

STEPHENS CITY CODE

Chapter 22

**WATER SERVICES AND PROTECTION
SEWER AND SEWAGE TREATMENTS**

- Article I. In General, §§ 22-1 through 22-60**
- Article II. Rates; Meters; Billing, §§ 22-61 through 22-130**
Generally §§ 22-61-22-80
Meters §§ 22-81-100
Water and Sewer Rates §§ 22-101-22-130
- Article III. Waste and Sewage discharge and treatments**
Generally §§22-131-22-155
Septic Tanks §§22-156-22-159
- Article IV. Public Water Supply Protection District, §§ 22-200 – 22-210**
- Article V. Backflow Prevention and Cross-Connection Control, §§22-211–22-222**
- Article VI. Drought and Water Supply Situations, §§22-300-22-304**

WATER SERVICES AND SEWER AND SEWAGE

STEPHENS CITY CODE

ARTICLE I. IN GENERAL

Section 22-1. Definitions.

Air gap: The unobstructed vertical distance through the free atmosphere between the lowest opening of any pipe or faucet supplying potable water to a plumbing fixture or other device, and the rim of the receptacle

Approved: Material, equipment, workmanship, process or method that has been accepted by the Town.

Auxiliary water system: Any water source or system other than public water supply that may be available in the building or premises.

Backflow: The flow of contaminants, pollutants, process fluids, used waters, untreated waters, chemicals, gases or non-potable waters into any part of the Town utility system. Backsiphonage and backpressure are types of backflow.

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

Backflow preventer, reduced pressure zone type (RPZ Device): An assembly of differential valves and check valves including an automatically opened spillage part to atmosphere.

Board/Bureau: The state board of health, bureau of water supply engineering.

Cross-connection: Any physical connection or arrangement between two (2) otherwise separate piping systems, one of which contains potable water and the other either water of unknown or questionable safety or steam, gas or chemicals whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two (2) systems. Furthermore, it is any potable water supply outlet, which is submerged in waste, or any other source of contamination.

Degree of hazard: A term derived from the evaluation of the potential risk to health and the adverse effect upon the waterworks.

Director of Public Utilities: The Town Manager, who is responsible for the enforcement of this division.

Dwelling: Unless otherwise defined in a specific chapter of this Code, Dwelling means any structure which is used for residential purposes, arranged and used as a complete independent living facility which includes permanent provisions for living, sleeping, cooking and

WATER SERVICES AND SEWER AND SEWAGE

sanitation, where one or more persons maintain a household. Each independent living facility constitutes a separate dwelling, regardless of the form of ownership and regardless of whether it is on a separate lot, common lot, or shared walls. This definition would not include hotels, boardinghouses, or automobile trailers, medical facilities or nursing homes.

Health hazard: Any condition, device or practice in a utility or waterworks or its operation that creates, or may create, a danger to the health and well-being of the public or a consumer.

Individual water supply: A supply other than an approved public water supply which serves one or more families, businesses, institutional establishments or industries.

Jurisdictional area: For the purpose of enforcing the provisions of this division, the jurisdictional area of the Town shall consist of the entire area within the corporate limits and residential, commercial, institutional and industrial establishments outside the Town's corporate limits, which have a service connection directly to the Town's water system, or are within the Town's water/sewer service area.

Owner or designated agent: The person in charge, care or control of the property; the tenant; the consumer who signed the water service agreement.

Pollution: 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.

Potable water: Water suitable for drinking.

Purveyor: The supplier of water as a matter of business; the Town of Stephens City, Virginia.

Repair: As used in this chapter shall mean work that does not require a change in a pipeline or fixture and will not require a permit.

Service connection: The joining of the waterworks to a metered consumer.

Service line: That portion of the water line from the consumer's side of the meter to the first water outlet.

Town: The council, department or individual official of the Town established or authorized by state statute or local ordinance to administer and enforce the provisions of this ordinance, as adopted or amended.

Director of Public Utilities: The Town Engineer, who is responsible for the enforcement of this division.

STEPHENS CITY CODE

Section 22-2. Limitation on Services; non-liability of Town for not providing services

The Town reserves the right to limit the number and area of properties to be served by existing town water systems and town sewer systems, or both, depending upon water supply and transmission considerations, sewage disposal facilities, load factors, and capacity considerations in the sole discretion of the Town Council. The Town is not responsible for, and cannot be held liable for refusal or failure to provide water or sewer services.

State code reference Va. Code § 15.2-2109

Section 22-3. Town not required to extend water or sewer mains.

The Town shall not be required to construct or extend the water or sewer main lines, service lines, or take on or over any pump station or other sewage treatment or pretreatment facility. The Town shall not be required to accept by dedication any water or sewer lines or easements. No such transfer to the Town shall be binding unless on the face of the instrument as recorded in the Clerk's office for Frederick County it bears the signature of acceptance by the Town Manager.

State Code reference Va. Code § 15.2-2109

Section 22-4. Construction of lines and extension of services.

(a) Any property owner desiring the extension of water or sewer service to their property must petition the Town Council, must excavate, build and install the lines at their own expense within the specifications as approved by the Town Engineer, pay the appropriate availability and connection fees as set forth in this Chapter, demonstrate that the services requested are within the Town's capacity to provide the services and further demonstrate the services requested will not be a financial burden on the Town.

(b) Any excavations, backfilling, and restoration of surfaces shall be performed in accordance with Article III of Chapter 17, as well as all other provisions of the Town Code and State law.

(c) There shall be no private water or sewer mains or lines in the Town of Stephens City. *All mains, service pipes, valves, meters and hydrants within easements or rights of way dedicated to the Town are the property of the Town. Laterals belong to the property owner and are the responsibility of the property owner to maintain.

*This provision is effective for any lines built after January 1, 2011 and is not to be construed as a governmental taking of any pre-existing private lines.

Section 22-5. Requirements, standards and specifications for water and sewer services.

(a) Construction and maintenance of all water and sewer mains, extensions, and laterals, appendages and connections, shall conform to the current requirements of the Uniform Statewide Building Code at the time of construction or service to the lines, as well as the requirements of

WATER SERVICES AND SEWER AND SEWAGE

the state DEQ and the state Health Department. Any work that in any way connects with any part of the Town system must be performed by a licensed contractor.

(b) These terms apply to materials used and work performed both inside and outside the Town limits, if the mains or lines are in any way connected to the Town system.

(c) Following connection to the Town's system, but prior to backfilling or covering, the licensed contractor shall arrange for an inspection by the Town Engineer, or his designee, who must approve the work prior to coverage, and again following completion of the backfill before services may begin.

Section 22-6. Connections to the Town's sewer system also require connection to the Town's water system.

No property may be served by the Town's sewer system unless it is also connected to the Town public water system, except by special agreement approved by the Town Council.

State law reference 15.2-2113

Section 22-7. Application for water/sewer connections and enlargements required; terms and conditions.

(a) For each water and for each sewer service connection, the property owner must make an application at the Town office on forms provided by the Town Clerk, and pay the appropriate availability and connection fees. A valid building permit must accompany the application.

- (i) The connection fees and availability fees are as set forth in Article II of this Chapter.
- (ii) Connections to the Town system must be completed within 12 months of the application and payment of fees.
- (iii) If more than 12 months pass after the application and payment of the fees, and the connection has not been completed, a new application for connection is required and the rates in effect at the time of the new application shall apply. Any previous connection and availability fees paid for the property shall be a credit against the applicable fees, plus a 10% administrative fee. In no event shall connection fees or availability fees be reimbursed, including in the circumstances whereby the rates are lowered.
- (iv) Applications and fees paid are not transferable to other properties, but may be transferred incident to transfer of ownership of the property for which the application was made, fees paid, and permit granted.
- (v) Whenever any property, which has already connected to the Town system, is enlarged or improved, or additional buildings are added which require services, the water and sewer connection fees and availability fees as set forth in Article II

STEPHENS CITY CODE

shall apply. The fees shall be calculated on the increase in size/usage. For example, a line increasing from one inch to three inches shall pay only the additional charges – i.e. the cost of the two-inch line.

(b) All new dwellings constructed in the Town shall have their own individual meters for water and sewer service. Master meters for more than one dwelling in new construction of dwellings is not permitted. Multi-family buildings shall have a separate meter for each dwelling.

(c) No connections may be made until the applications as set forth above have been made and approved.

(Ord 05/05/2015)

State law reference 15.2-2109, -2117, -2122,

Section 22-8. Application for water/sewer services required; terms and conditions.

