

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the 17th day of October, 2023:

<u>Present</u>	<u>Vote</u>
Thomas G. Shepperd, Jr., Chairman	Yea
G. Stephen Roane, Jr. Vice Chairman	Yea
Walter C. Zaremba	Yea
Sheila S. Noll	Yea
W. Chad Green	Yea

On motion of Mr. Green, which carried 5:0, the following ordinance was adopted:

AN ORDINANCE TO AMEND CHAPTER 18.1 OF THE YORK
COUNTY CODE TO MODIFY AND CLARIFY DEFINITIONS AND
PRACTICES AS IT RELATES TO BILLING PROCEDURES FOR
SEWER MAINTENANCE

BE IT ORDAINED by the York County Board of Supervisors this 17th day of October, 2023, that Code Chapter 18.1, be hereby amended as follows, all amendments to be effective immediately:

Sec. 18.1-1. Purpose and Policy.

This chapter sets forth uniform requirements for sewage disposal in York County. It covers both individual and public disposal systems. It is recognized that adequate means for collecting and disposing of wastewater is essential to the public health, safety, convenience and comfort, and the orderly growth and development of the County. The provisions of this chapter shall apply throughout the County including specifically any established sanitary districts. This chapter also provides for the construction, operation, extension, maintenance, and the setting of charges and fees for the use of the sewage facilities of the County and its sanitary districts. Revenues derived from the application of this chapter shall be used to defray the County's cost of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, financing costs, and depreciation.

Sec. 18.1-2. Definitions.

Abut. Touching, adjoining, or bordering on.

Applicant. The owner of the property to be served, or their duly authorized representative who applies to the County for sewer service.

Appurtenance. Any accessory object or component connected to a public sewer.

Building sewer. A sewer system conveying wastewater from the improvements on the premises of a user to the facilities of the County, to private sewage systems, to individual sewage disposal systems, or to other points of disposal.

Connection fee. An initial service charge levied to defray the costs associated with providing public sewer.

Construction. Any placement or installation of sewer facilities or equipment including preparation work for such installation.

Contractor. Any person performing work (other than the County) on facilities of the County.

County. York County, Virginia, or any of the established Sanitary Districts in York County.

Developer. Any person having a legal interest in real property which may now or in the future be served by the facilities of the County and who is or may be responsible for the design and/or construction of such facilities.

Development. Any building or subdivision activity which is required to have either site plan or subdivision approval of the County before it is commenced.

Dwelling unit. A single unit providing complete independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Engineer. A registered professional engineer currently licensed to practice in the Commonwealth of Virginia.

Existing structure. A structure completed or placed on a parcel, as evidenced by a certificate of use and occupancy, on or before the date that notice is given that sewer service is accessible and which is located within three hundred feet (300') of the easement or right of way in which such service is located.

Facilities of the County. Any sewer pipe, manhole, pumping station, force main, or other appurtenance of the wastewater collection system or treatment works, whether located within or without the boundaries of the County, which have been, are, or are intended to be installed, operated or maintained by the County or in the installation, operation or maintenance of which the County has participated, is participating, or intends to participate financially.

Future structure. A structure completed after the date that notice is given that sewer service is available, as evidenced by the absence of a certificate of use and occupancy at the time notice is given.

Future use capacity. Capacity for the future in system facilities; capacity not needed at time of design and construction to accommodate existing needs; or capacity which provides for the future development of property and for community growth.

Governing body. The Board of Supervisors of York County which serves as the governing body for both the County and the Sanitary Districts of the County.

Grinder pump. A compact lift station with pump(s), storage capacity and appurtenant piping, valves and other mechanical and electrical equipment which grinds or reduces the particle size of wastewater solids and which conveys the product from its source to a gravity sanitary sewage collection system or a sanitary sewer force main.

Health department. The Peninsula Health District or, where appropriate to the context, the Virginia Department of Health.

HRSD. The Hampton Roads Sanitation District which is the regional agency that provides regional transmission and treatment facilities for wastewater.

Incremental capacity. The additional capacity required in system facilities to accommodate a specific development.

Industrial wastes. Liquid and liquid carried wastes resulting from industrial, manufacturing, trade or business processes, including industrial cooling water and unpolluted trade or process waste, as distinct from sewage contributed by domestic sources in its entirety.

