



TOWN OF ROUND HILL

Sewer Ordinance

Adopted on May 18, 2017

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE ROUND HILL SEWER ORDINANCE

BE IT ORDAINED by the Town Council of Round Hill, Virginia, that the Round Hill Sewer Ordinance, be amended and re-enacted as follows:

**ARTICLE I
Definitions**

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- Section 1 “Accessory Structure” shall refer to the definition in the Round Hill Zoning Ordinance
- Section 1 “Applicant” shall mean the owner, or duly authorized representative, such as a builder, developer, or plumber who applies for a sewer service connection.
- Section 2 “Availability Fee” shall mean that portion of the “Tap Fee” which covers the Town’s cost to construct and develop sewage treatment facilities, lift stations, sewer lines, etc. The “Availability Fee” shall be based upon the type of land use being served, actual cost to the Town to provide these services and the size of the water line and meter required.
- Section 3 “BOD” (Biochemical Oxygen Demand) shall mean the quantity of dissolved oxygen, expressed in milligrams per liter, utilized in the biochemical oxidation of organic matter during incubation at 20 C, in the dark for five (5) days.
- Section 4 “Building Drain” shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the building and conveys it to the building sewer beginning five (5) feet from the outer face of the building wall.
- Section 5 “Building Sewer” shall mean the sewer pipe extension from the residence or building to the Public Sewer.
- Section 6 “Collection System” shall mean lift stations and lines for purpose of delivering wastewater to the treatment plant.
- Section 7 “Connection Fee” shall mean that portion of the “Tap Fee” which covers the Town’s cost to install the sewer service connection and/or to inspect the owner’s connection to the public sewer.
- Section 8 “Customer” shall mean the party who has applied for sewer service and will be responsible for paying applicable bills. “Customer” shall also mean the owner of property, or duly authorized representative, such as a builder, developer, or plumber who installs, constructs, or builds sewer lines and laterals.
- Section 9 “Customer Force Main” shall mean the portion of the pressure sewer pipeline connecting the Grinder Pump Chamber to the Public Force Main. The Customer Force Main includes the pipe and any associated valves and check valves along its length as well as the connection to the Public Force Main.
- Section 10 “Dwelling Unit” shall mean one room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

- Section 11 “Garbage” shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
- Section 12 “Grinder Pump” shall mean the pump that resides in the Grinder Pump Chamber that provides the energy to push sewage flow through the pressure sewer lines. (l).
- Section 13 “Grinder Pump Chamber” (Chamber) shall mean the buried structure that houses the grinder pump and collects sewer flow from the residence. The Building Drain and Customer Force Main are connected to the Chamber.
- Section 14 “Industrial Wastes” shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sewage.
- Section 15 “Natural Outlet” shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- Section 16 “Owner-Customer” shall mean the customer who owns title to the premises to which sewer service is provided.
- Section 17 “Person” shall mean any individual, firm, company, association, society, corporation, or group.
- Section 18 “pH” shall mean the logarithm of the reciprocal of the hydrogen ion concentration in gram/mole per liter.
- Section 19 “Premise” shall mean:
- a) Each residential dwelling structure.
 - b) Each residential dwelling unit in a duplex, triplex, apartment building, or in any other building that is used for residential purposes.
 - c) Each unit contained in a structure serving more than one tenant, lessee, or owner; and used for any purpose other than residential.
 - d) Each structure or group of contiguous structures, that is owned, rented, or leased by one person and occupied by that person.
 - e) The following shall also be considered one premise:
 - i. Residence used as a rooming house
 - ii. Dwelling or building for transients
 - iii. Apartment building or residential condominium where the water utility bill is included in the rent or condominium fee.
- Section 20 “Properly Shredded Garbage” shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.
- Section 21 “Public Force Main” shall mean the portion of the pressure sewer pipeline conveying, or potentially conveying the wastewater flow for more than one residential customer. The Public Force Main typically resides within a sewer easement or the public right of way.
- Section 22 “Public Sewer” shall mean a manhole or common sewer pipe serving more than one property. A Public Sewer is owned and operated by the Town and is located in an easement or right of way.
- Section 23 “Sanitary Sewer” shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
- Section 24 “Sewage” shall mean a combination of the water-carried wastes from residences, commercial

buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

- Section 25 “Sewage Treatment Plant (Wastewater Treatment Plant)” shall mean any arrangement of devices and structures used for treating sewage.
- Section 26 “Sewage Works” shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
- Section 27 “Sewer” shall mean a pipe or conduit for carrying sewage.
- Section 28 “Shall” is mandatory; “may” is permissive.
- Section 29 “Slug” shall mean any discharge of water, sewage, or industrial waste which in concentration or loading of any given constituent or in quantity of flow exceeds five times the annual average daily amount divided by 96 for any period of time longer than 15 (fifteen) minutes in duration.
- Section 30 “Storm Drain” (sometimes termed “storm sewer”) shall mean a pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- Section 31 “Suspended Solids” shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering as prescribed in “Standard Methods for the Examination of Water and Wastewater.”
- Section 32 “Tap” shall mean sewer service.
- Section 33 “Tap Fee” shall mean the fee charged by the Town to provide sewer service. A tap fee consists of a connection fee and an availability fee.
- Section 34 “Temporary family health care structures” as defined in Virginia Code of 1950, as amended, section 15.2-2292.1
- Section 35 “Tenant-Customer” shall mean the customer who rents the premises to which sewer service is provided
- Section 36 “Town” shall mean the Town of Round Hill, Virginia.
- Section 37 “Town of Round Hill Service Area” shall refer to all of the land within the Round Hill town limits and the land within an adjacent service area that is under Loudoun County jurisdiction. [A copy of the Town of Round Hill Service Area Map is available upon request and is also listed on the Town Website]

ARTICLE II

Use of Public Sewers: Availability and Allocations

- Section 1 It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town, or in any area under the jurisdiction of said Town, any human or animal excrement, garbage, or other objectionable waste.
- Section 2 It shall be unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of the Town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- Section 3 It shall be unlawful to construct and/or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewer within the corporate limits of the Town.

