

CHAPTER 17
WATER AND SEWERAGE SYSTEMS¹

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¹ **State law references**-General authority of counties relative to waterworks, sewers and sewage disposal facilities, Code of Virginia, § 15.1-292 et seq.; sewage disposal, § 32.1-163; § 32.1-166; public water supplies, § 32.1-167; § 32.1-176. **Contents of this Chapter are based upon the following County ordinance - Ord. of 4-9-84;** pertaining to water and sewerage systems; **Ord. of 9-13-11** pertaining to drought response.

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Division I. In General

Sec. 17-1. Definitions.

Authority shall mean the Bath County Service Authority, Warm Springs, Virginia.

Authority Board shall mean the governing body of the Bath County Service Authority.

Authority Rules and Regulations shall mean the Rules and Regulations for Wastewater Discharge and Water System Users (or substantially similar rules) as legally adopted and in effect from time to time by the Bath County Service Authority.

Dwelling Unit shall mean a separately maintained quarters with facilities for sleeping and/or cooking.

Engineers shall mean the consulting engineers retained by the Authority.

Equivalent Residential Connection (ERC) shall mean the flow of either water or sewerage equivalent to Farmer's Home Administration guidelines of 4,200 gallons per month for rural residents.

Facilities of the Authority shall mean any and all component and pertinent parts of the entire systems of the water and sanitary sewer utilities under jurisdiction of the Authority, such as water pipe lines, and their appurtenances, sewage pumping stations and treatment plants, including these items and others now constructed, installed, operated, or maintained by the authority, or any which may be approved and accepted in the future as additions or extensions of the systems.

Industrial Wastes shall mean the liquid or other wastes resulting from any process of industry, manufacture, trade or business, or from the development of any natural resources.

Owner or Developer shall mean any person, having an interest, whether legal or equitable, sole or partial, in any premise which is, or may in the future be served by the Facilities of the Authority and which is, or may in the future be responsible for design and construction of facilities to be under the jurisdiction of the Administrator and to become a part of the public utilities system of the Authority.

Person shall mean any individual, firm, company, association, society, partnership, corporation, governmental entity, or other similar organization, agency, or group.

Premises shall mean any building or group of buildings, constructed or to be constructed, which are or may be served by the Facilities of the Authority.

Public Sewer shall mean a sewer in which all owners of abutting properties have equal rights, and which is controlled by the Authority.

Sanitary Sewage shall mean that water carried waste which derives principally from dwellings, business buildings, institutions, and the like, exclusive of any storm and surface waters.

Sewage Treatment Plant shall mean any arrangement of devices and structures used for treating sewage.

Sewage Works shall mean all facilities for collecting, pumping, treating and disposing of Sanitary Sewage.

Sewer shall mean a pipe or conduit for carrying sewage.

Structure shall mean a building intended for human occupancy.

Cross reference-Definitions and rules of construction generally, § 1-2.

Sec. 17-2. Reserved.

Sec. 17-3. Administrator's responsibilities.

The Administrator shall, in accordance with Authority Rules and Regulations, review and approve applications, or revise applications if necessary to conform with standards acceptable to the Virginia State Department of Health, and prepare plans for all projects for developing, extending and/or constructing water mains and sanitary sewer lines, and all pertinent connections, structures and accessories proposed thereto which will connect to the Facilities of the Authority prior to any construction of such projects.

Sec. 17-4. Materials, workmanship and procedures.

Materials, workmanship and procedures used for developing, extending and/or constructing water mains and sanitary sewer lines, and all pertinent connections, structures and accessories proposed thereto shall be in accordance with the standards and specifications established or approved by the Authority Board.

Division II. Application for Services

Sec. 17-5. Application for services.

(a) The Administrator shall accept, review and render a decision on applications for water and sanitary sewer service to the Premises described in the application from any person who is owner of or legally represent the owners of land.

(b) The Administrator reserves the right to approve, revise, request additional data or design information, and the right to disapprove any such application or plans pertinent thereto.

Sec. 17-6. Application for services for existing or proposed new individual or multiple dwelling or commercial establishments.

Application for water or sewer service for existing or proposed new individual or multiple dwelling or commercial establishments to which Facilities of the Authority are immediately adjacent and available, shall be made in duplicate on a form prescribed and furnished by the Administrator for the purpose of such application, and each form shall be accompanied by measurements, maps, drawings and such other data that will clearly establish and indicate the physical location of the Premises for which the application is submitted, the proposed physical location on such premises for the service or services for which application is made, and such other data and information as may be required under the Authority Rules and Regulations.

