

Chapter 134SEWERS AND WATER

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134-81 CONSERVATION OF WATER

Adopted by the Town Council of the Town of Front Royal 3-11-85 (*Chapter. 31 of the 1965 Code including 1-13-69; Resolution 6-13-78; 10-9-78; 7-9-79; 6-9-80; 2-9-81; 4-27-81; 2-14-83*). Amendment by Resolution 6-23-86 re-134-79. Other amendments noted where applicable.

**GENERAL PROVISIONS**

**134-1 CONNECTIONS**

A. CONNECTION REQUIREMENTS: Every house used for human habitation and every place of business or manufacture where one (1) or more persons are employed shall be connected to the Town water system and to the Town sewer system when they are accessible, unless such house or place of business or manufacture is served by an adequate sewer system approved by the State Health Department. All methods of disposing of human excreta in these places of habitation, business or manufacture other than by a properly connected water closet are hereby declared to be unlawful.

When they become accessible, connection to the sewer and water mains shall be made within one (1) year after notification to the property owners by the Town Manager. Any person violating the provisions of this sections shall be punished as provided in Chapter 1, Article II, Penalties, of this Code, and each week's failure to comply herewith shall constitute a separate offense.

B. SEWER CONNECTION REQUIREMENT: No premises may be connected to the Town sewer system unless the premises are connected to and use the Town water system to serve the premises.

(Added (B) 3-12-07-Effective Upon Passage; Amended 6-8-20-Effective 7-1-20)

C. EXTENSION POLICY BEYOND TOWN LIMITS: To better serve the social and economic needs and the common good of Front Royal and Warren County, the Town Council of Front Royal has formulated these policies and procedures for the extension of water and sewer service to Warren County.

The Town has evaluated our resources and anticipated growth within the Town to determine the anticipated excess volume available for extension into Warren County for residential, commercial, or industrial use. This volume will be determined annually based upon conditions within the Town and County. Excess volume shall be defined as the current and projected volume required by the Town subtracted from the current permitted plant capacities.

1. The contact person for the Town is the Town Manager. Any request for water and/or sewer services must be made in writing to the Town accompanied by a joint request from the property owner and the County for the property to be boundary adjusted into the Town's corporate limits or justification to simply provide utility extension. Such request must be made prior to a rezoning or any other action by the County.
2. The Town Council will decide on a case-by-case basis whether to provide water and sewer to the proposed property(ies) as well as whether a boundary adjustment is appropriate.
3. Following a boundary adjustment, the Town will consider the appropriate zoning classification of the property to be boundary adjusted and will complete a rezoning of the property to the classification deemed appropriate through the standard zoning process. Boundary adjusted property(ies) shall be considered as part of the water volume allocated by the Town to the County.
4. In any case of rezoning by the Town, the Town Council will consider proffers deemed necessary to mitigate the impact of the development on County services, as well as what proffers are necessary for the Town. These decisions shall be made before the Town's rezoning of the property(ies) is completed.
5. The Town may elect to provide water and/or sewer services without a boundary adjustment where the Town Council determines it would not be feasible or appropriate to provide other Town services to the property.
6. Extension of utility service shall require development, submittal, and review of site development plans demonstrating the proposed utility locations, proposed usage, appropriate modeling demonstrating no impact to existing users, and construction standard complying with Town standards.
7. Design and construction standards for all utility extensions shall comply with the current standards and specifications adopted by the Town.
8. The Town presently has no intention of extending water and sewer lines into the unincorporated portion of the County at the Town's expense.

9. The Town presently has no desire to sell water for resale through a master meter to third parties.

10. Given the Town's Inflow and Infiltration (I&I) issues associated with the sanitary sewer system, the Town has no desire to accept outside water sources into the Town's sewer system. Future considerations to outside water sources will be evaluated as the I&I issues are addressed.

11. This Policy can be reviewed and updated by Town Council as necessary, but at a minimum annually.

**(Added "C" 6-25-12-Effective Upon Passage)**

D. EXTENSION MORATORIUM AREAS: Recognizing demonstrated service issues in providing utility service to certain areas within Warren County, a moratorium of utility connections and extensions to all undeveloped properties or lots not served by Town utilities as of the date of adoption of this Code Section is established that shall require sufficient studies and modeling prior to the Town's consideration of additional connections or extensions with the exception of:

1. Property zoned commercial or industrial that is currently located within the Rt. 522 Corridor as defined in that "Amendment to an Agreement between the County of Warren and the Town of Front Royal Regarding the Provision of Water and Sewer Service by the Town in the U.S. Route 522/340 North Corridor and the Assumption of Full Funding and Responsibility by the County of Fire/Rescue, Parks/Recreation Operations, and Animal Control Services" dated August 9, 1999 entered into between the Town of Front Royal, Virginia, and County of Warren, Virginia as both sides of U.S. Routes 522/340 North of the Town of Front Royal, extending to Crooked Run on the West, the Norfolk Southern Railroad tracks on the East, and Fairground Road (SR 661) to the North ;
2. Blue Ridge Shadows Subdivision as platted on November 26, 2012.
3. McKay Property jointly owned by the Town and County as platted on November 26, 2012
4. Henselstone Subdivision as platted on November 26, 2012.
5. Guard Hill Rd parcels located within 100' of existing water main on November 26, 2012
6. Harmony Hollow Road parcels located within 100' of the existing water main on November 26, 2012.

**(Added "D" 6-25-12-Effective Upon Passage; Amended 12-10-12-Effective Upon Passage)**

**PROVISIONS APPLICABLE TO SEWERS AND PRETREATMENT OF WASTE****134-2 PURPOSE & POLICY; OBJECTIVES; APPLICABILITY; ADMINISTRATION AND ENFORCEMENT**

**(Ord. No. 2-05 Amended Title 12-20-04-Effective Upon Passage)**

A. This Article sets forth uniform requirements for direct and indirect discharge of pollutants from domestic and industrial sources into the wastewater collection and treatment system for the Town of Front Royal, Virginia, and enables the Town to comply with all applicable state and federal laws, including the Federal Clean Water Act (33 U.S.C. Section 1251 et seq.), the general Federal Pretreatment Regulations (40 CFR Part 403), and the VPDES Permit Regulation (9VAC25-31-10 et seq.).

**(Added "VPDES Permit Regulations" 4-27-20-Effective Upon Passage)**

B. The objectives of this Article are:

1. To prevent the introduction of pollutants into municipal wastewater system which will interfere with the operation of the system.
2. To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system inadequately treated into receiving waters or the atmosphere or which otherwise will be incompatible with the system.
3. To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its marketability.
4. To protect municipal personnel who may come into contact with sewage, sludge and effluent in the course of their employment, as well as to protect the general public and the environment.

**(Added "environment" 12-20-04-Effective Upon Passage)**

5. To preserve the hydraulic capacity of the municipal wastewater system.
6. To improve the opportunity to recycle and reclaim wastewater and sludge from the system.
7. To provide for a fair assessment and recovery of the costs of operation, maintenance and improvements to the municipal wastewater system.
8. To ensure that the Town of Front Royal complies with National and Virginia Pollutant Discharge Elimination System (NPDES) / (VPDES) permit conditions, sludge use and disposal requirements and any other federal or state laws to which the municipal wastewater system is subject.

**(Added "VPDES" 12-20-04-Effective Upon Passage)**

C. This Article provides for the regulation of discharge into the municipal wastewater collection system through the issuance of permits to certain nondomestic users and through the enforcement of general requirements for other users. This Article authorizes monitoring and enforcement activities, establishes administrative review procedures, requires user reporting and provides for the setting of fees for the fair assessment of costs resulting from the program established herein.

D. This Article shall apply to users of the municipal wastewater system both within the Town of Front Royal and outside its corporate limits. By discharging wastewater into the municipal wastewater system, all users, industrial and otherwise, located beyond the Town limits agree to comply with the terms and conditions established in this Article, as well as any permits or orders issued hereunder.

E. Any industrial user located beyond the corporate limits of the Town of Front Royal, which would otherwise be subject to Categorical Pretreatment Standards as defined herein, shall as a condition of service enter into a written contract with the Town of Front Royal wherein said user shall agree to conform to the requirements of this Article.

F. Except as may otherwise be provided herein, the Administrator of the municipal wastewater system, or his designated agents, shall administer, implement and enforce the provisions of the Article.

(Amended Entire Section 4-27-92-Effective Upon Passage)

### 134-3 DEFINITIONS; ABBREVIATIONS

(Amended Title 12-20-04-Effective Upon Passage)

A. The definitions as used in Chapter 134, Sewers and Water, pertaining to sewer and water shall be as follows for both domestic and industrial users, unless otherwise specifically indicated:

**ACT or THE ACT** - The Federal Water Pollution Control Act, also known as the "Clean Water Act," as amended, 33 U.S.C. Section 1251 et seq.

**ADMINISTRATIVE OFFICER (ADMINISTRATOR)** - The person designated by the Front Royal Town Manager, or his duly authorized deputy, to administer, implement and enforce the provisions of this Article.

(Added "Administrator" 12-20-04-Effective Upon Passage)

**APPROVAL AUTHORITY** - The Virginia Department of Environmental Quality (Virginia DEQ).

(Amended "Approval Authority" 12-20-04-Effective Upon Passage)

**AUTHORIZED REPRESENTATIVE OF THE INDUSTRIAL USER:**

## 1. Includes:

- a. The President, Secretary, Treasurer or Vice President of a corporation in charge of a principal business function or any other person who performs similar policy-making or decision-making functions for the industrial user;
- b. The manager of one (1) or more manufacturing, production or operation facilities, if authority to sign documents has been assigned or delegated to that manager by binding written instrument;
- c. The general partner or proprietor of a partnership, association or sole proprietorship;
- d. The director or highest official appointed or designated to oversee the activities of a federal, state or local government entity or a political subdivision thereof; or
- e. The managing member or other member of a limited liability company.

(Amended “e” 12-20-04-Effective Upon Passage)

2. The individuals described above may designate another authorized representative, if the authorization is in writing and the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates, or the authorization may specify the individual having overall responsibility for environmental matters for the user. All written authorizations must be submitted to the Town of Front Royal for inspection prior to any action being taken by an authorized representative.

(Deleted (2) 4-27-92-Effective Upon Passage; Added (2) 12-20-04-Effective Upon Passage)

**BEST MANAGEMENT PRACTICE (BMP)** - Means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Sec. 134-4 [40 CFR 403.5(a)(1) and (b); 9VAC25-31-77A and 770.B]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(Added 4-27-20-Effective Upon Passage)

**BIOCHEMICAL OXYGEN DEMAND (BOD)** - As determined by Standard Methods, the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure during a period of five (5) days expressed in terms of weight and concentration (milligrams per liter).

(Amended 12-20-04-Effective Upon Passage)

**BUILDING SEWER** - That part of the lowest horizontal piping of a drainage system that receives the discharge from wastewater pipes and other drainage pipes inside the walls of the building and conveys it to the lateral sewer. (Added 12-20-04-Effective Upon Passage)



**CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARD -**

Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. Section 1317) which applies to a specific category of users and which appears in 40 CFR Chapter 1, Subchapter N, Parts 405 - 471.

**CFR** - Code of Federal Regulations.

(Added 12-20-04-Effective Upon Passage)

**COD** (chemical oxygen demand) - The measure, expressed in mg/L of the oxygen consuming capacity of inorganic and organic matter present in water or wastewater, expressing the amount of oxygen consumed from a chemical oxidant in a specific approved test, but not differentiating between stable and unstable organic matter and thus not necessarily correlating with biochemical oxygen demand.

(Added 12-20-04-Effective Upon Passage)

**COLLECTOR SEWER** - A sewer designed and constructed to receive sewage from the building connections or laterals and other "collector sewers" and carry it to an interceptor sewer or the point of disposal. A "collector sewer" normally serves only a portion of one (1) drainage area or basin.

**COLOR** - The optical density at the visual wavelength of maximum absorption, relative to distilled water. One- hundred-percent transmittance is equivalent to zero (0) optical density.

**COMPOSITE SAMPLE** - The sample resulting from the combination of individual wastewater samples taken at selected intervals (within a 24-hour period) based either on an increment of flow or time.

(Amended 12-20-04-Effective Upon Passage)

**CONTROL AUTHORITY** - Refers to the Administrator of the municipal wastewater system.

(Amended 12-20-04-Effective Upon Passage)

**CONTROL MANHOLE** - A manhole giving access to a building sewer at some point before the sewer discharge mixes with other discharges in the public sewer.

(Added 12-20-04-Effective Upon Passage)

**CONTROL POINT** - A point of access to a source of discharge before the discharge mixes with other discharges in the public sewer.

(Added 4-27-92-Effective Upon Passage; 12-20-04-Effective Upon Passage)

**COOLING WATERS** - The water discharge from any use, such as air conditioning, cooling or refrigeration or to which the only pollutant added is heat.

**CUSTOMER-** For purposes of sewer and water connections only, the term “customer” refers to the owner of the property, the owner’s contractor or other agent on behalf of the property owner who with the property owner’s permission is making or causing to be made the sewer and/or water connections to the property owner’s property. The term “customer” shall not refer to the property owner’s tenant(s) or to any other person other than the property owner or the person who on behalf of the property owner with the permission of the property owner is causing the sewer and/or water connections to be made to the property owner’s property.

(Added 6-8-20-Effective 7-1-20)

**DOMESTIC SEWAGE** - Waterborne wastes normally discharging from the sanitary conveniences of dwellings and all other buildings and facilities, free from stormwater, surface water or industrial waste. "Domestic sewage" shall contain fewer than two hundred fifty (250) parts per million of BOD and three hundred (300) parts per million suspended solids and shall originate from the normal bathing, washing, cooking and toilet activities of individuals.

(Amended 12-20-04-Effective Upon Passage)

**DOMESTIC USER** - A user of the Front Royal municipal wastewater system who discharges non-industrial, domestic wastes into said system.

**EXISTING SOURCE** - Any source of discharge, the construction or operation of which commences prior to the publication of public Categorical Pretreatment Standards under Sections 307(b) and (c) (33 U.S.C. Section 1317) of the Act which would be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

**GRAB SAMPLE** - A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

**GARBAGE** - Animal and vegetable waste and residue from the preparation, cooking and dispensing of food and from the handling, processing, storage and sale of food products and produce.

(Added 12-20-04-Effective Upon Passage)

**HAZARDOUS WASTE PHARMACEUTICAL** - A pharmaceutical that is a solid waste, as defined in 40 CFR Part 261.2, and exhibits one or more characteristics identified in Part 261 Subpart C or is listed in Part 261 Subpart D. (Added 4-27-20-Effective Upon Passage)

**HEALTHCARE FACILITY** - Any person that is lawfully authorized to (1) provide preventative, diagnostic, therapeutic, rehabilitative, maintenance or palliative care, and counseling, service, assessment or procedure with respect to the physical or mental condition, or functional status, of a human or animal or that affects the structure or function of the human or animal body; or (2) distribute, sell, or dispense pharmaceuticals, including over-the-counter pharmaceuticals, dietary supplements, homeopathic drugs, or prescription pharmaceuticals.

(Added 4-27-20-Effective Upon Passage)

**HOLDING TANK WASTE** - Any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum pump tank trucks.

(Amended 4-27-92-Effective Upon Passage; 12-20-04-Effective Upon Passage)

**INCOMPATIBLE WASTE** - A waste which is not susceptible to adequate treatment by the wastewater treatment plant.

(Added 12-20-04-Effective Upon Passage)

**INDIRECT DISCHARGE or DISCHARGE.** The introduction of pollutants into the POTW from any nondomestic source.

(Added 4-27-20-Effective Upon Passage)

**INDUSTRIAL USER** - A user of the Front Royal municipal wastewater system which discharges nondomestic, industrial wastes into said system, as regulated by Sections 307(b), (c) and (d) of the EPA Clean Water Act.

(Amended 12-20-04-Effective Upon Passage)

**INDUSTRIAL WASTE** - All waterborne solids, liquids or gaseous wastes resulting from any industrial manufacturing or commercial or food-processing operation or process or from the development of any natural resource, or any mixture of these wastes with domestic sewage or water. Any sewage which does not meet the definition of domestic sewage shall be considered "industrial waste," regardless of the source.

**INSTANTANEOUS LIMIT.** The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

(Added 4-27-20-Effective Upon Passage)

**INTERCEPTOR SEWER** - A sewer designed and constructed to intercept or receive sewage from all collector sewers and laterals within one (1) or more drainage areas and carry it to a larger "interceptor sewer" or to the point of disposal.

**INTERFERENCE** - A discharge which, alone or in conjunction with a discharge or discharges from other sources either: (1) inhibits or disrupts the POTW, its treatment processes, or operations or its sludge processes, use or disposal: or (2) therefore is a cause of a violation of any requirement of the POTW's NPDES/VPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with all applicable statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations), including but not limited to the following: Section 405 of the EPA Clean Water Act, the Solid Waste Disposal Act (Including Title II, more commonly referred to as the Resource Conservation and Recovery Act, and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act),

the Clean Air Act, the Toxic Substances Control Act and the Marine Protection Research and Sanctuaries Act.

(Amended 12-20-04-Effective Upon Passage)

**LATERAL SEWER** - See Sewer Lateral definition.

(Added 12-20-04-Effective Upon Passage)

**MEDICAL WASTE** - Isolation waste, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, etiologic agents, potentially contaminated laboratory waste and dialysis waste.

(Amended 12-20-04-Effective Upon Passage)

**MILLIGRAM PER LITER (mg/L)** - The same as parts per million when the specific gravity of the liquid is 1.0, and is a weight-to-volume ratio; the milligram per Liter value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

(Added 12-20-04-Effective Upon Passage)

**MUNICIPAL WASTEWATER SYSTEM** - A treatment works as defined by Section 212 of the Act (33 U.S.C. Section 1292), which is owned by the Town of Front Royal, including any devices or systems used in the collection, storage, treatment, recycling and reclamation of domestic sewage or industrial waste and any conveyances which convey wastewater to a treatment plant.

**NEW SOURCE:**

1. Any source of a discharge, the construction of which commenced after the publication of proposed Categorical Pretreatment Standards under Section 307(c) of the Act [33 U.S.C. Section 1317(c)] which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307(c), provided that:

- a. No other source is located at that site;
- b. The source completely replaces the process or production equipment of an existing source at that site; or
- c. The new wastewater generating process of the source is substantially independent of an existing source at that site; and the construction of the source creates a new facility rather than modifying an existing source at that site.

2. For purposes of this definition, construction or operation has commenced if the owner or operator has:

- a. Begun or caused to begin as part of a continuous on-site construction program:

- [1] Any placement, assembly or installment of facilities or equipment; or
- [2] Significant site preparation work, including clearing, excavation or removal of existing buildings, structures or facilities, which is necessary for the placement, assembly or installation of new source facilities or equipment; or

b. Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this definition.

**NORMAL USE** - Any user discharging waste of a strength less than or equal to that of normal wastewater and at a flow rate of less than twenty-five thousand (25,000) gallons per day.

(Added 12-20-04-Effective Upon Passage)

**NORMAL WASTEWATER** - Wastewater discharged into the public sewer in which none of the following average concentrations and flows are exceeded:

1. BOD: Less than or equal to two hundred fifty (250) mg/L;
2. Suspended solids: Less than or equal to three hundred (300) mg/L;
3. Flow: Less than twenty-five thousand (25,000) gallons per day;
4. No toxic or harmful substances are present.

(Added 12-20-04-Effective Upon Passage)

**NPDES PERMIT** - National Pollutant Discharge Elimination System Permit.

(Added 12-20-04-Effective Upon Passage)

**PASS-THROUGH** - A discharge which exits the treatment plant then enters waters of the United States in quantities or concentrations which, alone or in conjunction with an indirect discharge or discharges from other sources, is a cause of a violation of any requirement of the Town's VPDES permit (including an increase in the magnitude or duration of a violation).

**PERSON** - Any individual, partnership, corporation, firm, company, association, joint-stock company, trust, estate or any other legal entity, and his or its representatives, agents or assigns, specifically to include all federal, state or local governmental entities.

**PHARMACEUTICAL** - Any drug or dietary supplement for use by humans or other animals; any electronic nicotine delivery system (e.g., electronic cigarette or vaping pen); or any liquid nicotine (e-liquid) packaged for retail sale for use in electronic nicotine delivery systems (e.g., pre-filled cartridges or vials.)

(Added 4-27-20-Effective Upon Passage)

**PLANT** - The Town of front Royal Wastewater Treatment Facility.

(Added 12-20-04-Effective Upon Passage)

**POLLUTANT** - Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and agricultural waste and certain characteristics of wastewater (e.g. pH, temperature, TSS, turbidity, color, BOD, COD, toxicity or odor).

(Amended 12-20-04-Effective Upon Passage)

**PRETREATMENT OR TREATMENT** - The reduction of the amount of the pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater, thereby rendering the pollutants less harmful to the municipal wastewater system prior to introducing pollutants into said system. The reduction or alteration can be obtained by physical, chemical or biological processes, by process changes or by other means, but not by diluting the concentration of pollutants, unless allowed by an applicable "pretreatment" standard.

**PRETREATMENT STANDARD AND REQUIREMENTS** - All applicable federal rules and regulations (including specifically those regulations found in 40 CFR, Chapter 1, Subchapter N, Parts 405-471) implementing Section 307 of the Federal Water Pollution Control Act and the Clean Water Act of 1977, including prohibited standards, as amended, as well as nonconflicting state and local standards. In case of conflict or regulations, the most stringent thereof shall be applied.

(Amended 12-20-04-Effective Upon Passage)

**PROHIBITIVE DISCHARGE STANDARDS OR PROHIBITIVE DISCHARGE** - Absolute prohibitions against the discharge of certain types of industrial wastewater as specifically set forth in this Article.

**PUBLICLY OWNED TREATMENT WORKS or POTW** - A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the Town. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

(Added 4-27-20-Effective Upon Passage)

**RECEIVING STREAM OR WATER OF THE STATE** - All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial or public or private, which are contained within, flow through or border upon the state or any portion thereof.

**REVERSE DISTRIBUTOR** - Any person that receives and accumulates prescription pharmaceuticals that are potentially creditable hazardous waste pharmaceuticals for the purpose

of facilitating or verifying manufacturer credit.

(Added 4-27-20-Effective Upon Passage)

**SANITARY SEWER** - A pipe or conduit which carries domestic sewage and/or industrial waste and to which stormwater, surface water and groundwater and other unpolluted waters are not intentionally admitted.

(Amended 12-20-04-Effective Upon Passage)

**SEWER LATERAL** - A pipe which receives sewage from a building and carries it to the collector or interceptor sewer.

**SIGNIFICANT INDUSTRIAL USER** - This term means:

1. All Categorical Users; and
2. Non-Categorical Users that:
  - a. Discharge twenty-five (25,000) gallons or more of process wastewater per day; or
  - b. Discharge process wastewater which makes up five (5) percent or more of the dry weather average hydraulic or organic capacity of the treatment works; or
  - c. Have in the Town's opinion, a reasonable potential to adversely affect the treatment works (causing pass-through, interference, sludge contamination or danger to the POTW).

(Amended 12-20-04-Effective Upon Passage)

**SIGNIFICANT NON-COMPLIANCE** - Industrial user violations meeting one or more of the following criteria:

(Amended by adding "Non-Compliance" 12-20-04-Effective Upon Passage)

1. Chronic violations of wastewater discharge limits, defined herein as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits.

(Amended 4-27-20-Effective Upon Passage)

2. Thirty-three percent (33%) or more of wastewater measurements taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable criteria [one and four-tenths (1.4) for BOD, TSS, fats, oils and grease, and one and two-tenths (1.2) for all other pollutants except pH].

3. Any other discharge violation that the Town believes has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of Town personnel or the general public).
4. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment or has resulted in the Town's exercise of its emergency authority to halt or prevent such a discharge.
5. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction or attaining final compliance.
6. Failure to provide, within thirty (30) days after the due date, any required reports, including baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules.
7. Failure to report noncompliance.
8. Any other violation or group of violations which the Town determines will adversely affect the operation or implementation of the pretreatment program.