- Section 4 The owners of all houses, buildings, or properties used for human occupancy or employment, or other purposes, situated within the Town and abutting on or served by a right-of-way adjoining any street, alley, or right-of-way in which there is now located or may in the future be located a public sewer, is hereby required, at his/her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance and other Town ordinances, within ninety (90) days after the date of official notice to do so.
- Section 5 Sewer allocation shall be based on building type used in gallons per day applied per tap and as determined by the Town. Requests for sewer allocations must be made in writing using the Public Sewer Application.
- Section 6 Sewer taps may be available outside of the town limits, but within the Town of Round Hill Service Area. Availability shall be determined based upon the uncommitted capacity of the wastewater treatment facility (as determined by the Commonwealth of Virginia and the Town) and the proximity of the public sewer to the subject lot or lots. The proximity of the public sewer to an out-of-town lot does not guarantee the right to connect to the public sewer. All requests for out-of-town taps shall be approved by the Town Council.

ARTICLE III Treatment Capacity

- Section 1 The design capacity of the Town's wastewater treatment plant (WWTP) shall be limited to 750,000 gallons per day.
- Section 2 The allocated capacity of the WWTP shall be calculated on a periodic basis as determined by the Town Council based on recommendations of the Town staff.
- Section 3 This calculation shall include the following:
- (a) The average daily flow for the most recent 12-month period.
 - (b) Allocations for all undeveloped land within the corporate limits at current zoning.
 - (c) Allocations for all taps which have been approved but not yet connected.
 - (d) Allocations for any other taps which have been reserved by the Town.
- Section.4 Should the allocated capacity of the WWTP equal, or exceed 75% of the in-place treatment capacity, or in the event the Town is enjoined by State regulations, the Town shall not:
- (a) Accept new applications for out-of-town taps.
 - (b) Annex land, or otherwise adjust the Town boundary, to increase the number of in-town taps the Town would be required to reserve.
 - (c) Accept any new applications to re-zone property that would increase sewer capacity.

ARTICLE IV Sewer Taps and Connections

- Section 1 All requests for public sewer service connections, extensions and expansions of existing connections to new uses, buildings, structures or significant changes in anticipated demand beyond those of the original connection shall be submitted using the Public Sewer Application. The purpose of the application is to:
- (a) Confirm the quantity of fixtures;
 - (b) Confirm the number of users;

- (c) Review plans and specifications for the proposed building sewer service line;
- (d) Contact the contractor or firm who will perform the construction;
- (e) Ensure all plumbing and construction work is approved by the Loudoun County Department of Building and Development; and to

Section 2 If a property is located within the Round Hill town limits, the Town Administrator shall not approve a public sewer application without confirmation of Town Zoning Permit approval and/or County Building Permit approval. If a property is located in the Round Hill Service Area but not within the Round Hill Town limits, the Town Administrator shall not approve a public sewer application without confirmation of County Zoning Permit approval and/or County Building Permit approval.

Section 3 Availability fees shall be paid in full at the time of public sewer application. At the time of actual connection, the applicant will pay the connection fee. If payment of the connection fee is more than 365 days after payment of the availability fee, the applicant shall pay the differential between the availability fee previously paid and the then current availability fee amount. If tap(s) remain unused for 365 days after application approval, a maintenance fee at the current rate will be charged per tap. The maintenance fee will be the minimum usage rate charged at time of connection.

Section 4 No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Town.

Section 5 There shall be two (2) classes of building sewer permits: for residential and commercial service, and for service to establishments producing industrial wastes. In either case, the owner or agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent.

Section 7 All costs and expenses including work by Town staff or Town contractor, etc. incident to the installation, connection, and inspection of the building sewer shall be borne by the applicant. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 8 Each lot recorded for future development is required to have a minimum of one (1) tap. Up to two (2) buildings may be serviced on one (1) recorded lot provided that each building and/or structure has an individual tap and that tap fees are paid for each building and/or structure. An upgrade in the tap fee may be required at the discretion of the Town if the actual and expected use exceeds the service capacity. Prior to the commencement of work to connect to the public sewer main, all Town and County permits must be secured.

An accessory structure can share the service line of the principal structure provided it meets the following conditions:

- (a) The accessory structure is not a separate use,
- (b) The accessory structure is not a residential dwelling unit,
- (c) The accessory structure is subordinate and incidental to the principal structure,
- (d) The extension meets County Plumbing Code,
- (e) Demand does not exceed the capacity of the provided meter and service line,
- (f) Public Sewer Application is submitted requesting the shared service line with payment of an administrative fee for staff review and inspection. The application will state that an individual tap and tap fee will be required if the accessory structure has a change of use.

Section 9 The discontinuance of water service to a customer does not preclude payment of the minimum sewer charge.

Section 10 The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all

conform to the requirements of the building and plumbing code and other applicable rules and regulations of the Town. The connection of the building sewer into the public sewer shall conform to the requirements of the County building and plumbing code and other applicable rules and regulations of the Town and federal environmental regulations. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and material must be approved by the Town before installation. In the event of conflict, the most stringent rules and regulations shall govern.

Section 11 Whenever possible, the building sewer shall be brought to the building drain at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the expense of the property owner.

Section 12 No person shall make connection of sump pumps, roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sewer.

Section 13 The applicant for public sewer service shall notify the Town when the sewer service connection(s) is/are ready for inspection and connection to the public sewer system. The connection(s) shall be made under the supervision and approval of the Town and according to applicable regulations. The connection(s) shall not be backfilled before a visual inspection and approval by the Town staff. Upon receiving written notification from the Town staff that the connection(s) are in compliance with all regulations, the County Occupancy Permit may be signed by the Town Administrator or designee.

Section 14 All excavations for building sewer installation shall be adequately guarded with barricades so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

ARTICLE V Use of the Public Sewer

Section 1 No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters or other unpolluted drainage to any sanitary sewer.

Section 2 No person shall discharge or cause to be discharged any of the following described waters or industrial wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(b) Any water or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.

(c) Any waters or wastes having a pH lower than 5.5 or above 9.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to ashes, cinders, sand, sanitary napkins, disposable diapers, plastic applicators, mud, straw, shavings, metal, glass, rags, feathers, paunch manure, hair and fleshings, entrails and paper

dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

Section 3

No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Town will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- (a) Any liquid or vapor having a temperature higher than one hundred fifty (150) F (65 C).
- (b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) F (0 and 65 C).
- (c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder shall be subject to the review and approval of the Town.
- (d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement (as compared to normal domestic wastewater) to such degree that any such material received in the composite sewage at the sewage treatment works exceed the limits established by the Town for such materials.
- (f) Any water or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Town as necessary, after treatment of the composite sewage, to meet the requirements of the State, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Town in compliance with applicable state or federal regulations.
- (h) Materials which exert or cause unusual concentrations of inert suspended solids (such as, but not limited to clay fullers, earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
- (i) Excessive discoloration (such as, but not limited to) from dye wastes and vegetable tanning solutions.
- (j) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
- (k) Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.
- (l) Waters or wastes containing substances which are not amenable to treatment of reduction by the sewage treatment processes employed, or are amenable to treatment by not to such a degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Section 4

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgment of the Town, may have a deleterious effect upon the sewage works,

processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Town may:

- (a) Reject the wastes,
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (c) Require control over the quantities and rates of discharge, and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this article. The amount will be based upon the cost to treat the additional unit of waste times the volume.