For each application for water, sewer, or both, when accepted by the Town, the property owner and tenant, if applicable, shall make an application at the Town office on forms provided by the Town Clerk, and pay the appropriate deposit, if applicable. Submission of the application for services constitutes a contractual obligation of the property owner and tenant, if applicable, to pay for the services as supplied. The application shall also reflect that the applicant shall abide by and comply with the Town's established water and sewer policies.

State law reference 15.2-2109, -2117, -2122

Section 22-9. Backflow prevention and cross connection control.

Backflow Preventive Devices Generally.

(a) It is the responsibility of all property owners connected to Town water and/or sewer lines to have an approved backflow prevention device installed on each service line to a consumer's water and sewer system.

(b) The Town will have available, upon request, a list of approved backflow prevention devices. Devices not appearing on the list will be considered by the Town, provided they have been tested by a recognized testing laboratory or evaluation agency, are of satisfactory materials and conform to AWWA Standard C506.

(c) Backflow prevention devices shall be installed in a manner to facilitate easy access for testing, maintenance, repair and replacement. Reduced pressure principle type backflow preventors shall not be installed in pits or areas subject to flooding or freezing. Double gate double-check valve assemblies shall not be installed in areas subject to flooding. If installed in pits, the pits must have gravity drains or a sump pump.

(d) Inspections of backflow prevention devices shall be made by Town personnel when required. The consumer shall grant Town personnel access to the devices in order to perform inspections within five (5) days of written notice.

(e) Backflow prevention devices should be overhauled at intervals not exceeding five (5) years.

WATER SERVICES AND SEWER AND SEWAGE

Section 22-10. Enforcement.

(a) The enforcement of the provisions of this Chapter shall be the responsibility of the Town Engineer for engineering matters and the Town Treasurer for financial matters.

(b) Water service will be denied or discontinued to a customer, if the backflow prevention device required by this division is not installed or it is found that the device has been removed or by-passed; if a cross-connection not adequately protected exists on the premises; if the pressure in the Town's lines is reduced below 10 psi; or if a violation of this division has not been corrected in the time period established in this division. Water service to the consumer shall not be restored until all deficiencies have been corrected or eliminated in accordance with this division.

(c) Right of Inspection

A cross-connection control program is regulatory in nature, and is required by the Virginia Department of Public Health. Therefore, in conformance with rules and regulations, the requirements of this program are in conformance with the Water Works Regulations, section 6.00, approved by the State Board of Health, and the BOCA Basic Plumbing Code, section P-1605.0. Further, the Town reserves the right, through its officers, agents and employees, to enter upon premises served by the Town water or sewer systems, for the purpose of making inspections to determine whether the provisions of this Chapter are complied with, or to determine damage to components of or appendages to the Town water or sewer system. Town officers, agents and employees who seek entry upon private premises pursuant to this section shall, except in cases of emergency, give not less than 24 hours notice to the owner or occupant of the premises, and shall at all times exhibit to him their credentials which identify them.

(i) The Town Manager shall designate at least one inspector, who shall inspect the plumbing in every building or premise served by Town water. This inspection shall occur as frequently as may be necessary to insure that such plumbing has been installed and is maintained in such a manner as to prevent the possibility of pollution or contamination of the public water supply. All new connections or reconnections shall be inspected for potential cross-connections prior to the furnishing of water service.

(ii) The Town Manager shall notify, in writing, the owner or his designated agent of any buildings or premises to correct, within a reasonable time set by the director of public utilities, any plumbing installed or existing contrary to, or in violation of, this division, and which, in his judgment may permit the pollution of the Town's potable water supply or otherwise adversely affect the public health.

(iii) The Town, as purveyor of the public water supply, has the right of entry to any building or premise where cross-connections or possible cross-connections are evident or suspected, for the protection of the public water supply and the health and safety of its consumers. The refusal of access, when required, shall be deemed evidence of the presence of cross-connection.

STEPHENS CITY CODE

Section 22-11. General Design, Installation and Maintenance Standards

A potable water supply system shall be designed, installed and maintained in such manner as to prevent contamination from non-potable liquids, solids or gases, either harmful or benign, being introduced into the potable water supply through cross-connections or any piping connection to the system. This is accomplished by protecting the potable water system from every water outlet which poses a possible cross-connection. Whenever the potable water supply cannot be protected from every water outlet or other possible cross-connection by a minimum air gap, a mechanical device shall be used to prevent backflow from back siphonage or backpressure, as appropriate to the degree of hazard. In cases where, in the judgment of the Town, water usage is sufficiently complex, or severity of hazard warrants, an air gap or backflow prevention device may be required immediately downstream from the service connection or at a point approved by the Town.

Section 22-12. Protective Devices For Fire Service Systems.

(a) For the purposes of this section, fire service systems shall be classified as follows:

- 1) Class 1: Direct connections from public water mains only; no pumps, tanks or reservoirs; no physical connection from other water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to atmosphere, dry wells or other safe outlets.
- 2) Class 2: Same as Class 1, except that booster pumps may be installed in the connections from the street mains (booster pumps do not affect the potability of the system; it is necessary, however, to avoid drafting so much water that pressure in the water main is reduced below 10 psi).
- 3) Class 3: Direct connection from public water supply main plus one or more of the following: Elevated storage tanks; fire pumps taking suction from aboveground covered reservoirs or tanks; and pressure tanks (all storage facilities are filled or connected to public water only, the water in the tanks to be maintained in a potable condition. Otherwise, Class 3 systems are the same as Class 1.)
- 4) Class 4: Directly supplied from public mains similar to Classes 1 and 2, and with an auxiliary water supply on or available to the premises; or an auxiliary supply may be located within one thousand seven hundred (1,700) feet of the pumper connection.
- 5) Class 5: Directly supplied from the public mains, and interconnected with auxiliary supplies; such as: Pumps taking suction from reservoirs exposed to contamination, or rivers and ponds; driven wells; mills or other industrial water systems; or where antifreeze or other additives are used.
- 6) Class 6: Combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.

WATER SERVICES AND SEWER AND SEWAGE

(b) Generally, fire service systems of Classes 1 and 2 will not require backflow protection at the service connection. Pumper connections of automotive fire department equipment to street hydrants are not ordinarily health hazards.

(c) Class 3 fire service systems will generally require minimum protection (approved double-check valves) to prevent stagnant waters from back-flowing into the public potable water system.

(d) Class 4 fire service systems will normally require backflow protection at the service connection. The type (air gap, reduced-pressure, or double-check valves) will generally depend on the quality of the auxiliary supply.

(e) Classes 4 and 5 fire service systems normally would need maximum protection (air gap or reduced pressure) to protect the public potable water system.

(f) Class 6 fire service system protection would depend on the requirements of both industry and fire protection, and could only be determined by a survey of the premises.

(g) An underwriter approved detector check meter, Hersey or approved equal, will be installed on all fire service lines, but will not be permitted as part of a backflow protection device. An exception may be made, however, if the meter and backflow prevention device are specifically designed for that purpose.

Section 22-13--15 Reserved

Section 22-16. Turning on/off water/sewer services.

It shall be unlawful for any person other than an authorized agent of the Town to turn on or off water or sewer services from or to the Town system.

Section 22-17. Leaks.

All leaks in water or sewer services supplied by the Town must be promptly reported to the Town. All leaks in a lateral or service line must promptly be reported to the Town and repaired by a licensed plumber at the expense of the property owner, under supervision of the Town Manager or his designee. Upon failure to make such repairs with reasonable dispatch, the Town may turn off the water to the premises or entirely disconnect the services. When this happens, the property owner will be responsible for making application and paying for turn on services or connection fees.

Section 22-18. Obstructions.

(a) In the event of a defect in a water line, the Town shall repair any defect in a water main or main line. A property owner is responsible for removal of any defect in their service line, with such repair made by a licensed plumber under the supervision of the Town Manager or his designee.

STEPHENS CITY CODE

(b) In the event of an obstruction in a sewer line, the Town shall remove the obstruction, with no liability for any backflow or backup onto the property of others. In case of an obstruction or stoppage in a sewer lateral, house or drain, the property owner is responsible for removal of the obstruction, with such repair made by a licensed plumber under the supervision of the Town Manager or his designee.

Section 22-19---20 Reserved

Section 22-21. No liability of Town for damages due to backups.