(Added "8" 12-20-04-Effective Upon Passage)

**SLUG LOAD OR SLUG DISCHARGE** - Any discharge at a flow rate or concentration, which could cause a violation of the pretreatment discharge standards of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

(Amended 4-27-20-Effective Upon Passage)

**STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE** - A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President of the United States or the Federal Office of Management and Budget (OMB).

**STANDARD METHODS** - The examination and analytical procedures set forth in the latest edition, at the time of analysis, of Standard Methods for the Examination of Water and Wastewater, as prepared, approved and published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

(Added 12-20-04-Effective Upon Passage)

**STORMWATER** - Any flow occurring during or following any form of natural precipitation or resulting therefrom, including snowmelt.



**SUSPENDED SOLIDS** - Solids measured in mg/L. The total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquid and which is removable by laboratory filtering.

(Amended 12-20-04-Effective Upon Passage)

**TOWN** - The Town of Front Royal, Virginia, which may act through its Town Manager or his or her duly authorized agents.

(Amended 12-20-04-Effective Upon Passage)

**TO DISCHARGE** - Includes 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 omissions.

(Added 12-20-04-Effective Upon Passage)

**TOXIC POLLUTANT** - Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Environmental Protection Agency under the provisions of Section 307 of the Act (33 U.S.C. Section 1317).

**TREATMENT PLANT EFFLUENT** - Any discharge of pollutants from the municipal wastewater system designed to provide treatment of domestic sewage and industrial waste.

(Amended Title 12-20-04-Effective Upon Passage)

**UNPOLLUTED WASTEWATER** - Water containing:

1. No free or emulsified grease or oil.
2. No acids or alkalis.
3. No phenols or other substances producing taste or odor in the receiving water.
4. No toxic or poisonous substances in suspension, colloidal state or solution.
5. No noxious or otherwise obnoxious or odorous gases.
6. Not more than ten (10) mg/L each of suspended solids and BOD.
7. Color not exceeding fifty (50) units, as measured by the platinum-cobalt method or determination as specified in Standard Methods.

(Added 12-20-04-Effective Upon Passage)

**USEPA (or EPA)** - The United States Environmental Protection Agency, or a duly authorized official of said agency.

(Added 12-20-04-Effective Upon Passage)

**USER** - Any person who contributes or causes or allows the contribution of sewage or industrial wastewater into the municipal wastewater system, including persons who contribute such wastes from mobile sources.

(Added 12-20-04-Effective Upon Passage)

**WASTEWATER** - The liquid in water-carried industrial waste or domestic sewage, whether treated or untreated, which is contributed to the municipal wastewater system.

Abbreviations. The following abbreviations shall have the designated meanings:

- BOD - Biochemical Oxygen Demand
- CFR - Code of Federal Regulations
- COD - Chemical Oxygen Demand
- EPA - United States Environmental Protection Agency
- gpd - Gallons per day
- L - Liter
- mg - Milligrams
- mg/L - Milligrams per liter
- O & M - Operation and Maintenance
- pCi - Common Unit of Radioactivity
- pH - Measure of Acidity or Alkalinity of A Substance
- POTW - Publicly Owned Treatment Works
- RCRA - Resource Conservation and Recovery Act
- SIC - Standard Industrial Classification
- SWDA - Solid Waste Disposal Act (42 U.S.C. Section 6901 et seq.)
- TSS - Total Suspended Solids
- USC - United States Code
- VPDES- Virginia Pollutant Discharge Elimination System

(Amended Entire Section 4-27-92-Effective Upon Passage)

(Removed (B) "LC50" & Added "pCi" 12-20-04-Effective Upon Passage)

#### **134-4 PROHIBITED DISCHARGE STANDARDS**

A. No user, except as set forth in subparagraph no. 14. below, industrial or domestic, shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause interference pass-through or violation of water quality standards. These general prohibitions apply to all users of the municipal wastewater system whether or not the use is subject to the Categorical Pretreatment Standards or to any other national, state or local pretreatment standards or requirements. Furthermore, no use may contribute any of the following substances to the municipal wastewater system:

(Amended 8-12-13-Effective Upon Passage)

1. Any liquids, solids or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any way to the municipal wastewater system. Included in this prohibition are waste streams with a closed-cup flashpoint of less than one hundred forty degrees Fahrenheit (140° F.) [sixty degrees Celsius (60° C.)]. At no time shall two (2) successive readings on an explosion hazard meter at the point of discharge into the system or at any point in the system be more than five percent (5%) nor any single reading be over ten percent (10%) of the lower explosive limit (LEL) of the meter. Prohibited 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.

**(Amended (A) 12-20-04-Effective Upon Passage)**

2. Solid or viscous substances in amounts which will cause interference with the flow in a sewer, but in no case solids greater than one-half (1/2) inch [one and twenty-seven hundredths (1.27) centimeters] in any dimension.

3. Any water or waste which contains wax, grease, oil, plastic or other substances that will solidify or become discernibly viscous at temperatures between thirty-two degrees and one hundred fifty degrees Fahrenheit (32° and 150° F.).

a. When it has been determined by the Director of Public Works, or his authorized agent, that any restaurant is discharging grease into the sewer system which results in interference to the sewer line, including backup or maintenance work not otherwise necessary, then a sewer surcharge shall be added to the utility bill for that restaurant. The sewer surcharge shall be equal to the amount of the maintenance costs incurred by the town in eliminating the grease deposits from the sewer system, but in any event shall not be less than two hundred fifty dollars (\$250).

**(Replaced “Town Engineer” with “Director of Public Works” 12-20-04-Effective Upon Passage)**

b. Prior to the initial assessment of the sewer surcharge, the owner or operator of such restaurant shall be notified, in writing, of the Director of Public Work's determination. The owner or operator of said restaurant shall then be granted thirty (30) days in which to permanently correct and abate the condition causing the grease to be discharged into the sewer system. Unless the discharge of grease is then permanently eliminated, the initial sewer surcharge shall be assessed ten (10) days thereafter. No restaurant shall be entitled to more than one (1) such notice and grace period in which to correct the condition. The change in management or ownership shall not operate to give an existing restaurant facility an additional grace period in which to correct the condition.

**(Replaced “Town Engineer” with “Director of Public Works” 12-20-04-Effective Upon Passage)**

c. Thereafter, any further discharge of grease into the sewer system by the restaurant facility which, in the determination of the Director of Public Works, creates a condition requiring maintenance to eliminate the grease deposit shall result in the assessment of a sewer surcharge without further notice or grace. Sewer surcharge shall continue to be assessed until the grease discharge condition has been permanently corrected to the satisfaction of the Town.

**(Replaced “Town Engineer” with “Director of Public Works” 12-20-04-Effective Upon Passage)**

4. Any wastewater having a pH less than six point zero (6.0) or more than nine point zero (9.0) or which otherwise causes corrosive structural damage to the system, Town personnel or equipment.

**(Amended 12-20-04-Effective Upon Passage)**

5. Any wastewater containing pollutants, including oxygen-demanding pollutants (BOD, etc), in sufficient quantity (flow or concentration), either singly or by interaction with other pollutants, to pass through or interfere with the municipal wastewater system or any wastewater treatment or sludge process or constitute a hazard to humans or animals.

(Amended 12-20-04-Effective Upon Passage)

6. Any pollutant which will cause interference or pass through, including any toxic substances in amounts exceeding standards promulgated by the United States Environmental Protection Agency pursuant to Section 307(a) (33 U.S.C. Section 1317(a) and chemical elements or compounds, phenols or other taste or odor-producing substances or other substances which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the wastewater treatment system, or that will pass through the system.

(Added 12-20-04-Effective Upon Passage)

7. Any noxious or malodorous liquids, gases or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

8. Any substance which may cause the treatment plant effluent or any other residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the system cause the Town to be in noncompliance with sludge use or disposal regulations or permits issued under Section 405 of the Act, the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or other state requirements applicable to the sludge use and disposal practices being used by the Town.

9. Any wastewater which imparts color which cannot be removed by the treatment process, such as but not limited to dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the Town's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent (10%) from the seasonably established norm for aquatic life.

10. Any wastewater having a temperature greater than one hundred fifty degrees Fahrenheit (150°) [sixty-five degrees Celsius (65° C.)], or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred four degrees Fahrenheit (104° F.) [forty degrees Celsius (40° C.)].

11. Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the Administrator in compliance with applicable state or federal regulations.

12. Any pollutants which result in the presence of toxic gases, vapors or fumes within the system in a quantity that may cause worker health and safety problems.

13. Any trucked or hauled pollutants, except at discharge points designated by the Town in accordance with Section 134-12.

**(Amended Section # 12-20-04-Effective Upon Passage)**

14. Storm water, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, cooling water and unpolluted industrial wastewater, unless specifically authorized by the Administrator, except that governmentally owned, operated, and appropriately licensed and credentialed correctional facilities may utilize a local central rain collection and distribution system only for purposes of flushing toilets, operating HVAC cooling and heating systems, and/or operating laundry facilities, provided that the system is approved by the Administrator, or designee, as meeting or exceeding the Leadership in Energy and Environmental Design (“LEED”) initiative or comparable or better environmental standards. Town procedures and ordinances relating to water and sanitary sewer facilities, and other applicable policies, regulations, and laws; and further provided the system is approved by the Administrator as meeting or exceeding the Pre-treatment protocols and standards set forth in the Virginia Department of Health’s “Virginia Rainwater Harvesting & Use Guidelines”.

**(Amended 8-12-13-Effective Upon Passage)**

15. Any industrial wastes containing floatable fats, waxes, grease or oils or which become floatable at the wastewater temperature at the introduction to the treatment plant during the winter season; but in no case industrial wastewater containing more than one hundred (100) mg/L of emulsified oil or grease.

16. The discharge of a petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that cause interference or pass through.

**(Amended 12-20-04-Effective Upon Passage)**

17. Any sludges, screenings or other residues from the pretreatment of industrial wastes.

18. Any medical wastes, except as specifically authorized by the Administrator in a wastewater permit.

19. Any material identified as hazardous waste according to 40 CFR 261 except as may be specifically authorized by the Administrator, and in accordance with Section 134-18N.

**(Amended 12-20-04-Effective Upon Passage)**

20. Any wastewater causing the treatment plant effluent to show acute or chronic toxicity in excess of that allowed by Virginia State Water Control Law, using a percentage of the discharge and aquatic test species chosen by the Administrator.

**(Amended 12-20-04-Effective Upon Passage)**

21. Recognizable portions of the human or animal anatomy.

22. Any wastes containing detergents, surface-active agents or other substances which may cause excessive foaming in the municipal wastewater system.

23. All discharges of storm water, surface water, groundwater, roof runoff, subsurface drainage, or other waters not intended to be treated in the treatment facility, except as authorized by the Town.

(Added 12-20-04-Effective Upon Passage)

24. Bulk, expired, outdated or concentrated prescription or non-prescription pharmaceuticals.

(Added 4-27-20-Effective Upon Passage)

25. Hazardous waste pharmaceuticals or DEA controlled substances by a healthcare facility or reverse distributor.

(Added 4-27-20-Effective Upon Passage)

B. Wastes prohibited by this section shall not be processed or stored in such a manner that these wastes could be discharged to the municipal wastewater systems. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the system.

C. Wastewater survey. Upon request of the Administrator, all industrial users shall submit information as to the nature and characteristics of their wastewater. The Administrator shall prepare a form for this wastewater survey and may periodically require industrial users to update the wastewater survey, or update thereof, within thirty (30) days from receipt of the Administrator's request. Failure to complete the wastewater survey, or any update thereon, shall constitute a violation of this Article.

(Amended Entire Section 4-27-92-Effective Upon Passage)

### 134-5 SPECIFIC POLLUTANT LIMITATIONS

A. The following pollutant limits are established to protect against pass-through and interference. No person shall discharge wastewater into the municipal treatment system containing an excess of the following instantaneous maximum allowable discharge limits:

1. Any arsenic greater than 0.13 mg/L
2. Any barium greater than 1.0 mg/L
3. Any beryllium greater than 3.5 mg/L
4. Any cadmium greater than 0.08 mg/L
5. Any Chemical Oxygen Demand (COD) greater than 1,500 mg/L
6. Any chlorides greater than 1,000 mg/L
7. Any chromium greater than 5.6 mg/L
8. Any copper greater than 0.93 mg/L
9. Any cyanide greater than 1.3 mg/L
10. Any iron greater than 2.0 mg/L

11. Any lead greater than 0.53 mg/L
12. Any manganese greater than 1.0 mg/L
13. Any mercury greater than 0.014 mg/L
14. Any molybdenum greater than 1.16 mg/L
15. Any nickel greater than 0.72 mg/L
16. Any oil and grease greater than 100.0 mg/L
17. Any phenols greater than 0.20 mg/L
18. Any radioactivity as radium - 225 and strontium - 90 greater than 3 pCi and 10 pCi per liter, respectively. In the known absence of strontium - 90 and alpha emitters, the part per million concentration shall not be greater than 1,000 pCi per liter.
19. Any selenium greater than 0.08 mg/L
20. Any silver greater than 0.52 mg/L
21. Any Total Toxic Organics (TTO's) greater than 2.13 mg/L
22. Any zinc greater than 5.4 mg/L

**(Added "1-22" 12-20-04-Effective Upon Passage)**

B. Concentrations apply at the point where the wastewater is discharged into the municipal wastewater system. All concentration from metallic substances are for total metal. Compliance with all parameters may be determined from a single grab sample. The Administrator may impose mass limitations in addition to or in place of the concentration-based limitations above.

**(Amended Entire Section 4-27-92-Effective Upon Passage)**

C. The Town may develop best management practices (BMPs), by regulation or in individual wastewater discharge permits to implement local limits and the requirements of Sec. 134-4.

**(Added 4-27-20-Effective Upon Passage)**

### **134-6 VARIANCES AND AGREEMENTS**

The Town shall have the right to enter into special agreements with users setting forth terms under which the user may discharge into the municipal wastewater system. In no case will a special agreement waive compliance with a pretreatment standard. However, the industrial user may request a net gross adjustment to a categorical standard in accordance with 40 CFR Part 403.15. Industrial users may also request a fundamentally different factor variance from the Categorical Pretreatment Standards of the USEPA. Such a request must be either approved or not objected to by the EPA and will be permitted by the Town only if the user can prove that factors relating to its discharge are fundamentally different from the factors considered by the USEPA when establishing its pretreatment standard. An industrial user requesting a fundamentally different factor variance must comply with procedural and substantive provisions set forth in 40 CFR Part 403.13.

**(Amended Entire Section 4-27-92-Effective Upon Passage)**

**134-7 DILUTION RESTRICTED**

No industrial user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement. The Town, as defined in 40 CFR Part 403.12(a), may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate.

(Amended Entire Section/Title 12-20-04-Effective Upon Passage)

**134-8 FEDERAL CATEGORICAL PRETREATMENT STANDARDS**

A. Users subject to Categorical Pretreatment Standards are required to comply with applicable standards as set out in 40 CFR Chapter 1, Subchapter N, Parts 405-471, and incorporated herein.

B. Industrial users shall provide wastewater treatment necessary to comply with this Article and shall comply with all Categorical Pretreatment Standards and the local limits and prohibitions set out in this Article. All facilities required to pretreat wastewater shall be provided, operated and maintained at the industrial user's sole expense. Detailed plans showing all pretreatment facilities and outlining operating procedures shall be submitted to the Town for review and approval before construction of any pretreatment facility. The Town's review of said plans and operating procedures shall not relieve the industrial user from the responsibility of making any necessary modifications to the pretreatment facilities in order to obtain compliance with the provisions of this Article.

(Amended Entire Section 4-27-92-Effective Upon Passage)

**134-9 PRETREATMENT MEASURES**

A. The Administrator is authorized and may require industrial users to restrict their discharge during peak flow net periods, to designate that certain wastewater be discharged only into specific sewer lines, to relocate and/or consolidate points of discharge, to separate domestic sewage waste streams from industrial sewage waste streams and to impose such other conditions as may be necessary to protect the municipal wastewater system and to ensure the industrial user's compliance with the requirements of this Article.

B. Each person discharging into the municipal wastewater system an amount greater than one hundred thousand (100,000) gallons per day or an amount greater than five percent (5%) of the average daily flow in the system shall install and maintain on his property and at his sole expense a suitable storage and flow-control facility designed to ensure equalization of flow over a twenty-four hour period. Said facility shall have a capacity for at least fifty percent (50%) of the daily discharge volume by the user and shall be equipped with alarms and a rate of discharge controller. The regulation of flow from said facility shall be directed by the Administrator. The Town may issue a wastewater permit solely for flow equalization.



C. Grease, oil and sand interceptors shall be provided when, in the opinion of the Administrator, said interceptors are necessary for the proper handling of wastewater containing excessive amounts of grease, flammable substances, sand or other harmful substances. All interception units shall be of a type and capacity approved by the Administrator and shall be so located as to be easily accessible for cleaning and inspection. The Administrator shall determine a schedule for the inspection, cleaning and repair of said interceptors, the costs of which shall be borne by the property owner at his sole expense.

D. The Town may require industrial users with the potential to discharge flammable substances to install and maintain at their own expense an approved combustible gas detection meter.

E. All facilities constructed after the date of this Article shall separate domestic sewage from industrial wastewater until the industrial wastewater has passed through, the required pretreatment system and the industrial user's monitoring facility. The Administrator may require industrial users with previously existing facilities to separate domestic sewage from industrial waste streams when it appears that the combination of domestic sewage and industrial waste streams causes or contributes to interference with the municipal wastewater system.

(Amended Entire Section 4-27-92-Effective Upon Passage)

#### **134-10 SPILL PREVENTION PLANS**

A. Industrial users shall develop spill prevention plans to provide protection from the accidental discharge of materials which may interfere with the municipal wastewater system. All spill prevention plans shall be submitted to the Town of Front Royal for approval and must address the following:

1. Description of discharge practices, including non-routine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying the Town of any accidental or slug discharge, as required by Section 138-18 (E) and 138-18 (F) of this ordinance; and
4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance or storage areas, handling and transfer of materials, loading and unloading operations, control of plan site runoff, worker training, building of containment structures or equipment, measure for containing toxic organic pollutants including solvents, and/or measure and equipment for emergency response.

B. Industrial users shall construct facilities necessary to implement approved spill prevention plans and shall maintain the facilities at their sole expense. Existing industrial users shall have six (6) months from the effective date of this Article to submit a spill prevention plan to the Administrator for approval. In the event that the plan is rejected, the Administrator shall provide to the industrial user a written statement specifying the reasons for rejection. The industrial user shall then have thirty (30) days to submit an amended spill prevention plan complying with the

deficiencies noted by the Administrator. In the event that an industrial user fails to provide an approved spill prevention plan and/or fails to implement an approved spill prevention plan, the Administrator may require said industrial user to cease all discharge into the municipal wastewater system.

(Amended Entire Section 12-20-04-Effective Upon Passage)

### **134-11 TENANT RESPONSIBILITY**

Any person who occupies an industrial user's premises as a tenant under any rental or lease agreement shall be jointly and severally responsible for compliance with the provisions of this Article. The owner of the industrial user's premises shall remain jointly and severally responsible for compliance with the provisions of this Article, regardless of the actions of his tenant.

(Amended Entire Section 4-27-92-Effective Upon Passage)

### **134-12 HAULED WASTEWATER**

A. Septic tank waste may be introduced into the POTW only at locations designated by the Administrator, and as such times as are established by the Administrator. Such waste shall not violate any portion of this Article or any other requirements established by the Town. The Administrator may require septic tank haulers to obtain wastewater discharge permits.

B. The Administrator shall require haulers of industrial waste to obtain permits. The Administrator may require generators of hauled industrial waste to obtain wastewater discharge permits. The Administrator also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Article.

C. Industrial waste haulers may discharge loads only at locations designated by the Administrator. No load may be discharged without prior consent of the Administrator. The Administrator may collect samples of each hauled load to ensure compliance with applicable standards. The Administrator may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

D. Industrial waste haulers must provide a waste tracking form for every load. The form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

(Amended Entire Section 4-27-92 and 12-20-04-Effective Upon Passage)

### **134-13 WASTEWATER PERMIT REQUIRED; APPLICATION; APPROVAL/ DENIAL; REISSUANCE**

(Amended Title of Section 12-20-04-Effective Upon Passage)

A. WASTEWATER PERMIT REQUIREMENT - It shall be unlawful for any person to connect or attempt to connect any pipe to the Town's sewer lines without a permit, and it shall be unlawful for any person to discharge wastewater, whether domestic sewage or industrial waste, into the Town's municipal wastewater system without first obtaining a permit.

B. WASTEWATER PERMIT APPLICATION - Wastewater permit applications shall be submitted to the Administrator on forms provided by the Town. Each permit application shall contain all requested information in sufficient specificity to determine compliance with pretreatment standards and all other provisions of this Article. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision. Each application shall be accompanied by the system development charge in accordance with schedules promulgated by the Town or by special agreement between the Town and the user.

(Added "system development charge"6-8-20-Effective 7-1-20)

C. APPLICATION SIGNATORIES AND CERTIFICATION

1. All industrial wastewater permit applications and any industrial user reports must contain the following certification statement and be signed by the owner of the premises or an authorized representative:

*"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision, that only qualified personnel have provided the information so submitted, that I have made inquiry of said qualified personnel as to the accuracy of the information submitted, and to the best of my knowledge and belief, all information contained herein is true, accurate, and complete."*

2. It shall be a violation of this Article to knowingly submit inaccurate, incomplete or false information on any wastewater permit application. It shall further be a violation to unknowingly submit inaccurate, incomplete or false information on a wastewater permit application by reason that the applicant failed to inquire as to the accuracy of the submitted information.

D. PERMIT APPROVAL DENIAL - The Administrator will evaluate the submitted data furnished by the user and may require additional information. Within sixty (60) days from the receipt of all required data, the Administrator will determine whether or not to issue a wastewater permit. Any application not approved within the sixty-day period shall be deemed denied. The Administrator may deny any application for a wastewater discharge permit.

E. SIGNIFICANT INDUSTRIAL USERS - Any significant industrial user which is discharging industrial waste into the municipal wastewater system prior to the effective date of this Article shall, within ninety (90) days after said effective date, apply to the Town for a wastewater permit and shall not cause or allow industrial waste discharges into the municipal wastewater system after one hundred eighty (180) days from the effective date of this Article except as may be in compliance with said permit. Failure to apply for a permit or to comply to the terms of a permit within the time required shall be a violation of this Article and, in addition, may result, at the discretion of the Town, in the termination of municipal wastewater use by the significant industrial user.

F. No sooner than six (6) months nor later than ninety (90) days prior to the expiration of an existing wastewater permit, a significant user seeking reissuance of a wastewater permit shall submit a complete permit application in accordance with the provisions of Section 134-13B.

(Amended Entire Section 4-27-92-Effective Upon Passage)

#### **134-14 WASTEWATER PERMIT APPEALS**

Any person who is denied a wastewater permit or who objects to the terms of the wastewater permit may petition the Front Royal Town Manager to reconsider the denial of a permit or the terms of an issued permit by filing written notice of appeal with the Front Royal Town Manager not more than ten (10) days from the date the wastewater permit was denied or from the date an objectionable permit was granted. The written notice of appeal shall state the basis for the appeal and the permit provisions objected to, if any. The Town Manager shall examine all submitted documents and may request a hearing on the appeal. The Town Manager shall announce his decision within fifteen (15) days from the date the written notice of appeal is submitted. If the Town Manager fails to act within fifteen (15) days, the request for appeal shall be deemed denied. Any person whose appeal is denied by the Front Royal Town Manager, either in whole or in part, may appeal that decision to the Warren County Circuit Court, if written notice of appeal is filed with the Clerk of the Warren County Circuit Court within thirty (30) days from the date of the decision by the Front Royal Town Manager. Failure to adhere to the administrative appeal process or to file written notices of appeal as required herein shall be deemed a waiver of the right to appeal.