If the Town permits the pretreatment or equalizations of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Town, and subject to the requirements of all applicable codes, ordinances, and laws.

Section 5 Grease, oil, and sand interceptors shall be required when, in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Town, and shall be located as to be readily and easily accessible for cleaning and inspection. They shall be purchased, installed, and maintained at the property owner's expense. Traps and interceptors shall be inspected annually or more often if necessary. Inspection reports shall be forwarded to the Town of Round Hill. The Town reserves the right to conduct its own inspections.

Section 6 Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his/her expense.

Section 7 When required by the Town, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Town. The manhole shall be installed by the owner at his/her expense, and shall be maintained by him/her so as to be safe and accessible at all times.

Section 8 The Town reserves the right to determine the quantity and/or quality of sewage by any reasonable method of measurement and/or analysis. If the quality of the sewage discharge into the public sewer does not comply with the requirement of this ordinance, immediate steps shall be taken to comply, and all costs of necessary analysis and remediation shall be borne by the customer.

Section 9 No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial operation whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, by the industrial operation.

Section 10 The Town shall bear no responsibility for the purchase, installation, use, operation, maintenance, service, repair, or replacement of the grinder pump and/or its low-pressure force main or lateral. Each property owner served by a grinder pump shall bear full responsibility for providing, installing, using, operating, maintaining, servicing, repairing and replacing his/her grinder pump and/or its low-pressure force main or lateral. Each property owner served by a grinder pump shall have full responsibility for using the pump consistent with the manufacturer's instructions and shall avoid introducing into the sewerage system materials that may damage the impellers on the pump, including but not limited to items designated as biodegradable in septic tanks.

ARTICLE VI

Temporary Family Health Care Structures

- Section 1 Service to Temporary Family Health Care Structures requires a Public Sewer Application
- Section 2 The sewer line shall be temporarily connected “piggybacked” off the line providing sewer service to the property by the Town of Round Hill. The lines servicing the temporary health care structure are encouraged to be constructed above ground according to industry standards including freeze protection.
- Section 3 The sewer line shall be constructed so that it can be disassembled when the qualifying individual, as defined in the State Code, no longer resides in the structure and the structure shall be removed within 60 days after the qualifying individual no longer resides in the structure.
- Section 4 Town staff shall be authorized to inspect the structure for compliance with these regulations annually or more often if deemed necessary.
- Section 5 The Town shall have the right to remove the sewer line if not removed by the property owner. The property owner shall be charged if Town staff is required to remove the line.

ARTICLE VII Protection from Damage

- Section 1 No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the public sewer works. Any person violating this provision shall be subject to prosecution.
- Section 2 While performing any necessary work on private properties, the employees of the Town shall observe all safety rules applicable to the property established by the owner against loss or damage to its property by Town employees and against liability claims and gauging and sampling operations, except as such may be caused by negligence or failure of the owner or business to maintain safe conditions.
- Section 3 The employees of the Town shall be permitted to enter all properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly recorded easement pertaining to the private property involved.
- Section 4 The Town will not be held responsible for any damage to personal property or real property due to the malfunction of the public sewer, the building sewer and building drain.

ARTICLE VIII Penalties

- Section 1 Any person found to be violating any provision of this ordinance shall be served by the Town with written notice and summons stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- Section 2 Any person who shall continue any violation beyond the time limit provided for in Article VII, Section 1, shall be prosecuted to the fullest extent of the law.
- Section 3 Any person violating any of the provisions of this ordinance shall become liable to the Town

for any expense, loss, or damage occasioned the Town by reason of such violation.

- Section 4 Any person found in violation of any provision of the Sewer Ordinance shall be assessed civil penalties as follows:
- a. \$100 for the initial violation/summons
 - b. \$150 for each subsequent violation/summons. Each incidence of a violation shall constitute a separate offense.
 - c. No civil penalties imposed for violations arising from the same operative set of facts shall exceed \$100,000.

**ARTICLE IX
Billing**

- Section 1 Billing for sewer service will be at the rate established by the Town Council and will be based on water usage as determined by water meter readings. If a private well, or other water source is used, the Town will install a meter, at the customer's cost, between the water source and the building. Readings on the meter will serve as the means for computing sewer service charges. At its discretion, the Town may install a meter, at the customer's cost, directly on the sewer line to measure flow. In which case, the sewer meter readings will serve as the basis for billing. Sewer customers are subject to the billing regulations in the Water Ordinance and any associated penalties are applicable to provision of sewer services.

**ARTICLE X
Additional Services**

- Section 1 Any additional public sewer system services provided by the Town for which fee amounts are not provided in the Town Fee Schedule shall be charged at a rate equal to that charged by Loudoun Water.

**ARTICLE XI
Validity**

- Section 1 All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- Section 2 The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part of parts.
- Section 3 This ordinance shall be in full force and effect from and after its passage.

The Round Hill Sewer Ordinance, as amended, is hereby re-enacted in its entirety.

This amendment will take effect upon its adoption.

Adopted _____, 2017

ATTEST:

Scott T. Ramsey, Mayor

Buster Nicholson, Town Administrator

State Code References 15.2-2109,-2119,-2122



TOWN OF ROUND HILL

Water Ordinance

Adopted on May 18, 2017

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE ROUND HILL WATER
ORDINANCE**

BE IT ORDAINED by the Town Council of Round Hill, Virginia, that the Round Hill Water Ordinance, be amended and re-enacted as follows:

