

## **Town of Parksley Water/Sewage Ordinance**

### **Purpose:**

- A. The purpose of these regulations shall be to protect the health and safety of the residents of the Town of Parksley by regulating the sewage treatment systems to ensure that:
- (1) Drinking water supplies will not be contaminated.
  - (2) A breeding place for insects, rodents and other possible carriers which may come into contact with food and drinking water will not be created.
  - (3) A health hazard will not be created as the result of sewage exposed on the surface of the ground.
  - (4) A nuisance resulting in obnoxious odors and unsightliness will not be caused.
- B. Nothing contained in this Ordinance shall be construed to permit the installation or continued operation of treatment facilities which are or may become a nuisance.

### **ARTICLE I. General Provisions:**

#### **Definitions:**

The following words and terms as used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

- (a) **Public sewerage system** means pipelines or conduits, pumping stations, force mains, and all other construction, devices, and appliances appurtenant thereto, used for transference of residential, commercial or industrial sewage or wastewater or other wastes to the Town of Parksley wastewater system.
- (b) **Public sewerage system user** means any uses falling under classifications of residential, commercial and industrial use.
- (e) **Premises** means a building under one roof occupied as one residence or business, a combination of buildings in one common enclosure and occupied by one or more than one family or business or each division of a double or tenement house having a vertical partition or wall, a building of more than one apartment and having one or more entrances, or a building having a number of apartments or offices or both and having one or more entrances.
- (f) **Town** means the Town of Parksley
- (g) **Sewer system or water system** means sewer system or water system provided for public use.
- (h) **COUNCIL** wherever the word "Council" is used, it shall be construed to mean the Council of the Town of Parksley

- (i) **OWNER** The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or a part of such building or land.
- (j) **Customer** means a current property owner or Authorized Representative of a property owner.
- (k) **Delinquent Charges** means charges for which payment has not been received by the Town Clerk by the "Payment Due By" date as indicated on the face of the bill.
- (l) **Fiscal Year** means the period from July 1 through June 30
- (m) **Dishonored Check** means a check returned unpaid for any cause.
- (n) **Dishonored Payment Charge** means a charge applied to a customer account due to a Dishonored Check.
- (n) **Due Date** means the date full payment must be received by the Town Clerk and is shown as "Payment Due By" on the face of the bill.

**Violations of chapter generally:**

- (a) Any person who violates this chapter, notwithstanding any other provision to the contrary, shall upon conviction be guilty of a Class 1 misdemeanor. Each day's continuance of such violation shall constitute a separate offense.
- (b) Notwithstanding any other provision to the contrary, the discharging of sewage, industrial waste, or other waste into the Town of Parksley sewerage system, contrary to the provisions of this chapter, federal, state or any order of the Town of Parksley Public Works Director, shall constitute a public nuisance. The town may commence an action for appropriate legal and/or equitable relief to assure the abatement of such nuisance. Any such person shall furthermore be liable for all damage, loss and expense suffered or incurred by the Town as a result of such violation.
- (c) Failure to install or maintain wastewater utilities as shown on an approved site plan where the wastewater utilities have been reviewed and approved by the director of public works or his designee as part of the site plan review process pursuant to the zoning ordinance shall be a violation of this chapter. Each day of violation shall constitute a separate offense. In addition to any penalty imposed for each violation, a judge hearing the case may direct the person responsible for the violation and each days default in such correction shall constitute a violation of a separate offense under this section.

**Unlawful sewer deposits generally:**

- (a) It shall be unlawful for any person to place or deposit any article or substance in a plumbing system that impedes or interferes with the free flow of sewage and other wastes.
- (b) No discharge of any nature shall be made into the Town of Parksley's sewerage system except through authorized connections as set forth herein or by special permit from the Parksley Town Council.