(Amended Entire Section 4-27-92-Effective Upon Passage)

#### **134-15 PERMIT PROVISIONS**

A. Industrial wastewater permits shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. Each permit will indicate a specific expiration date. Existing industrial wastewater permits shall be deemed void upon cessation of operations by the user or upon the issuance of a new wastewater permit. The terms and conditions of a permit are automatically continued past its expiration date and remain fully enforceable pending issuance of a new permit if:

1. The permittee has submitted a timely and sufficient application for renewal; or
2. The Town is unable, through no fault of the permittee, to issue a new permit before the expiration date of the previous permit; and
3. The permittee is not in significant noncompliance with the terms and conditions of the previous permit on its expiration date.
4. A wastewater permit for a domestic user shall be issued for an indefinite period without an expiration date.

B. All wastewater permits shall include any such conditions deemed necessary by the Administrator to prevent pass-through or interference, to protect the quality of the water body receiving the treatment plant effluent, to protect worker health and safety, to facilitate sludge management and disposal, to protect the ambient air quality and to protect against damage to the municipal wastewater system and treatment plant. Industrial wastewater permits shall be nontransferable without prior notification to and approval by the Town of Front Royal. Industrial permits shall contain the effluent limits, including BMP's, based on pretreatment standards applicable to the user and shall include self-monitoring, sampling, reporting, notification and record-keeping requirements pertaining to the user. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency and sample type based on Federal, State, and local law. In addition, the permit will contain a statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law. The permit must include requirements to control slug discharge, if determined by the Town to be necessary.

**(Amended 4-27-20-Effective Upon Passage)**

C. Wastewater discharge permits may contain, but need not be limited to the following conditions:

1. Limits on the average or maximum rate of discharge, time of discharge, and/or requirements for flow regulation name equalization;
2. Requirements for installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
3. Requirements for development of and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the system;
5. The unit charge or schedule or user charges and fees for the management of the wastewater discharged to the system;
6. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
7. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and

8. Other conditions as deemed appropriate by the Town to ensure compliance with this ordinance and State and Federal laws, rules and regulations.

(Amended Entire Section 4-27-92 and 12-20-04-Effective Upon Passage)

### **134-16 PERMIT MODIFICATIONS AND TRANSFER**

A. A user may apply for modification of an existing wastewater permit, or the Administrator, following notice and hearing to the user, may cause a permit to be modified for the following reasons:

1. To incorporate new or revised Federal, State, or local government laws, standards or requirements.
2. To address significant alterations or additions to the user's operation, processes or wastewater volume or character since the time of wastewater discharge permit issuance.
3. To address a change or condition in the municipal wastewater system which requires a temporary or permanent reduction or elimination of a previously authorized discharge.
4. To address new information indicating that a previously permitted discharge poses a threat to the municipal wastewater system, Town personnel or receiving waters.
5. To address violation by the user of any of the terms and conditions of the existing wastewater permit.
6. To address misrepresentation, a failure to disclose or otherwise incomplete or incorrect data submitted by the user in the wastewater permit application.
7. To incorporate a revision of or a grant of variance from Categorical Pretreatment Standards made pursuant to 40 CFR 403.13.
8. To correct typographical errors in the existing permit.
9. To reflect transfer of facility ownership and/or operation.

### **B. WASTEWATER PERMIT TRANSFER**

1. Industrial wastewater permits may be reassigned to a new owner or operator by the Town Administrator upon at least thirty (30) days written certification by the new owner or operator stating that there will be no immediate change to the facility's operations and processes, acknowledging full responsibility for complying with the terms of the existing permit and identifying the specific date the transfer in ownership of operation is to occur.

2. Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

(Amended Entire Section 4-27-92-Effective Upon Passage; Amended “2” 12-20-04-Effective Upon Passage)

### **134-17 PERMIT REVOCATION; APPEAL**

(Amended Title 12-20-04-Effective Upon Passage)

A. The Administrator may revoke existing wastewater permits, following notice and hearing to the user. The Administrator shall send a revocation notice by first class mail to the user at his last known address as stated in the permit application. The notice shall state the date, time and place of the revocation hearing, which may be held anytime within five (5) days after the notice is mailed. A permit may be revoked by the Administrator for any of the following reasons:

1. Failure to notify the Town of significant changes to wastewater discharge.
2. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.

(Added 12-20-04-Effective Upon Passage)

3. Failure to provide prior notification of changed conditions pursuant to this Article.

(Added 12-20-04-Effective Upon Passage)

4. Falsifying self-monitoring reports.
5. Refusing the Town access to facility premises and records.
6. Failure to meet effluent limitations.
7. Failure to pay fines or fees relating to sewer usage or violations of the Article.
8. Failure to meet compliance schedules.
9. Failure to complete a wastewater survey or the wastewater discharge permit application.

(Amended 12-20-04-Effective Upon Passage)

10. Failure to provide required notice of transfer in ownership or operation.
11. Violation of any pretreatment standards or requirements.

B. An administrative appeal of any permit revocation may be made to the Town Manager in accordance with the same terms and conditions set forth herein for appeals on wastewater permit application decisions. An appeal from the Town Manager's decision on revocation may be made to the Circuit Court of Warren County in accordance with the same terms and conditions set forth for appeals from the Town Manager's decisions on wastewater permit application appeals. No wastewater discharge shall be permitted by any user pending an appeal of the revocation of a wastewater permit.

(Amended Entire Section 4-27-92-Effective Upon Passage)

**134-18 SIGNIFICANT INDUSTRIAL USER REPORTING REQUIREMENTS**

A. BASELINE MONITORING REPORTS - Within one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard or one hundred eighty (180) days after the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing significant industrial users subject to such Categorical Pretreatment Standards and currently discharging to or scheduled to discharge to the municipal system shall be required to submit to the Town a report which contains the information listed in Subsection A(1) through (8) below. At least ninety (90) days prior to commencement of their discharge, new sources, including existing significant industrial users which have changed their operation or processes so as to become new sources, shall be required to submit to the Town a report which contains the information listed in Subsection A(1) through (8). A new source shall also be required to report the method of pretreatment it intends to use to meet applicable categorical standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged. The information required in this section includes:

1. Identifying Information: The user shall submit the name and address of the facility, including the name of the operator and owners.
2. Permits: The user shall submit a list of any environmental control permits held by or for the facility.
3. Description of Operations: The user shall submit a brief description of the nature, average rate of production and standard industrial classifications of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the system from the regulated process.
4. Flow Measurement: The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the system from regulated process streams and other streams as necessary to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
5. Measurement of Pollutants:
  - a. The industrial user shall identify the Categorical Pretreatment Standard applicable to each regulated process.
  - b. In addition, the industrial user shall submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or Town) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long-term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be performed in accordance with procedures set out in 40 CFR 136.
  - c. A minimum of four (4) grab samples must be used for pH temperature, cyanide, total phenols, oil and grease, sulfide and volatile organics. All other pollutants will be measured



by composite samples obtained through flow- proportional sampling techniques. If flow-proportional composite sampling is infeasible, samples may be obtained through time-proportional sampling techniques or through four (4) grab samples if the user proves such a sample will be representative of the discharge. See Section 134-5A for specific Pollutant Limitations.

6. Special Certification: The user shall submit a statement, reviewed by an authorized representative of the industrial user and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O & M) and/or additional pretreatment is required in order to meet the pretreatment standards and requirements.

7. Compliance Schedule: If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the user shall submit the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. All compliance schedules must meet the following requirements:

- a. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- b. No increment referred to above shall exceed nine (9) months;
- c. The user shall submit a progress report to the Town no later than fourteen days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and if appropriate, the steps being taken by the user to return to the established schedule; and
- d. In no event shall nine (9) months elapse between such progress reports to the Town.

(Added "a – d" 12-20-04-Effective Upon Passage)

8. Signature and Certification. All baseline monitoring reports must be signed and certified.

B. COMPLIANCE DEADLINE REPORTS - Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards or, in the case of a new source, following commencement of the introduction of wastewater into the municipal wastewater system, any industrial user subject to such pretreatment standards and requirements shall submit to the Town a report containing the information described in Section 134-18A (5) and (6). For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable

measure of the user's long-term production rate. For all other industrial users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified.

### C. PERIODIC COMPLIANCE REPORTS

1. Any significant categorical or non-categorical industrial user subject to a pretreatment standard shall, at a frequency determined by the Administrator but in no case less than quarterly submit a report indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the Town or the Pretreatment Standard necessary to determine the compliance status of the user. All periodic compliance reports must be signed and certified.

**(Amended 12-20-04-Effective Upon Passage; 4-27-20-Effective Upon Passage)**

2. All wastewater samples must be representative of the industrial user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.

3. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Administrator, using the procedures described in Section 134-13 (C) of this ordinance, the results of this monitoring shall be included in this report.

**(Added 12-20-04-Effective Upon Passage)**

4. In the event that an industrial user's monitoring results indicate a violation has occurred, the industrial user must immediately notify the Town (within 24 hours) and resample its discharge. The industrial user must report the results of the repeated sampling within thirty (30) days of discovering the first violation. The industrial user is not required to resample if the Town monitors at the user's facility at least once a month, or if the Town samples between the user's initial sampling and when the user receives the results of this sampling.

**Amended 12-20-04-Effective Upon Passage)**

D. REPORTS OF CHANGED CONDITIONS - Each industrial user is required to notify the Administrator of any planned significant changes, as defined in Section 134-18 (D)(4) to the industrial user's operations or pretreatment systems which might alter the nature, quality or volume of its wastewater, including any changes which affect the potential for a slug discharge.

**(Amended 4-27-20-Effective Upon Passage)**

1. The Administrator may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater permit application, if necessary.
2. The Administrator may issue a wastewater permit or may modify an existing wastewater permit in response to changed conditions or anticipated changed conditions.
3. No industrial user shall implement the planned changed condition(s) until and unless the Administrator has responded to the industrial user's notice.
4. For purposes of this requirement, flow increases of ten percent (10%) or greater and the discharge of any previously unreported pollutant shall be deemed significant.

E. REPORTS OF POTENTIAL PROBLEMS - Each industrial user shall provide protection from accidental or intentional discharges of prohibited materials or other substances regulated by this Article. Facilities to prevent the discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Town for review and shall be approved by the Town before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this Article.

1. No industrial user which commences contribution to the system after the effective date of this Article shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Town.
2. In the case of an accidental or other discharge which may cause potential problems for the municipal wastewater system, it is the responsibility of the user to immediately telephone and notify the Town of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
3. Within five (5) days following an accidental discharge, the user shall, unless waived by the Administrator, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the system, natural resources or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this Article.
4. Failure to notify the Town of potential problem discharges shall be deemed a separate violation of this Article.
5. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in Subsection E (2)

above. Employers shall ensure that all employees who may cause or suffer such a discharge to occur are advised of the emergency notification procedure.

F. REPORTS FROM NONCATEGORICAL USER - All industrial users not subject to Categorical Pretreatment Standards and not required to obtain a wastewater permit shall provide appropriate reports to the Town as the Administrator may require.

G. SAMPLE COLLECTION

1. Except as indicated in Subsection G(2) below, wastewater samples collected for purposes of determining industrial user compliance with pretreatment standards and requirements must be obtained using flow-proportional composite collection techniques. In the event that flow-proportional sampling is not feasible, the Administrator may authorize the use of time-proportional sampling.

2. Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be obtained using grab collection techniques.

H. ANALYTICAL REQUIREMENTS - All pollutant analyses, including sampling techniques, to be submitted as part of a permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR 136 or, if 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, in accordance with procedures approved by the EPA and the Town.

I. MONITORING CHARGES - The Administrator may recover the Town's expenses incurred in collecting and analyzing samples of the industrial user's discharge by adding the costs to the industrial user's sewer charges.

J. TIMING - Written reports will be deemed transmitted at the time of deposit, for mailing postage prepaid, into a mail facility of the United States Postal Service.

K. RECORDKEEPING - Industrial users shall retain and make available for inspection and copying all records and information required to be retained under 40 CFR 403.12(o) and 9VAC25-31-840(0) including all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with Best Management Practices established under Section 134-5.C. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning compliance with this Article or where the industrial user has been specifically notified of a longer retention period by the Administrator.

(Amended 12-20-04-Effective Upon Passage; 4-27-20-Effective Upon Passage)

L. INSPECTION AND SAMPLING - The Town, and/or its duly authorized agents, bearing credentials and identification, shall have the right to enter the facilities of any industrial user to ascertain whether the purpose of this Article is being met and all requirements are being complied with. Industrial users shall allow the Administrator, or his representatives, ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying and the performance of any additional duties.

(Amended 12-20-04-Effective Upon Passage)

1. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the industrial user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the Town, state and USEPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.
2. The Town, state and USEPA shall have the right to set up or require installation of, on the industrial user's property, such devices as are necessary to conduct sampling and/or metering of the user's operations.
3. The Town may require the industrial user to install monitoring equipment, as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the industrial user at the industrial user's expense. All devices used to measure wastewater flow and quality shall be calibrated periodically to ensure their accuracy.
4. Unreasonable delays in allowing Town personnel access to the industrial user's premises shall be a violation of this Article.
5. The Town and/or its agents may randomly sample and analyze the effluent from industrial users and conduct surveillance activities in order to identify, independent from information supplied by industrial users, occasional and continuing noncompliance with pretreatment standards. The Town and/or control authority must evaluate a least once a year whether a significant industrial user needs a plan to control slug discharges. For the purpose of this subsection, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge. If the Town and/or approval authority decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:
  - a. Description of discharge practices, including non-routine batch discharges;
  - b. Description of stored chemicals;
  - c. Procedures for immediately notifying the Town of slug discharges, including any discharge that would violate a prohibition under 40 CFR Part 403.5(b), with procedures for follow up written notification within five (5) days;

d. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structure or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency responses.

(Added "5a-d" 12-20-04-Effective Upon Passage)

M. CONFIDENTIAL INFORMATION - Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits and monitoring programs, and from the Town's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Town, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR Part 2.302 will not be recognized as confidential information and will be available to the public without restriction.

(Added 12-20-04-Effective Upon Passage)

N. NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE

1. Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include:

- a. the name of the hazardous waste as set forth in 40 CFR Part 261,
- b. the EPA hazardous waste number, and
- c. the type of discharge (continuous, batch, or other).

2. If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user:

- a. An identification of the hazardous constituents contained in the wastes;
- b. An estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and
- c. An estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months.

3. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need to be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 134-18(D) of this ordinance. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Sections 134-18(A), 134-18(B) and 134-18(C) of this ordinance.

4. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR Part 261.30(d) and Part 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR Part 261.30(d) and Part 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

5. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Town, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

6. In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

7. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued there under, or any applicable Federal or State law.

(Amended Entire Section 4-27-92-Effective Upon Passage; Added "N1-6"12-20-04-Effective Upon Passage)

#### **134-19 ADMINISTRATIVE ENFORCEMENT REMEDIES**

A. NOTIFICATION OF VIOLATION - Whenever the Administrator finds that any domestic user or any industrial user has violated or is violating this Article, a wastewater permit or order issued hereunder or any other pretreatment requirement, the Administrator, or his agent, may serve upon said user a written notice of violation. Within five (5) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Administrator. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the Town to take emergency action without first issuing a notice of violation.

B. CONSENT AGREEMENTS - The Administrator is hereby empowered to enter into consent agreements, assurances of voluntary compliance or other similar documents establishing an agreement with any domestic or industrial user responsible for the noncompliance. Such agreements will include specific action taken by the industrial user to correct the noncompliance within a time period also specified by the agreement. Consent agreement shall be judicially enforceable.

C. SHOW CAUSE HEARING

1. The Administrator may order any domestic or industrial user which causes or contributes to violation(s) of this Article, wastewater permits or agreements hereunder or any other pretreatment requirement to appear before the Administrator and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be mailed by first class mail to the last known address of the user as stated on the permit application. Such notice may be mailed to any authorized representative of an industrial user. Immediate enforcement action may be taken by the Administrator following the hearing, whether or not the user appears. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

(Amended 12-20-04-Effective Upon Passage)

2. An administrative appeal of any show cause hearing may be made to the Town Manager in accordance with the same terms and conditions set forth herein for appeals of wastewater permit application decisions. An appeal from the Town Manager's decision on a show cause hearing may be made to the Circuit Court of Warren County in accordance with the same terms and conditions set forth for appeals from the Town Manager's decisions on wastewater permit application appeals.

D. JUDICIAL REMEDIES

1. The Town may enforce violation of or deviation from the standards of this Article by suit for injunction or other appropriate legal action or suit.

2. The Town may seek to recover by legal action or suit from any industrial user monetary compensation for damages to its public sanitary sewage system, and the POTW's treatment system, caused by the industrial user's violation of or deviation from the standards of this Article.

3. A person who violates the provisions of this Article shall be guilty of a Class 1 misdemeanor and upon conviction is punishable by a maximum fine up to two thousand five hundred (\$2,500) dollars per violation per day and confinement in jail for not more than twelve (12) months, either or both. In the event of a violation, the Town shall also have the right to terminate the sewer and water connections.



4. In addition to the proceedings under the authority of subsection (c) of this section the Town is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of state statutes or other ordinances of the Town against a person conducting a prohibited discharge or violating a pretreatment standard or requirement, including, without limitation, injunctive relief.

5. Any person who knowingly makes and false statements, representations, or certifications in any application, record, report, plan or other document files required to be maintained pursuant to this Article, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring devices or method required under this article shall, upon conviction, be punishable by a maximum fine up to two thousand five hundred (\$2,500) dollars per violation per day and confinement in jail for not more than twelve (12) months, either or both.

6. The Town has the authority and procedures (which shall include notice to the affected industrial users and an opportunity to respond) to halt or prevent any discharge to the system which presents or may presents an endangerment to the environment or which threatens to interfere with the operation of the system. The Director of the Department of Environmental Quality or an authorized representative shall have authority to seek judicial relief and may also use administrative penalty authority when the Town has sought a monetary penalty which the Director believes to be insufficient.

(Added "D 1-6" 12-20-04-Effective Upon Passage)

#### E. OTHER ACTIONS

1. The Town shall be authorized to implement such other program and enforcement mechanisms as are consistent with regulatory guidelines and are deemed appropriate.

2. The Town shall publish annually, in any daily newspaper published in the municipality where the POTW is located, a list of users which, during the previous twelve (12) months were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

a. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of wastewater measurements taken during a six month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits.

(Amended 4-27-20-Effective Upon Passage)

b. Technical review criteria (TRC) violations, defined here as those in which thirty three (33) percent or more of wastewater measurements taken for each pollutant parameter during a six month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other parameters except pH);

- c. Any other discharge violation that the Town believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- d. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Town's exercise of its emergency authority to halt or prevent such discharge;
- e. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- f. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with the compliance schedules;

**(Amended to (45) days 4-27-20-Effective Upon Passage)**

- g. Failure to accurately report noncompliance; or
  - h. Any other violation which the Town determines will adversely affect the operation or implementation of the local pretreatment program.
3. Supplemental Enforcement Action
- a. Performance Bonds - The Administrator may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Article, a previous wastewater discharge permit, or other issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond payable to the Town, in a sum not to exceed a value determined by the Administrator to be necessary to achieve consistent compliance.
  - b. Liability insurance - The Administrator may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Article, a previous wastewater discharge permit, or other issued hereunder, or any other pretreatment standard or requirement, unless such user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.
  - c. Water supply severance - Whenever a user has violated or continues to violate any provisions of this Article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

4. Availability of Records - Effluent data provided to the DEQ or to the Town shall be available to the public without restriction. Industrial users shall comply with all public access requirements of 40 CFR Part 403.14, incorporated by reference.

**Added "E 1-4" 12-20-04-Effective Upon Passage)**

#### F. REMEDIES NONEXCLUSIVE

The remedies provided for in this ordinance are not exclusive. The Town may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the Town's enforcement response plan. However, the Town may take other action against any user when the circumstances warrant. Further, the Town is empowered to take more than one enforcement action against any noncompliant user.

**(Amended Entire Section 4-27-92-Effective Upon Passage; Added "F" 4-27-20-Effective Upon Passage)**

### 134-20 EMERGENCY SUSPENSIONS OR TERMINATION

A. The Administrator may suspend the wastewater permit of an industrial user, for a period not to exceed thirty (30) days, whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons, interferes with the operation of the municipal wastewater system or which presents or may present an endangerment to the environment.

B. Any industrial user notified of a suspension of its wastewater permit shall immediately stop or eliminate its contribution. In the event of an industrial user's failure to immediately comply voluntarily with the suspension order, the Administrator shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the system, its receiving stream or endangerment to any individuals. The Administrator shall allow the industrial user to recommence its discharge when the user has demonstrated to the satisfaction of the Town that the period of endangerment has passed, unless proceedings for termination of the wastewater permit are initiated against the user.

C. An industrial user which is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Administrator prior to the date of any show cause or termination hearing.

D. In addition to the provisions in 134-17 of this Article, any user who violates the following conditions is subject to discharge termination:

1. Violation of wastewater discharge permit conditions;
2. Failure to accurately report the wastewater constituents and characteristics of its discharge;

3. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
4. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling, or
5. Violation of the pretreatment standards in section 134-4, 134-5, 134-6, 134-7, 134-8 or 134-9 of this Article.

(Amended Entire Section 4-27-92-Eff Upon Passage ; Added "D1-5" & Title 12-20-04-Eff Upon Passage)

## 134-21 GENERAL PROVISIONS FOR ALL USERS

A. Separate connections required; exceptions: Buildings shall be provided with separate sanitary sewer connections at the property line. The connection of more than one (1) building to the same sewer lateral will not be allowed except by special permission prior to installation and at the sole discretion of the Town.

(Ord. No. 22-05 Amended 9-26-05-Effective Upon Passage)

B. Tap to sewer main; determination of size and sewer lateral:

1. The Town shall make the connection to the sewer main in the street and run the sewer service line from the sewer main in the street as near as practicable to the street right-of-way abutting the property to be served, in accordance with the provisions of Section 134-22.3

(Amended (1) 9-26-05-Effective Upon Passage ; Added "connection" 6-8-20-Effective 7-1-20)

2. The property owner or his representative shall determine the size of the sewer lateral which is needed for the service required.

(Amended (2) 6-8-20-Effective 7-1-20)

C. Inspection of connection and service lines: After a permit to make connection with the Town's sewer system has been granted, each such connection and the pipes running therefrom to the house or building shall be inspected and approved by a designated official of the Town before the pipes are covered and before the service can be used.

D. Covering of uninspected connections and service lines: Any person covering a sewer connection or sewer service line that has not been inspected and approved as provided in this Article shall be guilty of a misdemeanor. The guilty party shall be required to uncover such connection or pipes so proper inspection can be made.

E. Plugging of ends of pipe not immediately connected: The ends of all sewer pipes not to be immediately connected with are to be securely stopped by a watertight plug.

F. Tampering with system: It shall be unlawful for any person to open or tamper with any manhole, pipe, fence, building or any property to the Town's sewer system or to deface, damage or destroy any property of the Town used in connection with the Town's sewer system.

G. Determination of size, materials, location and elevation: In all projects for the extension of sewers, the Town Council shall be the sole judge as to the size of such sewers, laterals, manholes, valves, etc., and as to the materials used in the construction of the same and shall determine the location and elevation of all such sewers and laterals.

H. Extensions to be property of Town: All extensions of sewers, pipes, valves, manholes, laterals, etc., provided they are installed in conformance with the appropriate regulations and Town specifications, and all appurtenances thereto shall become and remain the property of the town and shall become a part of its general sewer system and, as such, subject to all rules and regulations as may be, from time to time, adopted by the Town Council.