(a) The Town shall not be responsible for maintaining any water or sewer service line or fixture owned by anyone, nor for damages resulting from water or sewage escaping therefrom, nor for defects in lines or fixtures on the property of anyone. Each customer shall at all times comply with the Ordinances and lawful directives of the Town.

(b) Failure of a property owner to have an operational backflow prevention device on their sewer line is prima facie evidence of their failure to comply with these ordinances.

Section 22-22. Waste or stealing of water.

(a) It shall be unlawful for anyone to violate a declared water emergency or limited water usage directive by the Town.

(b) It shall be unlawful to take, or permit others to take unlawfully, water for the purpose of evading any provision of this chapter.

Section 22-23. Termination or Suspension of services.

The Town may suspend or terminate water and or sewer service without notice for any of the following reasons:

- (a) repairs to the Town's utility system
- (b) for want of a supply for water
- (c) for want of ability/capacity within system to discharge waste water
- (d) nonpayment of water and or sewer bills when due
- (e) for any fraudulent representation relating to consumption of services
- (f) for violation of any of the ordinances contained in Chapter 22 of the Town Code for Stephens City
- (g) for any other reason or good cause for the protection of the Town or the water or sewer system

Such termination or suspension may be by way of valve cutoff or by way of a physical cut and seal of the offending service pipes.

WATER SERVICES AND SEWER AND SEWAGE

Section 22-24. Temporary Water Services.

- (a) Any person desiring to draw water from the Town water system on a temporary basis, for a quantity not to exceed 1000 gallons per day for a maximum of three days may apply to the Town for a permit to do so.
- (b) Water drawn from the Town water system for a temporary period of four to fifteen days shall be metered, and be subject to the rates as set in Article II.
- (c) Water drawn from a Town water tap pursuant to a permit issued by the Town shall be under the supervision of an employee of the Town, and usage must be prepaid at the rates set in Article II.
- (d) No permit shall be issued for temporary services beyond 15 days.

Section 22-25. Tampering prohibited.

It is unlawful for a person to in any manner manipulate, tamper with, remove, damage or render inoperative any component of or appendage to the town water or sewer system. It is unlawful for any person to cause any water distributed or intended for distribution through the Town water system to be polluted or rendered not potable.
(Ord. 5-3-11)

Section 22-26. Operational policies.

The Town Manager, in consultation with the Town Treasurer and Clerk, shall promulgate operational policies for the Town's water and sewer services in accordance with the general terms as set forth in this Chapter. These policies are incorporated into all service agreements for water and sewer services provided by the Town. The Clerk shall maintain a copy of these policies for review upon request.

ARTICLE II

RATES, METERS AND BILLING

GENERALLY

Section 22-60. Application for services.

Anyone desiring water or sewer services from the Town shall complete a services application provided by the Town Clerk. A non-refundable \$25 per meter reading fee/meter services fee shall be charged; all meters must be read and checked at the initiation/transfer of service.

STEPHENS CITY CODE

Section 22-61. Liability of owner for charges.

The owner of premises at which water or sewer services are supplied by the Town shall ultimately be liable for the payment of these charges. Upon written request by the owner and any tenant, the Town will first bill a tenant for the charges; this will not relieve the owner of liability for payment of the charges. As provided by Virginia Code Section 15.2-2119E, a lien may be placed upon the property in the amount of up to three months of delinquent water and sewer charges, any applicable penalties and interest, reasonable attorney fees and other costs of collection not to exceed 20% of the delinquent charges thirty days after notice is given as provided in Section 22-63(B) below.

Section 22-62. Deposits.

(a) Anyone desiring water or sewer services from the Town shall pay a deposit. The deposit shall accompany the application for services and fee as described in Section 22-60. For property served within the Town limits, the deposit shall be \$200. For property served outside the Town limits, the deposit shall be \$220. The deposit shall be deposited in the Town's utility deposit fund, and shall be applied to any unpaid charges for services owed at the time that the applicant moves from or abandons the property. Any remaining deposit shall be refunded to the applicant at the last known mailing address.

(b) The Town shall not pay interest on any utility fund deposit.

(c) Upon termination of service and after deducting any charges due to settle the customer's account with the Town, the balance shall be refunded within fourteen calendar days. Refunds shall be made only to the individual in whose name the water and sewer deposit was established.

(d) The Treasurer shall use reasonable efforts to locate customers who have unclaimed deposits in the utility fund. At the January Council meeting of each year she shall provide a list of names and amounts to the Council, who may compel the Treasurer to remove the funds from the utility deposit account and credit the Town's Utility capital improvements fund with the unclaimed deposit.

(e) No deposit is required for the temporary services as outlined in Article I of this chapter.

Section 22-63. Bills; delinquencies; penalties.

(a) All bills for utility services supplied by the Town shall be rendered bi-monthly. Any bill not paid within thirty-three calendar days from the date of rendering is delinquent. The Town Treasurer will give written notice to any customer in arrears that they have seven calendar days to pay the full amount due, plus penalties, or the services shall be discontinued. If the bill remains unpaid after the seven days, the Treasurer will turn the account over to the Town's utility department to disconnect the services. Services will not be cut off on Friday afternoon or a day before a holiday. Town officers, in their sole discretion, may extend the deadlines on a case by case basis as special circumstances may require. As is required by Virginia Code Section 2119D, services shall be discontinued if the bill is not paid in full within 60 days of the delinquency notices set forth above.

WATER SERVICES AND SEWER AND SEWAGE

(b) If any utility account is in the name of a tenant, with the owner's information also provided on the application for services, the Treasurer will also provide a copy of the delinquency/termination of services notice to the property owner that a lien may be placed upon the property if the charges are not paid after application of the security deposit and reasonable collection actions.

(c) Written notice can be included with a utility bill, mailed separately, posted in the Town's newsletter, or delivered to the individual.

(d) Once services are delinquent, a penalty of 10% shall be added to the billing.

(e) Once services are disconnected for being delinquent, the tenant, or owner of the property, must pay all delinquencies, penalties, and a \$25 fee for the restoration of utility services if the property is in Town, or a \$50 fee for the restoration of utility services if the property is outside the Town limits.

(f) The Treasurer may use any collection tool available to her on any utility account not paid within sixty days of rendering. This includes collection through the Virginia Court system. Any filing fees, service fees, attorneys' fees and costs incurred in the collection shall be assessed as an additional obligation of the person to whom the bill is rendered and shall be included in any judgment against the person.

Section 22-64. Disposition of revenue/funds for utility services.

All money received for utility services shall be deposited by the Town Treasurer in a separate Utility Fund of the Town.

Section 22-65. Discounts for vacancies.

No discounts shall be allowed for vacancies within a property. However, any property owner may request that the utility services be shut off and declared dormant during a vacancy, for a period not to exceed sixty days, and the owner or tenant of the property must pay a \$25.00 fee for the restoration of utility services if the property is in Town, or a \$50 fee for the restoration of utility services if the property is outside the Town limits. After sixty days, the property owner will have to reapply for utility services.

Property owners remain responsible for leaks and infiltration on the lines connected to the Town system, regardless of whether the account is active or dormant.

Section 22-66--80 Reserved

Section 22-81. Meter Failure.

If any utility meter provided by the Town becomes out of order or fails to register accurately, the customer shall be charged the average daily rate as shown by the meter when it was in order. The Town shall not be required to remove or test meters or substitute new meters at the demand of a customer, unless the Town has good reason to believe that the meter has failed or is inaccurate.

STEPHENS CITY CODE

Section 22-82. Meters.

The Town shall provide meters for utility services in Town. Any property requiring a meter larger than one inch shall pay an additional rent for meters at the rate of \$20 per billing cycle. All metering equipment remains under the control of the Town.

Section 22—99 Reserved.

Section 22-100. Rates for Temporary Services.

The Town may provide for temporary utility services as outlined in Section 22-24 of this Chapter, within Town only, at these rates:

(a) For three days or less, a \$50 fee for the water/sewer and a \$25.00 service fee.

(b) For four to fifteen days, the use shall be metered and charged at the rates provided within this chapter for regular water/sewer usage, plus a \$25.00 service fee. Metering equipment shall remain under the control of the Town.

(c) For temporary service beyond fifteen days, services should be by the terms as otherwise provided in this ordinance and would not be considered temporary services. The Town Manager is vested with the discretionary authority to extend services beyond fifteen days due to extraordinary conditions and the rates shall be as cited within this section.

Section 22-101. Schedule for in-Town water and sewer rates.