Infiltration. The water entering a wastewater system from the ground, through such means as defective pipes, pipe joints, connections, or manhole walls.

Inflow. Water discharged into a wastewater system from such sources as roof leaders, cellar, yard, and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections, storm sewers and combined sewers, catch basins, storm waters, surface runoff, street wash waters, or drainage.

Lateral line. A sewer pipeline running from a building sewer to a sewer line serving the area.

Local facilities. All sewer facilities serving only one (1) development; any lateral line to which a building sewer connection is made; all gravity sewers six inches (6") or less in diameter; and sewer facilities whether on-site or off-site, necessary to make the facilities of the County accessible to the premises.

Nonuser. An owner of any premises that is not physically connected to the facilities of the County in accordance with provisions of this chapter but who has paid some or all of the connection fee.

Off-site extension. An extension of a sewer line from existing local or system facilities of the County to the property boundary of the developer or applicant in a manner and location approved by the County.

Owner. Any person having an interest whether legal or equitable, sole or partial, in real property which is, or which may in the future be, served by the facilities of the County.

Premises. Any building, group of buildings, or land upon which buildings are to be constructed which is or may be served by the facilities of the County.

Premises having access to the facilities of the County. Having access to the facilities of the County means any improved premises which abut a highway, street, easement, alley, or other public space in which the facilities of the County are located when the improvements to be served on such premises are located no more than three hundred feet (300') from facilities of the County which can serve the improvements without the installation of privately owned grinder pumps.

Premises having service available. Any premises, whether improved or unimproved, which abut the facilities of the County or a right-of-way in which such facilities are located and which could be served by such facilities but is deemed not to be a premises having access to the facilities of the County because such premises are unimproved or because of distance between the facilities and the improvements on the property or because the installation of an individual grinder pump would be necessary to serve improvements on the property.

Primary service area. An area or areas designated by the governing body for current or future emphasis in the provision of public sewer service based on plans for future development of the County.

Private sewer system. A sewer system owned by one or more persons as opposed to a facility of the County.

Public sewer. A sewer system owned and operated by the County, HRSD, or any adjoining city or County

Pumping chamber. A below-grade compartment into which sewage flows from a septic tank and from which the effluent is pumped to an elevated sand mound or a low pressure distribution system.

Septic tank. A tank which provides for the settling of heavy solids as well as oil and grease skimming and the conversion of sanitary sewage to an anaerobic state.

Septic tank pump truck. Any vehicle used or designed for the conveyance of wastewater, sludge, or other liquid wastes originating from holding tanks, septic tanks, and pumping chambers.

Service charge. An initial and/or periodic charge levied to defray costs associated with the construction, operation, maintenance, repair, and replacement of public sewer.

Sewage. That water-carried waste which derives principally from dwellings, businesses, institutions, industry and the like, exclusive of any storm and surface water.

Sewer. A pipe or conduit for carrying sewage.

Sewer system. All facilities for collecting, conveying, pumping, treating, and disposing of sewage.

Soil absorption area. The soil medium beginning at grade which includes the soil, gravel, or sand interface used for absorption of septic tank effluent. The absorption area includes the infiltrating surface in the absorption trench and the soil between and around the trenches.

Soil absorption systems, general. On-site sewage disposal systems which utilize the soil to provide final treatment and disposal of effluent from a septic tank in a manner that

does not result in a point-source discharge and does not create a nuisance, health hazard or ground or surface water pollution.

Standards. The sewer standards and specifications of the County or HRSD.

Storm drain or storm sewer. A system which carries storm or surface waters or drainage, but excludes sewage.

System facilities. All facilities of the County other than local facilities.

Temporary privy. A privy with a tank for collection of human excrement to be used for specified periods and cleaned weekly or more often.

User. An owner of any premises that is physically connected to the facilities of the County.

Wastewater. Sewage.

Wastewater system. Sewer system.

Section 18.1 Performance Standard.

When used in this Chapter, the terms install, repair, approve and the like shall mean that the action or service is performed in accordance with any standards and specifications established pursuant to this Chapter.

Sec. 18.1-3. Responsibility of the County Administrator.

