

Chapter 82 UTILITIES¹

ARTICLE I. IN GENERAL

Secs. 82-1—82-30. Reserved.

ARTICLE II. WATER SUPPLY²

Sec. 82-31. Connections and availability.

- (a) A connection fee of \$660.00 and an availability fee of \$2,720.00 shall be charged for residential connections to water mains. ~~In addition, when the distance from the property line to the water main is more than 60 feet, the cost of installing pipe and fitting in excess of 60 feet shall be charged to the customer or may be installed by the customer, when so authorized by the town manager.~~
- (b) The following connection and availability fees shall be charged for connection of commercial or industrial structures to water mains:

Water Meter Size (inches)	Connection Fee	Availability Fee
$\frac{5}{8}$	\$ 660.00	\$ 2,720.00
$\frac{3}{4}$	700.00	4,360.00
1	1,200.00	7,660.00
1½	2,000.00	13,760.00

¹Charter reference(s)—Power of town to grant public utility franchises, § 14; town treasurer, § 38.

Cross reference(s)—Miscellaneous ordinances not affected by Code, § 1-8; administration, ch. 2; standing committees of council, § 2-37; permit to display advertising matter on utility poles or across street, § 6-2; buildings and building regulations, ch. 22; businesses, ch. 26; environment, ch. 38; fire prevention and protection, ch. 42; personnel, ch. 58; solid waste, ch. 66; streets, sidewalks and other public places, ch. 70; tax on purchasers of utility services, § 74-86 et seq.; vegetation, ch. 86; waterways, ch. 90; zoning, app. A; subdivisions, app. B.

State law reference(s)—Construction of dams, etc., for water supply purposes, Code of Virginia, § 15.2-2134 et seq.; water-saving ordinances, Code of Virginia, § 15.2-923; water supply emergency ordinances, Code of Virginia, § 15.2-924; assessments for local improvements, Code of Virginia, § 15.2-2404 et seq.; general local powers pertaining to public utilities, Code of Virginia, § 15.2-2109 et seq.; local sewage disposal, Code of Virginia, §§ 15.2-2122 et seq., 15.1-876; local water supply systems, Code of Virginia, § 15.2-2134 et seq.; municipal water, sewage, refuse disposal, electricity and gas, Code of Virginia, §§ 15.1-854 et seq., 15.1-875 et seq.; health regulations pertaining to sewage disposal, Code of Virginia, § 32.1-163 et seq.; health regulations pertaining to public water supplies, Code of Virginia, § 32.1-167 et seq.; State Water Control Law, Code of Virginia, § 62.1-44.2 et seq.

²Charter reference(s)—Acquisition of water rights, § 8; authority of town as to waterworks and water supply, § 13.

2	4,000.00	25,560.00
3	8,000.00	51,660.00
4	14,000.00	80,960.00
6	31,000.00	162,460.00

- (c) Upon payment of the connection charge and availability fee, the town will authorize the contractor to connect to the existing main under Town inspection, and after Town approval, provide water service to the property. ~~provide water service at the property line, at the nearest point to existing or proposed water mains.~~ The cost of tapping the main and of the meter, meter set, meter box, corporation stop, line setter and pipe from the main to the meter will be at ~~town's expense.~~ **The owner's/contractor's/developer's expense.**
- (d) Connections will not be made to town water mains or service lines by persons other than town employees or the town's ~~designated~~ **approved** agent.

(Code 1982, § 21-1; Ord. of 6-15-1999, § 1; Ord. of 4-3-2007, § 1)

Sec. 82-32. Maintenance of lines from main to property line.

The maintenance of water lines, from the main to the property line, shall be at the town's expense.

(Code 1982, § 21-2; Ord. of 4-3-2007, § 1)

Sec. 82-33. Service charges—Generally.

- (a) The following service charges for water shall be charged by the town:
- (1) For service rendered within corporate limits: The bimonthly rate for water customers shall be \$11.47, plus \$6.55 per 1,000 gallons for all water used during the bimonthly billing period.
 - (2) For service rendered outside corporate limits: The bimonthly rate for water customers shall be \$11.47, plus \$8.19 per 1,000 gallons for all water used during the bimonthly billing period.
- (b) Customer shall pay an application fee of \$28.00 to establish a new account with the town. Contractors shall pay an application fee of \$11.00 for an account during new construction. A fee of \$28.00 shall be paid to transfer water service from one premises to another within the town.
- (c) Water customers shall be billed based on usage. New accounts activated in the middle of the billing cycle may be billed in excess of the bi-monthly amount on the first bill if previous occupant has usage that must be billed.
- (d) A customer whose water service is discontinued before the end of the billing period shall pay based on usage.
- (e) Customers shall be billed on the first day of every other month for bi-monthly water service for the gallons used during the prior bi-monthly billing period.
- (f) Where more than one occupant or tenant is served through a water meter, such as in apartments, multifamily dwellings or office buildings, a single water service charge for each use or unit will be billed, either to the owner or his agent or to any one tenant who assumes responsibility for the whole account.
- (g) All water bills shall be payable, in full, on the tenth of the month following the month in which the customer was billed.

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- (h) Customers applying for water service shall complete an application and execute a water service contract, in a form prepared and approved by the town attorney, prior to initiation of water service. A separate application and service contract shall be required for each new account.
 - (i) All new water service customers shall pay a deposit at the time of application for water service and prior to initiation of water service. Any customer whose water service becomes subject to disconnection for failure to pay their account as it comes due shall pay a deposit prior to reconnection. The deposit shall be in an amount equal to the average monthly billing for water and sewer service charged to the category of water service being requested (i.e., single-family residential, multifamily residential, commercial, industrial, etc.) for a four-month period except as herein provided. The amount of any deposit shall be determined administratively by the town treasurer based on billing data and may change from time to time. Deposits for business accounts shall be based on typical water use for the type of commercial activity proposed by the customer for a two-month period.
 - (j) Any deposit paid by a water service customer and held by the town shall be returned to the customer, upon request and without interest, after said deposit has been held by the town for six consecutive bi-monthly billing cycles, provided the customer's account has not been delinquent during this period. Should the customer's account become delinquent at any time during the initial six consecutive billing cycles, then the deposit shall be held by the town until six consecutive billing cycles have occurred with any delinquent payments. Upon payment in full for all charges for six consecutive billing cycles, the deposit held by the town may be credited to the customer's next billing, provided that all other debts, charges and taxes due and owing to the town have been paid in full.

(Code 1982, § 21-3; Ord. of 6-15-1999, § 1; Ord. of 4-1-2005; Ord. of 12-6-2011, § 1; Ord. of 2-4-2014, § 1; Ord. of 10-9-2018, § 1; Ord. of 7-2-2019(2), § 1; Ord. No. 1-5-2021(1), § 1)

Charter reference(s)—Authority to impose and collect charges for water service, § 13(c).

State law reference(s)—Authority of town to charge and collect compensation for water furnished, Code of Virginia, § 15.1-875.

Sec. 82-34. Same—Credit for vacant property.

No water customer will be allowed credit for vacant property unless the owner thereof notifies the town manager or the town treasurer, in writing, within ten days from the date of the beginning of such vacancy. In case of vacancy and notice, the water will be cut off by a representative of the town and may not be cut back on until all delinquent accounts and the cut-on charge prescribed by section 82-36 have been paid.

(Code 1982, § 21-4)

Sec. 82-35. Cutting off water for repairs, extensions.

The town reserves the right, at any time, to shut off the water in the mains, distribution lines and services, for the purpose of repairing or making connections or extensions or for any other purpose that may be deemed necessary. If practicable, due notice will be given.

(Code 1982, § 21-5)

Sec. 82-36. Discontinuance of service.

- (a) Water service may be discontinued for any of the following reasons:
 - (1) For nonpayment of a bill for such service.

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- (2) For permitting the use of water through a pipe to any property other than that described in the application for service.
 - (3) For willful waste of water through defective pipes or fixtures or otherwise.
 - (4) For violation of any rule of the town relating to water service.
- (b) Water service discontinued pursuant to this section shall not be reinstated until all defects have been corrected and until a service charge of \$25.00 has been paid. In addition, all delinquent bills for water and sewer service shall be paid in full prior to reinstatement of service.
- (Code 1982, § 21-6; Ord. 10-1-2002)

Sec. 82-37. Right of entry to inspect connections and outlets, enforce rules and disconnect service.

Any representative of the town, or its designated agent, may, at all proper and reasonable times, enter upon the premises of a water customer for the purpose of inspecting the water connections, services, outlets and the like, enforcing the rules of the town and protecting its interests, including the disconnection of any water service.

(Code 1982, § 21-7)

Sec. 82-38. Regulation of cross-connection control and backflow prevention for waterworks.

- (a) The town hereby adopts by reference section 6.00, relating to cross-connection and backflow prevention control in waterworks of the Commonwealth of Virginia's Waterworks Regulations, and as these regulations may be amended or revised from time to time, the text of which is incorporated herein by reference.
- (b) The town hereby adopts the revised, "Program for Cross-Connection Control and Backflow Prevention", dated October 6, 2009, the text of which is incorporated herein by reference.

(Ord. of 9-7-1993(2), § 21-8; Ord. of 10-6-2009(2), § 1)

Sec. 82-39. Water conservation and water supply emergency.