**TOWN OF ROUND HILL
WATER ORDINANCE**

**ARTICLE I
Definitions**

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- Section 1 “Accessory Structure”: Refer to definition in the Round Hill Zoning Ordinance
- Section 2 “Applicant” shall mean the owner, or duly authorized representative, such as a builder, developer, or plumber who applies for a water service connection.
- Section 3 “Availability Fee” shall mean that portion of the “Tap Fee” which covers the Town’s cost to develop water sources, treatment facilities, water storage, and distribution lines. The “Availability Fee” shall be based upon the type of land use being served, actual cost to the Town to provide these services and the size of the water line and meter required.
- Section 4 “Building Service Line” shall mean the extension from the end of the water service connection to the outer face of building wall. Where the meter is located inside the owner’s building, building service line shall include all service piping between the water service connection and the meter.
- Section 5 “Building Water Piping” shall mean all water lines from the building service line to the points of ultimate use where water is exposed to the atmosphere.
- Section 6 “Connection Fee” shall mean that portion of the “Tap Fee” which covers the Town's cost to install the water service connection and/or to inspect the owner’s connection to the building service line.
- Section 7 “Customer” shall mean the party who has applied for water service and will be responsible for paying applicable bills. Each customer shall be served by a separate water service connection. “Customer” shall also mean the owner of property, or duly authorized representative, such as a builder, developer, or plumber who installs, constructs or builds water mains.
- Section 8 “Dwelling Unit” shall mean one room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.
- Section 9 “Fire Suppression System” shall mean a sprinkler system or other device for the purpose of the prevention, control, and extinguishment of fires. Town-owned fire hydrants are excluded from this definition; however privately-owned fire hydrants shall be considered

part of the fire suppression system. The system shall be owned and maintained by the Owner-Customer and include the service line and all components downstream of the service valve adjacent to the water main.

- Section 10 “Owner-Customer” shall mean the customer who owns title to the premise to which water service is provided.
- Section 11 “Person” shall mean any individual, firm, company, association, society, corporation, or group.
- Section 12 “Premise” shall mean:
- a) Each residential dwelling structure.
 - b) Each residential dwelling unit in a duplex, triplex, apartment building, or in any other building that is used for residential purposes.
 - c) Each unit contained in a structure serving more than one tenant, lessee, or owner; and used for any purpose other than residential.
 - d) Each structure or group of contiguous structures, that is owned, rented, or leased by one person and occupied by that person.
 - e) The following shall also be considered one premise:
 - i. Residence used as a rooming house
 - ii. Dwelling or building for transients
 - iii. Apartment building or residential condominium where the water utility bill is included in the rent or condominium fee.
- Section 13 “Public Water Main” shall mean a water main controlled by the Town.
- Section 14 “Shall” is mandatory; “may” is permissive.
- Section 15 “Tap” shall mean water service.
- Section 16 "Tap Fee" shall mean the fee charged by the Town to provide water service. A “Tap Fee” consists of a connection fee and an availability fee.
- Section 17 “Temporary family health care structures” (as defined in Virginia Code of 1950, as amended, section 15.2-2292.1
- Section 18 “Tenant-Customer” shall mean the customer who rents the location to which water service is provided.
- Section 19 “Town” shall mean the Town of Round Hill, Virginia.
- Section 20 “Town of Round Hill Service Area” shall refer to all of the land within the Round Hill town limits and the land within an adjacent service area that is under Loudoun County jurisdiction. [A copy of the Town of Round Hill Service Area Map is available upon request and is also listed on the Town Website]
- Section 21 “Water Service Connection” shall mean the water service line from the public water main to the applicant’s property line, and
- (a) Where the meter is installed at or near the property line, water service connection shall include corporation cock, service pipe to meter, the meter box, meter, and curb stop.
 - (b) Where the meter is installed inside the customer’s building, water service connection shall include corporation cock, service pipe to curb stop located at or near property line, meter at location provided by applicant, meter box, if required, and curb stop.

ARTICLE II
Use of Public Water Supply: Availability and Allocations

- Section 1 It shall be unlawful for the owner of any house or other building located within the Town limits where human beings congregate or are employed to use or lease such house or building for human occupancy unless and until the premise shall have been connected to the public water supply.
- Section 2 It shall be unlawful for the owner of any home or building located within the Town limits to utilize any source of water for domestic use other than the public water supply.
- Section 3 Water allocations shall be based upon type of use, in gallons per day, and applied on a per tap basis as determined by the Town. Requests for water allocations must be made in writing using the Public Water Application.
- Section 4 Water taps may be available outside of the Town limits, but within the Town of Round Hill Service Area. Availability shall be determined based upon the uncommitted capacity of the municipal water system (as determined by the Town) and the proximity of the public water main to the subject lot or lots. The proximity of the public water main to an out-of-town lot does not guarantee the right to connect to the public water supply. All requests for out-of-town connections shall be approved by the Town Council.
- Section 5 Any owner of any house or building located outside of the Town limits currently connected to the Town's public water supply who thereafter discontinues use of said system as the primary domestic water supply and installs and connects to an alternate source, shall forfeit the right to receive water service from the municipal public water supply system and shall be disconnected from the system. Any reconnection to the public water supply will be at the applicable rates and fees existing at the time of reconnection and pursuant to the policies of the Town regarding availability.
- Section 6 The committed capacity of the public waterworks shall be limited to no more than 75 percent of the rated capacity of the Town's wastewater treatment plant.

ARTICLE III
Water Taps, Service Connections, and Meters

- Section 1 All requests for public water service connections, extensions and expansions of existing connections to new uses, buildings, structures, or significant changes in anticipated demand beyond those of the original connection shall be submitted using the Public Water Application. The purpose of the application is to:
- (a) Confirm the quantity of fixtures;
 - (b) Confirm the number of users;
 - (c) Review plans and specifications for the proposed building water service line;
 - (d) Determine the location, type, and size of meter to be installed;
 - (e) Contact the contractor or firm who will perform the construction;
 - (f) Ensure all permits have been approved by the Loudoun County Department of Building and Development.
- Section 2 If a property is located within the Round Hill town limits, the Town Administrator shall not approve a Public Water Application without confirmation of Town Zoning Permit approval and/or County Building Permit approval. If a property is located in the Round Hill Service Area

but not within the Round Hill Town limits, the Town Administrator shall not approve a public water application without confirmation of County Zoning Permit approval and/or County Building Permit approval.