The County Administrator shall have direct charge, including the responsibility for operation and maintenance, of the facilities of the County. He shall prepare such standards and regulations not inconsistent with this chapter as may be necessary to regulate the design, construction, and operation of the facilities of the County, other sewer systems which affect or may affect the existing or future facilities of the County, and of soil absorption systems or other private sewer systems. The standards and regulations shall be subject to the approval of the governing body and shall be amended from time to time as conditions warrant.

Sec. 18.1-4. Applicability of rules and regulations of Hampton Roads Sanitation District.

All applicable rules and regulations of the Hampton Roads Sanitation District (HRSD) shall apply to sewer service provided through the facilities of the County.

Sec. 18.1-5. Right of entry to premises.

All premises connected to the facilities of the County shall at all reasonable hours be open to the County's duly appointed agents and employees for the purpose of installing, removing, repairing, maintaining, measuring, or sampling the facilities of the County or for inspecting the premises, fixtures, and appurtenances therein which are connected to the facilities of the County.

Sec. 18.1-6. Notice—Generally.

Unless otherwise provided in this chapter or by law, when notice is required to be given by the provisions of this chapter, such notice may be given by certified mail, return receipt requested, to the owner at the mailing address of the owner, as shown on the current Annual Real Estate Land Book of the County. In the alternative, such notice may be delivered to the owner personally, or a member of the owner's immediate family, or posted at the front door of the premises if the address of the premises is the same as the address listed for the owner on the land book. In the event none of the above methods is available, notice may be given by publication one (1) time in a newspaper of general circulation in the County.

Sec. 18.1-7. Special projects.

Notwithstanding other provisions of this chapter, the governing body may establish by ordinance special connection or user fees or sewer system standards and regulations when such fees or standards and regulations are necessary to qualify for or administer grants or loans from other governmental entities.

Sec. 18.1-8. Enforcement and abatement.

- (a) The discharge of wastewater in any manner in violation of this chapter is hereby declared a public nuisance and shall be corrected or abated as provided herein.
- (b) Whenever the County Administrator determines or has reasonable cause to believe that a discharge of wastewater has occurred or is about to occur in violation of the provisions of this chapter, or any other applicable law or regulation, he shall notify the user of such violation. Failure of the County Administrator to provide notice to the user shall not in any way relieve the user from any consequences of a wrongful or an illegal discharge. The notice shall state:
 - (1) The nature of the actual or threatened violation of this chapter.
 - (2) The time within which appropriate measures must be taken to prevent any threatened violation or the reoccurrence of any actual violation and to furnish evidence that such corrective action has been taken.

The County Administrator shall also notify the health department should the violation fall within its jurisdiction.

- (c) In the event such person fails to furnish satisfactory evidence to the County Administrator that corrective action has been taken within the time prescribed by the notice, the County Administrator shall take such steps as may be required in order to ensure that prohibited discharges of wastewater do not occur.
- (d) When a discharge of wastewater or other discharge or deposit into the public sewer causes an obstruction, damage, or other impairment to the public sewer system or to the environment, the County Administrator may assess a charge for work required to clean or repair the public sewer system or to repair other damage against the person responsible. Such person shall also be liable for damages due to treatment problems caused, fines resulting therefrom which may be levied against the County by HRSD, or other costs resulting from the actions of such person.

Sec. 18.1-9. Discontinuance of service for violation of rules or regulations.

Sewer service may be discontinued for any violation of any provision of this chapter or of any rule or regulation promulgated pursuant to this chapter. The procedure outlined for disconnection of water supplies in section 18.1-82(b) of this chapter shall be followed.

Sec. 18.1-10. Violations and penalties.

- (a) Any person who violates any provision of this chapter or the regulations established hereunder shall, upon conviction, be punishable by imprisonment not to exceed thirty (30) days or by a fine not to exceed one thousand dollars (\$1,000.00), or both. Each day of violation of any provision of this chapter shall constitute a separate offense.
- (b) In addition to criminal penalties and other specific relief set forth in this chapter, the county shall have the right to seek injunctive or other appropriate judicial relief which right shall be in addition to any nonjudicial action set forth in this chapter. In any judicial action of a civil nature, the county shall have the right to recover any actual damages sustained, including any expense incurred by the county in corrective or preventative action taken for the purpose of protecting the integrity of the public sewer system or the environment.
- (c) The County may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law from any person found to be in violation of, or noncompliance with, this chapter or the orders, rules, regulations, or permits issued hereunder.