Sec. 17-7. Application for services requiring design and construction of new trunk, etc.

(a) When service is desired for either water or sewer facilities, or both, for any individual building or group of buildings, whether intended for use as residential or commercial purpose and which are not classified as being the development of a new subdivision, or section thereof, and which will require the design and construction by the owner of new trunk, lateral or principal lines and any necessary appurtenances thereto in order to reach and connect onto applicable existing facilities of the Authority and which such new construction in its entirety shall ultimately be accepted as an integral part of the facilities of the Authority, application shall be made in writing to the Administrator on a form prescribed and furnished by the Administrator.

(b) Such application shall be accompanied by two (2) sets of detailed plans showing accurate plan and profile design drawings of the lines and location, design and identification of all appurtenances and accessories pertinent thereto, and such other data as may be required by the Administrator under the Authority's Rules and Regulations. It is preferable that such plans show on the same sheet, the plan and profile design of the contiguous sections of street or easement and proposed utility as is indicated by the application.

(c) The design and detailed plans and all subsequent revisions thereof shall be prepared and properly signed by a Civil Engineer registered in the Commonwealth of Virginia.

Sec. 17-8. Application for review of design and plans of developers or owners constructing water and sanitary facilities to become a part of the Authority's system.

(a) When construction of water and sanitary sewer facilities is proposed by a developer or owner of any new residential subdivision or commercial area or any combination thereof, and which facilities shall ultimately be accepted into the jurisdiction of the Administrator as a part of the public utilities system of the Authority, application for review of the design and plans for all such proposed construction shall be made in writing to the Administrator on a form prescribed and furnished by the Administrator.

(b) Such application shall be accompanied by: (1) Two prints of the record plat of the subdivision or applicable section thereof which shall bear the approval of the Bath County

Planning Commission; (2) Two sets of detailed plans showing accurate plan and profile design drawings, the proposed lines and the location, design and indication of all appurtenances and accessories (it is preferable that such plans show on the same sheet, the plan and profile design of the contiguous sections of new street or easement and proposed water and/or sewer facilities); and (3) If any facilities other than pipe lines and their appurtenances are proposed by the applicant or required by the Administrator for the complete and satisfactory operation of the proposed utilities, such as water storage or pumping equipment, sewage treatment plants, sewage pumping stations, or other like equipment, the application shall be accompanied by two sets of detailed plans and specifications on design, equipment, materials and construction of such facilities, and such other data as may be required by the Administrator under the Authority's Rules and Regulations.

(c) The plans and specifications and all subsequent revisions shall be prepared and properly signed by a Civil Engineer registered in the Commonwealth of Virginia.

Sec. 17-9. Application for services for industrial establishments.

(a) Application for proposed water and sewer facilities to serve any type of industrial establishment within Bath County shall be made in writing to the Administrator.

(b) Complete information regarding plant location, type of industry, raw and finished products, approximate volume of utility requirements, types of industrial wastes to be discharged, proposed facilities for pre-treatment of industrial wastes and other data pertinent to the industry and/or required by the Authority's Rules and Regulations, shall accompany the application.

(c) The applicant for water and sanitary sewer services to serve industrial establishments shall conform to all the requirements for applications for services as set forth in this Chapter and the Authority's Rules and Regulations.

(d) Any design, plans and specifications, and all subsequent revisions thereof, shall be prepared and properly signed by a Civil Engineer registered in the Commonwealth of Virginia.

Sec. 17-10. Disposition of applications received.

(a) Upon receiving applications as prescribed herein, the Administrator will review all data, design, plans and/or specifications and indicate thereon any revisions, additions, changes or deletions, considered necessary in order that the proposed construction shall conform to the standards and best interest of the Authority. The Administrator may also disapprove the application, in whole or in part. One set of the submitted plans and/or specifications marked to indicate the action taken by the Administrator shall be returned to the applicant.

(b) After receiving the returned set of plans and/or specifications, the applicant may prepare revised plans and/or specifications to conform with such revisions indicated by the Administrator and submit two sets of the revised plans and/or specifications to the Administrator.

(c) Upon receipt of the revised plans and/or specifications, the Administrator shall check them for conformity with the initially marked revisions. If satisfactory, one of the revised sets of plans and/or specifications shall be returned to the applicant with written approval for construction.

(d) Construction of any such approved service facilities shall conform strictly with the returned application form and notations indicated thereon by the Administrator.

Sec. 17-11. Deviation from, or changes and revisions in initially approved plans.