- (a) *Purpose.* During the continued existence of climatic, hydrological and other extraordinary conditions, the protection of the health, safety and welfare of the residents of the County of Isle of Wight and the other customers served by the county water system may require that certain uses of water, nonessential to public health, safety and welfare, be reduced, restricted or curtailed; and as the shortage of potable water may become increasingly more critical, conservation measures to further reduce consumption or curtail essential water use may be required.
- (b) *Procedures.*
 - (1) The town council finds that when there exists an immediate potential for a shortage of potable water in the Town of Smithfield water system, increasingly more restrictive conservation measures may be required to prevent a crucial water shortage;
 - (2) The town manager is hereby directed to implement conservation measures at such times by ordering the restricted use or absolute curtailment of the use of water for certain nonessential purposes for the duration of the water shortage in the manner hereinafter set out. In exercising his discretionary authority and making the determinations set forth herein, the town manager shall give due consideration to water levels; available/usable storage on hand; drawdown rates; the projected supply

capability in water sources available to the system; system purification and pumping capacity; daily water consumption and consumption projections of the system's customers; prevailing and forecasted weather conditions; fire service requirements; pipeline conditions including breakage, stoppages and leaks; supplementary source data; estimates of minimum essential supplies to preserve public health and safety; and such other data pertinent to the past, current and projected water demands;

- (3) The provisions of this article, or regulations promulgated hereunder by the town manager which are hereby authorized, shall not apply to any governmental activity, institution, business or industry which shall be declared by the town manager, upon a proper showing, to be necessary for the public health, safety and welfare, or the prevention of severe economic hardship or the substantial loss of employment;
- (4) Upon a determination by the town manager of the existence of the following conditions, the town manager shall take the following actions:
- a. *Condition 1:* When moderate but limited supplies of water are available, the town manager shall, through appropriate means, call upon the general population to employ prudent restraint in water usage, and to conserve water voluntarily by whatever methods available.
 - b. *Condition 2:* When very limited supplies of water are available, the town manager shall order curtailment of less essential usage of water, including, but not limited to one or more of the following:
 1. The watering of shrubbery, trees, lawns, grass, plants or any other vegetation, except indoor plantings, greenhouse or nursery stocks, and except watering by commercial nurseries of freshly planted plants upon planting and once a week, for five weeks following planting;
 2. The washing of automobiles, trucks, trailers, boats, airplanes, or any other type of mobile equipment, excepting in facilities operating with a water recycling system approved by the town manager provided, however, that any facility operating with a water recycling system shall permanently display in public view a notice approved by the town manager stating that such recycling system is in operation. In lieu of the provisions hereof, public utilities may curtail the hours of operation of commercial enterprises offering such services in washing their own equipment;
 3. The washing of streets, driveways, parking lots, service station aprons, office buildings, exteriors of homes or apartments, or other outdoor surfaces;
 4. The operation of any ornamental fountain or other structure requiring a similar use of water;
 5. The filling of swimming and/or wading pools, or the refilling of swimming and/or wading pools that were drained after the effective date of the town manager's order;
 6. The use of water from fire hydrants for any purpose other than fire suppression or other public emergency.
 - c. *Condition 3:* When critically limited supplies of water are available, the town manager shall institute mandatory reductions to each customer as follows:
 1. Industrial, institutional, commercial, governmental, wholesale, and all other nonresidential customers shall be allotted a percentage reduction based on their average monthly and/or previous bimonthly consumption;
 2. Individual residential customers shall be limited to a specific volume or percentage reduction of water per quarter;

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3. If the allotted monthly and/or bimonthly water usage is exceeded, the customer shall be charged \$10.00, for every 100 gallons of water consumed above the allotted volume. Where prior consumption data is not available, public utilities shall estimate allocations based on the data available from similar activities of equal intensity.
- d. *Condition 4:* When only crucial supplies of water are available, the mayor shall restrict the use of water to purposes which are absolutely essential to life, health and safety.
- (c) *Written report required.* The determination of conditions 2, 3 and 4 by the town manager shall be accompanied by a written report, which shall set out criteria utilized and data relied upon in making such determination including a narrative summary supporting the determination. Each report shall be promptly filed with the town clerk, who shall make the same available for public inspection. The town manager shall forthwith transmit a copy of each report to the town council.
 - (d) *Penalties for noncompliance.*
 - (1) Any person who shall violate any provision of this article, or any of the conservation regulations promulgated by the town manager pursuant thereto, shall, upon conviction thereof, in addition to additional charges and/or other actions set forth herein, be fined not more than \$500.00. Each act, or each day's continuation of a violation, shall be considered a separate offense;
 - (2) In addition to the foregoing, town manager may suspend water service to any person violating the provisions of this article or the regulations promulgated hereunder. If such water service is terminated, the person shall pay a reconnection fee of \$50.00, plus all outstanding fines and fees before service will be restored.
 - (e) *Notice of cessation of emergency.* The town manager shall notify the town council when the resource shortage is over and the emergency situation no longer exists.
 - (f) *Water conservation and management plan.*

**WATER CONSERVATION AND MANAGEMENT PLAN
TOWN OF SMITHFIELD, VIRGINIA**

INTRODUCTION



Need for Conservation

- (1) Water conservation involves both an increase in efficiency of water use and a reduction of water losses. The net result is a decrease in demand for treated water that can defer development of new resources and reduce the cost of future water service. Each gallon of water conserved is one less requiring storage, treatment and distribution. It may also represent one less gallon that has to be heated for washing or bathing, thus saving energy costs, or that must pass through a wastewater conveyance system and treatment before it is returned to the environment.
- (2) Conservation is an important complement to new supply sources. In some cases, conservation may eliminate the need for new sources of supply. Fresh water, like other natural resources, is a limited commodity that must be managed wisely to preserve the well being of future generations. Efforts to conserve existing supplies, and efficient allocation of water resources are important during each stage of the water supply planning process.

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- (3) The Town of Smithfield Public Utilities recognizes the need to conserve and effectively manage its water resources. Only by optimizing water use efficiency and reducing water loss can the town satisfy its projected water demands over the next five to ten years. While the search for additional long-term supplies must continue, every effort should be made to efficiently utilize currently available supplies.

Regulatory Requirements

The Groundwater Management Act of 1992 (House Bill 488) was approved in April 1992. It requires a Groundwater Withdrawal Permit (GWP) for certain groundwater withdrawals within declared Groundwater Management Areas (GMAs). Groundwater Withdrawal Regulation 9 VAC 25-610-10 et seq., requires that applications for new GWPs within GMAs include a water conservation plan approved by the Virginia Department of Environmental Quality, Division of Water (DOW). An approved conservation program must include:

- Use of water-saving plumbing and processes including, where appropriate, the use of water-saving fixtures in new and renovated plumbing as provided under the Uniform Statewide Building Code (USBC).
- A water loss reduction program.
- A water use education program.
- An evaluation of potential water reuse options.
- Requirements for mandatory use reductions during water shortage emergencies declared by the local governing body or the Director of DEQ, including, where appropriate, ordinances prohibiting the waste of water generally and requirements for mandatory water use restrictions, with penalties during water shortage emergencies.

Plan Objectives

- (1) The primary objectives of this Water Conservation and Management Plan (the Plan) are to provide a documented, effective conservation strategy designed to reduce demand within the Town of Smithfield, and to demonstrate compliance with the Groundwater Management Act of 1992. This Plan will provide methods by which water use efficiency can be increased, as well as procedures to guide the town and its customers through water supply emergencies. Updates of this Plan are anticipated to be performed on an annual basis to document accomplishments and changes in individual conservation programs. A copy of the annual updates will be provided to the Virginia Department of Environmental Quality (VDEQ) upon request.
- (2) Section 2.0 of this plan describes the use of water-saving plumbing and processes within the service area. Water loss reduction, economic incentives, water use education, and water reuse are discussed in Sections 3.0 through 6.0. The final section of this report describes the Use Restrictions Plan for the Town of Smithfield.

WATER-SAVING PLUMBING AND PROCESSES

Uniform Statewide Building Code (USBC)

- (1) The Building Officials and Code Administrators (BOCA) organization is a nonprofit organization which develops a series of performance-oriented model codes (BOCA, 1990). These codes were adopted by the Commonwealth of Virginia as part of the Uniform Statewide Building Code (USBC) (DHCD, 1987). These codes directly specify the use of water conservation fixtures in commercial and residential applications.
- (2) The USBC applies to all new construction and some remodeling of existing structures. The USBC requires that:

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- a. When reconstruction, renovation, or repair of existing buildings is undertaken, existing materials and equipment may be replaced with materials and equipment of similar kind or replaced with greater capacity equipment in the same location when not considered a hazard; however, when new systems, materials, and equipment that were not part of the original existing building are added, the new systems, materials, and equipment shall be subject to the edition of the USBC in effect at the time of their installation. Existing parts of such buildings not being reconstructed, renovated, or repaired need not be brought into compliance with the current edition of the USBC.
- (3) The International Plumbing Code (IPC) sets maximum flow standards (Section 605.4) for a variety of fixtures and appliances. These standards are presented in the following table:

Plumbing Fixture or Fixture Fitting	Maximum Flow Rate or Quantity ^b
Water Closet	1.6 gallons per flushing cycle
Urinal	1.0 gallon per flushing cycle
Shower head ^a	2.5 gpm at 80 psi
Lavatory, private	2.2 gpm at 60 psi
Lavatory, public	0.5 gpm at 60 psi
Lavatory, public, metering or self-closing	0.25 gallon per metering cycle
Sink faucet	2.2 gpm at 60 psi

For SI: 1 gallon = 3.785L, 1 gallon per minute = 3.785 L/m, 1 pound per square inch = 6.895kPa

^a A hand-held shower spray is a shower head.

^b Consumption tolerances shall be determined from referenced standards.

- (4) The current standards set a maximum limit of 2.5 gallons per minute (gpm) at 80 pounds per square inch (psi) for showers and private lavatories. Water closets are limited to 1.6 gallons per flushing cycle, and urinals are limited to 1.0 gallons per cycle. In addition, lavatories in public facilities are limited to 0.5 gpm, for those with standard valve or spring faucets, and 0.25 gallons per cycle for self-closing metering valves (IPC, 1996).
- (5) The USBC in Virginia was adopted from the IPC. States are permitted to develop plumbing codes that implement stricter measures than those imposed by the National Plumbing Code. However, localities in Virginia must obtain State authorization to develop a stricter code.

Compliance with USBC

Isle of Wight County currently enforces the 2012 regulations with the 2015 regulations to be adopted in September 2018. The County and Town will also evaluate incentive programs to encourage existing households to retrofit their homes with low-flow devices. An additional requirement will apply to car washes. Effective January 1999, all car washes must be equipped with an approved water recycling system.

WATER LOSS REDUCTION PROGRAM

Water Loss Audit

At the beginning of each fiscal year (July 1), a water loss audit will be conducted by the Town of Smithfield Public Utilities to determine the volume and nature of lost and unaccounted-for water within the town's water supply systems. The audit will include both the town's distribution system and the County-operated systems connected to the town's system. The purpose of this audit is to identify sources of demand that would normally escape detection by the metering system. This type of demand includes:

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- (1) *Fire Fighting.* The Smithfield Volunteer Fire Department will submit an estimate of all water used on a monthly basis, including water used for fire fighting and for hydrant flushing.
 - (2) *Main Flushing.* All main flushing performed by Public Utilities will require the submittal of a water consumption estimate.
 - (3) *Theft.* Any observed theft will be reported to Public Utilities, and appropriate action will be taken. An estimate of the volume of water stolen will be submitted to Public Utilities.
 - (4) *Main Breaks.* All known water main break will be repaired within 48 hours. Further, all main breaks will require reporting by Public Utilities of the estimated volume of water lost.
 - (5) *Tank Drainage.* All draining of storage tanks in the main distribution system will be reported.
 - (6) *Leaks.* Upon completion of the first water loss audit, Public Utilities will develop a leak detection program, which will have as its goal the complete survey of all distribution pipes and mains within the town, to be phased in over the next five years.
 - (7) *Meter Errors.* The town will replace meters at a rate such that a complete town-wide meter turnover takes place every fifteen years, which is the typical warranty period for water meters. The size of meters requested by commercial and industrial customers will be evaluated, and the developer will be consulted to help determine the appropriate meter size for a particular site based on water use and anticipated demand. Preventing the installation of oversized meters minimizes unwarranted waste of water.
 - (8) *Equipment Calibration.* All meters at the well heads will be calibrated on an annual basis. There will be service to check and replace inaccurate meters. Large customer meters that are accessible will be field calibrated yearly. An ongoing maintenance program will be implemented to locate and repair plant pipe leaks at the water treatment facilities.