## **ARTICLE II. Mandatory Sewer Connections:**

### **Mandatory sewer connections:**

- (a) The owner of any premises or other building in which human beings live or congregate shall, when a public sewerage system is made available by the Town of Parksley, connect such premises or building with such public sewer line, within one (1) year after such line becomes available; provided, however, that the director of public works may require connection within sixty (60) days if, in his opinion, a health hazard exists. The date of availability shall be that on which notice is given by publication or by mailing or delivering notice to the affected property owner that public sewers are accessible within two hundred (200) feet of the property line.
- (b) If, within the one (1) year after notification to connect to the public sewerage system, the property owner sells the property, an escrow account shall be established by the seller, in an amount as determined by the Town of Parksley Town Council in accordance with section Sewer connection charges for the connection of the property to the Town of Parksley's sewer within sixty (60) days of the transfer of the property.
- (c) After connection to the Town of Parksley's sewerage system as required by this section, it shall be unlawful, unless permitted by the state health department or other appropriate regulatory agency, for any person to empty any sewage or residential, commercial or industrial waste into any well, septic tank, open stream or waterway, upon any other land or water or into any noncertified sewer service at any time.
- (d) It shall be unlawful for any person to occupy, lease or rent any premises, unless the same is connected to the Town of Parksley's sewerage system, if such connection is required by this section.

### **Sewer connections outside town limits:**

The Town of Parksley Town Council is hereby authorized to permit premises or buildings located outside of and adjacent to the Town limits to connect directly with the Town of Parksley's sewerage system, subject to the following provisions:

- (1) That sewer service is not available from the adjacent locality;
- (2) That the existing Town of Parksley's sewerage system to which such connection is proposed is of ample capacity to meet the present and future needs therefore;

- (3) That such connection shall be made at no cost to the Town of Parksley and in a manner approved by the Town of Parksley's Director of Public Works;
- (4) That, for each single-family dwelling connected directly with the public sewerage system, the owner shall pay the Town of Parksley in advance the usual connection fee required,
- (5) That, in the event the aforesaid sums are not paid for any premises when and as due, or in the event the Town of Parksley's Director of Public Works deems it necessary to protect the interests of the Town, he shall have the right to disconnect such premises from the Town's water/sewer system if fees are not paid as prescribed

### **ARTICLE III. Rates, Charges and Fees:**

#### **Sewer connection charges:**

- (a) The following charges shall be made for water/sewer connections, from the main line to the customer's cleanout at the property line:
  - (1) For reconnection to a water/sewer service in existence and which is serviceable and previously in use the charge shall be three hundred fifty dollars (\$350.00);
  - (2) For connection to a sewer service in existence but not previously in use at the time of adoption of this chapter, the charge shall be three hundred fifty dollars (\$350.00);
  - (3) For a sewer installed by a developer after the adoption of this chapter, the connection charge shall be three thousand seven hundred fifty dollars (\$3750.00);
  - (4) Where there is no existing sewer service connection or where any existing connection is found to be unusable, the sewer service connection charge shall be the actual cost of the connection.
- (b) Prior to the installation of any new sewer service connection, or connection to an existing sewer service, the costs as defined in subsection (a)(1) through (4) above shall be deposited with the Town of Parksley. No sewer connections shall be made until all utilities charges are paid, and the work is authorized by the Director of Public Works.

#### **Fees for maintenance of Town of Parksley's sewer system:**

- (a) The fee for maintaining the Town's sewers system, which shall also be known as the sewage charge, shall be sixty-six dollars (\$66) per month for residents and ninety -five dollars and fifty cent (\$95.50) per month for businesses during the period from July 1, through June 30, with annual evaluation of charges for sewage. All fees are subject to annual review and or adjustments as necessary.

#### **Collection of rates, charges and fees:**

The fees for water/sewage/solid waste shall be billed monthly by the Town of Parksley,. Delinquency of thirty days or more may result in terminating services.

**Responsibility for payment:**

Payment of the fees shall be the responsibility of the property owner.

**Billing:**

- (a) The Town of Parksley's Town clerk or his/her designee is hereby authorized to bill each customer, for charges due the Town under this article. Charges provided for by this article to customers receiving water service from the Town will be included in the monthly water/sewage/solid waste billing.
- (b) The Town of Parksley's Town clerk or his/her designee thereof shall mail or deliver all bills for charges prescribed by this article, but failure to receive such bills shall not prevent the discontinuation of service if the amount due is not paid within the time limits set forth in this article.

**When due and payable; notice of delinquency:**

All bills for charges prescribed by this article shall be due and payable by due date. The Town shall deem a bill delinquent when not paid after the fifteen 15 day grace period and will be charged a late fee of 15% of the delinquent bill.