Secs. 18.1-11—18.1-20. Reserved.**ARTICLE II. OPERATING PROCEDURES****Sec. 18.1-21. Disposal systems not to endanger health or natural waters.**

- (a) It shall be unlawful to construct or maintain any privy, privy vault, soil absorption system, cesspool, or other facility intended or used for the disposal of sewage except in accordance with this chapter and in accordance with Virginia Department of Health regulations.
- (b) It shall be unlawful for any person to deposit any human excrement upon the surface of the ground or in any place where it may endanger a source of drinking water or be accessible to insects or animals.

Sec. 18.1-22. Sewer systems required.

It shall be unlawful for the owner of any structure used for human habitation or occupancy, any commercial establishment or other place where humans congregate or are employed in the County to use, occupy, or to rent or lease the same for occupancy by any person or to permit the same to be occupied by any person or for any person to occupy the same, unless and until such structure, building, or operation shall have been supplied

or equipped with an approved method for the disposal of sewage in compliance with the requirements set out in this chapter and in Virginia Department of Health regulations.

Sec. 18.1-23. Availability of sewage disposal prerequisite to issuance of building permit.

No permit shall be issued for the erection or construction of any building or structure requiring wastewater disposal unless the owner of such property provides evidence to the satisfaction of the building official that the premises has a permit for connection to the facilities of the County issued pursuant to section 18.1-63 of this chapter or that other facilities for sewage disposal meeting the requirements of this chapter can and will be provided.

Sec. 18.1-24. Building sewers.

- (a) The methods, materials, and equipment used in the construction and installation of building sewers shall comply with the Uniform Statewide Building Code, applicable Standards, and the provisions of this chapter. In addition to other cleanouts required, a cleanout shall be installed at an accessible point at or near the property line of the premises.
- (b) All required permits and certificates shall be obtained before construction, alteration, or repair is commenced on a building sewer or connection thereof is made to the facilities of the County.
- (c) Prior to building permit issuance, inspection fees as set forth in Section 18.1-52(d) and connection fees as set forth in Section 18.1-64(a) shall be paid for the County to inspect building sewers in any development.

Sec. 18.1-25. Damage to facilities.

- (a) No person shall maliciously, willfully or negligently break, damage, remove, destroy, uncover, deface or tamper with any structure, apparatus or equipment which is part of the facilities of the County.
- (b) No person shall damage or deface any property of the facilities of the County, cut any trees or dump any refuse or rubbish upon any part of the property used in connection with the facilities of the County.
- (c) In the event of damage to the facilities of the County, it shall be the responsibility of the person causing such damage to notify immediately the County Administrator. The necessary repairs or replacement shall be made under the supervision of the County at the expense of the person causing such damage.

Sec. 18.1-26. Construction safeguards.

Any person engaged in construction of an authorized plumbing connection or sewer facilities shall comply with all provisions of this chapter and any regulations adopted pursuant to it, and with any other applicable provisions of law, and shall install adequate safeguards during construction to ensure compliance at all times with such regulations and laws.

Sec. 18.1-27. Removal of safety and warning devices prohibited.

No person shall maliciously, willfully or negligently break, remove, destroy, move, deface or tamper with any safety light, barricade, pot torch or other safety device placed for either the public or workers' protection during the construction, repair or maintenance of any public sewer facility.

Sec. 18.1-28. Unauthorized tapping, drilling, or cutting of sewers.

It shall be unlawful for any person, other than a duly authorized employee or agent of the County, to tap, drill into or cut any facility of the County.

Sec. 18.1-29. Supplying services to premises of another.

It shall be unlawful for any person to extend any pipe or use any device or attachment to supply service to any premises other than the premises described in the application for connection or service.

Sec. 18.1-30. Prohibitions and limitations on use of the public sewer system.