(Amended Entire Section 4-27-92-Effective Upon Passage)

(Amended "H" 9-26-05-Effective Upon Passage)

## 134-22 SYSTEM DEVELOPMENT CHARGES

A. The system development charge for sewer service, independent of and in addition to installation costs, will be based on the size of the water meter for water entering the premises from which a sewer connection exits, according to the following:

(Amended 9-26-05-Effective Upon Passage)

1. Sewer connection served by three-fourths-inch water meter: seven thousand three hundred thirty dollars (\$7,330.00) each.

(Added 9-26-05-Eff Upon Passage)

(Amended 1-24-11-Effective 2-1-11; 5-23-11-Effective 7-1-11; 6-8-20-Effective 7-1-20)

2. Sewer connection served by one-inch water meter: twelve thousand two hundred seventeen dollars (\$12,217.00) each.

(Added 9-26-05-Effective Upon Passage)

(Amended 1-24-11-Effective 2-1-11; 5-23-11-Effective 7-1-11; 6-8-20-Effective 7-1-20)

3. Sewer connection served by one and one-half-inch water meter: twenty-four thousand four hundred thirty-three (\$24,433.00) each.

(Added 9-26-05-Effective Upon Passage)

(Amended 1-24-11-Effective 2-1-11; 5-23-11-Effective 7-1-11; 6-8-20-Effective 7-1-20)

4. Sewer connection served by two-inch water meter: thirty-nine thousand ninety-three dollars (\$39,093.00) each.

(Added 9-26-05-Effective Upon Passage)

(Amended 1-24-11-Effective 2-1-11; 5-23-11-Effective 7-1-11; 6-8-20-Effective 7-1-20)

5. Sewer connection served by three-inch water meter: eighty-five thousand five hundred seventeen dollars (\$85,517.00) each.

(Added 9-26-05-Effective Upon Passage)

(Amended 1-24-11-Effective 2-1-11; 5-23-11-Effective 7-1-11; 6-8-20-Effective 7-1-20)

6. Sewer connection served by four-inch water meter: one hundred forty-six thousand six hundred dollars (\$146,600.00) each.

(Amended 6-27-88-Effective 7-1-88; 6-24-90-Effective-9-24-90; 6-24-91-Effective 7-1-91)  
 (Amended 11-8-04-Effective Upon Passage; 9-26-05-Effective Upon Passage;1-24-11 Effective 2-1-11)  
 (Amended 5-23-11-Effective 7-1-11; 6-10-13-Effective 7-1-13; 6-8-20-Effective 7-1-20)

7. Sewer connection served by six-inch water meter: three hundred twenty-nine thousand eight hundred fifty dollars (\$329,850.00) each.

(Amended 6-27-88-Effective 7-1-88; 6-24-90-Effective-9-24-90; 6-24-91-Effective 7-1-91)  
 (Amended 11-8-04-Effective Upon Passage; 9-26-05-Effective Upon Passage;1-24-11 Effective 2-1-11)  
 (Amended 5-23-11-Effective 7-1-11; 6-10-13-Effective 7-1-13; 6-8-20-Effective 7-1-20)

8. Sewer connection served by eight-inch water meter: six hundred eighty-four thousand one hundred thirty-three dollars (\$684,133.00) each.

(Amended 6-27-88-Effective 7-1-88; 6-24-90-Effective-9-24-90; 6-24-91-Effective 7-1-91)  
 (Amended 11-8-04-Effective Upon Passage; 9-26-05-Effective Upon Passage;1-24-11 Effective 2-1-11)  
 (Amended 5-23-11-Effective 7-1-11; 6-10-13-Effective 7-1-13; 6-8-20-Effective 7-1-20)

9. Sewer connection served by ten-inch water meter: one million twenty-six thousand two hundred dollars (\$1,026,200.00) each.

(Added 9-26-05-Effective Upon Passage)  
 (Amended 1-24-11-Effective 2-1-11; 5-23-11-Effective 7-1-11; 6-10-13-Eff 7-1-13; 6-8-20-Effective 7-1-20)

10. Sewer connection served by twelve-inch water meter: one million two hundred ninety-four thousand nine hundred sixty-seven dollars \$1,294,967.00) each.

(Added 9-26-05-Effective Upon Passage)  
 (Amended 1-24-11-Effective 2-1-11; 5-23-11-Effective 7-1-11; 6-10-13-Eff 7-1-13; 6-8-20-Effective 7-1-20)

B. The above standard fee schedule charges shall apply to apartments, houses, condominiums, commercial buildings and hostels.

C. For purposes of this fee schedule, the following terms shall have the meanings indicated:

**APARTMENT UNIT** - A single-dwelling unit in a multiple-unit structure which is occupied on a rental basis.

**CONDOMINIUM** - A single-dwelling unit in a multiple-unit structure which is occupied on an ownership basis.

**UNIT** - Any single place of residence, any single place of business or any single hostelry room.

D. The standard fee schedule shall apply to the first unit of any structure. The standard fee schedule charges shall apply to each condominium unit.

E. The charges for apartments, condominium units and trailers will be two thousand three hundred four dollars (\$2,304.00) for sewer service for each unit after the first unit.

(Amended 6-24-91-Effective 7-1-91; 11-8-04-Effective Upon Passage; 6-10-13-Effective 7-1-13)

F. In the event that any multiple-unit complex which initially qualifies for the reduced rates for additional apartment units shall convert such units from a rental basis to an ownership basis, then, at the time of such conversion, the standard fee schedule charges shall be assessed against each single unit that is so converted.

G. Notwithstanding the provisions of Section 134-22.A., G. H., and I. the system development charges for sewer service provided to structures and facilities which were existing as of May 20, 1991, in the following annexed areas of the Town of Front Royal shall be frozen at rates in effect on the date of May 20, 1991, to wit:

(Amended and Removed Reference to “Commercial Closets” 6-8-20-Effective 7-1-20)

1. The annexed area incorporated into the Town of Front Royal by order of the Annexation Court, effective December 31, 1976, as shown by the plat of record in the annexation file of record in the office of the Clerk of the Circuit Court of Warren County.
2. The annexed area incorporated into the Town of Front Royal by order of the Annexation Court, effective December 31, 1978, as shown by the plat of record in the annexation file of record in the office of the Clerk of the Circuit Court of Warren County.

(Added (1-2) 7-22-91-Effective Upon Passage)

H. All system development charges for sewer services furnished outside of the limits of the Town of Front Royal will be one hundred percent (100%) more than the in-town rates as provided in Section 134-22, Subsections A through H.

(Added 12-18-95-Effective Upon Passage)

(Amended to add “system development charges” 6-8-20-Effective 7-1-20)

I. No system development charges for sewer service shall be accepted by the Town of Front Royal prior to the issuance of a zoning permit and the approval of a building permit application for building development or conversion upon the lot or parcel of land to be served. This provision shall not apply when the lot or parcel of land to be served has an existing structure approved for occupancy.

(Amended Entire Section 4-27-92-Effective Upon Passage)

(Added 1-10-2000-Effective Upon Passage)

(Amended to add “system development charges” 6-8-20-Effective 7-1-20)

### 134-22.1 SANITARY SEWER SERVICE RATES

The monthly base rates for sanitary sewer service usage shall be as follows:

A. Base rate, up to three thousand (3,000) gallons per month: seventeen dollars and thirty-three cents (\$17.33).

(Amended 6-10-91-Effective 7-1-91; 6-14-93-Effective 7-1-93; 6-14-99-Effective Upon Passage)  
(Amended 5-28-02-Effective Upon Passage; 6-28-10-Effective 7-1-10; Amended 2-24-11-Effective 2-1-11)  
(Amended 5-23-11-Effective 7-1-11; 6-10-13-Effective 7-1-13; 6-9-14-Effective 7-1-14)  
(Amended 6-8-15-Effective 7-1-15; 6-8-20-Effective 7-1-20 ; Amended 4-26-21-Effective 7-1-21)

B. All sanitary sewer service usage exceeding three thousand (3,000) gallons per month: fourteen dollars and ninety cents (\$14.90) per month, for each one thousand (1,000) gallons thereafter.

(Amended 6-14-93-Effective 7-1-93; 6-14-99-Effective Upon Passage)  
(Amended 5-28-02-Effective Upon Passage; 6-28-10-Effective 7-1-10; Amended 2-24-11-Effective 2-1-11)  
(Amended 5-23-11-Effective 7-1-11; 6-10-13-Effective 7-1-13; 6-9-14-Effective 7-1-14)  
(Amended 6-8-15-Effective 7-1-15; 6-8-20-Effective 7-1-20 ; Amended 4-26-21-Effective 7-1-21)

C. The rates for sanitary sewer service usage furnished outside of the limits of the Town of Front Royal:

1. One hundred percent (100%) more than the in-town rates as provided above, for areas not in the “U.S. Routes 522/340 Corridor Area, or “Route 522 Corridor Area”, or “Corridor Area”, hereinafter, “Corridor Area”, as described and defined in subparagraph (ii) below.
2. a. In the “Corridor Area”, commercial users (“Users”) of Town sanitary sewer service usage shall pay to the Town a rate for services equal to the charge to in-Town commercial/industrial sanitary sewer users, plus an amount in lieu of all of the taxes (less and except, however, the equivalent of the Town’s meals and lodging taxes, as hereinafter set forth) and license fees the User would pay to the Town if User's premises, and all commercial activity thereon, or ancillary thereto, was located and occurring within the boundaries of Town, or “PILOT fees” (“Payments In Lieu of [Town] Taxes fees”). The annual amount due shall include all such taxes (less and except, however, the equivalent of the Town’s meals [food and beverage] and lodging taxes), and license fees, whether ordinarily imposed directly on the User and paid to the Town, or indirectly on User’s customers, collected by User and paid to the Town, as if User was located within the Town. Such indirectly imposed taxes shall not include the Town meals (food and beverage) taxes and Town lodging taxes. By February 1<sup>st</sup> each calendar year, User shall file with the Town a statement (“Statement”) of User’s previous year’s taxes in the following categories: (1) property taxes paid the County of Warren, Virginia; (2) gross receipts subject to a state sales tax, and business and professional occupational license taxes (excluding meals and lodging taxes collected); (3) a list of all automobiles for which license taxes were paid to Warren County; (4) any bank franchise tax paid on deposits in Warren County; and (5) any car rental tax paid. This information contained in the Statement will be used to calculate an amount equivalent to what User’s annual taxes or taxes collected and license fees would be if User were a Town resident or a Town business. This amount shall then be divided into twelfths and such resulting amount shall be added to User’s monthly bill for services.



b. If a commercial User in the Corridor Area is new to Warren County, the information required in the Statement above shall be estimated by the Town for purposes of determining the User's rate for the first year of services.

c. The Corridor Area was originally described and defined in the "Amendment to an Agreement Between the County of Warren and the Town of Front Royal Regarding the Provision of Water and Sewer Service by the Town in the U.S. Route 522/340 North Corridor and the Assumption of Full Service Funding and Responsibility by the County of Fire/Rescue, Parks/Recreation Operations and Animal Control Services", dated August 9, 1999, and as further ratified by "Final Order Validating and Affirming Voluntary Settlement Agreement Between the Town of Front Royal and the County of Warren", said Order entered into by the Circuit Court of Warren County, Virginia, dated December 13, 1999, Case No.CL97000225. The Corridor Area originally is described and defined as being that area north of the corporate boundaries of the Town of Front Royal, in Warren County, on both sides of U.S. Routes 522/340 North, extending to Crooked Run on the West side of U.S. Routes 522/340 North to the tracks of the Norfolk and Southern Railroad Company on the East side of U.S. Routes 522/340 North, and between the Interstate-66 Interchange to the South and State Route 661 (Fairgrounds Road) to the North. The Corridor Area has since been amended and expanded, by Voluntary Settlement Agreement between the Town of Front Royal and the County of Warren, to additionally include Crooked Run West, which contains current Warren County Tax Map Parcel Numbers 12 M 2 9 (11.22ac), 12 M 2 10 (2.33ac), 12 M 2 11 (53.93 ac), 12 M 2 12 (20.00 ac), 12 M 2 13 (30.43 ac), and 12 M 2 14 (29.94 ac), in total containing 147.85 acres, more or less, all of which are part of the Corridor Area.

d. Users in the Corridor Area, in order to use Town public water and sanitary sewer utility services, shall enter into with the Town, and be subject to, an Out-of-Town Water and Sewage Service Agreement which contains provisions for "payments in lieu of taxes" fees, or "PILOT Fee Agreement", which PILOT Fee Agreements shall be in substantially the following form:

***TOWN OF FRONT ROYAL, VIRGINIA***  
**OUT-OF-TOWN WATER AND SEWAGE SERVICE AGREEMENT**  
***(Warren County Commercial/Industrial Freehold Users)***

*This Out-of-Town Water and Sewage Service Agreement ("Agreement"), is made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the **Town of Front Royal, Virginia** ("Town") and \_\_\_\_\_ **LLC** ("User"), owner of commercial/industrial property commonly known as \_\_\_\_\_, located in the County of Warren, Virginia, being the same property conveyed to User by deed recorded in Deed Book \_\_\_\_\_, Page \_\_\_\_\_, as instrument # \_\_\_\_\_, of the land records of the Warren County Circuit Court, and identified as Warren County Tax Map Parcel No. 12L 5 ("property").*

*WHEREAS, the Town is authorized, pursuant to §§15.2-2119 and 15.2-2143 of the Code of Virginia, to operate outside of its boundaries, with the concurrence of the affected county, sewer services and water supply systems, and to contract for the use of such systems and services, and*

*WHEREAS, the Town operates sewer services and water supply systems outside of its boundaries and desires to contract to supply water and sewage services (“Services”) to commercial and industrial users (“Users”) located outside of its boundaries, and*

*WHEREAS, the County of Warren, Virginia, by separate agreement with the Town, concurs with the supplying of water and sewage services to such Users by the Town, and*

*WHEREAS, the User desires to obtain water and sewer services from the Town to its property via connection to the Town’s service mains (“service location”), and to enter into an agreement containing the terms and conditions for the supplying of Services which satisfies the contract requirements of Section 134.31 of the Code of the Town of Front Royal, Virginia.*

*NOW THEREFORE, in consideration of Town Work Order No. \_\_\_\_\_, incorporated herein by this reference, creating a service location for User, and of providing Services to User and/or such other good and valuable consideration, receipt of which is hereby acknowledged, User agrees to the following, which shall be binding upon User and User’s successors in interest, lessees, and assigns:*

### **1. SERVICE ACCOUNT AND DEPOSIT**

#### **Account**

*Upon execution of this Agreement, The Town’s Department of Finance will open a service billing account (“Account”) for User’s service location and shall bill User for usage of Services supplied to such service location as determined by metering at User’s master meter. If User has tenants using Services supplied via the same service location, User’s usage shall be reduced by the usage of such tenants provided that each of such tenants have separate Accounts with Town, with usage determined by separate metering via separate tenant sub meters.*

#### **Deposit Amount**

*User shall pay to Town a deposit (“deposit”) to secure payment for Services. For an existing commercial/industrial service location at the property, the deposit required for Town Services shall be an amount equal to the highest monthly bill for that service location during the preceding twelve months of Services, or Two Hundred and Fifty Dollars (\$250.00), whichever is greater.*

*For a newly created commercial/industrial service location at the property, the Town’s Department of Finance shall establish the required deposit at an amount estimated to equal to the User’s anticipated average monthly bill for Services.*

#### **Payment of Deposit, Interest and Refunds**

*Payment of the deposit is due upon the earlier of the execution of the Town’s service work order or the execution of this Agreement and shall be held by Town in an interest-bearing account.*

*The deposit, plus any accrued interest, shall be refunded upon the closing of the Account in an amount equal to the deposit and accrued interest minus any amount deducted to satisfy User arrearages or other debts owing to the Town. Upon request of a refund, the Director of Finance shall first ensure that User does not have any debts owing to the Town. If the User is indebted to the Town, the Director of Finance will apply any refund toward satisfaction of these debts prior to the refund of any deposit balances to the User.*

### **2. COMPLIANCE WITH LAW**

*User agrees to comply with all applicable ordinances of Town concerning Services, including, but not limited to, discharge standards, pretreatment of waste, system development*

*charges, and agrees to accept all new rate schedules and fees that the Town Council of Town may from time to time establish and adopt.*

### **3. OUT-OF-TOWN COMMERCIAL RATES AND FEES**

*User shall pay to the Town a rate for Services equal to the charge to in-Town commercial/industrial users, plus an amount in lieu of all of the taxes (less and except, however, the equivalent of the Town's meals [food and lodging] and lodging taxes, ) and license fees the User would pay to the Town if User's Premises, and all commercial activity thereon, or ancillary thereto, was located and occurring within the boundaries of Town ("PILOT fees" or "Payments In Lieu of [Town] Taxes fees"). The annual amount due shall include all such taxes (less and except, however, the equivalent of the Town's meals [food and lodging] and lodging taxes, and hereinafter set forth) and license fees, whether ordinarily imposed directly on the User and paid to the Town, or indirectly on User's customers, collected by User and paid to the Town, as if User was within the Town. Such indirectly imposed taxes shall not include the Town meals (food and beverage) tax and Town lodging tax. By February 1<sup>st</sup> each calendar year, User shall file with the Town a statement ("Statement") of User's previous year's taxes in the following categories as may apply to User: (1) property taxes paid the County of Warren, Virginia; (2) gross receipts subject to a state sales tax, and business and professional occupational license taxes; (3) a list of all automobiles for which license taxes were paid to Warren County; (4) any bank franchise tax paid on deposits in Warren County; and (5) any car rental tax paid. This information contained in the Statement will be used to calculate an amount equivalent to what User's annual taxes and license fees would be if User were a Town resident. This amount shall then be divided into twelfths and such resulting amount shall be added to User's monthly bill for services.*

*If the User is new to doing business in Warren County, the information required in the Statement above shall be estimated by the Town for purposes of determining the User's rate for the first year of services.*

### **4. VERIFICATION OF FEES**

*For three years, User shall keep sufficient records to enable the Town to verify the accuracy of Statements submitted by User and the correctness of rates and fees under this Agreement. All such records, books of account and other information required to be kept by any taxing authority ("Records") shall be open to inspection and examination by the Department of Finance of Town in order to allow the Town to determine compliance with the terms of this Agreement. The Town shall provide User with the option of having such audit conducted in a local business office of User where Records are maintained. In the event the Records are maintained outside Warren County, copies of the Records shall be sent to the Department of Finance upon written demand. The decision of the Town's Director of Finance shall be final in determining whether Statements comply with the terms of this Agreement.*

### **5. PAYMENTS**

#### **Due Date – Interest, Fees and Charges**

- A. User shall pay for water and sanitary sewer services provided by Town.*
- B. All payments on Accounts shall be due at Town's Department of Finance by the close of business within twenty (20) days of the date of billing. Accounts for which full payment is not received within twenty (20) days, are delinquent. The Director of Finance shall*

*notify the User in writing of all such delinquencies. A late charge of two percent (2%) of the delinquent bill shall be charged to the delinquent Account.*

- C. If the Account remains delinquent for ten (10) days after the original notice, an additional service charge of Twenty Dollars \$20.00 shall be charged to the Account and interest shall commence accruing at the rate of interest permitted on omitted taxes and assessments under the "Underpayment Rate" established pursuant to § 6621 (a) (2) of the Internal Revenue Code plus two percent.*
- D. If such User does not pay the full amount of charges, penalty, and interest for water provided or cease such disposal within ten (10) days after the delinquent fees and charges charged for water or sewage disposal services are due, the Town's Director of Finance may issue a service termination notice and may cease supplying water and sewage disposal services to User's premises thereto unless an officer of the Virginia Department of Health certifies that shutting off the water will endanger the health of the occupants of User's premises or the health of others. At least ten (10) business days prior to ceasing the supply of water or sewage disposal services, the Director of Finance shall provide the owner with written notice of such cessation. User shall have a right to request a hearing before the Finance Director during said ten (10) business day period to object to cessation of utility service, during which hearing said User may present evidence to support User's position as to why utility service ought not to be disconnected for cause.*
- E. A service charge will be required to reconnect services on an Account that has had Services terminated for non-payment. If the reconnection occurs during normal business hours, the reconnection fee shall be \$20.00 for the first time; 1st; \$30.00 for the second time; and \$40.00 for the third time. At all other times other than normal business hours, the reconnection fee shall be one and one-half (1 ½) the reconnection fee during normal business hours.*
- F. If the fees and charges charged for water service or the use and services of the Town's sewage disposal system by or in connection with User's Premises are not paid when due, the User shall, until such fees and charges are paid with such penalty and interest to the date of payment, cease to dispose of sewage or industrial waste originating from or on such real estate by discharge thereof directly or indirectly into the Town's sewage disposal system.*
- G. Such fees and charges, and any penalty and interest thereon, when unpaid as provided above, shall constitute a lien against the property, ranking on a parity with liens for unpaid taxes. A lien may be placed on the property by the Town when the owner of the Premises has been advised in writing that a lien may be placed upon the property if the owner of the Premises fails to pay any delinquent water and sewer charges when due as provided as above. Such written notice shall be provided at least 30 days in advance of recordation of any lien with a copy of the bill for delinquent water and sewer charges to allow the owner of the Premises a reasonable opportunity to pay the amount of the outstanding balance and avoid the recordation of a lien against the property. The lien may be in the amount of (i) up to the number of months of delinquent water or sewer charges when the water or sewer is, or both are, provided to the owner of the Premises; (ii) any applicable penalties and interest on such delinquent charges; and (iii) reasonable attorney fees and other costs of collection not exceeding 20 percent of such*

*delinquent charges. In no case shall a lien for less than \$25 be placed against the property.*

**Place of Payment**

*Payments shall be made by: 1) mail to Department of Finance, 102 E. Main Street, P.O. Box 1560, Front Royal, Virginia 22630, 2) deposit at the deposit box in the rear of the Town Hall, 102 East Main Street, Front Royal, Virginia 3) delivery in person at the Town Hall, 102 East Main Street, Front Royal, Virginia or 4) delivery to a designated bank.*

**Allocation of Payments**

*User recognizes and accepts that during a delinquency in the payment for services, any subsequent payment received will be applied first against the most delinquent Account balance.*

**6. TERMINATION OF SERVICES FOR BREACH OR FAILURE TO PAY**

**Grounds for Termination of Service**

*Services may be terminated for User's failure to comply with any of the terms of this Agreement including failure to pay for services as agreed herein.*

**Notice**

*The Director will notify the User at User's billing address ( \_\_\_\_\_ ) in writing of all delinquencies, failures to comply with the terms of this Agreement, imminent service termination, and the right to contest as set forth below. The foregoing notwithstanding, the Town reserves the right to terminate Services as provided by Section 134-43 of the Code of the Town of Front Royal, Virginia. Notice of imminent service termination may be posted on the door of the premise at the service location with the delinquent Account, unless User and Town have previously agreed in writing to a different arrangement as to such notice.*

**Disconnection of Service**

*If such User does not pay the full amount of charges, penalty, and interest for water provided or cease such disposal within Ten (10) days after the delinquent fees and charges charged for water or sewage disposal services are due, the Town's Director of Finance may issue a service termination notice and may cease supplying water and sewage disposal services to User's premises thereto unless an officer of the Virginia Department of Health Certifies that shutting off the water will endanger the health of the occupants of User's premises or the health of others. At least ten (10) business days prior to ceasing the supply of water or sewage disposal services, the Director of Finance shall provide the owner with written notice of such cessation. Notwithstanding the foregoing, no services shall be terminated prior to the date set by the Town for a contest hearing as set forth in paragraph 5. D., above.*

**Conditions for Reconnection of Service**

*Once terminated, services shall not be restored to User until the outstanding balance (service fee(s), penalty, interest and reconnection fee(s)) for that service location is paid in full, unless the Director of Finance has approved other arrangements for payment in full.*

**7. RETURNED CHECK POLICY**

*If a check for payment on the Account is returned to the Town by its bank unpaid for any reason, the Director of Finance shall notify the User in the same manner as provided above. Unless payment in full, plus a \$35.00 returned check service charge, is received by the Director by the close of business three days after the date of the notice, in addition to any rights allowed under State law, Services to the User's service location shall be terminated. If the User presents*

*the Town with more than two (2) returned checks during any twelve (12) month period, payment by check, other than in the form of cashier's check or certified check, will no longer be accepted.*

### **8. USE, INSTALLATION, AND INSPECTIONS**

*The User further agrees to the following conditions: (1) The User shall extend service via mains and/or laterals from the Town's existing mains, with no new main construction required by the Town; (2) Extension of mains and the easements necessary for their installation and maintenance may be required to be dedicated and conveyed to the Town, such facilities and real property interests shall be accepted into the Town's system when they meet such standards and requirements as the Town may determine; (3) The User shall secure any necessary easement(s) for extension of laterals, with the easement(s) to include a clause allowing the Town to inspect the lines as required to ensure proper maintenance; (4) All construction must meet the Town's water and/or sewer construction standards; (5) The User bears the total cost of all extension; (6) The User shall pay the in-town water and/or sewer system development charges. If the User violates any of these conditions, the Town may terminate Services after written notice to the User. The User may contest the Town's Notice of Default by contacting the Town Manager within five business days of the notice. The Town Manager will immediately schedule a hearing on the User's claim that he is not in default. If the User's challenge is not successful, Services will be terminated.*

### **9. RIGHTS OF WAY/EASEMENTS**

*User agrees to execute and convey, upon request of Town, any and all rights of way and/or easements in favor of Town, in recordable form, necessary to perfect in Town the right to place, maintain and inspect any mains, laterals, lines, pipes, valves, meters and other infrastructure over, under and/or across the property necessary to supply and bill for water and sewage services to User and User's tenants, if any. User agrees to pay the filing fee(s) for the recordation of any such rights of way and/or easements in the Circuit Court for Warren County. Any such filing fees will be billed to User.*

### **10. UNENFORCEABLE PROVISIONS**

*In the event that, by act of the Virginia General Assembly, decision of any court of competent jurisdiction, or for any other reason beyond the control of Town, the provisions of this Agreement for payments in lieu of taxes as a component of the out-of-town rate for services is determined to be illegal, ultra vires or unenforceable, the parties to this Agreement further agree that the Town may immediately terminate Services to the User unless the parties to this Agreement agree on a legally permitted substitute fee in place of a payment in lieu of Town taxes as set forth in this Agreement. In the event that no such legal substitute is available, the Town may terminate this Agreement without cost or liability.*

### **11. REPRESENTATIONS**

*By signing below, the User represents and certifies that User has read and fully understands this Agreement having had an opportunity to consult with legal counsel, that User is the owner of the premises to which this Agreement relates, that User agrees to comply fully with the terms of this Agreement, and that the individual executing this Agreement on behalf of User is an authorized signatory hereto.*

**USER**

By: \_\_\_\_\_ DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_  
Member

Note: A certified corporate resolution, or equivalent, authorizing the above signatory to enter into this Agreement must accompany this Agreement.