**Discontinuing service for failure to pay:**

If the fees and charges charged for the use and services of the sewage disposal system by or in connection with any real estate are not paid when due, a penalty and interest shall at that time be owed as provided for by general law, and the owner, lessee or tenant, as the case may be, of such real estate shall, until such fees and charges are paid with such penalty and interest to the date of payment, cease to dispose sewage or industrial waste originating from or on such real estate by discharge thereof directly or indirectly into the sewage disposal system. If such owner, lessee or tenant does not cease such disposal within two (2) months thereafter the Town shall cease supplying water thereto unless the health officers certify that shutting off the water will endanger the health of the occupants of the premises or the health of others. Prior to reestablishment of service a \$25.00 reconnect fee will be added.

Such fees and charges, and any penalty and interest thereon shall constitute a lien against the property, ranking on the parity with liens for unpaid taxes. Such amounts, plus reasonable attorney's fees or collection agency fees which shall not exceed twenty percent of the delinquent water/sewage bill, may be recovered by the Town by civil action as allowed by law. Any lien for water and sewer charges when properly docketed in the Clerk's Office may be enforced in the same manner as taxes due a locality or by cutting off water or sewer service provided the public health or safety will not be endangered thereby.

The Town may provide a partial credit for excessive water and sewer charges where high water usage is caused by damaged pipes, leaks, accidents, or other unintentional causes.

**Additional fees and charges; fees for removal of obstructions:**

If the drainage or discharge from any establishment or premises causes a deposit, obstruction, or damage to any of the Town of Parksley's sewage system or facilities, which includes but is not limited to manholes, sewer lines and pump stations, septic tanks, and the surfaces including streets and rights-of-way above, below and around such facilities, the Director of Public Works shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired. The cost of such work, including materials, labor, overhead and supervision, whether such work is performed by the town or by an outside contractor, shall be paid by such person causing or contributing to such deposit, obstruction, or damage, or by the owner of the premises which person from criminal prosecution or other liability that may be imposed by this chapter or other applicable law.

#### **ARTICLE IV. Conditions of use of the Town of Parksley Sewer System:**

##### **Application for sewer connections:**

Whenever a service connection with the Town of Parksley's sewage system is requested, the owner, tenant or agent of the property to be connected with such system shall be required to make application on forms provided by the Town office before such service connection is made. The owner, tenant or agent must provide the location and character of the premises for which the service is to be rendered. Connection to the Town of Parksley's sewage system is on a first come first served basis, due to the treatment system's capacity.

##### **Inspections and repairs:**

- (a) The director of public works or his designee, bearing proper credentials and identification, shall be permitted to enter properties at any reasonable time for the purposes of inspection, observation, measurement and sampling of the waste water discharge to ensure that discharge to the town's public sewage system is in accordance with the provisions of this chapter.
- (b) While performing the necessary work on private properties referred to in paragraph (a) above, the director of public works or his designee shall observe all of the Town of Parksley safety rules, and special safety requirements as established by the owner or occupant of the property and applicable to the premises.

##### **Sewer cleanout requirements:**

- (a) For each connection with the Town's sewage lines, there will be required a sewer cleanout. Sewer cleanouts are to be installed by persons with an authorized plumbing permit issued by the Accomack County department of planning and codes administration. In the judgment of the director of public works or his designee, multiple connections may be allowed for a premise. No sewer service shall be allowed to serve more than one platted parcel of property, except as designed.
- (b) The location of cleanouts shall be installed and maintained at grade and shall be in front of the premises to be served, at the property line, unless the premises is bordered by Town's sewage lines other than in front of the lot or premises in which case the location shall be determined by the director of public works or his designee.

(c) Whenever a building or premises is demolished, torn down or removed, the owner of the building or premises, at his expense, shall be required to obtain a demolition permit. The owner is responsible for all permits, capping the sanitary sewer lateral at the property line and required inspection, by the Town of Parksley's Director of Public Works.

(d) It shall be the responsibility of the property owner to install and maintain said cleanout.

**Article V. Restriction on interconnection with Town's utility systems; cross-connection prohibited:**

(a) It shall be unlawful for any opening to be left in a private sanitary sewer, or for any connection to be made with such sewer, whereby rainwater can enter, either from the building or the premises. All discharges of storm water, surface water, groundwater, roof runoff, subsurface drainage, or other waters not intended to be treated in a treatment facility shall be made to storm sewers or natural outlets designed for such discharges. Any connection, drain or arrangement which will permit any such waters to enter the public sewage system shall be deemed to be a violation of this article. Connection between water-to-air heat pumps and sanitary sewer lines is prohibited.