The rate of charge for water and sewer service, or for water service alone but where sewer is available, supplied within the corporate limits of the Town shall be metered and based upon the metered flow. Charges are bi-monthly as follows:

First 3,000 gallons or less:	Water	\$16.75
	Sewer	\$39.90
All additional usage:	Water	\$3.34 per 1000 gal. or fraction thereof
	Sewer	\$7.71 per 1000 gal. or fraction thereof

Section 22-102. Minimum in-Town rates.

The rate of charge for water and/or sewer service supplied within the corporate limits of the Town shall have the following minimum rate for each billing cycle. Users are charged this minimum rate per billing cycle based on the size of the meter.

Meter	Water	Sewer
¾ inch	\$16.75	\$39.90
1 inch	\$18.95	\$45.80
1 ½ inch	\$21.50	\$52.65
2 inch	\$24.46	\$60.65
3 inch	\$27.92	\$69.79
4 inch	\$31.91	\$80.48
6 inch	\$35.54	\$92.88

WATER SERVICES AND SEWER AND SEWAGE

Section 22-103. Schedule for out of Town water and sewer rates.

The rate of charge for water and sewer service, or for water service alone but where sewer is available, supplied outside the corporate limits of the Town shall be metered and based upon the metered flow. Charges are bi-monthly as follows:

First 3,000 gallons or less	Water \$21.29 Sewer \$52.08
All additional usage:	Water \$ 4.19 per 1000 gal. or fraction thereof Sewer \$10.11 per 1000 gal. or fraction thereof

Section 22-104. Schedule for out of Town sewer rates.

The rate of charge for sewer service alone, where water is not available, supplied outside the corporate limits of the Town shall be metered and based upon the metered flow. Charges are bi-monthly as follows:

First 3,000 gallons or less	\$73.36
All additional usage:	\$10.00 per 1000 gal. or fraction thereof

Ord 6-22-11

Section 22-105. Minimum out-of-Town rates.

The rate of charge for water and/or sewer services supplied outside the corporate limits of the Town shall have the following minimum rate for each billing cycle. Users are charged this minimum rate per billing cycle based on the size of the meter.

<u>Meter</u>	<u>Water</u>	<u>Sewer</u>
¾ inch or less	\$21.29	\$52.07
1 inch	\$24.21	\$59.92
1 ½ inch	\$27.61	\$69.03
2 inch	\$31.54	\$79.67
3 inch	\$36.14	\$91.83
4 inch	\$41.45	\$106.05
6 inch	\$47.61	\$122.54

(Ord. 6-22-11)

Section 22-106. Schedule for water and sewer service for certain multi-family residential or commercial units served by one master water meter.

Where water and sewer service is provided to two or more dwellings or commercial units with separate plumbing facilities, the rates of water and sewer service for each unit shall be based bimonthly as described above, provided that the amounts exceed the minimum charges per unit. Should the usage be less than the cumulative minimum charge, then the minimum charge per unit shall apply. After March 15, 2015, Master Metering is no longer permitted; existing master meter structures are grandfathered and may maintain this metering as long as the use of the property does not change.

(Ord. 05/05/2015)

STEPHENS CITY CODE

Section 22-107. Bulk Water Sales

Any person desiring to draw water in bulk from the Town water system must apply for a permit to be approved by the Town Manager. Water sold in bulk shall be drawn from fire hydrants designated by the Town Manager for this purpose. The rate will be \$7.00 per thousand of water, plus a \$25.00 annual service fee.

Section 108 - 109 Reserved

Section 22-110. Availability Fees Generally.

(a) Pursuant to the Town Charter and Section 15.2-2109 of the Code of Virginia, the Town hereby enacts a water and sewer availability charge. This fee is charged to offset the cost of present and future capital facilities improvements or construction, to reserve the capacity for the requested use and is in addition to the connection fee charged for the physical connection to the Town’s utility system. These fees must be paid in full prior to the connection to the Town’s water or sewer system.

(b) These funds shall be held in a separate utility fund, to be used only for capital facilities improvements or construction, or reduction of debt incurred for capital improvements. It is the intention of Council that these funds may not be used to pay for either the operations of the water or sewer system, or the routine maintenance expenses of the systems.

(c) The availability fees must be paid at the time (within 5 business days) of the issuance of a building permit for the property. The fees are nonrefundable and connection to the Town system must occur within one year of the payment of the fee. The availability fee serves as a reservation of Town capacity; this reservation expires after one year from the date of payment if the connection has not already been made. The availability fee must be paid for each meter for each dwelling, regardless of the form of ownership, and regardless of whether it shares common walls or is designed, built or used for multi-family occupancy.

(Ord. 05/05/2015)

Section 22-111. Availability Fees:

(1)For service totally within the corporate limits of Stephens City:

Fees are set per building.

<u>Water meter size</u>	<u>Water availability fee</u>	<u>Sewer availability fee</u>
3/4 inch	\$ 8,405	\$12,534
1 inch	\$14,000	\$15,952
1 ½ inch	\$24,520	\$20,510
2 inch	\$44,840	\$33,043
3 inch	\$81,520	\$125,336
4 inch	\$127,375	\$159,519
6 inch	\$254,750	\$239,278

WATER SERVICES AND SEWER AND SEWAGE

If the sewer is to serve a multi-family unit served by a common meter, the availability charge shall be that as set forth above per building plus an additional charge of \$1000.00 for each residence/apartments, condominiums within the building.

If the water meter is to serve a multi-family unit served by a common meter, the availability charge shall be that as set forth above per building, plus an additional charge of \$1000.00 for each residence/apartments, condominiums within the building. If the water meter is to serve a motel/hotel served by a common meter, the availability charge shall be that set forth above, plus an additional charge of \$500.00 per room.

Where allowed by zoning in the Town's business districts, single unit and multiple unit apartments allowed by Special Use permit in existing buildings that are used for commercial purposes shall pay availability fees in the amount of \$1000.00 for water and \$1000.00 for sewer service for each unit approved by the Town Council

(2) For service where some or all of the service is outside the Corporate limits of Stephens City:

The availability fees shall be that set forth above, plus a multiplier of 40%.

(3) Administrative costs.

In addition to the availability fees set forth above, the landowner requesting connection to the Town system shall be responsible for all connection costs and inspection costs associated with the connection. The Town's charge for inspection and administrative overhead shall be \$500.00 per meter, nonrefundable, and payable at the time of payment of a connection fee. The landowner may provide their own meter, provided the meter meets the Town's specification standards, or at the landowner's written request, the Town will provide the meter at cost plus 15%. If the Town installs the connection, the landowner shall pay the Town's actual costs plus 15% to cover the administrative overhead.

Section 22-112 – 130. Reserved.
(Ord. 5-3-11)

ARTICLE III

WASTE AND SEWAGE DISCHARGE AND TREATMENT

Section 22-131. Availability of sanitary sewer defined.

For purposes of this article, a sanitary sewer shall be regarded as "available" to any property when it lies within a street, right-of-way or easement which abuts the property line.

STEPHENS CITY CODE

Section 22-132. Premises required to have flush toilets with connection to public sanitary sewer or to a septic system.

(a) Each house, building or other structure within the Town which is intended for use or which is used as a place of human habitation, employment, or congregation shall be provided by its owner with one or more sanitary flush toilets, in such number as to be reasonably sufficient to accommodate the number of persons usually resident, employed or congregating, all in compliance with the current health department requirements. Such toilets shall be connected to a public sanitary sewer if and when such sewer becomes available. If the property is already served by a functional septic system, the property may delay sewer connection until the septic system must be upgraded or replaced; at that time the property shall connect to the public sewer system.

(b) When a public sanitary sewer is not available to any property, then each toilet shall be connected by its owner to a septic system which meets all the requirements and specifications of the health department.

Section 22-133 Privies

No property within the Town which is intended for use or which is used as a place of human habitation, employment, or congregation shall have a privy or pit latrine on the property.

This shall not preclude the use of temporary portable toilets which are serviced regularly by a portable toilet company and for which no discharge onto the grounds or waterways of the Town is permitted. These temporary portable toilets must be maintained at all times in a safe, sanitary and clean condition, fly-proof and free of offensive odors, and so as to not constitute a nuisance.

Section 22-134. Restrictions on leasing and use of properties.

It shall be unlawful for the owner or person in charge of a property to allow the property to be used for human habitation, employment, or congregation, even on a temporary basis, unless it is provided with one or more sanitary flush toilet connected to a sanitary sewer or sanitary septic system, or the property is provided on a temporary basis with temporary portable toilets.