All forms for reporting leaks and unaccounted-for water loss will be maintained by Town of Smithfield Public Utilities. These forms will be reviewed by Public Utilities personnel on a monthly basis so that measures can be taken to reduce unaccounted-for water loss.

Leak Repair Program

The owner of any residential unit, commercial establishment, or industrial establishment who is found, based on the water loss audit or by other methods, to be an excessive user of water due to leakage from water lines or plumbing fixtures on the premises will be notified by Public Utilities. These owners will be required to repair and stop such leakage within a reasonable period of time, or will be subject to financial penalties.

ECONOMIC INCENTIVES PROGRAM

Existing Program Elements

- (1) Normal residential bills are currently issued bimonthly by Public Utilities through the Hampton Roads Utility Billing Service (HRUBS). Bimonthly billing allows more frequent and timely distribution of water conservation educational brochures to customers. It also helps customers become aware of leaks more quickly and recognize the cost of high seasonal water use. In addition, bimonthly billing is useful in providing feedback on customer conservation efforts.
- (2) The Town of Smithfield does not grant any sewer credit for water used through sub-meters or irrigation systems and the Hampton Roads Sanitation District (HRSD) however in the event of a pool repair, HRSD will allow the customer to provide repair documentation to include their HRSD account number and the dates of the pool fill for review for possible credit. The town's intent with this decision is to promote water conservation.

Planned Program Elements

The Town of Smithfield Public Utilities will analyze its water rates annually. Rate setting goals will be as follows:

- Perpetuating Public Utilities self-sufficiency while maintaining the highest water quality standards.
- Recommending appropriate rates for water usage and special service charges that are equitable to all customers.
- Continuing a comprehensive water conservation policy by using public information and charges that will discourage nonessential use of water.

WATER USE EDUCATION PROGRAM

Planned Program Elements

Public education concerning the importance of water conservation is a key factor in reducing excessive water use. Education programs should include information about how drinking water is produced and why it is important to conserve. Providing consumers with a better understanding of the reasons conservation is necessary allows them to better appreciate and participate in conservation activities.

The public education program planned by the Town of Smithfield will include the following components:

- (1) *Billing Notices.* Notices may be included with water bills. The notices will include information concerning water conservation techniques and leak detection strategies.
- (2) *Brochures.* Water conservation brochures and pamphlets will be made available to the public at Town of Smithfield and other information made available through the Hampton Roads Water Efficiency Team (HRWET) government buildings and at exhibits set up during public events.
- (3) *Video Tapes.* A variety of water conservation videotapes will be available from Public Utilities free of charge. They will be available to the general public, to schools for classroom instruction, and for public meetings. The videos will also be provided to cable television companies for play on government channels.
- (4) *Water Conservation Hot Line.* A telephone number will be available through which residents can have their conservation questions answered by a knowledgeable town employee. In addition, requests for information on various water conservation topics, speakers, or other personal contacts will be coordinated through this telephone line.
- (5) *News Releases.* News releases to the print media, radio, and television will keep the public informed. This process will be used not only during emergencies but also on a regular basis in the town's twice yearly newsletter to keep the public informed about conservation-related issues.
- (6) *School Education.* Programs will be available for presentation by town staff at local schools. Programs will be targeted to specific age groups. Assistance will be made available for teachers who wish to develop their own water awareness programs.
- (7) *Speakers.* Town staff will be available for speaking engagements or personal contacts. These individuals will work with local clubs and organizations to develop public awareness concerning the need to conserve water, along with other topics related to the water supply industry.
- (8) Support of groundwater wells **not exceeding 100 feet in depth** for irrigation of lawns and landscaping by residents, businesses and industries within the service area. The use of well water for these activities helps to minimize the use of potable drinking water for uses which do not require it.

WATER REUSE OPTIONS

Water reuse may be either direct or indirect, and for potable or non-potable uses. Direct reuse involves introducing highly treated, reclaimed water directly to a potable water distribution system, while indirect reuse

involves returning treated wastewater to the environment for dilution and natural purification, and subsequent withdrawal for water supply. Potable reuse [which is referred to as recycle by the Virginia Department of Health (VDH)] is the specific use of treated wastewater as a drinking water source.

Indirect potable reuse occurs widely in the United States each time treated wastewater effluent is discharged to a natural waterway upstream of a water supply intake. In most cases, it is unintentional. Past experience indicates that indirect reuse was acceptable because the application of water and wastewater treatment techniques, the near-universal use of some form of disinfectant, and the natural dilution and purification that occurs in natural waterways adequately treated the water. However, in recent years the effectiveness of these measures in protection against viral and trace organic contaminants has come under increasing scrutiny. Unplanned and unintentional reuse of this type is classified as uncontrolled potable reuse, and represents the overwhelming majority of cases of indirect potable reuse.

Planned Program Elements

- (1) *Potable Reuse.* In 1992, the Hampton Roads Sanitation District (HRSD) suggested to Hampton Roads area communities the delivery of reclaimed water to supplement drinking water reservoir supplies. In response to HRSD's presentation of a reuse concept proposal, and resulting concerns expressed by water purveyors in southeastern Virginia, the Virginia Department of Health prepared a Recycle Issues paper dated November 24, 1992. The VDH stated its opposition to both direct and indirect potable reuse projects when naturally occurring sources of water are available. The VDH insists that the highest quality, best source of water be selected when alternatives are available. The VDH also listed several other requirements that would apply to a potable reuse project, pertaining to independent monitoring, dilution, and liability, removal of biological hazards and toxics, and utilization of natural purification processes. Given the current position of the VDH, reuse of wastewater treatment plant effluent for potable purposes is not deemed a practicable reuse alternative to conserve water.
- (2) *Non-potable Reuse.* Many industrial water demands are for non-potable uses. One method of reducing demands on potable water sources is to supply non-potable demands using treated wastewater plant effluent. Detailed regulations for implementation of a water reuse project do not exist in the Commonwealth of Virginia. Permitting of a water reuse project would most likely involve both the VDH and the VDEQ. In addition, a Virginia Pollution Discharge Elimination System (VPDES) Permit would be required for discharge to state waters if the flow is not contaminated during its use; if it is contaminated, the approval of VDH and/or VDEQ would be required.
- (3) Several states, including California, Arizona, Texas, Utah and Florida, have developed regulations and statutes that specify the required minimum quality of reclaimed water, depending on the intended use of the water. In general, the requirements become more stringent as the likelihood of public contact increases. In California, if treated reclaimed water for industrial use meets the state's standards for full body contact recreation, workers are not required to avoid contact with the water or wear protective clothing. However, precautions are required should the treated reclaimed water fail to meet these criteria. With the approval of state and local health departments, reclaimed water can be used for soil compaction, dust control, and other construction purposes.
- (4) As mentioned previously, recycling will be required in all new car washes, and existing car washes will be required to be retrofitted. In addition, required recycling systems are being considered for all new construction and all repair or replacement of continuous flow devices, including any water connector, device, or appliance which requires a continuous flow of 5 gallons per minute or more.
- (5) Typically, non-potable markets for reused water include irrigation uses, industrial uses, and creation of recreational lakes. Many factors affect the market for reused water, including:
 - Size and location of demand.
 - Water quality requirements.

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- Degree of treatment required for discharge.
 - Cost of reclaimed water.
 - Cost and availability of alternative supplies.
- (6) It is likely that additional reuse methodologies will be evaluated in the future. Industries within the service area that use large quantities of water are continually evaluating their processes, and looking for ways to lower production costs. For these industries, water represents one of their greatest operating expenses. It is in the best interest of these industries to stay abreast of the latest reuse technologies, and employ them whenever feasible.

Future Program Elements

The Town of Smithfield Department of Planning, Engineering, and Public Works (Public Utilities) will evaluate its water conservation programs on a continual basis. As part of this process, new water reuse technologies will be researched and evaluated to determine their applicability in the service area. Continued communication with large water users will create possibilities for more efficient use of water resources.

WATER USE RESTRICTIONS

Emergency Use Restriction Plan

- (1) Emergency situations, such as severe drought, may threaten the regional water supply. During these times, the implementation of use restrictions is necessary to protect the water supply from further depletion. Use restrictions are considered a form of conservation because they result in demand reductions, but they are implemented only during periods when the regional water supply is threatened. Such restrictions are reserved as contingency measures for emergency situations, and are more restrictive than normal conservation measures that are used continually to reduce demands. Use restrictions are commonly implemented using a tiered approach, and are activated in relation to specific storage levels of a system's raw water supply.
- (2) Isle of Wight County and the Town of Smithfield have developed a four-tiered use restriction plan. Chapter 82, Article II, Section 82-39 in the Town Code of the Town of Smithfield presents the procedures used in detail (see Appendix to this section). When the Town Council finds that the immediate potential for a water shortage exists, the Town Manager is authorized to implement conservation measures. The four tiers of use restrictions are as follows:
- *Tier 1 - Voluntary Use Restrictions:* Voluntary Use Restrictions are employed as a first stage in reducing water demands during a potential water shortage. These restrictions are encouraged by the water utility, but compliance is not required. When Tier 1 is in effect, the public will be asked to employ restraint in water usage and to conserve water voluntarily by whatever methods available.
 - *Tier 2 - Mandatory Use Restrictions:* Mandatory Use Restrictions are put into effect when very limited supplies of water are available. These restrictions focus on the elimination of outdoor, nonessential uses of water. In Tier 2, compliance is mandated by a local ordinance, and the restrictions are enforced with penalties for violations.
 - *Tier 3 - Mandatory Reductions:* Mandatory reductions in water use will be used to further reduce water usage under the most severe drought conditions. Non-residential users will be allotted a percentage reduction based on their average monthly and/or previous bimonthly consumption. Residential customers will be limited to a specific volume or percentage reduction of water per quarter. A surcharge above the allotted volume will be applied.
 - *Tier 4 - Water Rationing:* When only crucial supplies of water are available, the Mayor or the Director of DEQ will restrict water use to the purposes that are essential to life, health and safety.