(a) In the event that an applicant desires to deviate from the plans and/or specifications which have been approved by the Administrator for construction, or to make any changes or revisions therein, the applicant shall make such request to the Administrator in writing and state the reasons for his request prior to making any actual field adjustments.

(b) Revised plans, specifications and other substantiating data, shall accompany the request in such manner, form and quality as was required for the original application.

(c) The procedure for all parties concerned for processing any such request for deviation from, or changes and revisions in initially approved plans and/or specifications for construction, shall be the same as stipulated for the original application for the project.

Division III. As-built Plans

Sec. 17-12. As-built plans.

(a) After completion of construction of the public utility facilities from approved plans on any project subject to the provisions of this Chapter, the developer or owner responsible for the construction shall prepare two (2) sets of as-built plans, based on accurate, field obtained information, to show actual conditions of the finished construction. The as-built plans shall be revisions and permanently indicated changes on the originally approved tracings or master sheets.

(b) The as-built plans shall show, but may not be limited to, the following:

(1) *Water line construction.*

- A. Scale accuracy location in plan of the line and all installed fittings such as elbows, tees, crosses and reducers, and all cradle encasement, or special construction.
- B. Exact measurement to show positive location of all house services, valve boxes, blind or blank-flanged fittings and plugged terminal of lines.
- C. The measurements taken for these positive locations shall be taken from at least two reasonably adjacent and available fixed and permanent objects, such as fire hydrants, centers of sanitary or

storm sewer manhole casting covers, corners or lines extended of buildings, power poles, etc.

(2) *Sewer line construction.*

- A. Scale accuracy location of manhole invert and top casting elevations and numerical notation of the exact elevations of same as determined by field survey after construction. Elevations shall be in datum of the Authority.
- B. Scale accuracy indication of lengths and grades of lines between manholes and numerical notation of the exact elevations of same as determined by field survey after construction.
- C. Scale accuracy location of concrete cradle, encasement or special construction.
- D. Location of house services by measurement from the manhole immediately downgrade.

(3) *Sanitary sewage treatment plants and pumping stations, water pumping stations, all other comparable construction and building structures.*

- A. As-built plans and specifications shall accurately indicate all approved deviations from or changes in location or type of equipment installed and material used.
- B. Accurate listings of the name of the manufacturer of all operating equipment installed, together with model or style numbers, ratings capacities and other pertinent information shall be provided as part of the as-built plans on the project.
- C. At least three (3) complete sets of operation and maintenance manuals of all operating equipment, and all Certificates of Inspections, Approvals, Warranties and Guarantees of equipment, materials and installations thereof; required by the project specifications which were approved by the Administrator shall be provided as a part of the as-built plans on the project.

Division IV. Final Inspections

Sec. 17-13. Final inspections.

(a) At the completion of construction of any project of public utility facilities subject to the provisions of this Chapter, the developer or owner responsible for the construction shall notify the Administrator, in writing, that the work has been completed. In addition, there shall be submitted to the Administrator all as-built plans, specifications and such other data and addenda relative thereto.

(b) Upon receipt of the notification and as-built requirements, the Administrator shall make a final comprehensive inspection of the constructed facilities, examining in detail for conformance of the work with approved plans and specifications, alignment of sewer lines, infiltration leakage, workmanship, operation of equipment, and other factors to the satisfaction of the Administrator and best interests of the Authority.

(c) It shall be required that a reasonable representative of the developer or owner accompany the Administrator on the final inspection. The developer or owner shall furnish whatever labor is necessary for conducting the final inspection.

(d) Deficiencies which are found to exist during the inspection shall be pointed out to the developer or owner's representative. Subsequent to the inspection, the developer or owner shall be furnished, in writing, a summary of the deficiencies found and corrections of which are required.

(e) Upon notification that all deficiencies found have been corrected, the Administrator will re-inspect all such work.

Division V. New Development and Construction

Sec. 17-14. Requirements for new subdivisions intended for residential or commercial use; industrial sites.

The developer of any new subdivision intended for residential or commercial use or any combination thereof, or the developer of any industrial site shall construct all sanitary sewers and domestic fresh water distribution lines within his subdivision or development at his own expense. Immediately upon completion and acceptance of the construction work, the sanitary sewer and water facilities with necessary easement shall become the property of the Authority.

Sec. 17-15. Procedure when public water main or sanitary sewer not available to a new subdivision or development.

When a public water main or sanitary sewer is not available to a new subdivision or development, the developer shall construct necessary water mains and construct and connect his sanitary sewers to one or more suitable private sanitary sewage pumping stations which shall discharge into a public sanitary sewer. Sufficient easements shall be provided. Immediately upon completion and acceptance of such construction works, the sewer system shall become the property of the Authority.

