority of town to promulgate rules and regulations for the use of town water system; fix the rates for use of town water and provide for the collection thereof; and to exercise all powers a municipality has in the operation of its public works, § 12.

State Law References: Municipal waterworks generally, Code of Virginia, §

15.2-2109 et seq.

Sec. 74-66. Application for connection and laying of service pipe; connection permit.

(a) Whenever any person owning property within the town and along the line of any water main shall desire the introduction of water into his premises, he shall make written application therefor to the town office. Such application shall set forth the following:

(1) The name of the applicant;

(2) The location and direction of the property to which the water is to be introduced;

(3) The purpose for which the water is to be used; and

(4) The name of the plumber who is to do the work incident to the introduction of water into the premises.

(b) The town manager or mayor shall thereupon cause to be constructed, at the expense of the town, a service pipe from the water main to the curb nearest the property on the same street on which the water main is located, into which property water is to be introduced. He shall then issue to such applicant a permit to make connection with the service pipe at the curb.

(Code 1992, § 22-36)

Sec. 74-67. Conditions governing service beyond town limits.

The supply of water to any person outside the corporate town limits shall be on condition as follows:

(1) Written application shall be made to the town council, in which shall appear the name of the applicant, the location of the premises, and the use and purpose for which water is desired. The application shall be refused or accepted by majority vote of the members of the council, except that water may be supplied to houses or premises on existing water lines on application to the town office in writing.

(2) The rents may be more than the rents prescribed for the use of water in the town, as provided in this division.

(3) Whenever the permission is granted, the town council shall require the party taking the water to enter into an agreement thereby agreeing to be governed by the ordinances and laws of this town concerning the waterworks and such special regulations as the town council may, from time to time, adopt and direct. Such agreements shall be preserved by the town clerk.

(4) All costs of every description of laying water mains, sewer pipes and connections shall be borne, at the discretion of the town council, by the petitioner. These mains, sewer pipes, connections, etc., shall become the property of the town, unless otherwise provided by contract, without cost to the town, whenever the corporate lines are extended, upon the further condition that the town shall have the right to tap and use any water mains or sewers at any time without cost and that the water mains or sewers shall not be removed without the consent of the town. No other connection to the mains or sewers will be allowed without the approval of the town council. The town reserves the right to discontinue the service of water to any person using the water outside of the corporate limits without notice to the users.

(Code 1992, § 22-37)

Sec. 74-68. Taps.

(a) *Size.* No water taps shall be used in a four-inch main of larger size than three-fourths inch, nor in a three-inch main larger than one-half inch. When a larger service is required, two or more taps must be used, provided they are not placed less than ten inches apart, and all service pipe shall be laid the same depth as the main to the stopcock inside the curb.

(b) *Separate pipe to each tenement.* No water shall be introduced to any premises except through such service pipe as is provided for in subsection (a) of this section, and there shall be but one service pipe to each tenement or apartment therein, unless otherwise ordered by the town council.

(Code 1992, § 22-38)

Sec. 74-69. Permit to make additions or alterations.

No plumber or other person shall make any addition to or alteration of any fixture, pipe or main connected with the waterworks without having first received a written permit, as provided in this division, nor shall any such attachment be made for any purpose whatsoever from any pipe except the pipe supplying the premises for which such work is to be done.

(Code 1992, § 22-39)

Sec. 74-70. Meter requirements; water charges determined by meter measurement.

To every water service pipe, as provided in this division, shall be attached a water meter, which shall be located at or near the property line as follows:

(1) There shall be placed at the cost of the town, on each service pipe supplied with water from the mains of the town's waterworks, to any building or premises, one or more water meters.

(2) All water will be furnished by meter measurement, at such rents as are prescribed by this division, and all water passing through any meter shall be paid for according to the meter reading at the prevailing rate specified by this division, whether used or wasted.

(3) Each meter is the property of the town and at all times subject to its control and inspection. Where any meter is located on any private property, building or premises, the town shall have the right to enter the property, building or premises at all reasonable hours for the purpose of examining, repairing, replacing or removing such meter or to take meter readings.