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- (3) These and other restrictions may also be implemented whenever requirements for mandatory water use restrictions during water shortage emergencies are declared by the Director of the Department of Environmental Quality (DEQ).
 - (4) When determining the level of use restriction to be implemented, the Town Manager should consider water levels, available storage, drawdown rates, projected supply capability, system purification and pumping capacity, daily and projected water consumption, prevailing and forecasted weather conditions, fire service requirements, pipeline conditions, supplementary source data, estimates of minimum essential supplies to preserve public health and safety, and other pertinent data. The restrictions do not apply to any governmental activity, institution, business, or industry which is declared by the Town Manager to be necessary for public health, safety and welfare, or on which the restrictions would place severe economic hardship or cause substantial loss of employment.

Enforcement

No enforcement or penalties are involved with Tier 1 because compliance with this tier is strictly voluntary. A violation of Tiers 2, 3 or 4 will result in a fine not to exceed five hundred dollars, in addition to any additional charges that apply to the violation. Each day of a continued violation will be considered a separate offense. In addition, the Town Manager can suspend water service to any person violating the use restrictions. If water service is terminated, a reconnection fee plus all outstanding fees and fines must be paid before service is restored.

SUMMARY OF CONSERVATION PLAN

The Town of Smithfield Water Conservation Management Plan will aid the town in meeting its water supply needs over the next decade. The Plan includes a variety of elements to be implemented on a regular basis. Water saving plumbing, as described in the USBC, will be required. Economic incentives will encourage conservation. Annual water loss audits and a leak reduction program will reduce water loss. An education program will help the public to understand the importance of conservation and methods by which conservation can be achieved. Evaluation of the potential for reuse of treated wastewater, especially for industry, will be completed for all new facilities. In addition, a four-tiered approach to reducing water consumption during emergency conditions will protect the town's water supply.

A combination of the water conservation measures to be implemented under normal conditions and the emergency use restrictions described in this document will reduce finished water demand. Through a combination of new supply sources and water conservation, the town will be able to supply predicted water demands into the future.

(Ord. of 8-7-2007, §§ 1, 2; Ord. of 5-7-2019, § 1)

Sec. 82-40. Pool fill/refill discount.

The town shall give a credit on the sewer side of utility billing only for filling and/or refilling of pools if the following criteria are met:

- (1) Issuance of a zoning permit must be verified before credit is considered.
- (2) Customer contacts the water and sewer department and gives number of gallons used to fill or refill the pool. This amount will be verified by number of gallons used over the average usage. If verified and approved by water and sewer department credit will be given for the full overage amount.
- (3) One such credit per year per property is allowed.
- (4) If 2,500 gallons or less are used to fill or refill a pool, there will be no adjustment made to the customers bill.

Sec. 82-41. Water leak credit.

The town shall give a credit for water usage during a situation involving a leak at a rate of one-half off the average water gallons used over the average of the last three months or based on seasonal usage to be determined by the water and sewer department. The following criteria would have to be met:

- (1) A receipt showing payment for repairs to the piping would need to be submitted.
- (2) One credit per year per property. Any customer requesting more credit than that would go before the water and sewer committee for review.

Sec. 82-42. Customer voluntarily disconnecting water service.

(a) Any customer voluntarily requesting disconnection of water service shall appear and sign disconnect forms when moving or for any other reason.

(b) Person requesting disconnection must be the same name as on the account.

(Ord. of 9-6-1994)

Sec. 82-43. Unauthorized connections to water system.

(a) It shall be unlawful for any person, except those duly authorized by the department of public utilities, to uncover, tap or make any connection with any town water lines.

(b) It shall be unlawful for any person in any manner to damage, obstruct or tamper with any part of the town's water system, including any pipes, apparatus, meters, valves, tools or fixtures. No person, except for duly authorized agents of the town, shall uncover any public water lines, nor operate any public fire hydrant, without first obtaining express written approval from the department of public utilities. Only employees of the public utilities department shall operate any valves connected with its water systems. Any person causing damage or obstruction to the town's water system shall be liable to the town for all costs associated with necessary repairs.

(c) Any unauthorized equipment, meters, valves, etc. connected to the town's water system may be confiscated.

(d) A violation of any provision of this article shall constitute a class 1 misdemeanor. Each day's continuance of such violation shall constitute a separate offense. The penalties so imposed by law, plus reasonable attorney's fees, court costs, other expenses of litigation and the cost of repairing any damage to the town's water system are recoverable by the town.

(Ord. of 12-4-2007(4), § 1)

Sec. 82-44. Bulk sale of water to parties not connected to the town's water system.

(a) A service fee of \$25.00 shall be charged to any party not connected to the town's water system and desiring to purchase water in bulk from the town's water system. **This service fee shall be charged each time that any party makes a bulk water purchase.** In addition to the service fee, there shall be a charge of \$5.00 per 1,000 gallons, or any part thereof. The same fees shall apply to any party who is already connected to the town's water system but chooses to make a bulk water purchase as a convenience.

(b) Bulk purchases of water shall be made at such location as may be designated by the town's public utilities department. Only employees of the public utilities department shall operate any valves connected with the town's water system in connection with a bulk purchase of water.

(Ord. of 12-4-2007(5), § 1)

Sec. 82-45. Use of public water system mandatory.

Where a public water supply is available in the town it shall be unlawful to connect a residential or commercial structure to a private well ~~or other water supply except as may be approved by the town manager on a temporary basis or by approval of a special use permit in accordance with the provisions of the town's zoning ordinance.~~

(Ord. of 8-2-2011(2), § 1)

Secs. 82-46—82-70. Reserved.

ARTICLE III. WASTEWATER DISCHARGE; SEWER USE³

Sec. 82-71. Definitions.

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

BOD, denoting biochemical oxygen demand, means the laboratory determination of the quantity of oxygen by weight, expressed in milligrams per liter, utilized in the biochemical oxidation of organic matter under standard laboratory conditions of incubation for five days at a temperature of 20 degrees Celsius.

Building drain means that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the buildings and conveys such drainage to the building sewer.

Building drainage system means that part of the plumbing system which receives, conveys and removes liquid and water-carried wastes to a building drain.

Building sewer means a sewer conveying wastewater from the premises of a user to a public sewer.

COD, denoting chemical oxygen demand, means the laboratory determination of the quantity of oxygen by weight, expressed in milligrams per liter, susceptible to oxidation by a strong chemical oxidant.

Combined sewer means a sewer receiving combined waste.

Combined waste means a wastewater containing surface water or stormwater and sewage.

Compatible pollutant means wastewater constituents which the wastewater treatment plant is designed to treat, and wastewater substances which will not inhibit the wastewater treatment processes employed nor be detrimental to the receiving stream.

Constituent means any analytically defined parameter.

Control point (control manhole) means a point of access to a course of discharge before the discharge mixes in the public sewer.

³Charter reference(s)—Authority of town as to sewerage rates, § 13(c); general authority of town as to sewers and sewage disposal, § 16.

Cooling water means once-through, noncontact cooling water discharged from any system of condensation, air conditioning, cooling, refrigeration or other sources.

Domestic wastes means a combination of water-carried wastes, consisting of wash water, culinary wastes and liquid wastes containing only human excreta and similar matter flowing in or from a building drainage system or sewer originating from residences, business buildings, institutions and commercial establishments.

Effluent means wastewater flowing out of any facility.

Garbage means animal and vegetable wastes from the preparation, cooking and disposing of food, and from the handling, processing, storage and sale of food products and produce.

Grab sample means a sample which is taken from a waste stream on a one-time basis, with no regard to the flow in the waste stream and without consideration of time.

Holding tank waste means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum pump tank trucks.

HRSD means Hampton Roads Sanitation District.

Incompatible pollutant means any wastewater constituent or substance which is not a compatible pollutant, as defined in this section.

Industry means any establishment which uses water in a product or generates wastewater during any period of production.

Influent means wastewater, raw or partially treated, flowing into any sewage treatment device or facilities.

Intercepting sewer means a sewer which receives dry weather flow from sanitary sewers and/or additional predetermined quantities of combined waste, and conducts such flow to a plant for treatment or disposal.

Mass emission rate means the weight of material discharged to the sewer system during a given time interval, expressed as pounds per day of a particular constituent or combination of constituents.

Maximum permissible composite concentration means the highest allowable constituent concentration, as determined by laboratory testing from representative samples collected during a minimum six-hour period of normal operation.

Natural outlet means any outlet into a watercourse, ditch, lake or other body of surface water or groundwater.

Nondomestic waste (industrial waste) means any wastewater resulting from any process of industry, manufacturing, trade or business, or from the development or recovery of any natural resource, or any mixture of such waste with water or domestic wastewater, as distinct from domestic wastewater.

Nuisance means anything which is judicially determined to be injurious to health or is indecent or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property or which affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

Overload means the imposition of any constituent or hydraulic loading on a treatment facility in excess of its treatment capacity.

pH means the negative base 10 logarithm of the hydrogen ion concentration, expressed as moles per liter.

Premises means any parcel of real estate, including any improvements, upon which there is a single user for the purposes of receiving, using and paying for sewer services.

Public sewer means a sewer owned and operated by the town, tributary to wastewater facilities operated by the town.

Sanitary sewer means a sewer, the specific purpose of which is to carry domestic or industrial wastes or a combination of both, and into which stormwater, surface water, groundwater, and any unpolluted waters are not intentionally passed.

Sewage means the same as wastewater, as defined.

Sewage treatment works (sewage treatment plant, wastewater treatment plant) means any arrangement of devices, facilities and structures used for receiving, processing, and treating wastewater, industrial wastes, and sludges from the sanitary or combined sewers.

Sewer means a pipe or conduit, generally closed, for carrying wastewater.

Sewerage system means all sewers, laterals or other connections or plants which connect with, or pertain to a connection with, the sewers, plants, public works, and/or projects of the town, including all town-owned facilities.

Shredded garbage means garbage shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle having a dimension greater than one-half inch in any direction.

Standard Methods means the examination and analytical procedures set forth in the recommended standard analytical techniques prepared by the U.S. Environmental Protection Agency and published in the Federal Register and contained in the current edition of the APHA Manual which is identified as "Standard Methods."

Storm sewer means a public sewer which carries stormwaters and surface waters and drainage, and into which domestic wastewater or industrial wastes are not intentionally passed.

Stormwater means the excess water running off from the surface of a drainage area or building, during and following a period of precipitation.

Superintendent means the superintendent of the town wastewater treatment plant, or his authorized representative.

Suspended solids means the dry weight of solids, expressed as milligrams per liter, that either float on the surface of, are in suspension or are settleable in, water, wastewater or other liquids and which are largely removable by a laboratory filtration device.

To discharge means to include, to deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or to allow, permit, or suffer any of these acts or omission.

Town manager means the town manager of the Town of Smithfield or his authorized representative.