- (a) No person shall discharge or deposit or cause or allow to be discharged or deposited into the public sewer system any wastewater which contains the following:
 - (1) Fats, oils and grease (FOG) as defined in section 18.1-31, in violation of such sections.
 - (2) Any gasoline, benzene, naphtha, solvent, fuel oil or a liquid, solid, or gas that may cause flammable or explosive conditions, including, but not limited to, wastestreams with a closed cup flashpoint of less than one hundred-forty degrees (140°) Fahrenheit using test methods specified in 40 CFR 261.21.
 - (3) *Noxious material*. Noxious or malodorous solids, liquids, or gases, which, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into the system for its operation, maintenance, and repair.
 - (4) *Improperly shredded garbage*. Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewer system, with no particle greater than one-half (1/2") inch in any dimension.
 - (5) *Radioactive waste*. Radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use and which will or may cause damage or hazards to the system or personnel operating the system.
 - (6) *Solid or viscous wastes*. Solid or viscous wastes which will or may cause or contribute to obstruction in the flow of wastewater in a sewer, or otherwise interfere with the proper operation of the system. Prohibited materials include, but are not limited to: uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, mud, glass, straw,

shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, seafood processing by-products, and similar substances.

- (7) *Unpolluted waters.* Any unpolluted water including, but not limited to: water from cooling systems or of storm water origin, which will increase the hydraulic load on the system.
 - (8) *Corrosive wastes.* Any waste which will cause corrosion or deterioration of the system. All wastes discharged to the system shall have a pH value in the range of five (5) to ten (10) standard units. Prohibited materials include, but are not limited to: acids, sulfides, concentrated chloride and fluoride compounds, and substances which will react with water to form acidic products.
- (b) No person shall discharge or convey or permit or allow to be discharged or conveyed to the public sewer system any wastewater containing pollutants of such character or quantity that will:
- (1) Not be susceptible to treatment or cause interference with the process or efficiency of the system.
 - (2) Constitute a hazard to human or animal life or to the stream or water course receiving the wastewater treatment plant effluent.
 - (3) Violate federal, state, or HRSD pretreatment standards.
- (c) No person owning vacuum or septic tank pump trucks or other liquid wastewater transport trucks shall discharge directly or indirectly such wastewater into the public sewer system, unless such person shall first have applied for and received a permit from the County and HRSD for each vehicle. All applicants for this permit shall complete such forms as required by the County and HRSD, pay any required fees, and agree in writing to abide by the provisions of this section and any special conditions or regulations established by the County and HRSD. Such permit shall be limited to the discharge of domestic wastewater containing no industrial wastewater. The County and HRSD shall designate the locations and times where such trucks may be discharged and may refuse to accept any truck load of wastewater where it appears that the wastewater could cause interference with the effective operation of the wastewater system.
- (d) No person shall discharge any other holding tank wastewater into the system unless he shall have applied for and have been issued a permit by the County and HRSD. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each location of discharge. This permit shall include the time of day the discharge is to occur, the volume of the discharge, and shall limit the wastewater constituents and characteristics of the discharge. Such user shall pay any applicable charges or fees therefore and shall comply with the conditions of the permit. No permit, however, will be required to discharge domestic wastewater from a recreational vehicle or a marine vessel holding tank, providing such discharge is made into an approved facility designed to receive such wastewater.
- (e) Sand traps shall be provided in accordance with the following:

- (1) Sand interceptors or traps shall be provided when necessary for the proper handling of sand and other harmful ingredients, except that such interceptors or traps will not be required for dwelling units.
- (2) All interceptors or traps shall be of a type and capacity approved by the building official, and shall be located so as to be readily and easily accessible for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, gastight, watertight, and equipped with easily removable covers.
- (3) All sand interceptors or traps shall be maintained by the user in continuously efficient operation at all times.
- (4) Approval of proposed facilities or equipment by the building official does not, in any way, guarantee that such facilities or equipment will function in the manner described by their constructor or manufacturer; nor shall it relieve a person, firm, or corporation of the responsibility of enlarging or otherwise modifying such facilities to accomplish the intended purpose.

Sec. 18.1-31. Fats, Oil and Grease (FOG).

(a) *Purpose and applicability.*

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

Sec. 18.1-31.1. Definitions.

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

Department shall mean the York County Department of Public Works.