- Section 3 A meter shall not be issued without an approved Meter Request Application Form.
- Section 4 Availability fees shall be paid in full at the time of public water application. At the time of installation of the meter by Town Staff, applicant will pay the connection fee. If payment of the connection fee is more than 365 days after payment of the availability fee, the applicant shall pay the differential between the availability fee previously paid and the then current availability fee amount. If tap(s) remain unused for 365 days after application approval, a maintenance fee at the current rate will be charged per tap. The maintenance fee will be the minimum usage rate charged at time of connection.
- Section 5 No unauthorized person shall uncover, make any connection with, use, alter or disturb any public water main or meter box and appurtenances; use, alter, or disturb any meter cock, valve, pipe or other property of the municipal waterworks without first obtaining a written permit from the Town.
- Section 6 There shall be no physical obstruction within two (2) feet of any meter cock, valve or within any easement that the Town owns. Removal of any obstruction by the Town will be at the cost to the owner-customer which shall be included in the next billing. The Town shall not be liable for replacement or damage caused by the Town in removing the obstruction.
- Section 4 All water service connections shall be made to the public water main with corporation cock or tapping sleeve and valve, as required, and extend the service line from the main to the property line including curb stop, curb box, and meter and, if meter is located at or near property line, meter box with cover. When the Town authorizes the applicant to make service connection(s), the applicant shall make such connection in accordance with the Town of Round Hill Water and Sewer Standards. No excavation shall be backfilled until the service connection has been inspected and approved by the Town.
- Section 7 The water service connection shall remain the property of the Town and be under its sole control and jurisdiction and will be maintained by the Town at its expense.
- Section 8 A standard water service connection shall consist of a one (1) inch service line extended across a public way or private street to the property of the applicant abutting on such public way and a three-quarter inch water meter (as specified by the current Loudoun County Building Code.) The Town will determine the location, type, and size of meter to be installed based upon the anticipated demand and the use.
- Section 9 Water service connections requiring service lines and appurtenances shall be made at the expense of the applicant.
- Section 10 All costs and expenses incident to the installation, connection, and inspection of the building service line shall be borne by the applicant. The applicant shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building service line.
- Section 11 Each lot recorded for future development is required to have a minimum of one (1) tap. Up to two (2) buildings may be serviced on one (1) recorded lot provided that each building and/or structure has an individual tap and that tap fees are paid for each building and/or structure. An upgrade in the tap fee may be required at the discretion of the Town if the actual and expected use exceeds the service capacity. Prior to the commencement of work to connect to the public water main, all Town and County permits must be secured.

An accessory structure can share the service line of the principal structure provided it meets the following conditions:

- (a) The accessory structure is not a separate use,
- (b) The accessory structure is not a residential dwelling unit,
- (c) The accessory structure is subordinate and incidental to the principal structure,
- (d) The extension meets County Plumbing Code,
- (e) Demand does not exceed the capacity of the provided meter and service line,
- (f) Public Water Application is submitted requesting the shared service line with payment of an administrative fee for staff review and inspection. The application will state that an individual tap and tap fee will be required if the accessory structure has a change of use.

Section 12 The size, slope, alignment, materials of construction of a building service line, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code and other applicable rules and regulations of the Town and Loudoun County. The connection of the building service line to the water service connection shall conform to the requirements of the building and plumbing code and other applicable rules and regulations of the Town and Loudoun County and the procedures set forth in appropriate specifications of the American Standard Testing Materials. All such connections shall be made watertight. Any deviation from the prescribed procedures and materials must be approved by the Town before installation. In the event of conflicts, the most stringent shall govern.

Section 13 The applicant for public water service shall notify the Town when the water service connection(s) is/are ready for inspection and connection to the public water system. The connection(s) shall be made under the supervision and approval of the Town and according to applicable regulations. The connection(s) shall not be backfilled before a visual inspection and approval by the Town staff. Upon receiving written notification from the Town staff that the connection(s) are in compliance with all regulations, the County Occupancy Permit may be signed by the Town Administrator or designee.

Section 14 All excavations for building service line installation shall be adequately guarded with barricades so as to protect the public from hazard. Streets, sidewalks, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

Section 15 Special connections for fire service or for service of a temporary nature shall be installed, maintained, replaced, and removed at the expense of the applicant, subject to supervision and approval by the Town.

Section 16 No pipe or fixture connected with the public water mains of the Town shall be connected with pipes or fixtures supplied with water from any other source.

Section 17 Piping systems supplying swimming pools or tanks shall be so arranged as to prevent water from re-entering the water distribution system by siphonage or any other means. An independent supply pipe shall be provided in such a way that its discharge end is at least two diameters above the highest possible water level in the swimming pool or tank. All such installations shall be approved by the Town.

Section 18 The plumbing on all premises supplied from the Town's water system shall conform to all applicable building and plumbing codes of the Town of Round Hill and/or Loudoun County.

Section 18 The Town will determine the location, type, and size of meter to be installed. Meters shall be furnished, installed, and removed by the Town and will remain its property. If and when the

Town authorizes the applicant to furnish and install a meter, the applicant shall furnish brands and models specified by the Town.

- Section 19 Where meters are installed within a building, the customer shall provide at his/her expense a readily accessible and protected location for the installation of the meter at such a point as will control the entire supply to the premises, which location shall be acceptable to the Town as convenient for its service.
- Section 20 Unless otherwise determined by the Town, each premise shall be supplied through a separate meter or, if necessary and at the option of the Town, through a separate battery of meters. An availability and connection fee shall be paid for each meter. Each meter will be billed separately.
- Section 21 Meters will be maintained by the Town at its expense insofar as ordinary wear is concerned, but damage to any meter due to hot water, freezing, or other external causes arising out of, or caused by the customer's facilities, operations, negligence or carelessness shall be paid for by the customer, except, however, that the Town will be responsible for damage to meters due to freezing or flooding in outside vaults due to acts of nature.
- Section 22 The customer shall promptly notify the Town of any defect in or damage to the meter or its connection.
- Section 23 All meters will be accurately tested by the Town before installation. Meters may also be periodically tested by the Town in accordance with accepted practice. The Town may at any time remove any meter for routine tests, repairs, or replacement.
- Section 24 The Town will, upon request of a customer and in his/her presence or in the presence of his/her authorized representative if he/she so desires, make without charge one test of the accuracy of the meter in use at his/her premises, provided that the meter has not been tested by the Town within a period of one year previous to such request and that the customer agrees to abide by the results of such test in the adjustment of disputed charges. (If any meter has been previously tested within the year while the property was under prior ownership, one free test will be permitted). A written report of the results of the test will be furnished to the customer. Additional tests beyond those mentioned above will be charged to the customer on the next water bill.
- Section 25 Whenever a test of a meter reveals it to have an average error of more than two (2) percent, the Town will bill or refund to the customer, as the case may be, such percentage of the amount of bills, covering the consumption indicated by the meter for the previous six months, unless it can be shown from the records of either party that the error found has existed for a greater or lesser period, in which case the adjustment will cover the actual period.
- Section 26 The Town will conduct, at its own expense, annual cross connection/backflow prevention inspections of non-residential plumbing systems connected to the Town's water distribution system.
- Section 27 It is the Town's responsibility to maintain the public water main and water service connection. Maintenance of the building service pipe and building water piping is the responsibility of the property owner. Any repairs, maintenance, replacement, or relocation necessary on the customer's building service line, building water piping, or fixtures in or upon the customer's premises shall be performed by the customer at his expense and risk.
- Section 28 In the event of a water leak, the customer should immediately notify the Town. As soon as the Town is notified of a water leak, it will determine whether the leak is in the water service connection or in the meter setting. If the leak is in either the water service connection or in the

meter setting, the Town will repair the leak without cost to the customer. Leaks found beyond the meter setting will be the responsibility of the customer.