Toxic substances means any substance, whether gaseous, liquid or solid, which, when discharged to the sewer system in sufficient quantities, interferes with any sewage treatment process, constitutes a hazard to recreation in the receiving waters of the effluent from the sewage treatment plant, poses a hazard to workers in the sewer system, constitutes a hazard to fish or animal life, or interferes with proper sludge disposal.

24-hour, flow proportionate composite sample means a sample consisting of several effluent portions collected during a 24-hour period, in which the portions of the sample are proportionate to the flow and combined to form a representative sample.

Unpolluted water means water to which no constituent has been added, either intentionally or accidentally, that would render such water unacceptable to the agency having jurisdiction thereof for disposal to storm or natural drainages or directly to surface waters.

User means any person who discharges, causes or permits the discharge of wastewater into a public sewer.

User charge means a charge levied on the users of wastewater facilities and treatment works for the cost of operation and maintenance of such facilities and works.

Waste means rejected, unutilized or superfluous substances in liquid, gaseous or solid state, resulting from domestic and nondomestic activities.

Wastewater means a combination of the water-carried waste from residences, business buildings, institutions, industrial establishments and other sources, whether treated or untreated, discharged into or permitted to enter a public sewer.

Wastewater constituents and characteristics means the chemical, physical, bacteriological and radiological parameters, including volume, flow rate and such other parameters, that serve to define, classify or measure the contents, quality, quantity and strength of wastewater.

Wastewater facilities means all facilities for collection, pumping, treating and disposing of wastewater.

Wastewater pretreatment means the treatment of wastewater before discharge into the sewerage system.

Wastewater treatment plant means the sewage treatment plant, as defined.

Watercourse means a natural or manmade channel in which a flow of water occurs, either continuously or intermittently.

(Code 1982, § 16-2)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 82-72. Purpose and policy.

This article sets forth policies for the administration and operation of the town's wastewater collection and treatment system, to assure that the facilities are used in the common interest of the public. The uniform requirements established in this article for wastewater discharges are intended to enable the town to comply with the water quality requirements set forth in its NPDES permit issued by the state water control board.

(Code 1982, § 16-1)

Sec. 82-73. Prohibited actions.

- (a) *Unsanitary, objectionable deposits.* It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the town, or in any area under the jurisdiction of the town, any human or animal excrement, garbage or other objectionable waste.
- (b) *Discharge of untreated, polluted water to storm sewer or natural outlet.* It shall be unlawful to discharge to any natural outlet or storm sewer within the town or in any area under the jurisdiction of the town any sewage or other polluted waters, except where suitable treatment has been provided, or such discharge has been permitted by the state water control board and/or federal permit.
- (c) *Use of public sewers mandatory.* Where a public sewer is available, it shall be unlawful to construct or reconstruct any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage, except as hereinafter provided.
- (d) *Suitable toilet facilities required.* The owner of any house, building or property used for human occupancy, employment, recreation or other purposes, situated within the town and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of the town, is hereby required, at his expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article within 90 days after date of official notice to do so. Any building beyond 200 feet from the public sewer, or constructed at

such elevation that it cannot be connected by gravity to the public sewer, or which, in the opinion of the town manager, is impractical to connect to the public sewer, will not be required to so connect.

(Code 1982, § 16-3)

Sec. 82-74. Private sewage disposal.

- (a) Where a public sanitary sewer is not available, the building sewer shall be connected to a private sewage disposal system, the type, capacity, location and layout of which shall comply with regulations of and be approved by the state department of health. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- (b) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the town.
- (c) No statement contained in this article shall be construed to interfere with any additional requirement that may be imposed by the state department of health.

(Code 1982, § 16-4)

Sec. 82-75. Building sewers and connections.

- (a) No unauthorized person shall uncover, make any connections with or opening into, alter or disturb any public sewer or appurtenances thereof, without first obtaining a written permit from the town manager.
- (b) The owner or his agent shall make application on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the town manager.
- (c) All costs and expenses ~~incident to~~ for the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. ~~Subject to the provision below in the case of resubdivisions of lots previously subdivided, The owner shall be responsible for installing and constructing a sewer lateral to the property line when a sewer lateral is not currently present. the town shall construct a lateral sewer to the owner's property line when a sewer is adjacent thereto. Should the lateral exceed 60 feet in length, the additional cost for that portion over 60 feet shall be borne by the owner.~~ Except as provided in subsection (e) below, the owner shall pay, upon application for connection, a residential connection fee of \$1,580.00 and availability fee of \$4,120.00; ~~except that in the case of those users who must lift residential sewage to the public sewer, the connection fee shall be \$790.00 plus the availability fee of \$4,120.00.~~ Commercial connection and availability fees shall be paid by the owner, upon application for connection, according to the schedule in subsection (d) of this section. Residential connection and availability fees shall be paid for each dwelling unit, apartment or tenant, regardless of the number served. In the case of resubdivisions of lots previously subdivided, the owner of any such resubdivided lot shall, in addition, pay to the town the actual cost of installing a lateral sewer from the existing main to the owner's property line.
- (d) Sewer connection fees, to be paid by the owner upon application for connection, shall be as follows:

Water Meter Size (inches)	Connection Fee	Availability Fee
$\frac{5}{8}$	\$ 1,580.00	\$ 4,120.00
$\frac{3}{4}$	2,250.00	6,320.00
1	4,000.00	10,720.00

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1½	8,000.00	19,020.00
2	15,000.00	34,920.00
3	35,000.00	70,120.00
4	62,000.00	109,720.00
6	139,000.00	219,720.00

In addition to the connection and availability fees charged by the town as specified above, the Hampton Roads Sanitation District (HRSD) levies an availability fee for sewer connections.

- (e) In connection with the extension of town sewer lines to Riverside Drive, Jamesview Circle and Waterview Circle, the property owners shall be subject to the same provisions and conditions as specified in subsection (c) above; except that in the case of any property located on Riverview Drive, Jamesview Circle or Waterview Circle not previously served by the town's sewerage system, the property owner of a lot on which an existing residence is located as of May 4, 1994, the effective date of the ordinance from which this subsection is derived, shall pay a residential connection fee of \$500.00. The property owners of a lot on which no residence has been constructed as of such date shall pay a residential connection fee of \$5,000.00. These fees for connection to the sewer line extension shall be payable as follows: for property owners of a lot on which an existing residence has been constructed as of May 4, 1994, the effective date of the ordinance from which this subsection is derived, the residential connection fee shall be paid within one year from the date that the construction of the sewer line is completed and accepted by the town. For property owners of a lot on which no residence has been constructed as of such date, the residential connection fee shall be payable within three years from the date that the construction of the sewer line is completed and accepted by the town. If not sooner paid, the \$5,000.00 residential connection fee shall be paid in three equal annual installments of \$1,500.00 each and a final installment of \$500.00 payable at the time that the lateral sewer line is installed to provide sewer service to any dwelling constructed on any vacant lot. There shall be a lien upon the real estate for the payment of the residential connection fees assessed thereon prior to any other lien or encumbrance thereon, from the commencement of the year for which the residential connection fees are assessed. The lien imposed hereby shall be enforceable by all means provided by law.
- (f) No person, while engaged in the construction of a building or otherwise, shall injure, trim, break or remove any portion of any main or lateral sewer, or "Y", or manhole, or do any injury to any building sewer previously laid; and no penalty fixed by this chapter shall prevent the town or any property owner from recovering any damages sustained by reason of such injury, by appropriate civil action or otherwise.
- (g) A separate and independent building sewer shall be provided for each building; except, where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- (h) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this chapter.
- (i) The size, slope, alignment and materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WEF Manual of Practice No. 9 shall apply.
- (j) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. Where basements are in existence at the time of adoption of the ordinance from which this

subsection is derived and are connected to existing septic tanks, and, in the opinion of the town manager, it is impractical to connect by gravity to the public sewer, the basement building drains may continue to discharge to the septic tank until such time as there is failure of the tank or tile field, at which time the basement flow shall be lifted by approved means to the public sewer.

- (k) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- (l) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town or the procedures set forth in appropriate specifications of the ASTM and the WEF Manual of Practice No. 9 and in accordance with the Virginia Uniform State-wide Building Code—BOCA National Plumbing Code. All such connections shall be made gastight and watertight. A cleanout shall be installed, by the owner, at the property line.
- (m) The applicant for the building sewer permit shall notify the town manager when the building sewer is ready for inspection and connection to the public sewer. The connection shall be approved by the superintendent or his representative.
- (n) All excavations for building sewer installation shall be adequately guarded with barricades and lights, so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.
- (o) Grease, oil and sand interceptors shall be provided when, in the opinion of the town manager, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the town manager and shall be so located as to be readily and easily accessible for cleaning and inspection.
- (p) In case of stoppage in the main sewer, the town shall remove the obstruction. If the stoppage occurs in a building sewer, the town will clean the building sewer from an existing cleanout at the property line and repair that portion of any defective sewer within the street right-of-way. Where no building sewer cleanout exists at the property line, the town will install a cleanout at the owner's expense.

(Code 1982, § 16-5; Ord. of 5-4-1994, § 6-5; Ord. of 6-15-1999, § 1; Ord. of 4-1-2003, § 1; Ord. of 4-3-2007, § 1)

Cross reference(s)—Buildings and building regulations, ch. 22.

Sec. 82-76. Prohibited discharges.

It shall be unlawful for any person to discharge or permit the discharge or infiltration into any public sewer of any of the following:

- (1) Any liquid or vapor having a temperature higher than 120 degrees Fahrenheit (49 degrees Celsius) or any substance which causes the temperature of the total wastewater treatment plant influent to increase at a rate 10 degrees Fahrenheit (5 degrees Celsius) or more per hour, or a combined total increase of plant influent temperature to 100 degrees Fahrenheit (38 degrees Celsius).
- (2) Any liquid containing fats, wax, grease or oils, whether emulsified or not, in excess of 300 mg/liter, or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees Fahrenheit (0 degrees and 65 degrees Celsius), at the point of discharge into the system.
- (3) Any explosive or flammable liquids, solids or gases in such concentrations which would cause or potentially cause an explosive, flammable or other hazardous condition. Such materials include, but are

not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

- (4) Any substances, of such nature and quantity which, either singly or by interaction with other waste substances:
- a. Cause obstruction to the flow in a sewer or damage to the wastewater facilities;
 - b. Reduce the biological effectiveness of, impede the proper functioning of, or otherwise hinder the performance of any wastewater treatment process;
 - c. Cause excessive loading or overloading of wastewater facilities or cause excessive treatment costs; or
 - d. Pass to the receiving waters without being effectively treated, due to the incompatibility of the substance, and cause violation of state or federal regulations.
- (5) Any discharge into public sewers of harmful quantities of solid substances, including but not limited to:
- a. Ashes.
 - b. Cinders.
 - c. Sand.
 - d. Mud.
 - e. Straw.
 - f. Shavings.
 - g. Metal.
 - h. Glass.
 - i. Rags.
 - j. Tar.
 - k. Plastics.
 - l. Wood or sawdust.
 - m. Unground garbage.
 - n. Whole blood.
 - o. Paunch manure.
 - p. Hair and fleshings.
 - q. Entrails.
 - r. Feathers.
 - s. Bones.
 - t. Slops.
 - u. Paint residues.
 - v. Bulk solids.