Section 22-135. Corrections required upon notice from health officer.

If a state, county, or Town health inspector or official finds any violation of this article, or violation of any provisions of a permit issued under this article, they shall require the property owner or person to whom a permit was issued, to take immediate corrective actions. Refusal to make any such corrections or abate any nuisance when notified shall constitute an offense and every 24 hours thereafter shall constitute a separate offense.

Section 22-136. Limitations on wastes and discharges into sewers.

(a) No food storage containers, including refrigerators, ice boxes or receptacles for storing food may be connected directly into the Town sewer system.

WATER SERVICES AND SEWER AND SEWAGE

(b) It is unlawful for any person to connect or permit connection of any roof downspouts, exterior foundation drains, areaway drains, sump pumps, basement drains, cellar drains or any other source of stormwater, surface water, groundwater, unpolluted cooling water, or any other water which the sewage treatment plant is not constructed to handle into or with a sanitary sewer. All persons connecting to the Town's sewer system shall provide adequate means for excluding any such water from entering the Town's sewer system.

(c) It is unlawful for any person to discharge any waste or substance, solid or liquid, into any Town sewer which will tend to cause damage to such sewer or to any component of the Town's sewage system or the treatment plant, or to clog or impede the flow of sewage in such sewer or to impair the operation of the Town sewer system or to jeopardize the health or safety of any person or to in any manner create a nuisance. The following are examples of substances prohibited by this section, but this enumeration shall not be deemed to be exclusive: Flammable or explosive materials or liquids, oil, grease, feathers, sand, hair, wood, metals, cloth, household waste generally classified as trash.

(d) Each day a violation of this Section exists shall be considered a separate violation. The owner of the premises shall be presumed to be the violator, unless the person making the discharge is identified.

Section 22-137. Limitations on industrial wastes.

Except as provided in this chapter, no person shall discharge any industrial waste having any of the following characteristics to the public sewer system:

(a) Wastes containing liquids, solids or gases which by reason of their nature or quality may cause fire, explosion, or be in any other way injurious to persons, the structures of the sewer system or its operation.

(b) Wastes having a temperature in excess of 160 degrees Fahrenheit or less than 32 degrees Fahrenheit.

(c) Wastes having any corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the public sewer system.

(d) Any noxious or malodorous gas or substance which either singly or by interaction with sewage or other wastes is, in the opinion of the superintendent of the water and sewer department, likely to create a public nuisance or hazard to life, or prevent entry to sewers for their maintenance and repair.

(e) Solids, greases, lime slurry or viscous materials of such character or in such quantity that, in the opinion of the superintendent of the water and sewer department, they may cause an obstruction to the flow in sewer or otherwise interfere with the proper operation of the public sewer system.

(f) Any toxic radioactive isotopes without a special permit. No provision contained in this section shall be construed as prohibiting any special agreement or arrangement to be entered

STEPHENS CITY CODE

into between the town council and any person whereby any industrial waste of unusual strength or character may be admitted to the town sewer system either before or after pretreatment by the producer of such industrial waste.

(g) The minimum fine for violation of this section shall be \$ 1,000.00 plus the cost of cleanup and repair made by the town. If the person making the discharge is not identified then it shall be presumed that the owner of the industry shall be such person.

Section 22-138. Permit required for installation and repair of septic systems

It shall be unlawful for any person to install or repair, or allow to be installed or repaired, a septic tank or septic system in the Town without a permit from the County health department, or in violation of section 22-132(a). The terms of the permit as issued shall prevail and must be complied with.

No part of any septic tank or system shall be covered or put into use until completed, inspected, and approved by the County health department.

Section 22-139. Disposal of contents of septic systems

All contents of a septic tank or septic system shall be disposed of in a manner and at a site as approved by the county health department. No contents shall be introduced into the Town sewer system without a permit and paying the appropriate fees.

(Ord. 5-3-11)

ARTICLE IV

PUBLIC WATER SUPPLY PROTECTION DISTRICT

Section 22-200. Statement of Intent

The Water Supply Protection District is enacted to prevent contamination of the surface water and surrounding ground water resources that are used to support the Stephens City quarries water system and public and private wells in the area. The purpose of the District is:

(a) To promote the health, safety, and general welfare of the community by regulating certain activities which may lead to pollution of the Town's water supply or private individual's water supply which would necessitate additional drawing on the public supply;

(b) To protect, preserve, and maintain the existing and potential surface water, well field, aquifer, and ground water supply and ground water recharge area for the Stephens City quarries water supply and private well supply;

(c) To preserve and protect present and potential sources of the water supply for the public health and safety;

WATER SERVICES AND SEWER AND SEWAGE

(d) To prevent contamination and pollution of the environment which may lead to contamination of the water supply.

Section 22-201. Objective of the District

In order to protect, maintain and enhance both the immediate and long-term health, safety and general welfare of the citizens, by enacting an ordinance to protect the existing water supplies, the Water Supply Protection District is designed to address the following objectives:

(a) To encourage productive and enjoyable harmony between human society and the natural environment.

(b) To minimize or eliminate the transport of pollutant from development activities, on-site septic system, and other land disturbing activities to the water resources that supply the Stephens City quarries water supply, both surface and groundwater.

(c) To protect and maintain the chemical, physical and biological integrity of the Town of Stephens City quarries water supply, and the private domestic wells in the Town's water service area.

(d) To prevent individuals, business organizations and governments from causing harm to the community by activities which may adversely affect the long-term Stephens City quarries water supply and private domestic wells in the Town's water service area.

(e) To regulate land use practices in the area of surface impact and recharge to prevent adverse impacts on the quality and quantity of the Stephens City quarries water resource, and private domestic wells in the Town's water service area.

(f) To encourage practices that maintain the water recharge areas and water storage levels.

(g) To minimize erosion and sedimentation that might adversely affect the Stephens City quarries water resource and private domestic wells in the Town's water service area.

(h) Where public sewer is not reasonably available, to encourage the design, siting, installation and maintenance of on-site septic systems in such a manner that protects the quality of the Stephens City quarries water resources and private domestic wells in the Town's water service area.

(i) To encourage the design, siting, installation and maintenance of waste water systems in such a manner that protects the Stephens City quarries water resources and private domestic wells in the Town's water service area.

Section 22-202. Water Supply Protection District

The governing body of the Town of Stephens City, Virginia, hereby establishes and delineates the Water Supply Protection District, to be referred to on the Town and County maps by the symbol SCWSP.

STEPHENS CITY CODE

Pursuant to the power granted to the Town by the Commonwealth of Virginia General Assembly in the Town Charter, the provisions of this Ordinance shall also apply to those portions of land outside the Town limits but within the SCWSP district.

The SCWSP district is generally described as the area which may affect the surface water in the quarries water system, including the recharge area for the water supply, or the private domestic use wells within the Town's water service area, the damage to which would require additional use of the quarries water system. The SCWSP district boundaries take into account the travel time for an underground pollutant, the surface flow recharge area, the ground water divide areas, and a consideration of the underlying geology in a karst/limestone terrain. Land for which there is no rational basis to believe activities could affect the quarries water system or private domestic use wells shall not be included within the district boundaries.

The district boundaries are as set forth on Exhibit A to this Ordinance.

Section 22-203. Existing Structures and Land Uses

The provisions of this Article shall apply only to structures constructed, expanded, or enlarged, or new land uses established after November 1, 2000.

Section 22-204. Permitted Uses

Development and Use of land within the Water Supply Protection District shall be the same as those permitted in the underlying zoning districts except for the additional restrictions as specified in Section 22-205 below.

The Town acknowledges that agricultural use of property is already regulated by State and Federal law and regulations. Those laws and regulations already require agricultural activities to abide by certain restrictions; this ordinance does not in any way supersede these requirements.

Section 22-205. Prohibited Uses

(a) No person shall engage in any land disturbing activity within the SCWSP district without a Town of Stephens City approved erosion and sedimentation control plan. The plan shall be prepared in accordance with the provisions of the Town of Stephens City Erosion and Sedimentation Control Ordinance.

This provision shall not apply to ordinary household gardening activities which are primarily for home consumption, or those agricultural activities which are exempt under the Erosion and Sedimentation Control Ordinance.

For land disturbing activities within the SCWSP district outside the Town, the plan shall be joint erosion and sedimentation control plan submitted to both the County and the Town; in the event of a conflict between the County and the Town requirements, the stricter requirements shall apply.