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_, TO-WIT:

I, \_\_\_\_\_, a Notary Public in and for the State of \_\_\_\_\_, do hereby certify that \_\_\_\_\_, whose name is signed to the foregoing Agreement, did this day personally appear and acknowledge the same before me in my State and County aforesaid.

Given under my hand this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
My Commission Expires

\_\_\_\_\_  
Notary Public

**TOWN OF FRONT ROYAL, VIRGINIA**

By: \_\_\_\_\_  
Town Manager

Approved as to form:

\_\_\_\_\_  
Town Attorney

(Added 6-14-93-Effective 7-1-93; Amended Entire Section 6-12-95-Effective Upon Passage)  
(Amended (C) by Adding Service Agreement 5-14-19-Effective Upon Passage)  
(Amended by Adding "system development charges" in place of "tap" throughout and change title of "10" from "commission of local government" to "unenforceable provisions" 6-8-20-Effective 7-1-20)

**134-22.2 RESIDENTIAL SUMMER SEWER SERVICE RATES**

A. The following sanitary sewer service rates may apply at the option of the customer for the months of any three (3) consecutive months between April and September inclusive of each year. The following summer rates shall apply only to residential sewer service. Commercial and industrial users shall not be eligible to receive summer sewer service rates.

B. Computation of rate.

1. For each participating residential user, an average month's usage will be calculated based on total water usage for October, November, December, January, February, and March of each participating year, divided by six (6).

2. If the monthly water usage for any three (3) consecutive months between April and September, inclusive, in the same participating year exceeds the average month's usage, as calculated herein, then the sewer service charge for those three (3) months will be reduced to that year's average month's usage.

C. To be eligible for participation in the summer sewer service rate plan, a residential user must apply at the Front Royal Town Hall, not later than March 31 of each participating year. No applications will be accepted after March 31. Residential users need not re-apply each year to continue participation in the program. Such participation in the program shall be renewed for such applicant by the Town automatically so long as such residential user continues to own the residential property to which such application and renewal applies. New residential users with no water usage history for any of the months October through March may not participate in the program for that year. Residential users who used no water during any of the months of October through March may not participate in the program for that year.

**(Added Entire Section (A-C) 1-10-94-Effective Upon Passage)**

**(Amended Entire Section 3-26-01-Effective Upon Passage)**

### **134-22.3 SANITARY SEWER CONNECTIONS; FURNISHING AND REPAIR**

A. Four four-inch sewer connections served by one-inch water meters or smaller, the customer shall have the option to provide, furnish and install the sanitary sewer connection in accordance with the Town of Front Royal's Standards and at the customer's cost and only upon prior written approval by the Town. Otherwise, and for all sewer connections larger than one inch, upon appropriate payment of the connection charge as provided in Section 134-22, the Town shall provide, furnish and install the following services, material, labor and equipment. Incurred costs for said services, material, labor and equipment shall be borne and paid for by the property owner or customer in all cases.

**(Amended 6-8-20-Effective 7-1-20)**

1. The actual connection into the existing sanitary sewer line and connection with the customer's lateral sewer line.
2. All connection fittings, valves and sleeves.
3. The stub to the customer's property line for the customer's connection.
4. Necessary repairs to any existing sidewalk, pavement, landscaping or lawn caused by the town's sanitary sewer line connection measures.

B. The customer shall be responsible for all costs of the materials and installation of the equipment described in this Section. Upon the request of a customer for service, the Town shall prepare an estimate of the cost of all materials and installation of the meters and connections and all appurtenances to be installed and shall collect the amount from the customer prior to installation. In the event the final charge exceeds or is less than the estimate and payment, an additional billing or refund, respectively, shall be made by the Town. Failure of the customer to pay the additional charge within thirty (30) days may result in disconnection of the service until paid in full, including any reconnection and administrative fee.

C. The Town shall be responsible for the cost of maintenance, repair and/or replacement to the above-stated sanitary sewer line connection, materials and equipment. The Town shall not be



responsible for the cost of repair, maintenance and/or replacement of any sewer lines, material or equipment located on the customer's property.

D. The customer shall have the option to provide, furnish and install the sanitary sewer connection at his cost and only upon prior written approval by the Town.

E. Subsection A shall not apply in the case of subdividers or developers required to install like improvements under the Town's Subdivision Ordinance (Chapter 148, Subdivision and Land Development). In such cases the town shall have no repair responsibility under Subsection B until and unless said improvements have been dedicated to and accepted by the Town.

**(Added Entire Section (A-C) 1-10-94)**

**(Amended Entire Section (A-E) 9-26-05-Effective Upon Passage)**

### **134-22.4 SEWER SERVICE RATES-COMMERCIAL AND INDUSTRIAL LAUNDRIES**

A. In-Town Laundries: The monthly rates for sewer service usage by licensed commercial or industrial laundries located within the corporate limits of the Town of Front Royal shall be as follows:

1. All sanitary sewer service usage for the first one hundred thousand (100,000) gallons: fifteen dollars and ninety-eight cents (\$15.98) per one thousand (1,000) gallons.

**(Amended 6-12-95-Effective Upon Passage; 6-14-99-Effective Upon Passage)**

**(Amended 5-28-02-Effective Upon Passage; 2-24-11-Effective 2-1-11; 5-23-11-Effective 7-1-11)**

**(Amended 6-10-13-Effective 7-1-13; 6-9-14-Effective 7-1-14; 6-8-15-Effective 7-1-15)**

**(Amended 6-8-20-Effective 7-1-20 ; Amended 4-26-21-Effective 7-1-21)**

2. All sanitary sewer usage from one hundred thousand one (100,001) gallons to five hundred thousand (500,000) gallons: fourteen dollars and fifty-two cents (\$14.52) per one thousand (1,000) gallons.

**(Amended 6-12-95-Effective Upon Passage; 6-14-99-Effective Upon Passage)**

**(Amended 5-28-02-Effective Upon Passage; 2-24-11-Effective 2-1-11; 5-23-11-Effective 7-1-11)**

**(Amended 6-10-13-Effective 7-1-13; 6-9-14-Effective 7-1-14; 6-8-15-Effective 7-1-15)**

**(Amended 6-8-20-Effective 7-1-20 ; Amended 4-26-21-Effective 7-1-21)**

3. All sanitary sewer service usage above five hundred thousand (500,000) gallons: thirteen dollars and eighty cents (\$13.80) per thousand (1,000) gallons.

**(Renumbered to (1-3) and amended 9-25-06-Effective 8-1-06; 2-24-11-Effective 2-1-11)**

**(Amended 5-23-11-Effective 7-1-11; 6-10-13-Effective 7-1-13; 6-9-14-Effective 7-1-14)**

**(Amended 6-8-15-Effective 7-1-15; 6-8-20-Effective 7-1-20 ; Amended 4-26-21-Effective 7-1-21)**

B. Out-of-Town Laundries: The monthly rates for sewer service usage by licensed commercial or industrial laundries located outside the corporate limits of the Town of Front Royal shall be as follows:

1. The rates for sanitary sewer service usage furnished outside the limits of the Town of Front Royal: one hundred percent (100%) more than the in-town rates as provided above.

(Added Entire Section 3-14-94-Effective Upon Passage)

(Amended Entire B 9-25-06-Effective 8-1-06; Amended 2-24-11-Effective 2-1-11)

### **134-22.5 WATER NOT DISCHARGED TO SEWERS EXCLUDED FROM RATES**

Whenever a property upon which a sewer use charge is herein imposed uses water for an institutional or commercial purpose such that the water so used is not discharged into the sewerage system of the Town, the quantity of water so used and not discharged into the Town's sewers shall be excluded in determining the sewer use charge of said property. Provided however, that the portion not discharged to the sewer, in the opinion of the Town Manager taking into consideration the administrative cost to the Town and expected reduction to the user's charges for sewer service, is a significant volume and provided that the quantity of water so used and not discharged into the Town's sewers is determined, by measuring the volume either discharged or not discharged into the Town's sanitary sewer system. The determination of volume shall be by a device or devices, meter or meters, approved by the Director of Public Works & Utilities, and installed and operated without cost to the Town or determined by other means or methods approved by said Director of Public Works & Utilities; all without cost to the Town and only upon recommendation of the Director of Finance and provided the water supply is metered and the user pays for the water at meter rates applicable to that user.

The sewer use charge based upon the consumption of Town water to be paid by the user of said utility services shall be computed at the rates provided for, less the quantity not discharged into the Town's sewers. This section shall not apply to rates set pursuant to Section 134-23 if specifically excepted by the Town Council as part of the rate schedule or contract approved by the Town Council.

(Added Entire Section 1-12-98-Effective Upon Passage)

(Added "institutional" and "Public Works" 11-27-00-Effective Upon Passage)

### **134-23 INDUSTRIAL WATER AND SEWER RATES AND CHARGES**

Notwithstanding any contrary provision of the Front Royal Town Code Chapter 134, the water and sewer rates and fees for industrial users, including but not limited to system development charge, inspection and monitoring fees, shall either be in accordance with a rate schedule approved by the Town Council or shall be in accordance with a contract by and between the individual industrial user and the Town of Front Royal as approved by the Town Council following public hearing to be held at the next regularly scheduled Town Council meeting, for which one (1) advertisement in a locally distributed newspaper shall be required.

(Added Entire Section 4-27-92 and 4-26-93-Effective Upon Passage)

(Amended Entire Section 4-26-93-Effective Upon Passage)

(Amended by adding "system development charge" 6-8-20-Effective 7-1-20)

**134-24 RESIDENTIAL SEWER BACKUP PROTECTION PROGRAM**

A. Each Fiscal Year, subject to annual appropriation, the Town Council may, within its sole discretion, identify and appropriate funds within the Water and Sewer Enterprise Fund of its annual Budget, in a total amount of its sole selection, to provide individual grants not to exceed \$750.00, each, to individual residential sewer customers for the sole and express purpose of providing partial funding for the installation of protective plumbing devices in the private sewer line of each such residence by private contractors of the customer's selection. The sole purpose of such devices shall be to provide full or partial protection from an accidental backflow of untreated sewage into the residence of such customer. When the funds so appropriated in the aforesaid annual Budget have been exhausted, this program shall be terminated absolutely unless and until further funding is expressly approved by vote of the said Council, whether within the same Fiscal Year or in a succeeding Fiscal Year.

B. The Town Manager shall be solely responsible for the administration of the aforesaid grant program, and he shall prepare and submit Regulations to the Council as to how the program shall be operated. Unless and until such Regulations have been expressly approved by vote of the Council, the program, itself, shall not exist. At a minimum, said Regulations shall provide that the program shall be operated purely on a first-come first-served basis without bias or favoritism of any kind, that written applications by each and every residential customer shall be required in each case on a form and with such additional information as the said Regulations shall require, and that the said Council shall be the sole approving authority for the award of each said grant by majority vote. Applications which do not comply with the approved Regulations shall be rejected by the Town Manager and shall not be considered by the Council.

C. The Town shall make no payment to any approved grant applicant under this program, regardless of the approval of the grant by Council, unless and until the work to install the device has been completed after the applicant has obtained all necessary permits and completed all required inspections of the work, to specifically include testing of the device where required, and the applicant has submitted final accounts to the Town Manager for the cost of the work which he has approved.

(Added Entire Section 4-27-92-Effective Upon Passage)

(Amended Entire Section & Title 1-10-11-Effective Upon Passage)

**134-25 (RESERVED)**

(Added Entire Section 4-27-92-Effective Upon Passage; Repealed 2-23-98-Effective Upon Passage)

**134-26 EXTENSIONS TO DEVELOPMENTS; RESPONSIBILITY TO INSTALL MAINS WITHIN SUBDIVISION**

A. When a proposed development within the corporate limits is located a distance greater than two hundred fifty (250) feet from the sewer system and an extension to the system is required to serve the development, the town may participate in the cost of the extension.

B. The developer of the subdivision must install water and sewer mains within the subdivision.

(Added Entire Section 4-27-92-Effective Upon Passage)

### **134-27 TESTING STANDARDS**

All tests and determinations shall be made in accordance with the requirements set forth at 40 CFR 136.

(Added Entire Section 4-27-92-Effective Upon Passage)

### **134-28 VIOLATIONS AND PENALTIES; LIABILITIES**

A. Any person who violates this Article shall be guilty of a misdemeanor and shall be fined not more than one thousand dollars (\$1,000.) or imprisoned in jail for a period not exceeding twelve (12) months, either or both. Each day such a violation continues shall constitute a separate offense.

B. In addition to any other penalties provided:

1. Every use of the town's sewer or water system shall be civilly liable in damages to the town for any injuries to the town's sewer or water system or for any injuries to third persons for which the town is liable caused or resulting from any violation of the provisions of this Article.

2. In addition to any criminal penalties for violations of this Article, the Town of Front Royal shall be empowered to seek injunctive relief against any person to remove any condition or to prevent any act which results in or contributes to a violation of this Article or which may constitute a threat or hazard to town water and sewer facilities, the health and safety of town personnel and citizens or a threat or hazard to receiving bodies of water.

(Added Entire Section 4-27-92-Effective Upon Passage)

### **134-29 PUBLICATION OF SIGNIFICANT VIOLATORS**

The town shall publish annually, in a daily or weekly newspaper of significant circulation in the area where the municipal wastewater system is located, a list of significant violators, as defined herein, for the previous twelve (12) months.

(Added Entire Section 4-27-92-Effective Upon Passage)

## **PROVISIONS APPLICABLE PARTICULARLY TO WATER**

### **134-30 SYSTEM DEVELOPMENT CHARGE ESTABLISHED**

A. System development charge for water service, independent of and in addition to installation costs, will be based on meter size and service line size. The larger size will dictate the fee in conjunction with the following schedule:

(Amended 1-28-02-Effective Upon Passage; 9-26-05-Effective Upon Passage)  
(Amended by adding “system development charge” 6-8-20-Effective 7-1-20)

1. Three-fourths-inch water connection: two thousand six hundred sixty-three dollars (\$2,663.00) each.

(Amended 6-27-88-Effective 7-1-88; 6-29-90-Effective Upon Passage; 6-24-91-Effective 7-1-91)  
(Amended 11-8-04-Effective Upon Passage; 1-24-11-Effective 2-1-11; 5-23-11-Effective 7-1-11)  
(Amended 6-8-20-Effective 7-1-20)

2. One-inch water connection: four thousand four hundred thirty-eight dollars (\$4,438.00) each.

(Amended 6-27-88-Effective 7-1-88; 6-29-90-Effective Upon Passage; 6-24-91-Effective 7-1-91)  
(Amended 11-8-04-Effective Upon Passage; 1-24-11-Effective 2-1-11; 5-23-11-Effective 7-1-11)  
(Amended 6-8-20-Effective 7-1-20)

3. One and one-half-inch water connection: eight thousand eight hundred seventy-seven dollars (\$8,877.00) each.

(Amended 6-27-88-Effective 7-1-88; 6-29-90-Effective Upon Passage; 6-24-91-Effective 7-1-91)  
(Amended 11-8-04-Effective Upon Passage; 1-24-11-Effective 2-1-11; 5-23-11-Effective 7-1-11)  
(Amended 6-10-13-Effective 7-1-13; 6-8-20-Effective 7-1-20)

4. Two-inch water connection: fourteen thousand two hundred three dollars (\$14,203.00) each.

(Amended 6-27-88-Effective 7-1-88; 6-29-90-Effective Upon Passage; 6-24-91-Effective 7-1-91)  
(Amended 11-8-04-Effective Upon Passage; 1-24-11-Effective 2-1-11; 5-23-11-Effective 7-1-11)  
(Amended 6-10-13-Effective 7-1-13; 6-8-20-Effective 7-1-20)

5. Three-inch water connection: thirty-one thousand sixty-eight dollars (\$31,068.00) each.

(Added 4-10-00-Effective Upon Passage)  
(Amended 11-8-04-Effective Upon Passage; 1-24-11-Effective 2-1-11; 5-23-11-Effective 7-1-11)  
(Amended 6-10-13-Effective 7-1-13; 6-8-20-Effective 7-1-20)

6. Four-inch water connection: fifty-three thousand two hundred sixty dollars (\$53,260.00) each.

(Amended 6-27-88-Effective 7-1-88; 6-29-90-Effective Upon Passage; 6-24-91-Effective 7-1-91)  
(Amended 11-8-04-Effective Upon Passage; 1-24-11-Effective 2-1-11; 5-23-11-Effective 7-1-11)  
(Amended 6-10-13-Effective 7-1-13; 6-8-20-Effective 7-1-20)

7. Six-inch water connection: one hundred nineteen thousand eight hundred thirty-five dollars (\$119,835.00) each.

(Added 9-24-90-Effective 9-21-90)  
(Amended 6-24-91-Effective 7-1-91; 4-10-00-Effective Upon Passage; 11-8-04-Effective Upon Passage)  
(Amended 1-24-11-Eff 2-1-11; 5-23-11-Eff 7-1-11; 6-10-13-Eff 7-1-13 ; Amended 6-8-20-Effective 7-1-20)

8. Eight-inch water connection: two hundred forty-eight thousand five hundred forty-seven dollars (\$248,547.00) each.

(Amended 6-27-88-Effective 7-1-88; 6-29-90-Effective Upon Passage; 6-24-91-Effective 7-1-91)  
(Amended 11-8-04-Effective Upon Passage; 1-24-11-Effective 2-1-11; 5-23-11-Effective 7-1-11)  
(Amended 6-10-13-Effective 7-1-13; 6-8-20-Effective 7-1-20)

9. Ten-inch water connection: three hundred seventy-two thousand eight hundred twenty dollars (\$372,820.00) each

(Added 3-11-96-Effective Upon Passage)  
(Amended 11-8-04-Effective Upon Passage; 1-24-11-Effective 2-1-11; 5-23-11-Effective 7-1-11)  
(Amended 6-10-13-Effective 7-1-13; 6-8-20-Effective 7-1-20)

10. Twelve-Inch water connection: four hundred seventy thousand four hundred sixty-three dollars (\$470,463.00) each.

(Added 3-11-96-Effective Upon Passage)  
(Amended 11-8-04-Effective Upon Passage; 1-24-11-Effective 2-1-11; 5-23-11-Effective 7-1-11)  
(Amended 6-10-13-Effective 7-1-13; 6-8-20-Effective 7-1-20)

B. The system development charge for water service exclusively used for fire-suppression systems will be based on the line size, according to the following fee schedule:

(Amended by adding "system development charge" 6-8-20-Effective 7-1-20)

1. Three-inch line or smaller: one thousand tree hundred three dollars (\$1,303.00) plus forty dollars and forty-six cents (\$40.46) per month.

(Amended 6-24-91-Effective 7-1-91; 3-11-96-Effective Upon Passage; 6-14-99-Effective Upon Passage)  
(Amended 4-10-00-Effective Upon Passage; 11-8-04-Effective Upon Passage; 1-24-11-Effective 2-1-11)  
(Amended 5-23-11-Effective 7-1-11; 6-10-13-Effective 7-1-13; 6-9-14-Effective 7-1-14; 6-8-20-Effective 7-1-20)  
(Amended 4-26-21-Effective 7-1-21)

2. Four-inch line: two thousand six hundred seven dollars (\$2,607.00) plus eighty dollars and ninety-one cents (\$80.91) per month.

(Amended 6-24-91-Effective 7-1-91; 3-11-96-Effective Upon Passage; 6-14-99-Effective Upon Passage)  
(Amended 4-10-00-Effective Upon Passage; 11-8-04-Effective Upon Passage; 1-24-11-Effective 2-1-11)  
(Amended 5-23-11-Effective 7-1-11; 6-10-13-Effective 7-1-13; 6-9-14-Effective 7-1-14; 6-8-20-Effective 7-1-20)  
(Amended 4-26-21-Effective 7-1-21)

3. Six-inch line: five thousand two hundred twelve dollars (\$5,212.00) plus one hundred sixty-four dollars and seventy-two cents (\$164.72) per month.

(Amended 6-24-91-Effective 7-1-91; 3-11-96-Effective Upon Passage; 6-14-99-Effective Upon Passage)  
(Amended 4-10-00-Effective Upon Passage; 11-8-04-Effective Upon Passage; 1-24-11-Effective 2-1-11)  
(Amended 5-23-11-Effective 7-1-11; 6-10-13-Effective 7-1-13; 6-9-14-Effective 7-1-14; 6-8-20-Effective 7-1-20)  
(Amended 4-26-21-Effective 7-1-21)

4. Eight-inch line: seven thousand eight hundred nineteen dollars (\$7,819.00) plus two hundred forty-five dollars and sixty-two cents (\$245.62) per month.

(Amended 6-24-91-Effective 7-1-91; 3-11-96-Effective Upon Passage; 6-14-99-Effective Upon Passage)  
 (Amended 4-10-00-Effective Upon Passage; 11-8-04-Effective Upon Passage; 1-24-11-Effective 2-1-11)  
 (Amended 5-23-11-Effective 7-1-11; 6-10-13-Effective 7-1-13; 6-9-14-Effective 7-1-14; 6-8-20-Effective 7-1-20)  
 (Amended 4-26-21-Effective 7-1-21)

5. Ten-inch line: ten thousand four hundred twenty-six dollars (\$10,426.00) plus three hundred twenty-six dollars and fifty-four cents (\$326.54) per month.