- (6) Any garbage that has not been properly shredded to a degree that all particles can be carried freely under the flow conditions normally prevailing in public sewers. Particles greater than one-half inch in any dimension are prohibited.
- (7) Any liquid having a pH lower than 6.0 or higher than 9.0 or having any property capable of causing hazard, damage or any other condition deleterious to structures, equipment, personnel, treatment processes or operation of the wastewater facilities.
- (8) Any noxious or malodorous substance that is capable of causing objectionable odors, public nuisance, hazard to life, or any condition which requires unusual provisions, alteration or expense to accommodate such material.
- (9) Any wastewater containing in excess of the following limitations:

	Constituent	Daily Concentration 24-Hour Composite Sample (mg/l)	Instantaneous Concentration Grab Sample (mg/l)
a.	Arsenic	0.02	0.02
b.	Barium	2.0	2.0
c.	Boron	0.05	0.1
d.	Cadmium	0.1	0.1
e.	Chlorides	250.0	500.0
f.	Chromium, trivalent	1.0	1.0
g.	Chromium, hexavalent	0.1	0.1
h.	Chemical oxygen demand	300.0	500.0
i.	Copper	0.2	0.2
j.	Cyanide	0.25	0.25
k.	Iron	1.0	2.0
l.	Lead	0.1	0.1
m.	Manganese	1.0	2.0
n.	Mercury	0.005	0.005
o.	Nickel	0.2	0.2
p.	Phenolic compounds	0.2	0.5
q.	Selenium	0.02	0.02
r.	Silver	0.1	0.1
s.	Surfactants	5.0	10.0
t.	Tin	0.2	0.2
u.	Zinc	0.2	0.2

- (10) Any dilution water for the purpose of satisfying the requirements set forth herein, except when such dilution may be beneficial in the operation of the wastewater treatment plant and is approved by the superintendent.
- (11) Any wastewaters at a flow rate which is excessive relative to the capacity of the treatment works and which would cause a treatment process upset and subsequent loss of treatment efficiency; or wastewaters containing such concentration or quantities of pollutants that their introduction into the treatment works over a relatively short time period (sometimes referred to as slug discharges) would cause a treatment process upset and subsequent loss of treatment efficiency.

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- (12) Any unpolluted stormwater, surface water, groundwater, roof runoff, interior or exterior footing or basement floor drainage, subsurface drainage, or cooling water.

(Code 1982, § 16-6)

Sec. 82-77. Incompatible pollutants.

The Federal Water Pollution Control Act Amendments of 1972 require industrial users discharging incompatible pollutants into publicly owned treatment works to pretreat such incompatible pollutants to the extent required by effluent limitation guidelines promulgated by the administrator of the U.S. Environmental Protection Agency, pursuant to subsections 301(b) and 307(b) of the act. Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this article for sources in that subcategory, shall immediately supersede the limitations imposed under this article:

- (1) If the superintendent determines that the limitations in section 82-76 may not be sufficient to protect the operation of the treatment works; or
- (2) If the superintendent determines that the limitations in section 82-76 may not be sufficient to enable the treatment works to comply with water quality standards or effluent limitations specified in NPDES permit issued; or
- (3) If the town manager determines that the limitations in section 82-76 do not provide the overall most cost-effective means of wastewater treatment at the treatment works, the town manager may modify these limitations in whatever manner is necessary to assure overall cost effectiveness. Such modifications shall be based on adequate supportive engineering information and shall be subject to review by federal and state agencies.

(Code 1982, § 16-7)

Sec. 82-78. Toxic materials.

Any liquids containing toxic materials in sufficient quantity, either singly or by interaction with other wastes, which would tend to injure or interfere with any treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters or the effluent of the treatment plant, are hereby prohibited.

(Code 1982, § 16-8)

Cross reference(s)—Environment, ch. 38.

Sec. 82-79. Radioactive materials.

No user shall discharge radioactive materials into public sewers.

(Code 1982, § 16-9)

Sec. 82-80. Holding tank waste.

A user proposing to discharge holding tank waste into a public sewer must secure written permission. This permit will state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge, and the wastewater constituents and characteristics. If permission is granted for discharge of such

waste into a public sewer, the user shall pay applicable user charges and fees and shall meet such other conditions as required by the town manager.

(Code 1982, § 16-10)

Sec. 82-81. Limitations on point of discharge.

No person shall discharge any waste directly into a manhole or other opening in a public sewer, other than through an approved building sewer, unless, upon written application by the user and payment of the applicable user charges and fees, the town manager issues a permit for such direct discharge. This provision does not apply to employees or agents of the town involved in the construction, repair or maintenance of the sewerage system.

(Code 1982, § 16-11)

Sec. 82-82. Control of prohibited wastes.

If wastewater containing any substance described in section 82-76 is discharged or proposed to be discharged into the sewerage system of the town or to any sewerage system tributary thereto, the town may take any appropriate action necessary to:

- (1) Prohibit the discharge of such wastewater.
- (2) Require a discharger to demonstrate that in-plant modifications will eliminate the discharge of such substances to a degree as to be acceptable to the town.
- (3) Require pretreatment, including storage facilities or flow equalization if necessary, to reduce or eliminate the objectionable characteristics or substances, so that the discharge will not violate the provisions of this article.
- (4) Require the person making, causing or allowing the discharge to pay any added cost of handling and treating excess loads imposed on the sewerage facilities.
- (5) Take such other remedial action as may be deemed to be desirable or necessary to achieve the purpose of this article.

(Code 1982, § 16-12)

Sec. 82-83. Pretreatment facilities.

Users shall provide necessary wastewater treatment as required to comply with this article and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the town shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the town for review and shall be acceptable to the town before construction of the facility. The review of such plans and operation procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the town under the provisions of this article. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the town prior to the user's initiation of the changes.

(Code 1982, § 16-13)

Sec. 82-84. Special agreements.

No statement contained in this article shall be construed as preventing any special agreement between the town and any user of the sewerage facilities, whereby a wastewater of unusual strength or character may be accepted into the system when unusual or extraordinary circumstances compel special terms or conditions. No such agreement, however, shall be made which would allow the combined influent to the wastewater treatment plant to exceed the limitations set forth in section 82-76.

(Code 1982, § 16-14)

Sec. 82-85. Wastewater discharge permits required.

All nondomestic users proposing to connect to or to discharge into a public sewer shall obtain a wastewater discharge permit before connecting to or discharging into a public sewer.

(Code 1982, § 16-15)

Sec. 82-86. Permit application.

- (a) Users seeking a wastewater discharge permit shall complete and file with the town manager an application in the form prescribed by the town manager and accompanied by any applicable fees. The applicant shall be required to submit, where applicable, in units and terms appropriate for evaluation, information including but not limited to the following:
 - (1) Name, address and telephone number of applicant or responsible party.
 - (2) Volume of wastewater to be discharged.
 - (3) Schedule of all industrial process waste flows produced before pretreatment, if any, at the premises, including the daily volume, maximum rate of discharge, and wastewater constituents and characteristics as determined by a representative analysis.
 - (4) Time and duration of discharge.
 - (5) Average and hourly peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
 - (6) Conceptual site and plumbing plans to show all connections to the town sewerage system.
 - (7) A general description of activities, facilities and plant processes on the premises, including all process waste materials which are or could be discharged, but excluding proprietary information concerning process and products.
 - (8) Each product produced by type.
 - (9) Number of employees, and hours of work.
 - (10) Any other relevant information as may be deemed by the town manager to be necessary to evaluate the permit application.
- (b) The town manager will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the town manager shall issue, within 60 days, a draft wastewater discharge permit. A 30-day comment period shall be allowed all users, and thereafter the town manager shall issue a wastewater discharge permit if all of the terms and conditions herein are complied with.

(Code 1982, § 16-16)

Sec. 82-87. Permit conditions.

Wastewater discharge permits shall be subject to all provisions of this article and all other pertinent regulations, user charges and fees established by the town. Wastewater discharge permits may contain the following:

- (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a public sewer.
- (2) The maximum permissible instantaneous and composite concentration and mass emission rates of wastewater constituents.
- (3) Limits on rate and time of discharge or requirements for flow regulation and equalization.
- (4) Requirements for inspection and sampling facilities.
- (5) Pretreatment requirements.
- (6) Specifications for monitoring programs, which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedule.
- (7) Requirement for submission of periodic discharge reports. The discharge report may include, but not be limited to, wastewater volume, rates of flow, constituent concentrations and mass emission rates, hours of operation, number of employees, or other information which relates to the wastewater discharge to the sewers.
- (8) Requirements for maintaining plant records relating to wastewater discharge, as specified by the town manager, and affording access thereto.
- (9) Other conditions as deemed appropriate by the director to ensure compliance with this chapter.

(Code 1982, § 16-17)

Sec. 82-88. Duration of permits.

Wastewater discharge permits shall be issued for a specified time period, not to exceed two years. A permit may be issued for a period less than a year or may be stated to expire on a specified date. The terms and conditions of the permit may be subject to modifications and change by the town manager during the life of the permit, as limitations or requirements are modified and changed by state and federal regulations. Whenever possible, users shall be informed of any proposed changes in permits at least 90 days prior to the effective date of change. Users shall be allowed a comment period, relating to any of the proposed changes in permits, which shall be the first 45 days of the 90-day period prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(Code 1982, § 16-18)

Sec. 82-89. Transfer of a permit.

A wastewater discharge permit shall be issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassignable or transferable, and shall only be used for the operation for which it was obtained.

(Code 1982, § 16-19)

Sec. 82-90. Accidental discharges.

Users shall notify the superintendent or town manager immediately, upon accidentally discharging wastes in violation of this article. Users are required to take countermeasures to stop the discharge and to neutralize its effect, if possible. Such notification shall be followed, within three days of the date of occurrence, by a detailed written statement to the town manager, describing the causes of the accidental discharge and the measures being taken to prevent future occurrence. The town manager may require the user to provide protection from accidental discharge of prohibited materials or other wastes regulated by this chapter.

(Code 1982, § 16-20)

Sec. 82-91. New discharge or change in existing discharge.

Any proposed change in a discharge to the wastewater facilities by any nondomestic user, including any new significant discharge or significant change in the quantity or quality of an existing discharge, must be reported to the town manager.