Sec. 17-16. When construction of an offsite trunk or lateral sewer or water line is necessary.

When construction of an offsite trunk or lateral sewer or water line is deemed to be either necessary, feasible or advisable to connect the applicable systems of the subdivision or development to the suitable facilities of the Authority, the financial responsibility, location and details of such construction shall be determined in a conference between the developer,

Administrator, and/or Authority Board. Each such proposed item of offsite construction shall be a separate matter for discussion and agreement.

Sec. 17-17. Access to construction locations.

During construction, the Administrator and the duly authorized Engineers, inspectors or others who are directly concerned with the work shall have access to the locations of construction for the purpose of establishing to their satisfaction that the projects are being constructed to Authority requirements and in accordance with approved plans and specifications.

Sec. 17-18. Application for review and approval of plans and specifications for construction of facilities.

Any developer or owner who proposes to submit application to the Administrator for review and approval of plans and specifications for construction of facilities shall be required to procure from the Administrator, and shall acknowledge in writing, the receipt of same prior to submitting his application, one set of the publication of Authority Rules and Requirements, together with one copy of drawings showing detailed construction standards approved by the Authority Board. The Administrator shall be obligated to furnish this one set of publication and drawings at no cost, pursuant to receipt of a bona-fide request.

Sec. 17-19. Additional sets of the publication and drawings.

Additional sets of the publication of Authority Rules and Requirements and drawings may be supplied by the Administrator to any recipient of the one free set, at a cost per set based upon rates in effect at the time of the request.

Sec. 17-20. Acceptance of new construction.

The Administrator shall accept newly constructed water and sanitary sewer service facilities, upon satisfaction of the following conditions:

- (a) All requirements of the final inspection have been fulfilled in the opinion of the Administrator.
- (b) All matters relative to specific contracts between the developer or owner and the Authority are in order.
- (c) Payment has been made by the developer or owner for all fees relative to applications and inspections.
- (d) A Civil Engineer registered in the Commonwealth of Virginia certifies that the work has been completed in accordance with the approved plans and specifications.
- (e) An explicit understanding exists between developer or owner and the Authority that the developer or owner shall be responsible for and correct any deficiencies in construction for a period of one year from the date of acceptance of the facilities by the Authority. This condition shall be stipulated in the written form of acceptance issued by the Administrator.

Sec. 17-21. Written form of acceptance; liability.

(a) Acceptance of the new constructed facilities, when approved by the Administrator, shall be made in writing to the developer or owner responsible for the construction.

(b) The issuance of the written form of acceptance of any such facilities shall constitute an irrevocable agreement between the developer or owner responsible for construction and the Authority that the Authority and any of its officers, agents, servants or employees shall be saved harmless by the developer or owner from liability and responsibility of any nature and kind for costs of, or payments on, labor, equipment, or material used in construction of the accepted facilities or on account of any patented or unpatented invention, process, article or appliance manufactured for or used in construction of, or for the intended operation of the accepted facilities.

Division VI. Sanitary Sewers

Sec. 17-22. Use of sanitary sewers.

(a) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, sub-surface drainage, cooling water or infiltration, unpolluted industrial process waters, pollutant, substance or wastewater, liquid wastes containing grease, oil, sand or any material of a flammable or harmful nature, or any manufacturing process, products, or comparable activity, except as may be allowed by and in accordance with the Authority's Rules and Regulations.

(b) Should it be found that a person is violating Sec. 17-22(a), such person shall immediately cease such discharge or correct or repair the problem at his own expense.

Secs. 17-23 to 17-25. Reserved.

Division VII. Water and Sewer Charges

Sec. 17-26. Charges.

From time to time the Authority will establish rates, after public hearing and in accordance with the Authority's Rules and Regulations, for various fees relative to connection to and operations of its public water and sewage system. Such fees may include, but not be limited to, fees for deposit, use, connection, and capacity.

Sec. 17-27. Reserved.

Sec. 17-28. Connection fee.

As a building, development or group of buildings is connected to the Authority's public sewer system, a connection fee will be paid to the Authority based upon the actual or expected flow determined by the ERC. Each connection fee will be established by multiplying the ERC number times the amount for one residential connection.

Sec. 17-29. Basic service charge.

Monthly sewer charges will be billed to the users of the system. Charges which are evenly distributed throughout the system regardless of the size of the user shall be billed as a basic service charge.