(4) Any meter injured from hot water backing from heaters or from any cause directly or indirectly attributable to the owner or occupant will be renewed or repaired by the town at the expense of the owner or occupant.

(5) If at any time a meter shall be found to have been tampered with or for any reason shall fail to register or shall be found to be defective in registering since the last previous reading, the water consumption for such period may be estimated by an average of readings through the period or from past readings or from similar connections.

(Code 1992, § 22-40)

Sec. 74-71. Rates and connection fees.

(a) *Within town.* The water rates and connection fees shall be set at each year's budget session and may be amended as provided by law.

(b) *Beyond town limits.* The council shall decide at its discretion whether to allow a water connection to property outside the town limits. Each case shall be dealt with by specific action of the town council after the application is made and the conditions are investigated by the town manager.

(Code 1992, §§ 22-41, 22-42)

Sec. 74-72. Turn on after connection of service pipe and meter.

When the connection with the water service pipe has been completed and the water meter has been properly attached, the town manager shall turn the water into such premises.

(Code 1992, § 22-43)

Sec. 74-73. Advance deposit required of certain persons.

When water is furnished to any person other than an owner of real property with the town or within the county, he shall pay a deposit in advance in an amount specified by the town council.

(Code 1992, § 22-44)

Sec. 74-74. Water rates.

(a) *Within town.* The water rates within the corporate town limits shall be set at each year's budget session and may be amended as provided by law.

(b) *Outside town.* All water rates beyond the corporate town limits shall be set at each year's budget session and may be amended as provided by law.

(Code 1992, §§ 22-45, 22-46)

Sec. 74-75. Notice to clerk of meter readings.

Five days before the end of the period at which water rates shall be payable, as provided in section 74-77, the city manager shall furnish the town clerk with the correct readings of all meters of all persons to whom water is supplied.

(Code 1992, § 22-47)

Sec. 74-76. Assessment of rates against consumers.

(a) The water rates, as established by the current schedule adopted by the town council, shall be assessed by the town clerk against the person using the water and to whom and for whose use the water is supplied. Such assessment shall be reported to the town

treasurer, whose duty shall be to make collection thereof as provided for in this section.

(b) Where water is supplied to more than one owner, family or occupant through a single service pipe on which there is a meter, the town will not undertake to apportion the charges for such use of water among the several owners, occupants or families, but the bill for the use of water shall be a charge against the owner or occupant through whose premises such service pipe first passes.

(Code 1992, § 22-48)

Charter References: Duty of town treasurer to collect water rents, § 20.

Sec. 74-77. Payment of bills monthly; penalty for delinquent payment and cut off of water.

(a) All water bills shall be paid monthly at the office of the town treasurer, within 30 days from the date of the billing invoice. On all bills not paid when due, penalty and interest will be added pursuant to section 2-207.

(b) The town treasurer shall notify residents of delinquent bills. If the bill is not paid within ten days of the notice sent, utility service will be discontinued.

(Code 1992, § 22-49)

Sec. 74-78. Period of payment at time service is begun.

When the supply of water is commenced between the days fixed for the payment of rents, the person supplied shall, at the time of such commencement, pay at the prescribed rate up to the next day fixed for payment.

(Code 1992, § 22-50)

Sec. 74-79. Correction of erroneous assessments.

The town clerk may at any time, upon discovering an error in a water assessment against any consumer, correct the assessment, and the town clerk shall give notice to the town treasurer, who shall note the correction and refund any overcharge or collect any balance due.

(Code 1992, § 22-51)

Sec. 74-80. Bills constitute charge against users; supplying water to delinquents.

All bills for the use of water shall be a charge against the user thereof. No water shall be turned on to any premises for the use of a delinquent until all charges for the use of water by him have first been paid.

(Code 1992, § 22-52)

Sec. 74-81. Fee for turning on water after cutoff.