(Code 1982, § 16-21)

Sec. 82-92. User charges—Generally.

- (a) The following user charges for wastewater collection shall be charged by the town:
 - (1) Wastewater user charges shall be based on the metered water consumption on the premises. The bimonthly sanitary sewer service charge within the corporate limits of the town, shall be \$18.62, plus \$3.74 per 1,000 gallons.
 - (2) The bimonthly sanitary sewer service charge outside the corporate limits of the town, shall be \$18.62, plus \$4.67 per 1,000 gallons.
- (b) In addition to the charges levied by the town as specified above in subsection (a) of this section, the Hampton Roads Sanitation District (HRSD) levies a monthly charge to each customer for the treatment and disposal of the sewage.
- (c) For those users who have basements that, in the opinion of the town manager, it is impractical to connect to the public sewer, and that remain connected to existing septic tanks, the charges shall be calculated on the number of gallons of water consumed during any bi-monthly period.
- (d) In addition to the above, any discharger whose wastewater has a BOD exceeding 300 ppm, or has a suspended solids count (SS) exceeding 300 ppm, shall pay a surcharge of two percent of the base rates given above, for each ten ppm of BOD and/or SS above 300 ppm.
- (e) Customers shall pay the charge prescribed by this section, in advance, for the period from the time of beginning of service until the end of the billing period. Customers shall be billed at the bi-monthly rate when sewer service is provided on or before 30 days prior to the next bi-monthly rate and half the bi-monthly rate when sewer service is provided within 29 days prior to the next bi-monthly billing date.
- (f) Customers shall be billed on the first day of every other month for bi-monthly sewer service, at the bi-monthly rate. All bills shall be payable, in full, on the tenth of the month following the month in which the customer was billed.
- (g) If any water meter fails to register properly, the user charge shall be estimated, using the average of the readings for the two previous billing periods.

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- (h) Users using private water supplies may be required to install, at their own expense, a flow meter or other device for determining the volume of wastewater discharged to the town's sewerage system. Where no such device exists, and installation of such device is not required by the town manager, the user shall pay a wastewater user charge based on the average water consumption rates for this type of user.
 - (i) In the event that a utility customer should qualify for a credit to their water billing pursuant to the provisions of section 82-41 of this chapter, then the town treasurer shall have the authority, in their sole discretion, to adjust a bi-monthly billing for sewer user charges when in the treasurer's determination such bi-monthly billing is excessive due to a water leak. In such instances, the treasurer may reduce the bi-monthly billing in question to an amount not less than the average user charges for the three bi-monthly billings immediately preceding the bi-monthly billing in question.

(Code 1982, § 16-22; Ord. of 6-15-1999, § 1; Ord. of 4-1-2005; Ord. of 8-4-2009(1), § 1; Ord. of 6-1-2010, § 1; Ord. of 1-3-2012, § 1; Ord. of 10-9-2018, § 2; Ord. of 7-2-2019(3), § 1; Ord. No. 1-5-2021(2), § 1)

Sec. 82-93. Revocation of discharge permit.

Any user who violates any of the following conditions may be subject to the revocation of his discharge permit:

- (1) Failure of a user to factually report the wastewater constituents and characteristics of his discharge.
- (2) Failure of the user to report significant changes in wastewater constituents or characteristics.
- (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.
- (4) Violation of the conditions of the permit or of this article.

(Code 1982, § 16-23)

Sec. 82-94. Termination of service.

The town manager may terminate wastewater service and disconnect a user from the system when:

- (1) Materials damaging to sewer lines or treatment process are released by the user to the sewer, causing deterioration of these structures or interfering with proper conveyance and treatment of wastewater.
- (2) The effluent from the wastewater treatment plant is no longer of a quality permitted for discharge to a watercourse, and it is found that the user is delivering wastes to the wastewater system that cannot be sufficiently treated or require pretreatment.
- (3) The user:
 - a. Discharges wastewater that is in significant violation of the permit issued;
 - b. Fails to pay user charges for public sewer services when due;
 - c. Discharges prohibited wastes to public sewers; or
 - d. Violates any requirement of this article.

(Code 1982, § 16-24)

Sec. 82-95. Notification of proposed revocation of discharge permit and termination of service.

- (a) The town manager will endeavor, within reasonable limits, to eliminate or remedy a violation without resorting to discontinuance of the user's discharge. However, if those informal efforts have been unsuccessful, the town manager is authorized to revoke the discharge permit and terminate service to a user.
- (b) The town manager shall not revoke a discharge permit and terminate service to a user without first delivering to the user written notice of such proposed revocation and termination. The notice shall state the reason or reasons of the revocation and may allow a reasonable time for satisfactory compliance to meet the wastewater constituents and/or characteristic limitation(s) that are being violated.
- (c) Nothing in this chapter is intended to deter, hinder or stop the town manager from taking immediate action to terminate service to a user when there is imminent risk or great danger to the wastewater facilities.

(Code 1982, § 16-25)

Sec. 82-96. Show-cause hearing.

- (a) The town manager may direct any user who causes or allows an unauthorized discharge to show cause before the town council why such discharge should not be discontinued. A notice shall be served on the offending party, specifying the time and place of a hearing, such time to be not less than five days from the date of the notice, to be held by the town council regarding the violation and directing the offending party to show cause why an order should not be issued directing the discontinuance of such discharge.
- (b) The town council shall conduct the hearing and take the evidence.
- (c) At any public hearing, testimony taken before the town council must be under oath and recorded. The transcript so recorded will be made available to any member of the public or any party to the hearing, upon payment of the usual charges therefor.
- (d) After the town council has reviewed the evidence, it may issue an order to the user responsible for the discharge, directing that, within a specified time period, the discharge shall be discontinued unless adequate treatment works, facilities or devices shall have been installed, or existing treatment works, facilities or devices, if adequate, are properly operated, or such other action is taken as the town council may deem necessary. Any user aggrieved by any order or other action of the town council shall have a right to judicial review thereof by the circuit court having jurisdiction, by an appropriate petition to such court filed within 30 days of the date of the order of the town council.

(Code 1982, § 16-26)

Sec. 82-97. Court proceedings.

If any user discharges sewage, industrial waste or other wastes to the wastewater facilities under the jurisdiction of the town contrary to any order of the town council, the town may commence an action by proceeding in the circuit court having jurisdiction where the discharging facilities are located, for the purpose of having the discharge stopped.

(Code 1982, § 16-27)

Sec. 82-98. Penalties.

A violation of any provision of this article shall constitute a class 4 misdemeanor. Each day's continuance of such violation shall constitute a separate offense. The penalties so imposed, plus reasonable attorney's fees, court costs and other expenses of litigation, are recoverable by the town.

(Code 1982, § 16-28)

Sec. 82-99. Injunctive relief.

In addition to the penalties provided in section 82-98, wherever a user violates any provision of this article or fails to comply with any order of the town council, the town may apply to the circuit court having jurisdiction where the discharger is located for the issuance of an injunction restraining the user violating the article or penalty, or failing to comply with the order, from making any further discharges to the facilities under the jurisdiction of the town.

(Code 1982, § 16-29)

Sec. 82-100. Appeals.

Any user or permit applicant affected by any decision, action or determination made by the town manager, interpreting or implementing the provisions of this article or in any permit issued under this article, may file with the town manager a written request for reconsideration within ten days of such decision, action or determination, setting forth in detail the facts supporting the user's request for reconsideration. The decision of the town manager shall remain in effect during such period of reconsideration. Any person aggrieved by a decision shall have the right to judicial review, by appeal to the circuit court having jurisdiction, appeal to be made within 30 days of the date of such decision.

(Code 1982, § 16-30)

Sec. 82-101. Damage to facilities.

When a discharge of waste causes an obstruction, damage or any other impairment to wastewater facilities, the town may assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's charges and fees, and collect the same as the user's charges and fees are collected.

(Code 1982, § 16-31)

Sec. 82-102. Authority of town manager.

The town manager is charged with the responsibility for the town's wastewater discharge control program and enforcement of the provisions of this article.

(Code 1982, § 16-32(a))

Secs. 82-103—82-119. Reserved.

ARTICLE IV. FATS, OILS AND GREASE (FOG)

Sec. 82-120. Purpose and applicability.

- (a) The purpose of this article is to aid in preventing the introduction and accumulation of fats, oils and grease into the town's sanitary sewer system that may contribute to sanitary sewer blockages and obstructions. Food service establishments, grease haulers and other industrial or commercial establishments generating or collecting wastewater containing fats, oils and grease are subject to this article. This article regulates such users by requiring that grease control devices and other approved strategies be installed, implemented and maintained in accordance with the provisions of this article and other applicable requirements of the Town of Smithfield.
- (b) The provisions of this article shall apply to all food service establishments within the Town of Smithfield and to all grease haulers providing service to any such food service establishment.

(Ord. of 8-4-2009(2), § 1)

Sec. 82-121. Definitions.

Brown grease shall mean floatable fats, oils, grease and settled solids produced during food preparation that are recovered from grease control devices.

Enforcement response plan shall mean a system that sets forth the process and procedures for enforcement of this article by the Town of Smithfield.

Fats, oils and grease (FOG) shall mean material, either liquid or solid, composed of fats, oils or grease from animal or vegetable sources. Examples of FOG include, but are not limited to, kitchen cooking grease, vegetable oil, bacon grease and organic polar compounds derived from animal and/or plant sources that contain multiple carbon triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in the United States Code of Federal Regulations at 40 CFR Part 136, as may be amended from time to time. FOG may be referred to herein as "grease" or "greases".

Food service establishment (FSE) shall mean any commercial, industrial, institutional, or food processing facility discharging kitchen or food preparation wastewaters including, but not limited to, restaurants, commercial kitchens, caterers, motels, hotels, cafeterias, correctional facilities, prisons or jails, cafeterias, care institutions, hospitals, schools and churches. Any establishment engaged in preparing, serving or otherwise making food available for consumption by the public shall be included. Such establishments use one or more of the following preparation activities: Cooking by frying (all methods), baking (all methods), grilling, sauteing, rotisserie cooking, broiling, boiling, blanching, roasting, toasting or poaching. Also included are: Infrared heating, searing, barbecuing, and other food preparation activity that produces a hot, nondrinkable food product in or on a receptacle that requires washing.

Grease control device (GCD) shall mean a device used to collect, contain or remove food waste and grease from the wastewater while allowing the remaining wastewater to be discharged to the Town of Smithfield's sanitary sewer system by gravity. Devices include grease interceptors, grease traps, automatic grease removal devices or other devices approved by the director of public works.