(b) It shall be unlawful for any person to connect any privy, or flush toilet with any storm water drainpipes.

(c) The provisions of this section shall be administered and enforced by the department of public works.

**Authorized work related to service connections:**

No person, except those duly authorized by the department of public works, shall make any connection with any sanitary sewer lines. Those extending an existing sewer service to a premise shall obtain a plumbing permit from the Accomack County Department of Building and Zoning administration and Accomack County Health Department.

**Protection of the of Parksley's utilities:**

It shall be unlawful for any person in any manner to damage or obstruct or interfere with the operation of any part of the Town's water/sewage system including any pipes, pumping station, apparatus, tools or fixtures. Only a representative of the department of public works shall operate any valves connected with its sewer systems.

**Liability of the Town for restricting water and sewer service:**

The Town of Parksley shall not be liable for any damage resulting from the bursting of any water main, service pipe, from the cutting off of water for repairs, extensions or connections, or from the accidental failure of the water supply from any cause whatsoever. Neither shall the Town be liable for any damage resulting from the restriction of sewage flows due to sewer stoppage or any other failure of the system components such as pumping stations, manholes, collection

lines or septic tanks. In cases of emergency, the Town of Parksley shall have the right to restrict the use of public sewerage facilities in any reasonable manner for the protection of the citizens, water supply and utility systems.

**Restricted discharges:**

No person shall discharge or cause to be discharged to any of the Town's water/ sewage system any substances, materials, waters or wastes in such quantities or concentrations contrary to the regulations of the Town's regulations.

**Article VI. Violations:**

**Violations of chapter:**

Any person violating any provision of this chapter shall be guilty of a Class 3 misdemeanor.

Each day's continuance of such violation shall constitute a separate offense. This chapter shall be enforced by the Virginia Department of Health, office of Water Programs.

**Adoption of regulations:**

The Virginia Department of Health, Office of Water Programs hereinafter supplemented in this ordinance, is hereby adopted as the Town of Parksley sewer disposal ordinance. A copy of the ordinance shall be kept on file at all times in the offices of the Town Clerk and the Department of Health Accomac, Virginia.

**Design standards; drainage easements:**

The permit required by the regulations shall be obtained from the Virginia Health Department (Accomac) and shall specify the design standards for the septic tank or other system, such as tank size, length of drainfield, location of tank, drainfield and well, where applicable, and such other facilities as may be required under rules and criteria of the Virginia Health Department. A reserve sewage disposal site with a capacity at least equal to that of the primary sewage disposal site shall be provided. This requirement shall not apply to any lot or parcel recorded prior to October 1, 1989, if such lot or parcel is not sufficient in capacity to accommodate a reserve sewage disposal site, as determined by the health department. Building or construction of any impervious surface shall be prohibited on the area of all sewage disposal sites. Where grading and drainage improvements are required under rules and criteria of the health department, the permit shall so stipulate. The director of the department of health shall require such drainage easements and other assurances as he deems adequate to guarantee the perpetual maintenance of such drainage improvements.

**Maintenance:**

All on-site sewage disposal systems shall be pumped out at least once every five (5) years in accordance with state and local law. It shall be unlawful for any person to fail, neglect or refuse to maintain or cause to be maintained any septic tank or other sewage disposal system, including associated drainage improvements, in the manner specified in the permit issued under this chapter and in a manner satisfactory to the director of the health department. All duties and responsibilities of any person for whose property a permit is issued under this chapter shall be



binding upon any and all subsequent owners of such property for as long as the septic tank or sewage disposal system remains in service.

**Unlawful sewage discharges:**

- (a) It shall be unlawful for any person in any manner to discharge, cause to be discharged or allow to be discharged, or allow or cause to accumulate any sewage, as defined in the regulations, on any public or private property within the Town of Parksley.
- (b) It shall be the duty of the Director of the Virginia Department of Health (Accomack) or his authorized agent to direct, by written notice, the person who is responsible for the discharge or accumulation, the owner, agent, or occupant, to cause such matter to be removed, or the conditions corrected, on such property within forty-eight (48) hours.