(Added 3-11-96-Effective Upon Passage)  
 (Amended 6-14-99-Effective Upon Passage; 4-10-00-Effective Upon Passage; 11-8-04-Effective Upon Passage)  
 (Amended 1-24-11-Effective 2-1-11; 5-23-11-Effective 7-1-11; 6-10-13-Effective 7-1-13)  
 (Amended 6-9-14-Effective 7-1-14; 6-8-20-Effective 7-1-20 ; Amended 4-26-21-Effective 7-1-21)

6. Twelve-inch line: thirteen thousand thirty-three dollars (\$13,033.00) plus four hundred dollars and forty-seven cents (\$407.47) per month.

(Added 3-11-96-Effective Upon Passage)  
 (Amended 6-14-99-Effective Upon Passage; 4-10-00-Effective Upon Passage; 11-8-04-Effective Upon Passage)  
 (Amended 1-24-11-Effective 2-1-11; 5-23-11-Effective 7-1-11; 6-10-13-Effective 7-1-13)  
 (Amended 6-9-14-Effective 7-1-14; 6-8-20-Effective 7-1-20 ; (Amended 4-26-21-Effective 7-1-21)

C. The above standard fee schedule charges shall apply to apartments, houses, condominiums, commercial buildings and hostels.

D. For the purpose of this fee schedule, the following terms shall have the meanings indicated:

**APARTMENT UNIT** - A single dwelling unit in a multiple-unit structure which is occupied on a rental basis.

**CONDOMINIUM** - A single dwelling unit in a multiple-unit structure which is occupied on an ownership basis.

**UNIT** - Any single place of residence, any single place of business or any single hostelry room.

E. The standard fee schedule shall apply to the first unit of any structure. These standard fee schedule charges shall apply to each condominium unit.

F. The charges for apartments, condominium units and trailers will be two thousand three hundred seventy-one dollars (\$2,371.00) for water service for each unit after the first unit.

(Amended 6-24-91-Effective 7-1-91; 3-11-96-Effective Upon Passage; 11-8-04-Effective Upon Passage)  
 (Amended 6-10-13-Effective 7-1-13)

G. (RESERVED)

H. There will be an additional monthly charge for each water meter exceeding one (1) inch in size according to the following fee schedule:

1. One-and-one-fourth inch meter: seventeen dollars and seventy cents (\$17.70) per month.

(Ord. No. 17-91 Amended 6-24-91-Effective 7-1-91 ; Ord. No. 3-95 Amended 6-12-95-Effective Upon Passage)  
(Ord. No. 11-99 Amended 6-14-99-Effective Upon Passage ; Ord. No. 14-04 Amended 11-8-04-Eff Upon Pass)  
(Ord. No. 3-11 Amended 1-24-11-Effective 2-1-11 ; Ord. No. 9-11 Amended 5-23-11-Effective 7-11-11)  
(Amended 6-10-13-Effective 7-1-13 ; Amended 6-9-14-Effective 7-1-14 ; Amended 4-26-21-Effective 7-1-21)

2. One-and-one-half inch meter: twenty-three dollars and seventy-five cents (\$23.75) per month.

(Ord. No. 17-91 Amended 6-24-91-Effective 7-1-91 ; Ord. No. 3-95 Amended 6-12-95-Effective Upon Passage)  
(Ord. No. 11-99 Amended 6-14-99-Effective Upon Passage ; Ord. No. 14-04 Amended 11-8-04-Eff Upon Pass)  
(Ord. No. 3-11 Amended 1-24-11-Effective 2-1-11 ; Ord. No. 9-11 Amended 5-23-11-Effective 7-11-11)  
(Amended 6-10-13-Effective 7-1-13 ; Amended 6-9-14-Effective 7-1-14 ; Amended 4-26-21-Effective 7-1-21)

3. Two-inch meter: fifty-six dollars and forty-two cents (\$56.42) per month.

(Ord. No. 17-91 Amended 6-24-91-Effective 7-1-91 ; Ord. No. 3-95 Amended 6-12-95-Effective Upon Passage)  
(Ord. No. 11-99 Amended 6-14-99-Effective Upon Passage ; Ord. No. 14-04 Amended 11-8-04-Eff Upon Pass)  
(Ord. No. 3-11 Amended 1-24-11-Effective 2-1-11 ; Ord. No. 9-11 Amended 5-23-11-Effective 7-11-11)  
(Amended 6-10-13-Effective 7-1-13 ; Amended 6-9-14-Effective 7-1-14 ; Amended 4-26-21-Effective 7-1-21)

4. Three-inch meter: two hundred ninety-five dollars and ninety-seven cents (\$295.97) per month.

(Ord. No. 17-91 Amended 6-24-91-Effective 7-1-91 ; Ord. No. 3-95 Amended 6-12-95-Effective Upon Passage)  
(Ord. No. 11-99 Amended 6-14-99-Effective Upon Passage ; Ord. No. 14-04 Amended 11-8-04-Eff Upon Pass)  
(Ord. No. 3-11 Amended 1-24-11-Effective 2-1-11 ; Ord. No. 9-11 Amended 5-23-11-Effective 7-11-11)  
(Amended 6-10-13-Effective 7-1-13 ; Amended 6-9-14-Effective 7-1-14 ; Amended 4-26-21-Effective 7-1-21)

5. Four-inch meter: three hundred eighty-four dollars and seventy-six cents (\$384.76) per month.

(Ord. No. 17-91 Amended 6-24-91-Effective 7-1-91 ; Ord. No. 3-95 Amended 6-12-95-Effective Upon Passage)  
(Ord. No. 11-99 Amended 6-14-99-Effective Upon Passage ; Ord. No. 14-04 Amended 11-8-04-Eff Upon Pass)  
(Ord. No. 3-11 Amended 1-24-11-Effective 2-1-11 ; Ord. No. 9-11 Amended 5-23-11-Effective 7-11-11)  
(Amended 6-10-13-Effective 7-1-13 ; Amended 6-9-14-Effective 7-1-14 ; Amended 4-26-21-Effective 7-1-21)

6. Six-inch meter: five hundred ninety-one dollars and ninety-four cents (\$591.94) per month.

(Ord. No. 17-91 Amended 6-24-91-Effective 7-1-91 ; Ord. No. 3-95 Amended 6-12-95-Effective Upon Passage)  
(Ord. No. 11-99 Amended 6-14-99-Effective Upon Passage ; Ord. No. 14-04 Amended 11-8-04-Eff Upon Pass)  
(Ord. No. 3-11 Amended 1-24-11-Effective 2-1-11 ; Ord. No. 9-11 Amended 5-23-11-Effective 7-11-11)  
(Amended 6-10-13-Effective 7-1-13 ; Amended 6-9-14-Effective 7-1-14 ; Amended 4-26-21-Effective 7-1-21)

I. All system development charges for water service furnished outside the limits of the Town of Front Royal will be one hundred percent (100%) more than the in-town rates as provided above. This section shall not apply to property located in the Belmont Subdivision of Warren



County served by the water system constructed by the lot owners and subsequently conveyed to the Town of Front Royal.

(Amended to add “system development charge” 6-8-20-Effective 7-1-20)

J. No system development charge for water service shall be accepted by the Town of Front Royal prior to the issuance of a zoning permit and the approval of a building permit application for building development or conversion upon the lot or parcel of land to be served. This provision shall not apply when the lot or parcel of land to be served has an existing structure approved for occupancy.

(Added 5-28-90-Effective Upon Passage)

(Amended to add “system development charge” 6-8-20-Effective 7-1-20)

K. Notwithstanding the provisions of Section 134-30A through I, the system development charges for water service provided to structures and facilities which were existing as of May 20, 1991, in the following annexed areas of the Town of Front Royal shall be frozen at the rates in effect on the date of May 20, 1991, as follows:

(Amended to add “system development charge” 6-8-20-Effective 7-1-20)

1. The annexed are incorporated into the Town of Front Royal by order of the Annexation Court, effective December 31, 1976, as shown by the plat of record in the annexation file of record in the office of the Clerk of the Circuit Court of Warren County.
2. The annexed area incorporated into the Town of Front Royal by order of the Annexation Court effective December 31, 1978, as shown by the plat of record in the annexation file of record in the office of the Clerk of the Circuit Court of Warren County.

(Added 6-24-91-Effective 7-1-91; Amended 7-22-91-Eff Upon Passage)

### **134-31 APPLICATION FOR WATER SUPPLY; WATER SUPPLY SERVICE CONTRACT REQUIRED**

All applications for the supply of water must be made at the office of the Town Manager in person or by duly authorized attorney or agent of the customer on an application form furnished by the town. The application, when accepted by the town, will constitute a contract between the town and the consumer. It shall be unlawful for any person to use water from the town without having a water service contract.

(Amended to add “of the customer” 6-8-20-Effective 7-1-20)

#### **134-31.1 WATER SERVICE RATES**

The monthly rates for water service usage shall be as follows:

A. Base rate, up to three thousand (3,000) gallons per month: ten dollars and twelve cents (\$10.12) per month.

(Ord. No. 6-86 Amended 6-9-86-Effective 7-1-86 ; Ord. No. 14-91 Amended 6-10-91-Effective 7-1-9)  
(Ord. No. 10-93 Amended 6-14-93-Effective 7-1-93 ; Ord. No. 4-95 Amended 6-12-95-Effective Upon Passage)  
(Ord. No. 8-99 Amended 6-14-99-Effective Upon Passage ; Ord. No. 6-10 Amended 6-28-10-Effective 7-1-10)  
(Ord. No. 3-11 Amended 2-24-11-Effective 2-1-11 ; Ord. No. 9-11 Amended 5-23-11-Effective 7-11-11)  
(Amended 6-10-13-Effective 7-1-13 ; Amended 6-9-14-Effective 7-1-14 ; Amended 4-26-21-Effective 7-1-21)

B. All water service usage exceeding three thousand (3,000) gallons per month: eight dollars and sixty-eight cents (\$8.68) per month, for each one thousand (1,000) gallons thereafter.

(Ord. No. 6-86 Amended 6-9-86-Effective 7-1-86 ; Ord. No. 14-91 Amended 6-10-91-Effective 7-1-91)  
(Ord. No. 10-93 Amended 6-14-93-Effective 7-1-93 ; Ord. No. 4-95 Amended 6-12-95-Effective Upon Passage)  
(Ord. No. 8-99 Amended 6-14-99-Effective Upon Passage ; Ord. No. 6-10 Amended 6-28-10-Effective 7-1-10)  
(Ord. No. 3-11 Amended 2-24-11-Effective 2-1-11 ; Ord. No. 9-11 Amended 5-23-11-Effective 7-11-11)  
(Amended 6-10-13-Effective 7-1-13 ; Amended 6-9-14-Effective 7-1-14 ; Amended 4-26-21-Effective 7-1-21)

C. The rates for water service usage furnished outside of the limits of the Town of Front Royal:

1. One hundred percent (100%) more than the in-town rates as provided above, for areas not in the “U.S. Routes 522/340 Corridor Area, or “Route 522 Corridor Area”, or “Corridor Area”, hereinafter, “Corridor Area”, as described and defined in subparagraph (ii) below.

2.a. In the “Corridor Area”, commercial users (“Users”) of Town water services shall pay to the Town a rate for services equal to the charge to in-Town commercial/industrial users, plus an amount in lieu of all of the taxes (less and except, however, the equivalent of the Town’s meals and lodging taxes, as hereinafter set forth) and license fees the User would pay to the Town if User’s premises, and all commercial activity thereon, or ancillary thereto, was located and occurring within the boundaries of Town, or “PILOT fees” (“Payments In Lieu of [Town] Taxes fees”). The annual amount due shall include all such taxes (less and except, however, the equivalent of the Town’s meals [food and beverage] and lodging taxes), and license fees, whether ordinarily imposed directly on the User and paid to the Town, or indirectly on User’s customers, collected by User and paid to the Town, as if User was located within the Town. Such indirectly imposed taxes shall not include the Town meals (food and beverage) taxes and Town lodging taxes. By February 1<sup>st</sup> each calendar year, User shall file with the Town a statement (“Statement”) of User’s previous year’s taxes in the following categories: (1) property taxes paid the County of Warren, Virginia; (2) gross receipts subject to a state sales tax, and business and professional occupational license taxes (excluding meals and lodging taxes collected); (3) a list of all automobiles for which license taxes were paid to Warren County; (4) any bank franchise tax paid on deposits in Warren County; and (5) any car rental tax paid. This information contained in the Statement will be used to calculate an amount equivalent to what User’s annual taxes or taxes collected and license fees would be if User were a Town resident or a Town business. This amount shall then be divided into twelfths and such resulting amount shall be added to User’s monthly bill for services.

b. If a commercial User in the Corridor Area is new to Warren County, the information required in the Statement above shall be estimated by the Town for purposes of determining the User's rate for the first year of services.

c. The Corridor Area was originally described and defined in the "Amendment to an Agreement Between the County of Warren and the Town of Front Royal Regarding the Provision of Water and Sewer Service by the Town in the U.S. Route 522/340 North Corridor and the Assumption of Full Service Funding and Responsibility by the County of Fire/Rescue, Parks/Recreation Operations and Animal Control Services", dated August 9, 1999, and as further ratified by "Final Order Validating and Affirming Voluntary Settlement Agreement Between the Town of Front Royal and the County of Warren", said Order entered into by the Circuit Court of Warren County, Virginia, dated December 13, 1999, Case No.CL97000225. The Corridor Area originally is described and defined as being that area north of the corporate boundaries of the Town of Front Royal, in Warren County, on both sides of U.S. Routes 522/340 North, extending to Crooked Run on the West side of U.S. Routes 522/340 North to the tracks of the Norfolk and Southern Railroad Company on the East side of U.S. Routes 522/340 North, and between the Interstate-66 Interchange to the South and State Route 661 (Fairgrounds Road) to the North. The Corridor Area has since been amended and expanded, by Voluntary Settlement Agreement between the Town of Front Royal and the County of Warren, to additionally include Crooked Run West, which contains current Warren County Tax Map Parcel Numbers 12 M 2 9 (11.22ac), 12 M 2 10 (2.33ac), 12 M 2 11 (53.93 ac), 12 M 2 12 (20.00 ac), 12 M 2 13 (30.43 ac), and 12 M 2 14 (29.94 ac), in total containing 147.85 acres, more or less, all of which are part of the Corridor Area.

d. Users in the Corridor Area, in order to use Town public water and sewer utility services, shall enter into with the Town, and be subject to, an Out-of-Town Water and Sewage Service Agreement which contains provisions for "payments in lieu of taxes" fees, or "PILOT Fee Agreement", which PILOT Fee Agreements shall be in substantially the following form:

***TOWN OF FRONT ROYAL, VIRGINIA***  
**OUT-OF-TOWN WATER AND SEWAGE SERVICE AGREEMENT**  
***(Warren County Commercial/Industrial Freehold Users)***

*This Out-of-Town Water and Sewage Service Agreement ("Agreement"), is made this \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_, by and between the **Town of Front Royal, Virginia** ("Town") and \_\_\_\_\_ **LLC** ("User"), owner of commercial/industrial property commonly known as \_\_\_\_\_, located in the County of Warren, Virginia, being the same property conveyed to User by deed recorded in Deed Book \_\_\_\_\_, Page \_\_\_\_\_, as instrument # \_\_\_\_\_, of the land records of the Warren County Circuit Court, and identified as Warren County Tax Map Parcel No. 12L 5 ("property").*

*WHEREAS, the Town is authorized, pursuant to §§15.2-2119 and 15.2-2143 of the Code of Virginia, to operate outside of its boundaries, with the concurrence of the affected county, sewer services and water supply systems, and to contract for the use of such systems and services, and*

*WHEREAS, the Town operates sewer services and water supply systems outside of its boundaries and desires to contract to supply water and sewage services (“Services”) to commercial and industrial users (“Users”) located outside of its boundaries, and*

*WHEREAS, the County of Warren, Virginia, by separate agreement with the Town, concurs with the supplying of water and sewage services to such Users by the Town, and*

*WHEREAS, the User desires to obtain water and sewer services from the Town to its property via connection to the Town’s service mains (“service location”), and to enter into an agreement containing the terms and conditions for the supplying of Services which satisfies the contract requirements of Section 134.31 of the Code of the Town of Front Royal, Virginia.*

*NOW THEREFORE, in consideration of Town Work Order No. \_\_\_\_\_, incorporated herein by this reference, creating a service location for User, and of providing Services to User and/or such other good and valuable consideration, receipt of which is hereby acknowledged, User agrees to the following, which shall be binding upon User and User’s successors in interest, lessees, and assigns:*

## **1. SERVICE ACCOUNT AND DEPOSIT**

### **Account**

*Upon execution of this Agreement, The Town’s Department of Finance will open a service billing account (“Account”) for User’s service location and shall bill User for usage of Services supplied to such service location as determined by metering at User’s master meter. If User has tenants using Services supplied via the same service location, User’s usage shall be reduced by the usage of such tenants provided that each of such tenants have separate Accounts with Town, with usage determined by separate metering via separate tenant sub meters.*

### **Deposit Amount**

*User shall pay to Town a deposit (“deposit”) to secure payment for Services. For an existing commercial/industrial service location at the property, the deposit required for Town Services shall be an amount equal to the highest monthly bill for that service location during the preceding twelve months of Services, or Two Hundred and Fifty Dollars (\$250.00), whichever is greater.*

*For a newly created commercial/industrial service location at the property, the Town’s Department of Finance shall establish the required deposit at an amount estimated to equal to the User’s anticipated average monthly bill for Services.*

### **Payment of Deposit, Interest and Refunds**

*Payment of the deposit is due upon the earlier of the execution of the Town’s service work order or the execution of this Agreement, and shall be held by Town in an interest-bearing account.*

*The deposit, plus any accrued interest, shall be refunded upon the closing of the Account in an amount equal to the deposit and accrued interest minus any amount deducted to satisfy User arrearages or other debts owing to the Town. Upon request of a refund, the Director of Finance shall first ensure that User does not have any debts owing to the Town. If the User is indebted to the Town, the Director of Finance will apply any refund toward satisfaction of these debts prior to the refund of any deposit balances to the User.*

## **2. COMPLIANCE WITH LAW**

*User agrees to comply with all applicable ordinances of Town concerning Services, including, but not limited to, discharge standards, pretreatment of waste, system development*

*charges, and agrees to accept all new rate schedules and fees that the Town Council of Town may from time to time establish and adopt.*

### **3. OUT-OF-TOWN COMMERCIAL RATES AND FEES**

*User shall pay to the Town a rate for Services equal to the charge to in-Town commercial/industrial users, plus an amount in lieu of all of the taxes (less and except, however, the equivalent of the Town's meals [food and lodging] and lodging taxes, ) and license fees the User would pay to the Town if User's Premises, and all commercial activity thereon, or ancillary thereto, was located and occurring within the boundaries of Town ("PILOT fees" or "Payments In Lieu of [Town] Taxes fees"). The annual amount due shall include all such taxes (less and except, however, the equivalent of the Town's meals [food and lodging] and lodging taxes, and hereinafter set forth) and license fees, whether ordinarily imposed directly on the User and paid to the Town, or indirectly on User's customers, collected by User and paid to the Town, as if User was within the Town. Such indirectly imposed taxes shall not include the Town meals (food and beverage) tax and Town lodging tax. By February 1<sup>st</sup> each calendar year, User shall file with the Town a statement ("Statement") of User's previous year's taxes in the following categories as may apply to User: (1) property taxes paid the County of Warren, Virginia; (2) gross receipts subject to a state sales tax, and business and professional occupational license taxes; (3) a list of all automobiles for which license taxes were paid to Warren County; (4) any bank franchise tax paid on deposits in Warren County; and (5) any car rental tax paid. This information contained in the Statement will be used to calculate an amount equivalent to what User's annual taxes and license fees would be if User were a Town resident. This amount shall then be divided into twelfths and such resulting amount shall be added to User's monthly bill for services.*

*If the User is new to doing business in Warren County, the information required in the Statement above shall be estimated by the Town for purposes of determining the User's rate for the first year of services.*

### **4. VERIFICATION OF FEES**

*For three years, User shall keep sufficient records to enable the Town to verify the accuracy of Statements submitted by User and the correctness of rates and fees under this Agreement. All such records, books of account and other information required to be kept by any taxing authority ("Records") shall be open to inspection and examination by the Department of Finance of Town in order to allow the Town to determine compliance with the terms of this Agreement. The Town shall provide User with the option of having such audit conducted in a local business office of User where Records are maintained. In the event the Records are maintained outside Warren County, copies of the Records shall be sent to the Department of Finance upon written demand. The decision of the Town's Director of Finance shall be final in determining whether Statements comply with the terms of this Agreement.*

### **5. PAYMENTS**

#### **Due Date – Interest, Fees and Charges**

- A. User shall pay for water and sanitary sewer services provided by Town.*
- B. All payments on Accounts shall be due at Town's Department of Finance by the close of business within twenty (20) days of the date of billing. Accounts for which full payment is not received within twenty (20) days, are delinquent. The Director of Finance shall*

*notify the User in writing of all such delinquencies. A late charge of two percent (2%) of the delinquent bill shall be charged to the delinquent Account.*

- C. If the Account remains delinquent for ten (10) days after the original notice, an additional service charge of Twenty Dollars \$20.00 shall be charged to the Account and interest shall commence accruing at the rate of interest permitted on omitted taxes and assessments under the "Underpayment Rate" established pursuant to § 6621 (a) (2) of the Internal Revenue Code plus two percent.*
- D. If such owner does not pay the full amount of charges, penalty, and interest for water provided or cease such disposal within ten (10) days after the delinquent fees and charges charged for water or sewage disposal services are due, the Town's Director of Finance may issue a service termination notice and may cease supplying water and sewage disposal services to User's premises thereto unless an officer of the Virginia Department of Health certifies that shutting off the water will endanger the health of the occupants of User's premises or the health of others. At least ten (10) business days prior to ceasing the supply of water or sewage disposal services, the Director of Finance shall provide the owner with written notice of such cessation. User shall have a right to request a hearing before the Finance Director during said ten (10) business day period to object to cessation of utility service, during which hearing said User may present evidence to support User's position as to why utility service ought not to be disconnected for cause.*
- E. A service charge will be required to reconnect services on an Account that has had Services terminated for non-payment. If the reconnection occurs during normal business hours, the reconnection fee shall be \$20.00 for the first time; 1st; \$30.00 for the second time; and \$40.00 for the third time. At all other times other than normal business hours, the reconnection fee shall be one and one-half (1 1/2) the reconnection fee during normal business hours.*
- F. If the fees and charges charged for water service or the use and services of the Town's sewage disposal system by or in connection with User's Premises are not paid when due, the User shall, until such fees and charges are paid with such penalty and interest to the date of payment, cease to dispose of sewage or industrial waste originating from or on such real estate by discharge thereof directly or indirectly into the Town's sewage disposal system.*
- G. Such fees and charges, and any penalty and interest thereon, when unpaid as provided above, shall constitute a lien against the property, ranking on a parity with liens for unpaid taxes. A lien may be placed on the property by the Town when the owner of the Premises has been advised in writing that a lien may be placed upon the property if the owner of the Premises fails to pay any delinquent water and sewer charges when due as provided as above. Such written notice shall be provided at least 30 days in advance of recordation of any lien with a copy of the bill for delinquent water and sewer charges to allow the owner of the Premises a reasonable opportunity to pay the amount of the outstanding balance and avoid the recordation of a lien against the property. The lien may be in the amount of (i) up to the number of months of delinquent water or sewer charges when the water or sewer is, or both are, provided to the owner of the Premises; (ii) any applicable penalties and interest on such delinquent charges; and (iii) reasonable attorney fees and other costs of collection not exceeding 20 percent of such*

*delinquent charges. In no case shall a lien for less than \$25 be placed against the property.*