Section 29 If a leak is found not to be the responsibility of the Town, the customer will be notified and he/she shall have the leak repaired at his/her expense.

Section 30 The installation, maintenance and operation of fire suppression systems (such as sprinkler systems) shall be the responsibility of, and at the expense of, the customer. There shall be no additional availability fee charged by the Town for a fire suppression system installed at a property already serviced by Town utilities. In the event a fire suppression system is required for a property not already serviced by Town utilities, the prevailing availability fee and any additional expenses incurred from the installation and inspection of the system, including any meter deemed suitable by the Town for the size of the line.

ARTICLE IV Temporary Family Health Care Structures

Section 1: Service to Temporary Family Health Care Structures requires a Public Water Application.

Section 2: The water line shall be temporarily connected “piggybacked” off the line providing water service to the property by the Town of Round Hill. The lines servicing the temporary health care structure are encouraged to be constructed above ground according to industry standards including freeze protection.

Section 3: The water line shall be constructed so that it can be disassembled when the qualifying individual, as defined in the State Code, no longer resides in the structure and the structure shall be removed within 60 days after the qualifying individual no longer resides in the structure.

Section 4: Town staff shall be authorized to inspect the structure for compliance with these regulations annually or more often if deemed necessary.

Section 5: The Town shall have the right to remove the water line if not removed by the property owner. The property owner shall be charged if Town staff is required to remove the line.

ARTICLE V Continuity of Supply

Section 1 The Town does not guarantee a sufficient or uniform pressure, or an uninterrupted supply of water, and customers are cautioned to provide sufficient storage of water where an absolutely uninterrupted supply must be assured, such as for steam boilers, domestic hot water systems, gas engines, etc.

Section 2 In higher elevations where pressure is low, the customer shall if he/she desires a higher pressure than furnished at the mains of the Town, install at his/her own expense a tank and/or booster pump of a type and installation approved by the Town.

Section 3 Where the pressure to a customer's premise is greater than he/she wishes, it shall be his/her responsibility to install the proper regulating device to reduce the pressure to the extent desired.

Section 4 The Town shall have the right to require the adjustment, modification, or removal of any quick opening or closing valve or other device installed in a premise, the operation of which results in an unreasonable fluctuation of pressure in the Town's system.

- Section 5 The Town may at any time shut off the water in the mains in case of accident or for the purpose of making connections, alterations, repairs, changes, or for other reasons and may restrict the use of water to reserve a sufficient supply for public fire service or other emergency whenever the public welfare may require it.
- Section 6 While it is the intention of the Town to give notice in advance of any work which must be done that will necessitate any interruption of the supply; such notice shall be considered a courtesy and not a requirement on the part of the Town. Property owners shall regulate their installations connected to the water supply system so that damage will not occur if water is shut off without notice.
- Section 7 The Town will undertake to use reasonable care and diligence in order to prevent and avoid interruptions and fluctuations in service, but it cannot, and does not, guarantee that such will not occur.

ARTICLE VI Water Consumption

- Section 1 At such time as there is an adequate flow of water from the Town water supply, it shall then be deemed that the Town's water system is operating under normal conditions and there shall be no restrictions on the usage of water by customers of the Town.
- Section 2 Voluntary Water Conservation may be invoked at the discretion of the Town Council at such time as extended periods without rain, acts of God, equipment failure, or even routine maintenance may decrease the capacity of the Town's water supply. During Voluntary Water Conservation all customers of the Town's water system are requested to conserve wherever and whenever possible in their normal consumption of water and to refrain from watering lawns and gardens, washing vehicles, filling swimming pools, and like activities.
- Section 3 Mandatory Water Conservation may be invoked at the discretion of the Town Council at such time as extended periods without rain, acts of God, equipment failure, or even routine maintenance may significantly decrease the capacity of the Town's water supply.
- Section 4 During Mandatory Water Conservation, Phase One, all customers of the Town's water system are requested to conserve wherever and whenever possible in their normal consumption of water and it shall be unlawful for any person to use water from the Town's water system for the purpose of watering lawns and gardens, washing cars, filling swimming pools, and like activities. Any person or customer found guilty of violating any of these prohibited uses shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed five hundred (500) dollars for each violation. Attorney's fees and costs may be collected over and above any fine imposed by the Town.
- Section 5 During Mandatory Water Conservation, Phase Two, in addition to the restrictions provided in Phase One, water usage will be allocated to customers of the Town's water system at a rate per month determined by the Town Council. Any person or customer exceeding the usage provided for shall be assessed such price per thousand gallons above said usage as the Town Council may then determine. Leaks on the property of the water user shall not release the user from this provision. In the event of a declaration of Mandatory Water Restrictions, Phase Two, the following additional fees will apply: Usage Limit: May be set as low as 150 gallons per day (gpd) per account by order of Town Council. Surcharges may be set by the Town Council.