Grease hauler shall mean a contractor who collects the contents of a grease interceptor or trap and transports it to an approved recycling or disposal facility. A grease hauler may also provide other services related to grease interceptor maintenance for a FSE.

Grease interceptor shall mean a structure or device, usually located underground and outside a FSE, designed to collect, separate and contain food waste and grease while allowing the wastewater to be discharged to the Town of Smithfield's sanitary sewer system by gravity.

Grease removal device shall mean an active, automatic device that separates and removes FOG from effluent discharge and that cleans itself of accumulated FOG at least once every 24 hours utilizing electromechanical apparatus.

Grease trap shall mean a device typically located indoors and under the sink or in the floor, designed for separating and containing grease prior to the wastewater exiting the trap and entering the sanitary sewer system. Such devices are typically passive (gravity fed) and compact with removable baffles.

Renderable FOG container shall mean a closed, leak-proof container for the collection and storage of yellow grease.

Yellow grease shall mean FOG used in food preparation that have not been in contact or contaminated with other sources such as water, wastewater or solid waste. An example of yellow grease is fryer oil, which can be recycled into products such as animal feed, cosmetics and alternative fuel. Yellow grease is also referred to as renderable FOG.

(Ord. of 8-4-2009(2), § 1)

Sec. 82-122. Registration requirements.

All FSEs shall be required to register their GCDs. Registrations shall be on forms provided by the department of public works to ensure that such devices are properly sized and maintained, as well as to facilitate inspection in accordance with the requirements established by the department of public works.

- (1) Existing FSEs shall register all GCDs within 90 days of the adoption of the ordinance from which this article derives. New establishments shall register when setting up their water and sewer service or prior to obtaining a certificate of occupancy.
- (2) All grease haulers, owners or employees servicing GCDs for FSEs within the Town of Smithfield, shall be required to obtain a certification to service GCDs from the Hampton Roads FOG, regionally-approved training program provided by the HRPDC.
- (3) All grease haulers shall obtain the required permits, certifications and/or approvals from the facility in which waste will be disposed of. Grease haulers discharging to a Hampton Roads Sanitation District (HRSD) Treatment Plant shall be approved through the HRSD indirect wastewater discharge permit.
- (4) FSEs shall have a current employee/staff/volunteer that has successfully completed the Hampton Roads FOG, regionally-approved, "Best Management Practices Training Program", provided by the HRPDC.

(Ord. of 8-4-2009(2), § 1)

Sec. 82-123. Discharge limits.

No person shall discharge or cause to be discharged from any FSE any wastewater with FOG in concentrations or quantities that will damage the sewers or sanitary sewer system, as determined by Section 301 D. of the Hampton Roads Sanitation District's Industrial Wastewater Discharge Regulations.

(Ord. of 8-4-2009(2), § 1)

Sec. 82-124. Grease control devices.

- (a) *Requirements.* All FSEs shall have a GCD(s) meeting all applicable requirements of the International Plumbing Code or its successors. The GCD(s) shall be designed in accordance with the Hampton Roads Regional Grease Control Device Design Standards.
- (1) *New establishments.* Except as provided in subsection (a)(2), FSEs shall be required to install, operate and maintain a GCD in compliance with the requirements contained in this article. GCDs shall be installed and registered prior to the issuance of a certificate of occupancy.
 - (2) *Existing establishments.* Existing FSEs in operation as of the effective date of this article shall be allowed to operate and maintain their existing GCDs, provided such GCDs are in proper operating condition and not found to be contributing FOG in quantities sufficient to cause line stoppages or to necessitate increased maintenance of the sanitary sewer system. If its GCD is determined to be contributing FOG in quantities sufficient to cause line stoppages or to necessitate increased maintenance of the sanitary sewer system, an existing FSE shall comply with the requirements of this section. Existing FSEs that are renovated or expanded shall install a GCD meeting the requirements of this article. GCDs shall be installed, inspected and registered as a condition of final approval of such renovation or expansion.
 - (3) *Retrofit.* Any existing FSE may be required to install or upgrade a GCD if such FSE is contributing FOG to the sanitary sewer system, as determined by the locality and HRSD. Such devices shall be registered with the locality within 30 days of installation.
- (b) *Installation of grease control devices.* GCDs shall be installed by a plumber licensed in the Commonwealth of Virginia. Every GCD shall be installed and connected so that it may be readily accessible for inspection, cleaning and removal of the intercepted food waste and grease at any time.
- (c) *Maintenance of grease control devices.*
- (1) All GCDs shall be maintained at the owner's expense. Maintenance shall include the complete removal of all contents, including floating material, wastewater and settled solids. Decanting or discharging of removed waste back into the grease interceptor or private sewer line or into any portion of the Town of Smithfield's or HRSD's sanitary sewer system is prohibited.
 - (2) Grease interceptors shall be pumped out completely when the total accumulation of FOG, including floating solids and settled solids, reaches 25 percent of the overall liquid volume. At no time shall a GCD be cleaned less frequently than once every three months unless allowed by the director of public works for good cause shown. Approval will be granted on a case-by-case basis upon submittal of a request by the FSE, documenting reasons for the proposed frequency variance.
 - (3) Grease traps and grease removal devices shall be opened, inspected and completely cleaned of food solids and FOG a minimum of once per week, unless allowed by the director of public works for good cause shown. Approval will be granted on a case-by-case basis upon submittal of a request by the FSE documenting reasons for the proposed frequency variance. In no event shall the content of food solids and FOG exceed 25 percent of the overall liquid depth of the device.
 - (4) The director of public works may establish a more frequent cleaning schedule if the FSE is found to be contributing FOG in quantities sufficient to cause line stoppages or to necessitate increased maintenance of the sanitary sewer system.
- (d) *Use of additives.* The use of additives by FSEs including, but not limited to, products that contain solvents, emulsifiers, surfactants, caustics, acids, enzymes or bacteria are prohibited for use as grease management control; provided, however, that additives may be used to clean the FSE drain lines so long as the usage of such additives will not cause FOG to be discharged from the grease control device to the sanitary sewer

system. The use of additives shall not be substituted for the maintenance procedures required by this section.

(e) *Waste disposal.*

- (1) Waste removed from a grease trap shall be disposed of in the solid waste disposal system or by a grease hauler certified by the Hampton Roads Planning District Commission.
- (2) Waste removed from a grease interceptor shall be disposed of at a facility permitted to receive such wastes. No materials removed from interceptors shall be returned to any grease interceptor, private sewer line or into any portion of the Town of Smithfield's or HRSD's sanitary sewer system.
- (3) FSEs shall dispose of yellow grease in a renderable FOG container, where contents will not be discharged to the environment. Yellow grease shall not be poured or discharged into the Town of Smithfield's or HRSD's sanitary sewer system.

(f) *Inspection of grease control devices.* The director of public works or his designee shall have the right of entry into any FSE, during reasonable hours, for the purpose of making inspections, observation, measurements, sampling, testing or records review of the sanitary sewer system and GCDs installed in such building or premises to ensure that the FSE is in compliance with this article. The owner or occupant may accompany the director or his designee. Operational changes, maintenance and repairs required by the director or his designee shall be implemented as noted in the written notice received by the FSE.

(g) *Record keeping.*

- (1) FSEs shall retain and make available for inspection and copying records of all cleaning and maintenance for the previous three years for all GCDs. Cleaning and maintenance records shall include, at a minimum, the dates of cleaning/maintenance records, the names and business addresses of the company or person performing each cleaning/maintenance and the volume of waste removed in each cleaning. Such records shall be kept on-site and shall be made immediately available to any employee of the department of public works upon request.
- (2) FSEs shall retain and make available for inspection and copying records of yellow grease disposal for the previous three (3) years. Yellow grease disposal logs shall include, at a minimum, the dates of disposal, name and business address of the company or person performing the disposal and the volume of yellow grease removed in each cleaning. Such records shall be kept on site and shall be made immediately available to any employee of Department of Public Works upon request.

(Ord. of 8-4-2009(2), § 1)

Sec. 82-125. Grease hauler requirements.

- (a) Any person collecting, pumping or hauling waste from GCDs located within the municipal boundaries of the Town of Smithfield, shall be certified by the Hampton Roads FOG regionally-approved training program provided by the HRPDC.
- (b) The grease hauler shall notify the locality within 24 hours of any incident required to be reported to the Virginia Department of Environmental Quality.
- (c) Grease haulers shall retain and make available for inspection and copying, all records related to grease interceptor pumping and waste disposal from businesses located in the Town of Smithfield's wastewater service area. Records shall include waste manifests that, at a minimum, include time, date and volume of waste removed from the device and the time, date, volume and destination of the waste disposed. These records shall remain available for a period of at least three years. The Town of Smithfield may require additional record keeping and reporting, as necessary, to ensure compliance with the terms of this article.

(Ord. of 8-4-2009(2), § 1)

Sec. 82-126. Fees.

Fees provided for in this article are separate and distinct from all other fees chargeable by the Town of Smithfield. Fees applicable to this article are as follows:

- (1) There will be no FSE registration fees if received by date listed on registration form. If registration is not received by due date, there will be a \$100.00 late fee per month.
- (2) There will be no initial inspection fees. Re-inspection fees shall be in the amount of \$50.00 and shall be due upon invoice by the Town of Smithfield. Such fees may be added to the FSE's public service bill.

(Ord. of 8-4-2009(2), § 1)

Sec. 82-127. Compliance.

The Town of Smithfield may require existing FSEs to modify or repair any noncompliant GCD and appurtenances as noted in the written notice received by the FSE.

(Ord. of 8-4-2009(2), § 1)

Sec. 82-128. Violations and penalties.

- (a) Any person who, intentionally or otherwise, commits any of the acts prohibited by this article shall be liable to the Town of Smithfield for all costs of containment, cleanup, abatement, removal and disposal of any substance unlawfully discharged into the sanitary sewer system, as well as the costs of any damages or regulatory fines, that are proximately caused by such violations.
- (b) Any person who, intentionally or otherwise, commits any of the acts prohibited by this article shall be subject to a fine in an amount not to exceed \$1,000.00 per violation. The court assessing such fines may, at its discretion, order such fines to be paid into the Treasury of the Town of Smithfield for the purpose of abating, preventing or mitigating environmental pollution.
- (c) Enforcement will be in accordance with the associated enforcement response plan. The Town of Smithfield may terminate water and/or sewer services for continuing violations of this article.
- (d) In addition to any other remedy for the violation of this article, the Town of Smithfield may bring legal action to enjoin the continuing violation of this article, and the existence of any other remedy, at law or in equity, shall be no defense to any such action.
- (e) The remedies set forth in this section are cumulative, not exclusive; and it may not be a defense to any action, civil or criminal, that one or more of the remedies set forth herein has been sought or granted.

(Ord. of 8-4-2009(2), § 1)