**Place of Payment**

*Payments shall be made by: 1) mail to Department of Finance, 102 E. Main Street, P.O. Box 1560, Front Royal, Virginia 22630, 2) deposit at the deposit box in the rear of the Town Hall, 3) delivery in person at the Town Hall, or 4) delivery to a designated bank.*

**Allocation of Payments**

*User recognizes and accepts that during a delinquency in the payment for services, any subsequent payment received will be applied first against the most delinquent Account balance.*

**6. TERMINATION OF SERVICES FOR BREACH OR FAILURE TO PAY**

**Grounds for Termination of Service**

*Services may be terminated for User's failure to comply with any of the terms of this Agreement including failure to pay for services as agreed herein.*

**Notice**

*The Director will notify the User at User's billing address ( \_\_\_\_\_ ) in writing, of all delinquencies, failures to comply with the terms of this Agreement, imminent service termination, and the right to contest as set forth below. The foregoing notwithstanding, the Town reserves the right to terminate Services as provided by Section 134-43 of the Code of the Town of Front Royal, Virginia. Notice of imminent service termination may be posted on the door of the premise at the service location with the delinquent Account, unless User and Town have previously agreed in writing to a different arrangement as to such notice.*

**Disconnection of Service**

*If such User does not pay the full amount of charges, penalty, and interest for water provided or cease such disposal within Ten (100) days after the delinquent fees and charges charged for water or sewage disposal services are due, the Town's Director of Finance may issue a service termination notice and may cease supplying water and sewage disposal services to User's premises thereto unless an officer of the Virginia Department of Health certifies that shutting off the water will endanger the health of the occupants of User's premises or the health of others. At least ten (10) business days prior to ceasing the supply of water or sewage disposal services, the Director of Finance shall provide the owner with written notice of such cessation. Notwithstanding the foregoing, no services shall be terminated prior to the date set by the Town for a contest hearing as set forth in paragraph 5. D., above.*

**Conditions for Reconnection of Service**

*Once terminated, services shall not be restored to User until the outstanding balance (service fee(s), penalty, interest and reconnection fee(s)) for that service location is paid in full, unless the Director of Finance has approved other arrangements for payment in full.*

**7. RETURNED CHECK POLICY**

*If a check for payment on the Account is returned to the Town by its bank unpaid for any reason, the Director of Finance shall notify the User in the same manner as provided above. Unless payment in full, plus a \$35.00 returned check service charge, is received by the Director by the close of business three days after the date of the notice, in addition to any rights allowed under State law, Services to the User's service location shall be terminated. If the User presents the Town with more than two (2) returned checks during any twelve (12) month period, payment by check, other than in the form of cashier's check or certified check, will no longer be accepted.*

### **8. USE, INSTALLATION, AND INSPECTIONS**

*The User further agrees to the following conditions: (1) The User shall extend service via mains and/or laterals from the Town's existing mains, with no new main construction required by the Town; (2) Extension of mains and the easements necessary for their installation and maintenance may be required to be dedicated and conveyed to the Town, such facilities and real property interests shall be accepted into the Town's system when they meet such standards and requirements as the Town may determine; (3) The User shall secure any necessary easement(s) for extension of laterals, with the easement(s) to include a clause allowing the Town to inspect the lines as required to ensure proper maintenance; (4) All construction must meet the Town's water and/or sewer construction standards; (5) The User bears the total cost of all extension; (6) The User shall pay the in-town water and/or sewer system development charge. If the User violates any of these conditions, the Town may terminate Services after written notice to the User. The User may contest the Town's Notice of Default by contacting the Town Manager within five business days of the notice. The Town Manager will immediately schedule a hearing on the User's claim that he is not in default. If the User's challenge is not successful, Services will be terminated.*

### **9. RIGHTS OF WAY/EASEMENTS**

*User agrees to execute and convey, upon request of Town, any and all rights of way and/or easements in favor of Town, in recordable form, necessary to perfect in Town the right to place, maintain and inspect any mains, laterals, lines, pipes, valves, meters and other infrastructure over, under and/or across the property necessary to supply and bill for water and sewage services to User and User's tenants, if any. User agrees to pay the filing fee(s) for the recordation of any such rights of way and/or easements in the Circuit Court for Warren County. Any such filing fees will be billed to User.*

### **10. UNENFORCEABLE PROVISIONS**

*In the event that, by act of the Virginia General Assembly, decision of any court of competent jurisdiction, or for any other reason beyond the control of Town, the provisions of this Agreement for payments in lieu of taxes as a component of the out-of-town rate for services is determined to be illegal, ultra vires or unenforceable, the parties to this Agreement further agree that the Town may immediately terminate Services to the User unless the parties to this Agreement agree on a legally permitted substitute fee in place of a payment in lieu of Town taxes as set forth in this Agreement. In the event that no such legal substitute is available, the Town may terminate this Agreement without cost or liability.*

### **11. REPRESENTATIONS**

*By signing below, the User represents and certifies that User has read and fully understands this Agreement having had an opportunity to consult with legal counsel, that User is the owner of the premises to which this Agreement relates, that User agrees to comply fully with the terms of this Agreement, and that the individual executing this Agreement on behalf of User is an authorized signatory hereto.*

#### **USER**

By: \_\_\_\_\_

DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_



*Member*

*Note: A certified corporate resolution, or equivalent, authorizing the above signatory to enter into this Agreement must accompany this Agreement.*

**STATE OF \_\_\_\_\_**  
**COUNTY OF \_\_\_\_\_, TO-WIT:**

I, \_\_\_\_\_, a Notary Public in and for the State of \_\_\_\_\_, do hereby certify that \_\_\_\_\_, whose name is signed to the foregoing Agreement, did this day personally appear and acknowledge the same before me in my State and County aforesaid.

Given under my hand this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
*My Commission Expires*

\_\_\_\_\_  
*Notary Public*

**TOWN OF FRONT ROYAL, VIRGINIA**

**By: \_\_\_\_\_**  
***Town Manager***

***Approved as to form:***  
\_\_\_\_\_  
***Town Attorney***

(Ord. No. 10-93 Added (C) 6-14-93-Effective 7-1-93 ; Ord. No. 4-95 Amended (C) 6-12-95-Eff Upon Passage)  
(Amended (C) by Adding Service Agreement 5-14-18-Effective Upon Passage)  
(Amended by adding "system development charge throughout and title for (10)6-8-20-Effective 7-1-20)

**134-31.2 WATER SERVICE RATES-COMMERCIAL AND INDUSTRIAL LAUNDRIES**

A. In-Town Laundries: The monthly rates for water service usage by licensed commercial or industrial laundries located within the corporate limits of the Town of Front Royal shall be as follows:

(Added "In-Town Laundries" 9-25-06-Effective 8-1-06)

- 1. The first one hundred thousand (100,000) gallons: nine dollars and thirty-two cents (\$9.32) per one thousand (1,000) gallons.

(Added 3-14-94-Effective Upon Passage)  
(Amended 6-12-95-Effective Upon Passage; 6-14-99-Effective Upon Passage; 6-12-06-Effective Upon Passage)  
(Amended 2-24-11-Effective 2-1-11; 5-23-11-Effective 7-11-11; 6-10-13-Effective 7-1-13)  
(Amended 6-9-14-Effective 7-1-14 ; Amended 4-26-21-Effective 7-1-21)

2. One hundred thousand one (100,001) gallons to five hundred thousand (500,000) gallons: eight dollars and forty-seven cents (\$8.47) per one thousand (1,000) gallons.

(Added 3-14-94-Effective Upon Passage)

(Amended 6-12-95-Eff Upon Passage; 6-12-06-Effective Upon Passage; 2-24-11-Effective 2-1-11)

(Amended 5-23-11-Effective 7-11-11; 6-10-13-Effective 7-1-13; 6-9-14-Effective 7-1-14)

(Amended 4-26-21-Effective 7-1-21)

3. Above five hundred thousand one (500,001) gallons: eight dollars and five cents (\$8.05) per one thousand (1,000) gallons.

(Added 3-14-94-Effective Upon Passage)

(Amended 6-12-95-Eff Upon Passage; 6-12-06-Effective Upon Passage; 2-24-11-Effective 2-1-11)

(Amended 5-23-11-Effective 7-11-11; 6-10-13-Effective 7-1-13; 6-9-14-Effective 7-1-14)

(Amended 4-26-21-Effective 7-1-21)

B. Out-of-Town Laundries: The monthly rates for water service usage by licensed commercial or industrial laundries located outside the corporate limits of the Town of Front Royal shall be as follows:

1. The rates for water usage furnished outside the limits of the Town of Front Royal: one hundred percent (100%) more than the in-town rates as provided above.

(Added (B) 3-14-94-Effective Upon Passage)

(Amended (B) 9-25-06-Effective 8-1-06; 2-24-11-Effective 2-1-11)

### 134-32 FURNISHING OF WATER METERS AND APPURTENANCES; REPAIRS

A. Connections under 2" on development of existing in-fill lots:

(Amended by adding "connections" 6-8-20-Effective 7-1-20)

1. Upon appropriate payment of the system development charge(s) as provided in Section 134-30, and in consideration whereof, the Town shall, subject to 134-32.A.3. and A.4. below, provide, furnish and install the following services, material, labor and equipment. Incurred costs for said services, material, labor and equipment shall be borne and paid for by the property owner.)

(Amended 9-26-05-Effective Upon Passage; 6-8-20-Effective 7-1-20)

- a. The connection into the existing waterline.
- b. All fittings, valves and sleeves deemed necessary by the Town for said tap.
- c. All appurtenances deemed necessary by the Town including the service line to the meter, water meter jar, angle valve, yoke bar, flanges, gaskets, back-flow prevention device, ring & lid assembly, and up to five feet of pig-tail at the property. The meter will be located at the Town right-of-way/easement/property line.

(Amended 9-26-05-Effective Upon Passage)

d. The Town will own and maintain all appurtenances up to the discharge side of the water meter/back-flow device.

2. The customer shall be responsible for all costs of the materials and installation of the equipment described in this Section. Upon the request of a customer for service, the Town shall prepare an estimate of the cost of all materials and installation of the meters and connections and all appurtenances to be installed, in addition to the system development charges described in Section 134-30, and shall collect the amount from the customer prior to installation. In the event the final charge exceeds or is less than the estimate and payment, an additional billing or refund, respectively, shall be made by the Town. Failure of the customer to pay the additional charge within thirty (30) days may result in disconnection of the service until paid in full, including any reconnection and administrative fee.

**(Added 9-26-05-Effective Upon Passage)**

**(Amended by adding "system development charges" 6-8-20-Effective 7-1-20)**

3. For one-inch water connections and smaller, the customer shall have the option to provide, furnish and install the water system connection in accordance with the Town of Front Royal Standards and Specifications at the customer's cost and only upon prior written approval by the Town.

**(Added 6-8-30-Effective 7-1-20)**

4. Subsection A shall not apply in the case of subdividers or developers required to install like improvements under the Town's Subdivision Ordinance (Chapter 148, Subdivision and Land Development). In such cases the Town shall have no repair responsibility under Subsection A until and unless said improvements have been dedicated to and accepted by the Town.

**(Added 6-8-20-Effective 7-1-20)**

B. Taps 2" and greater and development of any parcels other than existing in-fill lots:

**(Amended 9-26-05-Effective Upon Passage)**

1. The customer will be responsible for the purchase, excavation and installation of the meter vault, water meter, valves, piping, back-flow device, and all other appurtenances deemed necessary by the Town and County.

2. The materials and configuration and installation of all appurtenances shall be in compliance with the Town of Front Royal Standards and Specifications.

3. After the installation and final inspection, the Town of Front Royal will assume full ownership and maintenance of the vault and Town required appurtenances.

C. All services will be protected with back-flow protection devices.

D. For water taps used exclusively for fire suppression systems:

1. The Town will tap the main line and extend the service as a stub to the edge of the right-of-way/easement/property line.
2. The customer will be responsible for the excavation and installation at the edge of the right-of-way/easement/property line for the required vault and appurtenances deemed necessary by the Town of Front Royal and by the customer and in compliance with all applicable codes and regulations.
3. Upon final inspection, the Town will assume responsibility and maintenance for the vault and all appurtenances deemed necessary by the Town of Front Royal.
4. The installation and appurtenances will be in compliance with the Town of Front Royal Standards and Specifications.

E. The Town will not be responsible for the cost of repair, maintenance and/or replacement of any lines, materials or equipment located on the customer's property from and beyond the end point of the Town owned meter vault.

F. The Town thereafter shall be responsible for the cost of repair and/or replacement to the above-stated waterline connection, materials and equipment. The Town shall not be responsible for the cost of repair, maintenance and/or replacement of any lines, material or equipment located on the customer's property from and beyond the end point of the town-installed tail specified at Subsection (E) herein.

G. Subsection A shall not apply in the case of subdividers or developers required to install like improvements under the Town's Subdivision Ordinance (Chapter 148, Subdivision and Land Development). In such cases the Town shall have no repair responsibility under Subsection B until and unless said improvements have been dedicated to and accepted by the Town.

**(Amended Entire Section 1-10-94 and 1-28-02-Effective Upon Passage)**

### **134-33 (RESERVED)**

**(Repealed 1-28-02-Effective Upon Passage)**

### **134-34 COMPLIANCE AND APPROVAL REQUIRED**

No water taps shall be made until all the requirements contained in the laws and ordinances as to plumbing have been complied with and approved by the Plumbing Inspector.

### **134-35 REMOVAL OR REPAIR OF METERS AND FIXTURES**

No person except an officer or agent authorized by the town shall at any time remove or undertake to repair or in any way interfere with any water meter or fixtures connected therewith.

**134-36 REMOVAL OF METERS FOR TESTING; PAYMENT OF BILL WHEN COMPLAINT IN PROCESS**

A. The town shall not be required to remove and test meters or substitute new meters at the demand of consumers, unless there is good reason to believe such meters are inaccurate.

B. A complaint against a water bill shall not be taken as a proper excuse for nonpayment of same when due or exempt the complainant from the penalties prescribed for failing to pay his bill at the proper time.

**134-37 CHARGE FOR REINSPECTION OF METER**

A charge, as established by resolution, shall be added to the water bill of each consumer who, by his request, has the town test and inspect a water meter, when said water meter has been tested and inspected by the town at the request of the consumer within a previous twelve-month period. Should, however, the water meter be found to be inaccurate or malfunctioning, the charge will not be assessed.

(Amended 1-26-04-Effective 3-1-04)

**134-38 USE OF WATER BY SEVERAL CONSUMERS ON ONE METER**

A. When more than one (1) supply is made through one (1) service pipe and under control, in the street, of one (1) stopcock, one (1) person must make application for all such supplies, and the bill will be made to such applicant for all the parties so supplied.

B. Permits for the use of water will not be granted to a block of stores, shops, tenements or rooms occupied by different parties or families using water through the same meter, unless the application shall be made by the landlord or agent of such premises, and all rents and bills for water are to be charged to and collected from him or his agent.

C. The use of water and/or sewer submetering equipment may be used in a commercial or residential occupied by more than one tenant or user if clearly stated in the rental agreement or lease for the leased premises or dwelling unit.

(Added 6-27-05-Effective Upon Passage)

D. Separate buildings shall be provided with separate water meters at the property line. The connection of more than one building to the same meter shall not be allowed except by special permission shall include: additional building(s), landscaping irrigation, decorative fountains/fish pools, swimming pools, and multiple living quarters. In granting such special permission, the Town Manager shall ensure that:

1. Such special permission is applied to single ownership of a lot and/or business;
2. All connections safeguard the health and safety of the public, and shall be made in accordance with the Town's water and sewer specifications manual;

3. The Town's ability to operate the utility system and collect revenues is not inhibited;
4. The new connection is terminated should the property or building supporting the extra connection be conveyed or leased;
5. The consumption rate of the combined use will not be detrimental to trunkline flow or pressure;
6. All sub-meter installations will be inspected by the Town of Front Royal Utilities Inspector;
7. All primary and sub-meter installations will be equipped with backflow protection devices and isolation valves;
8. Isolation valves are installed to effectively turn off all primary and secondary water supplies independently without interruption of the remaining services.

(Added as "C" 9-27-99-Effective Upon Passage)

(Amended as "C and Added 1-8" 7-24-00-Effective Upon Passage)

E. Notwithstanding the provisions of subparagraphs D1 and D4 above, the Town Council may approve an application for the extension of a water service line with or without a submeter to an additional building from a principal building on the same parcel of land, provided that the terms and conditions described in paragraphs A, B, D2, D3, D5, D6, and D7 above are met.

(Ord. No. 7-02 Added as (D) 5-13-02-Eff Upon Pass ; Ord. No. 13-05 Amended (E) 6-27-05-Eff Upon Pass)

### **134-39 METERING WHEN MORE THAN ONE SERVICE PIPE SUPPLIES PREMISES**

When more than one (1) service pipe is used to supply water to one (1) house or tenement, the landlord will be required, before the water shall be allowed to be used at such premises, to have the pipe so arranged that all the water on the premises shall pass through one (1) meter, or if he prefers to do so, additional meters will be furnished by the town, the cost of which, together with the cost of setting the same, meter boxes, repairs, etc., shall be paid by the landlord as provided in this Article.

### **134-40 REPAIR OR REPLACEMENT OF METERS OR BOXES BECAUSE OF NEGLIGENCE OF CONSUMER**

All repairs or replacements of meters or meter boxes caused by carelessness, neglect or interference of consumers shall be made by the town at the expense of the person responsible for the water bill.

**134-41 METER ACCESS**

It shall be unlawful for any person to access a water pit or vault and operate any facilities contained within except for the following:

- A. Town employees whose job responsibility it is to maintain the Town's water system.
- B. In the event of an emergency at a residence where continued water service will cause damage to the residential structure, bonded plumbers who are licensed in Virginia may access the meter to turn off water at a residence provided the plumber has contacted the Police Department.
- C. Bonded plumbers or contractors who are licensed in Virginia who have contracted with the Town to perform work on the Town's water system.

Violation of the Code Section shall be subject to a tampering fine established by the Town.

(Amended Entire Section 7-14-14-Effective Upon Passage)

**134-42 REPAIRING OF LEAKS**

All leaks in or upon all premises supplied with water must be promptly repaired by the owners or occupant, and, on failure to make such repairs with reasonable dispatch, the town may turn off the water from the premises until necessary repairs are made and charge one dollar (\$1.) for turning the same on again.

**134-43 DISCONTINUANCE OF SERVICE**

- A. The town reserves the right to discontinue its service without notice for any of the following reasons:
  - 1. Repair.
  - 2. Want of supply.
  - 3. Nonpayment of water bills when due.
  - 4. Any fraudulent representation in relation to consumption of service.
  - 5. Violation of contract or any rules or regulations applying at any time to consumer's service.
  - 6. Detriment to service in general, in immediate locality, caused by service to particular consumer.
  - 7. Riots, strikes, insurrection or acts of God.

- B. The Town shall not be liable for damages to any person for such cutting off of service.

**134-44 WASTE, UNAUTHORIZED USE OF WATER**

- A. If the occupant of a lot or tenement, on which has been erected or placed a hydrant, cock or other fixture to supply water, shall permit the water to run from hydrant, cock or fixture without proper care to prevent waste or shall permit the water to be used, taken or received by any person

other than such occupant or member or visitor of his family, except in cases of necessity, there shall in each case be imposed a fine on the occupant of not less than five dollars (\$5.) nor more than twenty-five dollars (\$25.). In the latter case, there shall be a like fine on the person so using, taking or receiving the water. In every such case, the town shall stop the water from such lot or tenement and not turn it on again until a satisfactory assurance is given that a like case will not happen again. If any hydrant, cock or other fixture is found leaking, and the owner or occupant of the premises shall refuse or fail to have the necessary repairs made, or if any hydrant, located in an exposed place is not protected so as to prevent its being used by the public generally, the town may cut off the supply of water, and there shall be imposed a fine of twenty-five dollars (\$25.) on any person who shall turn on the water before such repairs are made or the hydrant is protected as aforesaid.

B. All willful waste of water and waste through neglect of servants or agents or by any fixture being out of order or allowing water to be taken from premises by persons having no right to use it, except in cases of necessity, shall be sufficient cause of cutting off the supply to any premises and forfeiture of the amount of the bill paid in advance or sufficient cause for withholding the supply for such terms as the town may decide.

#### **134-45 OPENING OF FIRE HYDRANTS**

Fire hydrants shall not be opened without the consent of the Town Manager, except for use in extinguishing fire.

#### **134-46 UNAUTHORIZED REMOVAL FROM HYDRANT, TROUGH, FOUNTAIN OR FIRE-SUPPRESSION SYSTEM**

A. No person shall take or carry away water from any hydrant, watering trough, drinking or public fountain without written authority to do so from the town.

B. It shall be unlawful for any person to take, divert or make use of water for any purpose other than fire suppression from a connection with the town water lines, or any line leading therefrom, installed for a fire-suppression system and assessed a system development charge on that basis.

(Amended to add "system development charge" 6-8-20-Effective 7-1-20)

C. Use of water removed from a fire hydrant by the Fire Department for non-emergency or training purposes shall be pre-approved by the Town Manager. Non-emergency use shall be metered for possible payment. (Added (C) 7-14-14-Effective Upon Passage)

#### **134-47 LOCATION OF EQUIPMENT FOR CUTTING OFF WATER**

A wrench and key for cutting off water shall be in the custody of the Police Department at police headquarters, to which calls for emergency service shall be made.



**134-48 OBSTRUCTING OR INJURING FIXTURES**

No person shall place any building material, rubbish or other matter on a stopcock, meter box or valve of the street main or service pipe or obstruct any fixture connected with the waterworks or remove or injure the pipe, fireplug, hydrant or cock.

**134-49 RESERVOIRS**

No person shall, without proper authority, enter the enclosures around the town reservoirs or interfere in any manner with such enclosures or the water contained in the town reservoirs or throw sticks, stones, trash or any other matter or substance whatever into any of the reservoirs or basins or disturb or in any manner violate the water falling into or contained in any of the reservoirs or basins or bathe within one thousand (1,000) feet above the Shenandoah River pump intake.

**134-50 APPOINTMENT OF SPECIAL POLICEMAN AT PUMPHOUSE**

The Town Manager may appoint a special policeman to act at the pumphouse, whose duty it shall be to arrest any person who may be found violating this Article or other ordinance of the town within the vicinity of the pumphouse, reservoirs and reservoir enclosures.

**134-51 COVERS FOR METER BOXES**

A cast-iron cover of a style approved by the town shall be placed over the meter box.

**134-52 PIPE STANDARDS**

Only galvanized wrought-iron, copper or brass pipe approved by the town shall be used for water services from the water main to the curbstone stopcock. When pipe is required larger than two (2) inches in diameter, cast-iron pipes of standard weight as approved by the town shall be used. All wrought-iron pipe used in connection with the water system shall be of the best-quality guaranteed wrought-iron galvanized pipe, tested by hydrostatic pressure to three hundred (300) pounds per square inch. No service pipe from the curbstone stopcock shall be less than one-half-inch pipe.

**134-53 CUTOFF VALVE REQUIRED**

There shall be placed in the water service pipe entering premises inside or outside of the walls of the premises to be supplied with water a cutoff valve to control all water inside the house.

**134-54 PIPE LAID OUTSIDE TOWN LIMITS**

All water pipes laid outside the town limits for connection to the town's pipe lines or pipes through which the town is supply water shall be laid in accordance with specifications of the town and subject to inspection at all times by the Town Manager or any of his authorized agents.

**134-55 RULES AND REGULATIONS OF WATER DEPARTMENT**

The Town Water Department may make, from time to time, such rules and regulations for furnishing water to consumers as it may deem proper, to take effect when approved by the Town Council. It shall be unlawful for any person to fail, neglect or refuse to comply with such rules and regulations.

**134-56 THROUGH 63 (RESERVED)**

(Repealed Entire Article "Water & Sewer construction & Assessments"5-11-98-Effective Upon Passage)

**BILL AND CHARGES****134-64 COLLECTING OFFICE FOR BILL PAYMENT**

All bills for water supplied by the town and for sewer service shall be paid at the collecting office of the Town Manager.