WATER SERVICES AND SEWER AND SEWAGE

(b) All applications of chemicals, including herbicides, insecticides, fungicides, and pesticides, within the Water Supply Protection District shall be applied strictly in accordance with label directions as attached by the manufacturer. Any such chemicals not disbursed and their containers shall be disposed of in accordance with the Commonwealth of Virginia Department of Waste Management Hazardous Waste Management Regulations. Agricultural activities are exempt from this Ordinance requirement.

(c) The following uses shall be prohibited within the Water Supply Protection District:

(i) Bulk storage, production or disposal of any hazardous waste as defined in Section 10.1-1400 of the Code of Virginia of 1950 as amended (Virginia Waster Management Act). Agricultural activities are exempt from this requirement.

This shall not prohibit the storage of agricultural herbicides, insecticides, fungicides, and pesticides properly stored by a landowner for use and application on his property, provided the storage is in accordance with manufacturer's specifications and the landowner takes affirmative steps to regularly ensure the storage has not degraded.

(ii) Burial, dumping or incineration of solid wastes, other than brush and stumps. Agricultural activities are exempt from this requirement.

(iii) Storage of petroleum or other refined petroleum products underground. Upgrading or replacement of existing tanks may not be place underground. No new underground petroleum storage tanks may be installed within the district.

- a. This restriction shall not apply to storage tanks placed entirely inside a separate containment structure with a solid concrete base floor under the tank, with containment walls, provided there are no floor drains or other mechanisms that would allow a discharge.
- b. This restriction shall not apply to storage tanks placed underground inside one or more vaults, with each vault equipped with a leak detection system that is tested and maintained in accordance with best management practices.

(iv) Industrial uses which discharge processed or unprocessed water without a current VPA or VPDES permit.

(v) The discharge of liquid or leachate wastes, except waste disposal systems that are operating in full compliance with the Virginia Department of Health Regulations and Virginia Department of Environmental Quality Regulations and permits, unless there will be an adverse impact from the discharge. Agricultural activities are exempt from this requirement.

(vi) Bulk storage (greater than one ton) of road salt or other deicing chemicals. Agricultural activities are exempt from this requirement.

(vii) Mining, and/or extraction of natural resources that involves dewatering of groundwater.

STEPHENS CITY CODE

(viii) Drilling, other than for domestic (residential on-site), agricultural (on-site), or recreational on-site sources of water. To the extent well drilling is for recreational use, prior to drilling the recreation use well, the applicant must receive a special water use permit from the Town Manager which will provide the specifics for water withdrawal, including limitations on the water use, limitations on the quantity of water that may be withdrawn, and terms tailored specifically to the proposed recreational use that are within the intent of the water supply protection ordinance.

Reference: Sec 17 of the Charter of the Town of Stephens City, Virginia, and pursuant to State Code Chapter 9, Article 1, Section 15.2-2109, 15.2-2283, 15.2-2223, 15.2-2224.

(ix) Residential use and development of the land within the district may be permitted in accordance with the provisions of the underlying zoning district, except that such residential use and development shall be subject to the following conditions:

- a. Any lot upon which a new dwelling is to be located, if such dwelling is to be served by an individual subsurface septic system, shall have a minimum lot area of one (1) acre and shall meet or exceed current Virginia Health Department standards for subsurface septic systems.
- b. Maximum lot coverage by all impervious surfaces shall not exceed twenty percent (20%).
- c. For subsurface septic systems within 2000 feet of the Stephens City quarries, no new subsurface septic system shall be permitted if Town sewer is available. Further, if Town sewer is not available,

Sewage disposal systems located within fifteen hundred (1500) feet of the Stephens City quarries or their underground passageways and/or mines must be low pressure systems with oversized drain fields (1.5 times the normal size) or an alternative system as approved by the Council on a case by case basis under the guidelines of the Health Department codes and regulations. Alternative systems may be approved if they are demonstrated to have no adverse impact on the quarries water system. If using the low pressure system, manhole access shall be provided by the landowner to the low pressure pump on each system.

- d. For subsurface septic systems between 2000 and 4000 feet of the Stephens City quarries or their underground passageways and/or mines, septic/drainfield systems shall be low pressure systems, or any alternative system as approved by the Council on a case by case basis under the guidelines of the Health Department codes and regulations. Alternative systems may be approved if they are demonstrated to have no adverse impact on the quarries water system.

WATER SERVICES AND SEWER AND SEWAGE

e. For any location in the district:

- 1) A one hundred percent (100%) normal size reserve area shall be provided for the drainfield on each parcel.
- 2) Installation of any septic/drainfield system shall be inspected and approved by the Town's designated engineer or representative.
- 3) Lot owners of all parcels shall have all septic systems on their property maintained at least once every five (5) years. Maintenance consists of pumping out the system by a qualified septic hauler, and clean out and leveling of distribution boxes and associated lines. The qualified septic hauler shall provide a written statement to the lot owner certifying the clean out. Upon any sale or transfer of the property, the new owner shall receive a copy of the most recent clean out certification.

Section 22-206. Well Development Standards

No building permit for a use which will require on-site water shall be issued within the District without first establishing a potable water supply on or to the site. For purposes of this Ordinance, a potable water supply shall either be connection to a municipal water supply, or successful construction of a properly cased and grouted well in compliance with existing Virginia Department of Health regulations. This requirement is not intended to require establishing a potable water supply for any agricultural structures not requiring a water source (such as hay sheds or agricultural repair sheds).

No well may be drilled within the District unless the well is constructed in compliance with existing Virginia Department of Health regulations and is properly cased and grouted.

Section 22-207. Surface Water Management

Recognizing the intimate connection between surface water and ground water in karst areas such as those within the SCWSP, whereby surface run-off may be introduced directly into the ground water through limestone sinkholes, bypassing filtration through the soil and causing serious water quality problems, no discharge of polluted surface waters within the SCWSP shall be permitted without a current VPDEC permit.

Section 22-208. Abandoned Wells and Sinkholes

(a) Any well no longer in service shall be deemed abandoned. A landowner is responsible for closing out any abandoned well on his property located in the SCWSP within six months of the passing of this ordinance or of the abandonment of the well. The abandoned well shall be closed out in accordance with the current Virginia Department of Health private well regulations.

(b) Any sinkhole which exists or appears on land within the SCWSP district shall either be filled by the landowner with gravel and clean fill dirt or the area shall be fenced. Other than filling as set forth here, no one may dispose of anything in a sinkhole within the SCWSP district.

STEPHENS CITY CODE

Section 22-209. Enforcement

A violation of this ordinance shall be deemed a class 1 Misdemeanor.

Nothing in this ordinance shall relieve a responsible party from any civil liability for damages or relieve a responsible party for cleanup costs and expenses. Penalties in this ordinance are supplemental to any other penalties which may apply under federal or state law.

The Town may apply to the Court of record in the jurisdiction where the land lies for injunctive relief to enjoin a violation or a threatened violation under this section without the necessity of showing that there does not exist an adequate remedy at law.

Section 22-210. Definitions

As used in this article, the following words shall be construed in the form as set forth below:

Abandoned Well: Any well not properly maintained in accordance with the Virginia Health Department standards and regulations.

Adverse Impact, Adverse Effect: Any modification, alteration or effect on a feature or characteristic of community waters, including their quality, hydrodynamics, service area, or usefulness for human or natural uses which are harmful or injurious to human health, welfare, safety or property, or stability or which reasonably interfere with the enjoyment of life or property. The term includes secondary and cumulative as well as direct impacts.

Aquifer: A ground water bearing geologic formation or formations that contain enough saturated permeable material to yield significant quantities of water.

Bulk Storage: Loose or bagged storage of dry or semi-dry materials.

Discharge: To release by any means or to relinquish control in a manner that results in a release to the surface waters, ground waters, surface of the ground or below ground of waters containing matter in a level or amount which would constitute pollution. Discharge includes but it is not necessarily limited to the following.

- (1) Leaks from the failure of a storage facility;
- (2) Spills during transport or transfer of toxic or hazardous materials;
- (3) Disposal or storage of soils, sand or debris containing toxic or hazardous materials;
- (4) Disposal to/through storm drains, sanitary systems, or any other drainage system or leaching system of toxic or hazardous material;
- (5) Burial and spreading or dumping of toxic or hazardous materials;
- (6) Abandonment of containers, tanks, pipes, vehicles or premises containing toxic or hazardous materials or residues.