When water has been cut off by reason of nonpayment of bills or other cause, it shall not be turned on for the delinquent until a fee of \$25.00, in addition to the amount of the bill and the penalty, has been paid, and the minimum charge for water has been paid in advance.

(Code 1992, § 22-53)

Sec. 74-82. Penalty for unauthorized turning on of water after cutoff.

When water has been turned off from any premises by the town for nonpayment of water rates or other cause, anyone turning on water without instructions from the town manager shall be guilty of a class 4 misdemeanor for each offense.

(Code 1992, § 22-54)

Sec. 74-83. Notice required upon vacation of premises.

Any person whose property is connected to the town water supply, when moving from the premises, shall give notice to the town office of such removal on or before the day of such removal.

(Code 1992, § 22-55)

Sec. 74-84. No rebate or discount for vacant property unless notice given.

No rebate or discount shall be allowed upon any water bill by reason of property becoming vacant, unless the property owner notifies the town office in writing.

(Code 1992, § 22-56)

Secs. 74-85--74-110. Reserved.

DIVISION 3.

CROSS CONNECTION CONTROL; BACKFLOW PREVENTION

Sec. 74-111. Definitions.

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

Air gap separation means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying pure water to a tank, plumbing fixture or other device and the rim of the receptacle.

Auxiliary water system means any water system on or available to the premises other than the waterworks. These auxiliary waters may include water from another purveyor's waterworks; water from a source such as wells, lakes or streams; process fluids; or used water. They may be polluted, contaminated or objectionable or constitute a water source or system over which the water purveyor does not have control.

Backflow means the flow of contaminants, pollutants, process fluids, used water, untreated waters, chemicals, gases or nonpotable waters into any part of a waterworks.

Backflow prevention device means any approved device, method or type of construction intended to prevent backflow into a waterworks.

Consumer means the owner or person in control of any premises supplied by or in any manner connected to a waterworks.

Consumer's water system means any water system located on the consumer's premises, supplied by or in any manner connected to a waterworks.

Contamination means any introduction into pure water of microorganisms, wastes, wastewater, undesirable chemicals or gases.

Cross connection means any connection or structural arrangement, direct or indirect, to the waterworks whereby backflow can occur.

Degree of hazard means an evaluation of the potential risk to health and the adverse effect upon the waterworks.

Double gate valve-double checkvalve assembly means an approved assembly composed of two single, independently acting checkvalves, including tightly closing shutoff valves located at each end of the assembly and petcocks and test gauges for testing the watertightness of each checkvalve.

Health hazard means any condition, device or practice in a waterworks or its operation that creates or may create a danger to the health and well-being of the water consumer.

Interchangeable connection means an arrangement or device that will allow alternate, but not simultaneous, use of two sources of water.

Pollution means the presence of any foreign substance (chemical, physical, radiological or biological) in water that tends to degrade its quality so as to constitute an unnecessary risk or impair the usefulness of the water.

Pollution hazard means a condition through which an aesthetically objectionable or degrading material may enter the waterworks or a consumer's water system.

Process fluids means any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted which would constitute a health, pollutional or system hazard, if introduced into the waterworks. This includes but is not limited to the following:

(1) Polluted or contaminated waters.

(2) Process waters.

(3) Used waters originating from the waterworks which may have deteriorated in sanitary quality.

(4) Cooling waters.

(5) Contaminated natural waters taken from wells, lakes, streams or irrigation systems.

(6) Chemicals in solution or suspension.

(7) Oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes or for firefighting purposes.

Pure water and *potable water* mean water fit for human consumption and use which is sanitary and normally free of minerals, organic substances and toxic agents in excess of reasonable amounts for domestic usage in the area served and normally adequate in supply for the minimum health requirement of the persons served.

Reduced pressure principle backflow prevention device means a device containing a minimum of two independently acting checkvalves, together with an automatically operated pressure differential relief valve located between the two checkvalves. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either checkvalve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the checkvalves at less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located testcocks. These devices must be of the approved type.