**Correction of violation:**

If, upon any inspection, the Director of the Virginia Health Department (Accomack) or his authorized agent shall find any violation of this chapter or the provisions of the permit issued under it, he shall direct the person to whom the permit was issued, by written notice, to make the necessary corrections, within such reasonable time as shall be specified therein. When it comes to the knowledge of the Director of the Virginia Health Department (Accomack) that any sewage system is causing an offensive or unwholesome condition, the director shall serve notice upon the owner of the property, the person who created or maintained the offensive or unwholesome condition, or the occupant of the land or premises, to cause the offensive or unwholesome condition to be abated.

**Penalty for improper use:**

- (1) It shall be unlawful for any person to willfully injure the sewer system, or any building, machinery, or fixture pertaining thereto, or to willfully and without authority of the Town of Parksley Town Council or otherwise cause to leak any tunnel, aqueduct, reservoir, pipe or other thing used in the system for holding, conveying, or distributing sewage.
- (2) It shall be unlawful for any person to introduce sewage into the system which shows an excess of a BOD or suspended solids concentration of over 200 milligrams per liter; a surcharge shall be based on the excess of BOD or suspended solids at a rate as provided in the Town of Parksley. The Town Council reserves the right to test the sewage at any point within the connection system of the user or consumer.
- (3) No user shall discharge or cause to be discharged any of the following described liquids or solid wastes to any sanitary sewer:
  - (a) Any stormwater, surface water, groundwater, roof runoff, or surface drainage, including sump pump water in the residence.
  - (b) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
  - (c) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or sticky substance capable of causing obstruction of the flow in sewers or other interference with the proper

operation of the sewage works.

- (d) Any water or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constituting a hazard to humans and animals, or create any hazard in the receiving treatment facility.
- (e) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant.
- (f) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- (g) Any garbage that has not been properly shredded.
- (h) Any liquid or vapor having a temperature higher than 150° F.
- (i) Any water or waste which may contain more than 100 parts per million by weight of fat, oil, or grease.
- (j) Any waters or wastes having pH lower than 5.5 or higher than 9.0 or having any corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

#### **Article VI. Enforcement:**

##### **Discharge prohibitions:**

- A. No industrial user, domestic user, or other person shall discharge to the Town of Parksley's sewer system any wastewaters or other wastes which:
  - (1) Can cause damage or interfere with the operation or maintenance of the Town's Sewage Treatment System.
  - (2) Pass through the wastewater treatment facilities untreated or inadequately treated.
  - (3) Interfere with the use or disposal of sewage sludge.
  - (4) Present a danger or inordinate risk to Town or other personnel or property.
  - (5) Violate or exceed any limitations on such wastewaters or other wastes established by Virginia or federal pretreatment requirements.
- B. The regulations shall implement the provisions of this section, and shall specify more particularly prohibitions and restrictions on the discharge of wastewaters and other wastes.

##### **Civil penalties:**

- A. A user who has violated, or continues to violate, any provision of this Ordinance, or order issued hereunder shall be liable to the Town for a maximum civil penalty of \$2,500 per

violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation. Civil penalties shall be recovered by civil suit by the Town of Parksley Attorney on behalf of the Town in the District Court for the County of Accomack.

- B. The Town may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Town.
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and other factors as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

**Criminal prosecution:**

- A. A user who willfully or negligently violates any provision of this article, the regulations, or order issued hereunder shall, upon conviction, be guilty of a Class 1 misdemeanor under Virginia law.
- B. A user who willfully or negligently introduces any substance into the publicly owned treatment works (POTW) which causes personal injury or property damage shall, upon conviction, be guilty of a Class 1 misdemeanor. This penalty shall be in addition to any other cause of action for personal injury or property damage available under Virginia law.
- C. A user who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed, or required to be maintained, pursuant to this article, the regulations, or a wastewater discharge permit or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method shall, upon conviction, be guilty of a Class 1 misdemeanor.

**Search warrants:**

If the pretreatment manager or the Authority has been refused access to a building, structure, or property, or any part thereof, and demonstrates probable cause to believe that there may be a violation of this article, the regulations, or any wastewater discharge permit or order issued hereunder, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Department or the Authority designed to verify compliance, or to protect the public health, safety and welfare of the community, then the Department or the Authority may seek issuance of a search warrant from the courts.

Motion passed October 13, 2008 with the following vote:

Ayes: Boyce, Eichelberger and Welch

No: Russell