Abandonment shall mean:

- a. Substantially empty and unattended, or
- b. The relinquishment or termination of possession, ownership or control without

WATER SERVICES AND SEWER AND SEWAGE

full disclosure to the new owner thereof of containers, tanks, pipes, vehicles or premises containing toxic or hazardous materials or residues, whether by vacating or by disposition thereof, and shall not depend on mere lapse of time.

Discharge shall not be construed so as to constitute any release into a municipal or Town approved water treatment system.

Leachate: A solution formed when water percolates through soluble materials; often used in reference to the liquid formed from the percolation of precipitation through wastes.

Limestone/Karst Areas: Areas composed of soluble rock, such as limestone, dolomite and gypsum that together are components of areas geologically labeled as karst terrain that are characterized by the presence of sink holes, caves and disappearing streams.

Pollution: The presence in the environment of conditions and/or contaminates in quantities or characteristics, which are or may be injurious to human or plant life or to property, any of which may have or lead to an adverse impact on the Stephens City quarries/ground water supply.

Potable Water: Water that is satisfactory for drinking, culinary, or domestic purposes, subject to compliance with County, State and Federal drinking water standards.

Recharge: The flow of water in to the saturated zone; the return of water to an aquifer.

Septic System: A waste water and sewage disposal system in which solids are discharged to the surrounding soils.

Stephens City Quarries: Stephens City Quarries and their underground passageways and/or mines are those lands, quarries owned by the Town of Stephens City and underground passageways and/or mines emanating therefrom, such passageways and/or mines which may be below private property not owned by the Town of Stephens City, but within the private property to which the Town owns all water rights. The Quarries and the approximate locations of the underground passageways and/or mines are shown on the WSP district map.

Storage Facility: Tanks, pipes, vaults, buildings, yards, pavements or fixed containers used or designed to be used, either alone or in any combination thereof, for the storage and/or transmission of toxic or hazardous materials or for the storage of potable containers containing toxic or hazardous materials.

Toxic or Hazardous Materials: Any substance, solution or mixture which, because of its quality, quantity, concentration, physical, chemical or infections characteristics, or any combination of the foregoing, presents or may present an actual or potential hazard to the Stephens City quarries/ground water supply, if such substance, solution, mixture or combination thereof is discharged to the land or waters within the WSP district.

Underground: Ten percent or more of the storage structure which is below final ground elevation

STEPHENS CITY CODE

ARTICLE V.

BACKFLOW PREVENTION AND CROSS-CONNECTION CONTROL

Section 22-211. The provisions of this article shall constitute and be known and cited as the "Backflow Prevention and Cross-Connection Control Program" for the Town of Stephens City, Virginia.

The purpose of this article is:

1. To protect the public potable water supply of the Town's complete water distribution system from the possibility of contamination or pollution by isolating within its customers' internal distribution systems such contaminants or pollutants which could backflow into the public water supply system; and
2. To eliminate or control cross-connections, actual or potential, at each water outlet from the consumer's service line; and
3. To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of the potable water system.

Section 22-212. Definitions.

As used in this division, the following words, phrases and terms shall have the meanings ascribed to them in this section, unless clearly indicated to the contrary:

Air Gap: The unobstructed vertical distance through the free atmosphere between the lowest opening of any pipe or faucet supplying potable water to a plumbing fixture or other device, and the rim of the receptacle.

Anti-siphon: A term applied to valves or mechanical devices that eliminate siphonage or reverse direction flow.

Approved: Material, equipment, workmanship, process or method that has been accepted by the Town.

Auxiliary water system: Any water source or system other than public water supply that may be available in the building or premises.

Back flow: The flow or contaminants, pollutants, process fluids, used waters, untreated waters, chemicals, gases or non-potable waters into any part of the waterworks. Backsiphonage and back pressure are types of backflow.

Backflow preventer, reduced pressure zone type (RPZ Device): An assembly of differential valves and check valves including an automatically opened spillage part to atmosphere.

WATER SERVICES AND SEWER AND SEWAGE

Backsiphonage: The flowing back of used, contaminated or polluted water from a plumbing fixture or vessel or other sources into a potable water supply pipe due to a negative pressure in such pipe.

Board/Bureau: The state board of health, bureau of water supply engineering.

Contamination: Any introduction into pure water of micro-organisms, wastes, wastewater, undesirable chemical or gases.

Cross-connection: Any physical connection or arrangement between (2) otherwise separate piping system, one of which contains potable water and the other either water of unknown or questionable safety or steam, gas or chemicals whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two (2) systems. Furthermore, it is any potable water supply outlet which is submerged in waste or any other source of contamination.

Degree of hazard: A term derived from the evaluation of the potential risk to health and the adverse effect upon the waterworks.

Director of Public Works: The Town Engineer, who is responsible for the enforcement of this division.

Double check valve assembly: An approved assembly composed of two (2) internally loaded, specially designed and independently operating check valves, together with a tightly closing valve on the upstream and the downstream side of the check valves, equipped with properly placed female thread test cocks.

Flood-level rim: The edge of the receptacle from which water flows.

Health hazard: 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.

Individual water supply: A supply other than an approved public water supply which serves one or more families, businesses, institutional establishments or industries.

Jurisdictional area: For the purpose of enforcing the provisions of this division, the jurisdictional area of the Town shall consist of the entire area within the corporate limits and residential, commercial, institutional and industrial establishments outside the Town's corporate limits which have a service connection directly to the Town's water system.

Owner or designated agent: The person in charge, care or control of the property; the tenant; the consumer who signed the water service agreement.

Pollution: 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.

Potable water: Water suitable for drinking.

STEPHENS CITY CODE

Purveyor: The supplier of water as a matter of business; the Town of Stephens City, Virginia.

Service connection: The joining of the waterworks to a metered consumer.

Service line: That portion of the water line from the consumer's side of the meter to the first water outlet.

Town: The Council, department or individual official of the Town established or authorized by state statute or local ordinance to administer and enforce the provisions of this ordinance, as adopted or amended.

Vacuum breaker, atmospheric: A vacuum breaker which is not designed to be subjected to a line pressure without water flow.

Vacuum breaker, pressure type: A vacuum breaker designed to operate under conditions of constant pressure, both with water flow and without.

Section 22-213. Responsibility for Enforcement of Division.

(A) The enforcement of the provisions of this division shall be the responsibility of the Town engineer.

(B) Water service will be denied or discontinued to a customer, if the backflow prevention device required by this division is not installed or it is found that the device has been removed or by-passed; if a cross-connection not adequately protected exists on the premises; if the pressure in the Town's lines is reduced below 10 psi; or if a violation of this division has not been corrected in the time period established in section 4(b). Water service to the consumer shall not be restored until all deficiencies have been corrected or eliminated in accordance with this division.

Section 22-214. General Responsibility of Purveyor.

It is realized that a cross-connection control program is regulatory in nature. Therefore, in conformance with rules and regulations, the requirements of this program are in conformance with the Water Works Regulations, section 6.00, approved by the State Board of Health, and the BOCA Basic Plumbing Code, section P-1605.0.

Section 22-215. Inspections Generally; Correction of Defects.

(a) The director of public utilities shall designate at least one inspector, who shall inspect the plumbing in every building or premise served by Town water. This inspection shall occur as frequently as, in the director of public utilities' judgment, may be necessary to insure that such plumbing has been installed and is maintained in such a manner as to prevent the possibility of pollution or contamination of the public water supply.

Industrial services shall be inspected at least once each year due to the potential for cross-connections. All new connections or reconnections shall be inspected for potential cross-connections prior to the furnishing of water service.

WATER SERVICES AND SEWER AND SEWAGE

(b) The director of public utilities shall notify, in writing, the owner or his designated agent of any buildings or premises to correct, within a reasonable time set by the director of public utilities, any plumbing installed or existing contrary to, or in violation of, this division, and which, in his judgment may permit the pollution of the Town's potable water supply or otherwise adversely affect the public health.

Section 22-216. Right of Entry.

The Water Works Regulations, adopted by the Virginia Department of Public Health, require that this program be initiated, to insure the consumer is supplied safe potable water at all times. The Town, as purveyor of the public water supply, has the right of entry to any building or premise where cross-connections or possible cross-connections are evident or suspected, for the protection of the public water supply and the health and safety of its consumers. The refusal of access, when required, shall be deemed evidence of the presence of cross-connection.

Section 22-217. Records of Inspections and Tests Made Pursuant to Division.