ARTICLE VII
Billing

- Section 1 Customers are responsible for furnishing the Town with their correct mailing address. Failure to receive bills will not be considered an excuse for non-payment nor permit an extension of the date when the account will be considered delinquent.
- Section 2 If bills are to be sent to a mailing address other than the premises served, the Town shall be notified in writing by the customer of any change of mailing address.
- Section 3 If requested in writing by the owner-customer, the Town will send bills to and receive payments from agents or tenant-customers. However, this accommodation will in no way relieve the owner-customers of the liability for all water charges, in accordance with provisions of the Virginia Code.
- Section 4 For those premises occupied by tenant-customers, the Town shall require a deposit be paid prior to establishing a customer account. The amount of said deposit shall be periodically set by the Council and shall be roughly the equivalent of the three average monthly charges for premises of similar use. Tenant-customers are required to notify the Town at least thirty (30) days in advance prior to leaving the property and to provide a valid forwarding address to the Town. Any amount of the deposit remaining after payment for all charges assessable to the tenant-customer's use of the water shall be refunded, without interest, at the time the account is closed. In addition, a one time, non-refundable, administrative processing fee shall be levied to cover the Town's cost in administering these accounts. This fee shall also be periodically set by the Town Council.
- Section 5 Payment to the Town must be by an approved method.
- Section 6 The Town reserves the right to correct any bills rendered in error.
- Section 7 Each customer, as defined in Article I, shall be billed separately for service.
- Section 8 If the meter should fail to register for any reason or if the meter reader should be unable to gain admittance to the premises at the time the meter is due to be read, an estimated bill will be submitted. Such bill will be based on an average of the consumption shown by three (3) previous consecutive similar billing periods, or, in the case of a new customer, a reasonable estimate of consumption will be used.
- Section 9 The Town, at its discretion, may adjust customer sewer charges to account for water leaks within the building service line. Adjustments will be made for only excess sewer charges in accordance with the Town's High Usage Adjustment Policy. An adjustment may be made by the Town Council of the amount of excess in a bill due to this cause, based on an average of the previous three (3) consecutive similar periodic bills provided the customer promptly notifies the Town Office in writing of the leak and properly repairs such leak when detected.
- Section 10 Bills for metered water service will be rendered regularly depending upon the class and quantity of service rendered.
- Section 11 Water bills are due and payable within thirty-five (35) days from the date of billing. If not subsequently paid within thirty-six days (36) from the date of the original billing, a late charge as annually determined by the Town Council will be assessed on the delinquent account. All water customers who are delinquent at the 36th day will be mailed a reminder notice. All customers with delinquent balances at fifty (50) days will have their water service disconnected, with a notice posted upon their door at the time of disconnection. Any charges normally assessed for the acts of disconnection or reconnection of water service shall also be charged.

Water bills not promptly paid may be referred to an attorney for collection, for which attorney's fees and costs may be collected as part of the bill.

- Section 12 There shall be a lien upon the property for the amount of any rates, fees, and other charges made by the Town to the owner or lessee or tenant of such property for the services rendered by the Town to such real estate from and after the time when such rates, fees, and other charges are due and payable and for the interest which may accrue thereon.
- Section 13 The Town reserves the right to refuse checks as a form of payment from customers who have had a check returned. There shall be a handling charge for all returned checks that have been submitted to the Town for payment of any applicable charges. This handling charge shall be set periodically by the Town Council.
- Section 14 A customer who has made application for or received water service at a premise shall be held liable for all water service furnished to such premise until such time as the customer has properly notified the Town in writing to discontinue the service for his/her account.
- Section 15 There shall be no abatement of the minimum water charges in whole or in part by reason of the extended absence of the customer, unless service has been discontinued at his/her request in writing, and no abatement shall be made for leaks or for water wasted by improper or damaged service pipe or fixtures belonging to the customer.

ARTICLE VIII Discontinuance of Water Service

- Section 1 Service may be discontinued by the Town after five (5) days' notice for any of the following reasons:
- (a) For willful or indifferent wastes of water due to any cause.
 - (b) For failure to protect and maintain the building water piping or building service line on the property of the customer in a condition satisfactory to the Town.
 - (c) For molesting or tampering by the customer, or others with the knowledge of the customer, with any meter, connection, service pipe, curb stop, seal, or any other appliance of the Town controlling or regulating the customer's water supply.
 - (d) For failure to provide the Town's employees free and reasonable access to the premises served if needed for public water service purposes, or for obstructing the way of ingress to the meter or other appliances controlling or regulating the customer's water supply.
 - (e) For nonpayment of any account for water service, per Article XII, or for any fee or charge accruing under this ordinance.
 - (f) For violation of any rule or regulation of the Town or Loudoun County.
 - (g) For failure to correct cross connection violations as identified and mandated by the Virginia Department of Health's Waterworks Regulations and the Statewide Building Code (BOCA Basic Plumbing Code, P-1605, Protection of Potable Water Supply), as the same may be in effect from time to time.
- Section 2 Discontinuing the supply of water to a premise for any reason shall not prevent the Town from pursuing any lawful remedy by action at law or otherwise for the collection of monies from the customer.
- Section 3 When water service to a customer has been terminated for any of the above stated reasons, other than temporary vacancy of the premises, it will be reconnected only after the conditions, circumstances, or practices which caused the water service to be discontinued are corrected to the satisfaction of the Town and upon payment of all charges due and payable by the customer in accordance with this ordinance.

- Section 4 When it has been necessary to discontinue water service to any premises because of a violation of this ordinance or because of nonpayment of any bill, a charge will be made for turning on the water. This charge shall be equal to the cost incurred by the Town to reconnect service, as determined by the Town Council, and, together with any arrears that may be due the Town for charges against the customer, shall be paid before the water will be turned on.
- Section 5 Restoration of service for nonpayment of bills will be made only during regular working hours, Monday through Friday, 7 am to 3 pm, unless other arrangements are made.
- Section 6 If at the time of such discontinuance of service for nonpayment of bill the customer does not have a deposit with the Town, the Town may require a deposit whether customer is the property owner or not as a guarantee of payment of future bills, which deposit shall equal the amount of the estimated bill for one regular billing period and in no case be less than the minimum charge applicable to such service, before the water will be turned on. The deposit will be refunded, without interest, when service has been discontinued, after deducting any charges due on final settlement of the customer's account.

ARTICLE IX
Fire Protection

- Section 1 The use of public fire hydrants shall be restricted to the taking of water for the extinguishment of fires and water shall not be taken from any public fire hydrant or water main for construction purposes, sprinkling streets, flushing sewers or gutters, or for any use unless specifically permitted by the Town Administrator for the particular item and occasion. (See Penalty Section XII for related fines.)
- Section 2 The Town shall not be considered in any manner an insurer of persons or property, or to have undertaken to extinguish fires, or to protect any persons or property against loss or damage by fires or otherwise, and shall not be responsible to any person or persons or any loss, damage, or injury by reason of fire, water failure to supply water or pressure, or any other cause whatsoever.
- Section 3 The Town shall not be required to extend its mains for the purpose of supplying public fire hydrants which may be desired except under mutually acceptable arrangements to defray the installation cost of such extensions.
- Section 4 Systems connected directly to Town mains for fire protection shall be constructed by and at the expense of the customer according to plans and specifications approved by the Town and subject to inspection during and following construction.
- Section 5 Private fire protection systems and hydrants shall be used solely for the extinguishment of fire or, upon approval by the Town, for fire drill or for testing of equipment.
- Section 6 No connections for water service for uses other than fire protection shall be made to any private fire protection system.
- Section 7 The addition of any hydrant, sprinkler heads, or other outlets shall be reported immediately.
- Section 8 For violation of these provisions, the Town may discontinue service, refunding any unearned portion of payment made in advance. The Town reserves the right to require the customer to install approved detector check valve with bypass, including meter installed in such bypass, as a condition requisite to restoration of service.