**134-65 CONTINUANCE OF RATES**

Rates charged, as of the effective date of this chapter, by the town for water supplied by the town and for town sewer service shall continue in effect until changed by the Council.

**134-66 EXEMPTIONS FROM CHARGES**

A. Effective July 1, 1982, no charge shall be made for the first three thousand (3,000) gallons of water supplied each month to any building owned or occupied by a church or religious body and used wholly and exclusively for religious worship and education.

B. Effective July 1, 1982, no charge shall be made for the first three thousand (3,000) gallons of sewer service supplied each month to any building owned or occupied by a church or religious body and used wholly and exclusively for religious worship and education.

**134-67 WATER METER RENTAL CHARGES**

There shall be a charge for the rent of a water meter as provided by the Council. The charge for rent of a water meter charged as of the effective date of this chapter shall continue in effect until changed by the Council.

**134-68 CHARGE WHEN METER OUT OF ORDER**

If any water meter gets out of order or fails to register accurately, the consumer will be charged at the average daily rate as shown by the meter when in order.

**134-69 CHARGE TO BE MADE FOR ALL WATER PASSING THROUGH METER**

A charge will be made for all water passing through meters, whether used or wasted, even though the house or premises may not be occupied. When premises are unoccupied, owners may have water cut off by notice to the Town Managers office.

**134-70 REGULATIONS FOR PAYMENT OF WATER AND SEWER SERVICE BILLS**

Water and sewer service bills shall be paid in accordance with the regulations adopted by the Town Council. It shall be unlawful for any person to fail, neglect or refuse to comply with such regulations.

**134-71 UTILITY ACCOUNTS DEPOSITS, PAYMENTS AND TERMINATION OF SERVICE****A. DEPOSIT:**

1. a. Residential Service Location Amount: For an existing residential service location, the deposit required for Town utility services after September 9, 2019 shall be an amount equal to the highest monthly bill for that location during the preceding twelve months or two hundred and fifty dollars (\$250.00), whichever is greater.

**(Amended Deposit Amount 9-9-19-Effective Upon Passage)**

- b. Commercial Service Location: For an existing commercial service location, the deposit required for Town utility services shall be an amount equal to twice the average monthly bill for that location during the preceding twelve months or five hundred dollars (\$500.00), whichever is greater.

**(Amended Deposit Amount 9-9-19-Effective Upon Passage)**

- c. Newly Established Location: To calculate the amount of the deposit for newly established residential or commercial service locations, the Front Royal Department of Finance shall establish the deposit at an amount equal to the customer's anticipated monthly usage of water and electric service, as may be the case.

- d. Reinstatement of Deposit: If, at any time, the customer's deposit is waived or returned, as set forth below, but the customer's service subsequently is terminated for nonpayment or the customer has made four late payments during any twelve month period, a deposit, in an amount as set forth above, shall be required.

**(Added (e) 9-9-19-Effective Upon Passage; Removed (e) 1-13-20-Effective Upon Passage)**

2. Service Location Deposit Waiver: Notwithstanding the foregoing, no service location deposit shall be required when an acceptable credit history is furnished by the customer from a previous utility provider. Acceptable credit history is defined as a customer who can demonstrate that

during the previous twelve months his bills were paid with no more than four (4) late payments on a monthly billing system or no more than two (2) late payments on a bimonthly system.

**(Removed “residential” 1-13-20-Effective upon passage)**

3. Payment of Deposit: Payment of the deposit is due upon execution of the service work order. In lieu of the foregoing, when the required deposit for a residential service location exceeds five hundred dollars (\$500) or a commercial service location exceeds one thousand dollars (\$1,000), the deposit may be paid in two equal installments with one half due when the work order is signed and pay the remaining half along with the payment for the first month's service.

**(Amended 9-9-19-Effective Upon Passage)**

4. Interest and Refunds: Deposits shall be held in an interest-bearing account.

a. Service location deposits plus interest shall be refunded either: (1) upon termination of the service account in an amount equal to the deposit and accrued interest minus any amount deducted to satisfy customer arrearages or other debts owing to the Town; or (2) upon the customer's request after a period of twelve months of service during which there were no more than four delinquent payments. Upon request of a refund, the Director of Finance shall first ensure that customer does not have any debts owing to the Town. If the customer is indebted to the Town, the Director of Finance will apply any refund toward satisfaction of these debts prior to the refund of any money to the customer.

**(Added (b) 9-9-19-Effective Upon Passage ; Removed “residential” and (b)-Effective Upon Passage)**

## B. PAYMENTS:

1. Due Date - Fines and Charges: All payments for water, sewer, electric, and garbage collection services shall be due within 20 days of the date of billing. Accounts, for which full payment is not received within 20 days, are delinquent. A late charge of 2% of the delinquent bill immediately shall be charged to the delinquent account. If the account remains delinquent for 10 days after the original notice, an additional service charge of \$10.00 shall be charged. Finally, a service charge will be required to reconnect service that has been discontinued due to non-payment. If the reconnection occurs during normal business hours, the reconnection fee shall be \$20.00-first reconnection fee; \$30.00-second reconnection fee; \$40.00-third reconnection fee; \$50.00-reconnection fee for all other times.

**(Amended by Adding Reconnection Fees 1-28-13-Effective Upon Passage)**

2. Allocation of Payments: During a delinquency in the payment for any service (electric, water, sewerage, or garbage collection) any subsequent payment received for services will be applied first against the most delinquent account which is not subject to a defense of any applicable statute of limitations.

3. Budget Billing: Notwithstanding the foregoing, the Director of Finance, in his discretion, may enter into agreements with customers for alternative billing and payment schedules with persons on fixed or limited incomes.

4. The Town of Front Royal may take all lawful action to collect all debts owed to the municipality which have become overdue.

**(Added (4) 9-9-19-Effective Upon Passage)**

C. TERMINATION OF SERVICES:

1. Notice: The Director of Finance shall notify the customer in writing of all delinquencies, imminent service termination, and right to contest as set forth below. Notice also shall be posted on the door of the premise with the delinquent account.

**(Amended by Removing "20-day" 9-9-19-Effective Upon Passage)**

2. Protest: The customer may contest the bill by contacting the Director of Finance for the Town of Front Royal who will immediately schedule a hearing on the customer's claim that his account is not delinquent.

3. Disconnection of Service: If the matter is not successfully contested by the customer and arrearages remain 10 days after the date of the aforementioned notices, service shall be disconnected. Notwithstanding the foregoing, no services shall be disconnected prior to a requested hearing.

**(Amended (3) 9-9-19-Effective Upon Passage)**

4. Persons in Poor Health: Customer may seek an additional 30 days before water and electric services are disconnected if the Director of the Warren County Health Department certifies in writing to the Town of Front Royal Director of Finance that the customer has a serious medical condition or the customer resides with a family member with a serious medical condition. Upon providing certification the service termination may be delayed twice within a 12-month period, but may not be consecutive, certification shall be valid for period of 365 days.

**(Amended 1-28-13-Effective Upon Passage)**

5. Conditions for Reconnection of Service: Once disconnected, services shall not be restored to that customer until the outstanding balance (service fee(s), penalty, and reconnection fee(s)) for that service location is paid in full, unless the Director of Finance has approved other arrangements for payment in full.

D. RETURNED PAYMENT POLICY: If a payment is returned to the Town for any reason, the Director of Finance shall notify, in the same manner as provided above, the Customer. If payment, in full, plus a \$35.00 service charge is not received by the close of business three days after the date on the notice, all utility services to the customer's service location shall be

disconnected. If the customer presents the Town with more than two bad checks during any twelve-month payment, payment by check will no longer be accepted.

(Amended Service Charge 1-28-13-Effective Upon Passage)

(Amended Entire Section 2-23-98-Effective Upon Passage)

E. System Development Charges shall be paid upon application.

(Added "E" 6-8-20-Effective 7-1-20)

#### 134-71.1 (RESERVED)

(Added Entire Section 2-10-86-Effective Upon Passage; Removed 6-8-20-Effective 7-1-20)

#### 134-71.2 (RESERVED)

(Repealed Entire Section "Water Availability Districts" 10-22-07-Effective Upon Passage)

### **CROSS-CONNECTION AND BACKFLOW CONTROL IN WATERWORKS**

(Adopted 10-9-78)

#### 134-72 DEFINITIONS

As used in this Article, the following terms shall have the meanings indicated:

**AIR-GAP SEPARATION** - The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying pure water to a tank, plumbing fixture or other device and the rim of the receptacle.

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

**BACKFLOW** - The flow of contaminants, pollutants, process fluids, used water, untreated waters, chemicals, gases or nonpotable waters into any part of a waterworks.

**BACKFLOW PREVENTION DEVICE** - Any approved device, method or type of construction intended to prevent backflow into a waterworks.

**CONSUMER** - The owner or person in control of any premises supplied by or any manner connected to a waterworks .

**CONSUMER'S WATER SYSTEM** - Any water system located on the consumer's premises, supplied by or in any manner connected to a waterwork.

**CONTAMINATION** - Any introduction into pure water of microorganisms, wastes, wastewater, undesirable chemicals or gases.

**CROSS-CONNECTION** - Any connection or structural arrangement, direct or indirect, to the waterworks where backflow can occur.

**DEGREE OF HAZARD** - A term derived from an evaluation of the potential risk to health and the adverse effect upon the waterworks.

**DOUBLE GATE - DOUBLE CHECK VALVE ASSEMBLY** - An approved assembly composed of two (2) single, independently acting check valves, including tightly closing shutoff valves located at each end of the assembly and petcocks and test gauges for testing the watertightness of each check valve.

**HEALTH HAZARD** - Any condition, device or practice in a waterworks or its operation that creates or may create a danger to the health and well-being of the water consumer.

**INTERCHANGEABLE CONNECTION** - An arrangement or device that will allow alternate but not simultaneous use of two (2) sources of water.

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

**POLLUTION HAZARD** - A condition through which an aesthetically objectionable or degrading material may enter the waterworks or a consumer's water system.

**PROCESS FLUIDS** - Any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted which would constitute a health, pollutional or system hazard if introduced into the waterworks. This includes, but is not limited to:

- A. Polluted or contaminated waters.
- B. Process waters.
- C. Used waters originated from the waterworks which may have deteriorated in sanitary quality.
- D. Cooling Waters.
- E. Contaminated natural waters taken from wells, lakes, streams or irrigation systems.
- F. Chemicals in solution or suspension.
- G. Oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes or for fire-fighting purposes.

**PURE WATER or POTABLE WATER** - Water fit for human consumption and use which is sanitary and normally free of minerals, organic substances and toxic agents in excess of reasonable amounts for domestic usage in the area served and normally adequate in supply for the minimum health requirement of the persons served.

**REDUCED-PRESSURE-PRINCIPLE BACKFLOW PREVENTION DEVICE** - A device containing a minimum of two (2) independently acting check valves, together with an automatically operated pressure-differential relief valve located between the two (2) check valves. During normal flow and at the cessation of normal flow, the pressure between these two (2) checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks. These devices must be of the approved type.

**SERVICE CONNECTION** - The terminal end of a service line from the waterworks. If a meter is installed at the end of the service, then the "service connection" means the downstream end of the meter.

**SYSTEM HAZARD** - A condition posing an actual or threat of damage to the physical properties of the waterworks or a consumer's water system.

**USED WATER** - Any water supplied by a water purveyor from waterworks to a consumer water system after it has passed through the service connection.

**WATER PURVEYOR** - An individual, group of individuals, partnership, firm, association, institution, corporation, municipal corporation, county or authority which supplies water to any person within this state from or by means of any waterworks.

**WATERWORKS** - All structures and appliances used in connection with the collection, storage, purification and treatment of water for drinking or domestic use and the distribution thereof to the public or residential consumers as set forth in Title 62.1, Chapter 4, Section 62.1-45a, Code of Virginia 1950, as amended.

### **134-73 RESPONSIBILITY FOR INSPECTIONS**

It shall be the duty of the Town of Front Royal to cause inspections to be made of properties served by the waterworks where cross-connection with the waterworks is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be established by the Water Department Head in the Cross-Connection Control and Backflow Prevention Program and as approved by the Virginia Department of Health.

### **134-74 RIGHT TO ENTER PROPERTY**

The representative of the Water Department shall have the right to enter, at any reasonable time, properties served by a connection to the waterworks of the Town of Front Royal for the purpose of inspection the piping system or systems for cross-connections. Upon request, the owner or occupants of the property served shall furnish to the inspection agency pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connection.



**134-75 DENIAL OR DISCONTINUANCE OF SERVICE FOR DEFICIENCIES**

The water purveyor may deny or discontinue water service to a consumer if the required backflow prevention device is not installed. If it is found that the device(s) has been removed or by-passed or if a cross-connection exists on the premises or if the pressure in the waterworks is lowered below ten (10) pounds per square inch gauge, the purveyor shall take positive action to ensure that the waterworks is adequately protected at all times. Water service to such premises shall not be restored until the deficiencies have been corrected or eliminated in accordance with Commonwealth of Virginia waterworks regulations and to the satisfaction of the purveyor.

**134-76 ENFORCEMENT; LABELING OF SUPPLIES THAT ARE UNSAFE FOR DRINKING**

The potable water made available on the properties served by the waterworks shall be protected from possible contamination or pollution by enforcement of this chapter and the Town of Front Royal Plumbing Code. Any water outlet which could be used for potable or domestic purposes and is not supplied by the potable system must be labeled as "water unsafe for drinking" in a conspicuous manner.

**134-77 SUPPLEMENTARY PROVISIONS**

This Article is a supplement to the applicable plumbing codes.

**134-78 (RESERVED)**

(Repealed "Violations and Penalties" 4-27-92-Effective Upon Passage)

**RAINWATER AND SURFACE WATER**

(Adopted 6-23-86 by Ord. 9-86)

**134-79 DISCHARGE OF RAINWATER OR SURFACE WATER PROHIBITED**

A. Except as provided in Section 134-4.A.14 of this ordinance, the discharge of rainwater or surface water into a sanitary sewer line through connections from the roofs of houses or other buildings, basement drains, foundation drains, yard drains or any other connection is hereby prohibited.

(Amended 8-12-13-Effective Upon Passage)

B. Except as provided in Section 134-4.A.14. of this ordinance, it shall be unlawful to make any connection to the town's sanitary sewer system which allows rainwater or surface water to flow into said system, and no occupancy permit shall be issued for any new structure or construction having such a connection to the sanitary sewer system. (Amended 8-12-13-Effective Upon Passage)

C. Whenever the Town Manager or Utility Inspector for the Town of Front Royal shall deem it necessary to remove, block, repair or otherwise reroute a drain or other connection to the Front Royal sanitary sewer system which allows a significant flow of rain or surface water into said

system and thereby could endanger the public health, upon reasonable notice to the property owner of not less than thirty (30) days, and after said owner has failed to remove, block, repair or otherwise reroute said drain or connection in a manner approved by the town, the town may then, by its own agents or employees, remove, block, repair or otherwise reroute said drain or connection, and the cost of expenses thereof shall be chargeable to and paid by the owner of such property and shall be collected by the town as taxes and levies are collected.

D. Violation of the provisions of this section shall constitute a misdemeanor and shall be punishable by a fine of not more than one thousand dollars (\$1,000.).

### **134-80 UTILITY INSPECTOR**

A. A Utility Inspector may be appointed by the Town Manager. It shall be the duty of the Utility Inspector to enforce all provisions of this Code and other ordinances of the town relating to the inflow of rain or surface water into the sanitary sewer system and to inspect and test drains and fixtures for inflow.

B. Whenever it is necessary for the purpose of enforcing the town ordinances or whenever the Utility Inspector has reasonable cause to believe that there exists, in any structure or upon any premises, a drain or connection which could jeopardize the public health by allowing rain or surface water to flow into the town's sanitary sewer system, the Utility Inspector or his designated agent may enter such structure or premises, at all reasonable times, to inspect the same or to perform any duty imposed by the provisions of this Article, provided that, if such structure or premises is occupied, he shall first present proper credentials and request entry. If such entry is refused, the Utility Inspector shall have recourse to every remedy provided by law to secure entry.

### **CONSERVATION OF WATER**

(Adopted 8-24-92 by Ord. 10-92)

### **134-81 CONSERVATION OF WATER**

#### **A. DEFINITIONS; EQUATIONS.**

1. Definitions. For the purpose of this Article, the following definitions shall apply:

**CFS - Cubic Feet per Second**

**(Amended (A) 7-10-00-Effective Upon Passage; 9-22-08-Effective Upon Passage)**

B. **VOLUNTARY WATER CONSERVATION:** Whenever the fourteen-day average stream flow of the South Fork of the Shenandoah River, measured from Point 0163100 (South Fork of the Shenandoah River at Front Royal: latitude 384150; longitude 0781240), drops below 400 CFS, the Front Royal Town Manager shall declare voluntary water conservation measures to be in effect. The Town Manager, through appropriate means, shall inform the public to voluntarily conserve water. During periods of voluntary water conservation, all users of the Front Royal municipal water system are requested to cease the following:

1. The watering of shrubbery, trees, lawns, grass, plants, or any other vegetation from Town water supplies (except indoor plantings, greenhouse and commercial nursery stocks, and new plantings less than one year old) between the hours of 9:00 A.M. and 4:00 P.M.
2. The outdoor washing of automobiles, trucks, trailers, boats, airplanes, or other types of mobile equipment between the hours of 9:00 A.M. and 4:00 P.M, except from a bucket or other container not exceeding three (3) gallons or at a commercial vehicle wash facility.
3. The washing of private streets, driveways, parking lots, service station grounds, or other paved outdoor surfaces between the hours of 9:00 A.M. and 4:00 P.M.
4. The operation of any ornamental fountain, unless the water is recycled.
5. The filling of swimming and/or wading pools, except that filled pools may be topped off to maintain the appropriate levels for use.
6. Serving drinking water in restaurants, except upon request.

**(Amended "B" 7-10-00-Effective Upon Passage; Added (1-6) 9-22-08-Effective Upon Passage)**

C. MANDATORY WATER CONSERVATION: Whenever the fourteen-day average stream flow of the South Fork of the Shenandoah River, measured from Point 01631000, drops below 340 CFS, the Front Royal Town Manager shall declare an emergency exists and declare mandatory water conservation measures to be in effect and shall implement enforcement thereof. The Town Manager shall notify the Department of Environmental Quality that mandatory conservation measures have been imposed. During periods of mandatory water conservation, all users of Front Royal municipal water system shall be prohibited from the following:

**(Amended "C" 7-10-00-Effective Upon Passage; 9-22-08-Effective Upon Passage)**

1. The watering of shrubbery, trees, lawns, grass, plants, or any other vegetation from Town water supplies, (except indoor plantings, greenhouse and commercial nursery stocks, and new plantings less than one year old) between the hours of 9:00 A.M. and 4:00 P.M.
2. The outdoor washing of automobiles, trucks, trailers, boats, airplanes, or other types of mobile equipment, except in a commercial vehicle wash facility.

**(Amended 9-22-08-Effective Upon Passage)**

3. The washing of private streets, driveways, parking lots, service station grounds, or other paved outdoor surfaces.

**(Amended 9-22-08-Effective Upon Passage)**

4. The operation of any ornamental fountains, unless the water is recycled. Municipal ornamental fountains shall be cleaned and closed within two (2) days of the Mandatory Water Conservation restriction declaration.

5. The filling of swimming and/or wading pools, except that filled pools may be topped off to maintain the appropriate levels for use.

D. EMERGENCY WATER CONSERVATION: Whenever the fourteen-day average stream flow of the South Fork of the Shenandoah River, measured from Point 01631000, drops below 240 CFS, the Front Royal Town Manager shall declare an emergency exists and declare emergency water conservation to be in effect and shall implement enforcement thereof. During periods of emergency water conservation, all users of the Front Royal municipal water system shall be prohibited from the following:

(Amended 9-22-08-Effective Upon Passage)

1. The watering of shrubbery, trees, lawns, grass, plants, or any other vegetation from Town water supplies (except indoor plantings, greenhouse and commercial nursery stocks) at any time through the use of a hose and/or sprinkler system. This time restriction prohibition shall not apply when individuals are watering plantings through the use of recycled household water.

(Amended 9-22-08-Effective Upon Passage)

2. The outdoor washing of automobiles, trucks, trailers, boats, airplanes, or other types of mobile equipment except in a commercial vehicle wash facility.

3. The washing of all streets, driveways, parking lots, service station grounds, office buildings, home of apartment exterior or other outdoor surfaces, including windows. Restaurants and other food preparation type businesses shall be allowed to wash their exterior garbage cans/dumpsters three (3) days per week, on Mondays, Thursdays and Saturdays the Town Manager may authorize exterior washings for specific purposes whenever the health or safety of the public may be affected.

4. The operation of all ornamental fountains.

5. The filling of swimming and/or wading pools.

(Amended 9-22-08-Effective Upon Passage)

6. All residential and recreational outdoor use shall be prohibited, unless an exception is otherwise granted in this Chapter.

7. All non-essential municipal water use shall be eliminated.

E. WATER RATIONING: Whenever the fourteen-day average stream flow of the South Fork of the Shenandoah River, measured from Point 01631000, drops below 200 CFS, the Front

Royal Town Manager shall declare an emergency exists and declare water rationing to be in effect and shall implement enforcement thereof. During periods of water rationing, users of the Front Royal Municipal Water System shall be prohibited from the following:

**(Amended 9-22-08-Effective Upon Passage)**

1. The watering of shrubbery, trees, lawns, grass, plants, or any other vegetation, except indoor plantings, greenhouse and commercial nursery stocks. This prohibition shall not apply to waterings done through the use of recycled household water.
2. The washing of automobiles, trucks, trailers, boats, airplanes, or other types of mobile equipment. During periods of water rationing, the operators of commercial car wash facilities shall be notified of the imposition of water rationing through service by a law enforcement officer and appropriate radio and television advertisements and notices published in the newspapers of local circulation. The operators shall likewise be notified of the cessation of water rationing.
3. The hauling of water beyond the Town's municipal limits except to customers with existing twelve-month hauling contracts.
4. The operation of outdoor water spigots in any municipal park, playground, or recreation facility.
5. Commercial clothes washing facilities shall be required to reduce water usage by 50% of the average use of the previous twelve (12) months. Users with less than twelve months previous water use shall not exceed fifty-percent of their previous use for all water service shall not be restricted until they have established at least one (1) month's service in a period when water rationing is not in effect. During periods when water rationing, operators of commercial clothes washing facilities shall be notified of the imposition of water rationing through service by a law enforcement officer and appropriate radio and television advertisements and notices published in the newspapers of local circulation. The operators shall likewise be notified of the cessation of water rationing.

**(Amended and Added (1-5) 7-10-00-Effective Upon Passage)**

F. NOTIFICATION REQUIREMENTS: The public shall be notified of the imposition of mandatory water conservation, emergency water conservation, and watering rationing through appropriate radio and television announcements and notices published in newspapers of local circulation. The public shall likewise be notified of the cessation of mandatory conservation, emergency water conservation, and water rationing.

**(Amended 7-10-00-Effective Upon Passage)**

G. LIFTING OF RESTRICTIONS: Mandatory water conservation, emergency water conservation, and water rationing periods shall cease at such time as the fourteen-day average stream flow recovers and rises above the flow rate needed for the imposition of mandatory water conservation, emergency water conservation, or water rationing.

(Amended 7-10-00-Effective Upon Passage; 9-22-08-Effective Upon Passage)

H. VIOLATIONS: Violation of the mandatory water conservation, emergency water conservation, and water rationing prohibitions set forth in Subsection C, D, and E during periods of water conservation or rationing may be punished by a fine not to exceed one thousand dollars (\$1,000). Each day that a violation occurs may be punished as a separate offense.

(Added "H" 7-10-2000-Effective Upon Passage)

(Added (I) "Drought Restrictions" 10-28-02-Effective Upon Passage)

(Removed (I) "Drought Restrictions" 9-22-08-Effective Upon Passage)