Records of all inspections and tests made pursuant to this division shall be kept on Town forms for ten (10) years, and shall be available for inspection in accordance with the Freedom of Information Act.

Section 22-218. General Design, Installation and Maintenance Standards For Standards for Potable Water Supply System.

A potable water supply system shall be designed, installed and maintained in such manner as to prevent contamination from non-potable liquids, solids or gases, either harmful or benign, being introduced into the potable water supply through cross-connections or any piping connection to the system. This is accomplished by protecting the potable water system from every water outlet which poses a possible cross-connection. Whenever the potable water supply cannot be protected from every water outlet or other possible cross-connection by a minimum air gap, a mechanical device shall be used to prevent backflow from backsiphonage or backpressure, as appropriate to the degree of hazard. In cases where, in the judgment of the Town, water usage is sufficiently complex, or severity of hazard warrants, an air gap or backflow prevention device may be required immediately downstream from the service connection or at a point approved by the Town.

Section 22-219. Backflow Preventive Devices Generally.

(a) An approved backflow prevention device shall be installed on each service line to a consumer's water system where, in the judgment of the Town, a health, pollution or system hazard to the waterworks exists, and as a minimum, but not limited to, where the following conditions exist:

1. Premises having an auxiliary water system.
2. Premises on which any substance is handled in such a manner as to create an actual or potential hazard to a waterworks.

STEPHENS CITY CODE

3. Premises having internal cross-connections that, in the judgment of the Town, may not be easily correctable, or intricate plumbing arrangements which make it impracticable to determine whether or not cross-connections exist.
4. Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey.
5. Premises having a repeated history of cross-connections being established or re-established.

(b) Inspections shall be performed on the following types of facilities. If inspection of the facilities determines a health, pollutional or system hazard, as outlined in subsection (a) above, an approved backflow prevention device shall be installed on each service line to the facilities:

1. Hospitals, mortuaries, funeral homes, clinics, nursing homes, medical buildings, sanitariums and autopsycilities.
2. Laboratories.
3. Waterfront facilities and industries.
4. Sewage and storm drain facilities.
5. Food and beverage processing plants.
6. Chemical plants, dyeing plants, laundries.
7. Metal plating, manufacturing, cleaning, processing and fabricating plants.
8. Petroleum processing, storage and transmission facilities.
9. Radioactive materials processing plants or nuclear reactors.
10. Car washes.
11. Lawn sprinkler systems and irrigation systems.
12. Fire service systems
13. Slaughterhouses and poultry processing plants.
14. Farms where the water is used for other than household purposes.
15. Auxiliary water systems.
16. Hotels and apartment buildings.
17. Cold storage facilities.
18. Pools.
19. Restricted or classified facilities or facilities closed for inspection.
20. Others specified by the Town or the bureau where reasonable cause can be shown for potential backflow or cross-connection hazard.

(c) The Town will have available, upon request, a list of approved backflow prevention devices. Devices not appearing on the list will be considered by the Town, provided they have been tested by a recognized testing laboratory or evaluation agency, are of satisfactory materials and conform to AWWA Standard C506.

Section 22-220. Installation of Backflow Prevention Devices.

Backflow prevention devices shall be installed in a manner to facilitate easy access for testing, maintenance, repair and replacement. Reduced pressure principle type backflow preventers shall not be installed in pits or areas subject to flooding or freezing. Double gate double-check valve assemblies shall not be installed in areas subject to flooding. If installed in pits, the pits must have gravity drains or a sump pump.

WATER SERVICES AND SEWER AND SEWAGE

Section 22-221. Testing, Inspecting, Etc., Backflow Preventive Devices.

(a) Operational tests may be made annually of backflow prevention devices which are required and installed. Testing shall be performed by the user in the presence of Town personnel and shall be in accordance with the manufacturer's instructions, as approved by the Town.

(b) Inspections of backflow prevention devices shall be made by Town personnel when required. The consumer shall grant Town personnel access to the devices in order to perform inspections within five (5) days of written notice.

(c) Backflow prevention devices found to be defective shall be promptly repaired by the Town at Town expense. Positive action shall be taken immediately to insure that the Town's water system is protected.

(d) Backflow prevention devices should be overhauled at intervals not exceeding five (5) years.

Section 22-222. Protective Devices For Fire Service Systems.

(a) For the purposes of this section, fire service systems shall be classified as follows:

1) Class 1: Direct connections from public water mains only; no pumps, tanks or reservoirs; no physical connection from other water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to atmosphere, dry wells or other safe outlets.

2) Class 2: Same as Class 1, except that booster pumps may be installed in the connections from the street mains (booster pumps do not affect the potability of the system; it is necessary, however, to avoid drafting so much water that pressure in the water main is reduced below 10 psi).

3) Class 3: Direct connection from public water supply main plus one or more of the following: Elevated storage tanks; fire pumps taking suction from aboveground covered reservoirs or tanks; and pressure tanks (all storage facilities are filled or connected to public water only, the water in the tanks to be maintained in a potable condition. Otherwise, Class 3 systems are the same as Class 1.)

4) Class 4: Directly supplied from public mains similar to Classes 1 and 2, and with an auxiliary water supply on or available to the premises; or an auxiliary supply may be located within one thousand seven hundred (1,700) feet of the pumper connection.

5) Class 5: Directly supplied from the public mains, and interconnected with auxiliary supplies; such as: Pumps taking suction from reservoirs exposed to contamination, or rivers and ponds; driven wells; mills or other industrial water systems; or where antifreeze or other additives are used.

6) Class 6: Combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.

STEPHENS CITY CODE

(b) Generally, fire service systems of Classes 1 and 2 will not require backflow protection at the service connection. Pumper connections of automotive fire department equipment to street hydrants are not ordinarily health hazards.

(c) Class 3 fire service systems will generally require minimum protection (approved double-check valves) to prevent stagnant waters from backflowing into the public potable water system.

(d) Class 4 fire service systems will normally require backflow protection at the service connection. The type (air gap, reduced-pressure, or double-check valves) will generally depend on the quality of the auxiliary supply.

(e) Classes 4 and 5 fire service systems normally would need maximum protection (air gap or reduced pressure) to protect the public potable water system.

(f) Class 6 fire service system protection would depend on the requirements of both industry and fire protection, and could only be determined by a survey of the premises.

(g) An underwriter approved detector check meter, Hersey or approved equal, will be installed on all fire service lines, but will not be permitted as part of a backflow protection device. An exception may be made, however, if the meter and backflow prevention device are specifically designed for that purpose.

ARTICLE VI.

DROUGHT AND WATER SUPPLY SITUATIONS

The Town of Stephens City acknowledges that there may be situations where the water supply to the Town's water system is reduced by a variety of factors. In recognition of this, the Town intends to apply educational and ultimately enforcement actions, to achieve water conservation measures of varying degrees. This plan should enable appropriate water usage by appropriate water users at reduced consumption levels during these periods as declared by the Town Council of Stephens City, Virginia.

Sec. 22-300. Drought/Low Water Supply Response Plan.

The Town Council of Stephens City adopts by reference the current version of the Northern Shenandoah Valley Regional Commission (NSVRC) Drought/Low Water Supply Response Plan. The adoption of this plan, or a substitution plan authorized by the Town Council, is pursuant to, and authorized by, applicable sections of the Virginia Code (as required by 9VAC 25-780-120; and as authorized by Code of Virginia 15.2-923(ii) – Local Water-Saving Ordinances, and 15.2-924 – Water Supply Emergency Ordinances).

STEPHENS CITY CODE

(e) Reconnect Fees for the various offenses shall be proposed by the Town Manager, and approved by the Town Council.

(f) Flagrant and/or repeat offenders of any declaration may, by decision of the Town Manager in consultation with the Police Chief and Town Attorney, be charged with a Class 1 Misdemeanor.

(g) During the implementation of this ordinance, the temporary repeal of other local, inconsistent ordinances within the Code of the Town of Stephens City shall be authorized by the Town Council. Such temporary repeals shall last the duration of the decision in effect by the Council.

Section 22-303. Appeals Process.

(a) If a customer wishes to appeal any decision by the Town Manager, they can present their case before the Water and Sewer Committee.

(b) If a customer wishes to appeal any decision by the Water and Sewer Committee, they can present their case before the Town Council.

Section 22-304. Notification.

(a) The Town Council, upon rendering a decision pursuant to this Chapter, may make such decision known to the public by a variety of media sources such as newspaper, local television access channel, written notices, and/or telephone contacts.