- Section 9 Installation and operation of a fire suppression system shall be in compliance with applicable Town ordinances and Loudoun Water as found in the Engineering Design Manual. In the event of a conflict, Town of Round Hill ordinances shall prevail.
- Section 10 A fire suppression system shall not be placed in any easement owned by the Town. The service line to a fire suppression system must branch off the public water main independently of other service demands. Where it leaves the public water main the fire service shall include a shutoff valve, restrained to the tee.
- Section 11 The system shall be metered in accordance with Town ordinances. A strainer device in front of fire suppression sources will be required. The meter shall be read regularly according to the schedule established by the Town.
- Section 12 Annual testing of the fire suppression system will be required and will be done under the direction and guidance of the Town's utility staff at the customer's expense.

**ARTICLE X
Protection from Damage**

- Section 1 No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the public waterworks. Any person violating this provision shall be subject to prosecution.
- Section 2 While performing necessary work on private properties, the employees of the Town shall observe all safety rules applicable to the premises established by the Town.
- Section 3 The employees of the Town shall be permitted to enter all properties through which the Town holds a recorded easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the public waterworks lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the recorded easement pertaining to the property involved.
- Section 4 Employees or agents of the Town are expressly forbidden to demand or accept any compensation for any service rendered to its customers.
- Section 5 Any complaint against the service or employees of the Town should be made, in writing, to the Town Administrator.
- Section 6 The Town will not be held responsible for any damage to personal property or real property due to the malfunction of the public water main, the water service connection, the building service line, or the building water piping.

**ARTICLE XI
Water Theft**

- Section 1 Theft of water or tampering with the Town's water system is subject to criminal prosecution as a Class 1 misdemeanor, punishable as provided by law, pursuant to Virginia Code Section 18.2-163. Theft of water or tampering with the Town's water system shall also be subject to a civil penalty as set forth in Section 4, of this Article XI. For purposes of this section, the Town's water system is defined as all water storage facilities, hydrants, lines, meters, and associated facilities owned by the Town of Round Hill and specifically excludes private water service laterals wherever located and plumbing fixtures affixed to privately owned property.

- Section 2 Whenever any person observes any type of water theft or tampering with the Town’s water system, he/she shall immediately notify the Town. The Town Administrator shall complete, or cause to be completed, a formal report and any meter, equipment or device used to illegally remove water for the Town system will be confiscated.
- Section 3 A copy of the report along with the confiscated items will be logged in the Town Office so that the Town can begin the formal assessment period to determine what type of damages may have occurred as a result of the theft along with the appropriate fines and water use bill that will be generated.
- Section 4 Civil penalties for tampering with a meter or theft of water will be assessed immediately. Civil penalty for tampering with meters or theft of water will be \$1,500. Each instance of meter tampering or water theft shall be treated as a separate offense.
- Section 5 In addition to the fines for tampering with the system, the offending party will be billed for all water potentially withdrawn from the Town system by the offending party in accordance with the Town’s adopted rate schedule. The Town Administrator will estimate the amount of water that was potentially removed from the system.
- Section 6 The Town staff will determine whether there has been any damage to fire hydrants, meter crocks, assembly, or any other location where the meter may have been removed. In addition, since water thefts may result in dirty water complaints, Town staff may need to flush the lines to clear the system, in which case any additional staff hours, equipment, and water loss as a result of the subject activity shall also be paid by the offending party.
- Section 7 Should any person fail to pay the penalty and charges within fifteen (15) calendar days of assessment, the penalty will increase to double the original amount. If the violation remains unsettled by full payment after thirty (30) calendar days of assessment, a summons will be issued for the accused offender to appear in Loudoun County General District Court. Nothing herein shall restrict the punishment imposed by the judge upon conviction.
- Section 8 In an effort to curb the amount of water theft and damage to the system, the Town formally authorizes a crime solver/reward program where residents and businesses are encouraged to report any theft or damage they may observe to the town water and sewer system. In the event that any individual’s report results in the apprehension of an individual stealing from or damaging the Town’s water and sewer system and ultimately the collection of the appropriate fines, the reporting individual will be eligible for a \$100 credit to their Town water and sewer account or a \$100 reward check to non-account holders. Not more than one reward shall be made in connection with any incident. In addition, the reward program does not apply to employees of the Town of Round Hill who are currently working as scheduled when a theft or tampering incident occurs.

ARTICLE XII
Penalties

- Section 1 Any person found in violation of any provision of this ordinance shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- Section 2 Any person who shall continue any violation beyond the time limit provided in Section 1, above, shall be prosecuted to the fullest extent of the law.

Section 3 Any person violating any of the provisions of this ordinance shall become liable by the Town for any expense, loss, or damage occasioned the Town by reason of such violation. The liability for unauthorized use of the system will also include usage fees and fines for any water taken from the system without prior authorization, as determined by the Town Council.

Section 4 Any person found in violation of any provision of this Water Ordinance shall be assessed civil penalties as follows:

- (a) \$100 for the initial violation/summons
- (b) \$150 for each subsequent violation/summons. Each incidence of a violation shall constitute a separate offense.
- (c) No civil penalties imposed for violations arising from the same operative set of facts shall exceed \$100,000.
- (d) Water Theft Violations shall incur the penalties set forth in Article X.

**ARTICLE XIII
Additional Services**

Section 1 Any additional public water system services provided by the Town for which fee amounts are not provided in the Town Fee Schedule shall be charged at a rate equal to that charged by Loudoun Water.

**ARTICLE IX
Validity**

Section 1 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 2 The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance.

Section 3 This ordinance shall be in full force and effect from and after its passage.

The Round Hill Water Ordinance, as amended, is hereby re-enacted in its entirety.

This amendment will take effect upon its adoption.

Adopted _____, 2017

ATTEST:

Scott T. Ramsey, Mayor

Amos Nicholson, Town Administrator

State Code References: (Code of Virginia of 1950, as amended, §§ (State Code References: §§ (State Code References: §§ 15.2-2109,-2119,-2122,-2143)