Sec. 17-30. Operation and maintenance expenses.

Operation and maintenance expenses shall be billed to the users of the system monthly in proportion to their proportionate share of the total flow. If their flow cannot be accurately estimated, then the Authority shall have the right to require the metering of the flow with an appropriate device.

Sec. 17-31. Surcharges.

Should the owner fail to repair a line, or install an appropriate metering device, or should the Authority assist a developer at its expense, the Authority may make such repairs, install such metering equipment or help finance the development at its discretion and may also then surcharge the person's monthly bill with such rates and terms as it so desires to insure the payback of its expenses.

ARTICLE II. COMPLIANCE

Sec. 17-32. Compliance with provisions of Chapter.

(a) Structures completed prior to 1984 must comply with the requirements of § 17-2(a) until such time as such wells or septic systems are condemned by the County Health Department.

(b) Failure to comply with a decision of the Administrator will be deemed a violation of this Chapter and may, in addition to other penalties prescribed herein, result in refusal by the Authority to further accept the violator's wastewater into public sewer systems.

(c) Any person failing to comply with the Authority's Rules and Regulations shall be guilty and subject to such penalties and fines as specified in the Authority's Rules and Regulations. Any person failing to comply with the provisions of this Chapter, if such failure is not also in violation of the Authority's Rules and Regulations, shall be guilty of a Class 4 misdemeanor. Each day of such failure shall constitute a separate offense.

Cross reference-Penalty for Class 4 misdemeanor, § 1-14.

Sec. 17-33. Prior water and sewerage system ordinances superseded.

This Water and Sewerage System Chapter supersedes and repeals all water and sewerage system ordinances previously enacted by the Bath County Board of Supervisors.

ARTICLE III. DROUGHT MANAGEMENT²

Sec. 17-34. Short title.

This Article shall be known and may be cited as the Drought Management Ordinance.

Sec. 17-35. Purpose.

The purpose of this Article is to provide for the voluntary and mandatory restriction of use of the Bath County public water supply systems during declared water shortages or water emergencies.

Sec. 17-36. Scope.

This Article shall apply to all Bath County residents and businesses which are served by a public water system.

Sec. 17-37. Drought Response Plan.

The Board of Supervisors shall adopt by resolution the Upper James River Basin Drought Preparedness and Response Plan.

Sec. 17-38. Drought Indicators.

The indicators used to indicate drought severity shall be defined in the Upper James River Basin Drought Preparedness and Response Plan.

Sec. 17-39. Drought Stages.

The drought stages shall be Drought Watch, Drought Warning, and Drought Emergency, as determined by the Board, pursuant to the Upper James River Basin Drought Preparedness and Response Plan and State Water Control Board regulation 9 VAC 25-120.

Sec. 17-40. Declaration.

Upon notification to the Board that a drought stage exists, as defined in Sec. 17-39 of this Ordinance, the Board of Supervisors may issue a declaration of a drought stage. The County may declare a drought stage in the absence of a declaration by the Commonwealth of Virginia. The County must declare a drought stage upon declaration by the Commonwealth of Virginia.

Sec. 17-41. Drought Stage Responses

Upon declaration by the Board of Supervisors of a Drought Watch or Drought Warning, voluntary conservation measures will be requested of residents and businesses as set forth in the Upper James River Basin Drought Preparedness and Response Plan Drought Response Plan. Upon declaration of a Drought Emergency, mandatory restrictions shall apply as set forth in the Plan.

² After a duly advertised public hearing, on Tuesday, September 13, 2011, on motion by the Hon. Percy C. Nowlin, III, the Board of Supervisors adopted the drought management ordinance by a vote of 4 aye, 0 nay, and 1 absent (the Hon. Stuart Hall).

Sec. 17-42. Waiver of Restrictions.

Upon prior written request by an individual, business, or other water user, the Board of Supervisors, or its designee, may permit less than full compliance with any drought restrictions if good cause can be shown, including evidence that the applicant is affected in a substantial manner not common to other businesses or persons generally. No waiver shall be granted by the Board of Supervisors or its designee unless the Board of Supervisors or its designee determines that the public health, safety, and welfare will not be adversely affected by the waiver. All waivers granted by the Board of Supervisors or its designee shall be reported at the Board of Supervisor's next regular or special meeting.

Sec. 17-43. Penalties.

Any person who shall violate any of the provisions of this Article shall, upon conviction thereof, be guilty of a Class 4 misdemeanor, and shall be fined up to \$250.00. Each act or each day's continuation of the violation shall be considered a separate offense.