Director shall mean the Director of the York County Department of Public Works.

Enforcement Response Plan shall mean a system that sets forth the process and procedures for enforcement of this section by the County.

Fats, Oils, and Grease (FOG) shall mean material, either liquid or solid, composed of fats, oils or grease from animal or vegetable sources. Example of FOG include, but are not limited to, kitchen cooking grease, vegetable oil, bacon grease and organic polar

compounds derived from animal and/or plant sources that contain multiple carbon triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in the United States Code of Federal Regulations at 40 CFR Part 136, as may be amended from time to time. FOG may be referred to herein as "grease" or "greases."

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

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

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

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

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

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

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

Yellow Grease shall mean FOG used in food preparation that have been in contact or contaminated with other sources such as water, wastewater or solid waste. An example of yellow grease is fryer oil, which can be recycled into products such as animal feed, cosmetics and alternative fuel. Yellow grease is also referred to as renderable FOG.

Sec. 18.1-31.2. Registration Requirements.

All FSEs shall be required to register their GCDs. Registration shall be on forms provided by the Department of Public Works to ensure that such devices are properly sized and maintained, as well as to facilitate Inspection in accordance with the requirements established by the Department of Public Works.

- (a) Existing FSEs shall register all GCDs within one hundred and eighty (180) days of the adoption of this ordinance. New establishments shall register when setting up their water and sewer service or prior to obtaining a certificate of occupancy.
- (b) All grease haulers, owners, or employees servicing GCDs for FSEs within the County shall be required to obtain a certification to service GCD's from the Hampton Roads FOG regionally-approved training program provided by the Hampton Roads Sanitation District (HRSD).
- (c) All grease haulers shall obtain the required permits, certifications and or approvals from the facility in which waste will be disposed of. Grease haulers discharging to a HRSD treatment plant shall be approved through the HRSD Indirect Wastewater Discharge Permit.
- (d) FSEs shall have a current employee who has successfully completed the Hampton Roads FOG regionally-approved Best Management Practices training program provided by the HRPDC.

Sec. 18.1-31.3. Discharge Limits.

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

Sec. 18.1-31.4. Grease Control Devices.

- (a) *Requirements.* All FSEs shall have a GCD(s) meeting all applicable requirements of the International Plumbing code or its successors. The GCD(s) shall be designed in accordance with the Hampton Roads Regional Technical Standards for Grease Control Devices.
 - (1) *New Establishments.* Except as provided in subsection (a) (2) below, FSEs shall be required to install, operate, and maintain a GCD in compliance with the requirements contained in this section 18.1-31. GCDs shall be installed and registered prior to the issuance of a certificate of occupancy.
 - (2) *Existing Establishments.* Existing FSEs in operation as of the effective date of this section shall be allowed to operate and maintain their existing GCD's provided such GCDs are in proper operating condition and not found to be contributing FOG quantities sufficient to cause line stoppages or to necessitate increased maintenance of the sanitary sewer system. If its GCD is determined to be contributing FOG in quantities sufficient to cause line stoppages or to necessitate increased maintenance of the sanitary sewer system, an existing FSE

shall comply with the requirements of this section. Existing FSEs that are renovated or expanded shall install a GCD meeting the requirements of this section. GCDs shall be installed, inspected and registered as a condition of final approval of such renovation or expansion.

- (3) *Retrofit.* Any existing FSE may be required to install or upgrade a GCD if such FSE is contributing FOG to the sanitary sewer system, as determined by the Director and HRSD. Such devices shall be registered with the Director within 30 days of installation.
- (b) *Installation of Grease Control Devices.* GCDs shall be installed by a plumber licensed in the Commonwealth of Virginia. Every GCD shall be installed and connected so that it may be readily accessible for inspection, cleaning, and removal of the intercepted food waste and grease at any time.
- (c) *Maintenance of Grease Control Devices.*
 - (1) All GCDs shall be maintained at the owner's expense. Maintenance shall include the complete removal of all contents, including floating material, wastewater and settled solids. Decanting or discharging of removed waste back into the grease interceptor or private line or into any portion of the County's or HRSD's sanitary sewer system is prohibited.
 - (2) Grease interceptors shall be pumped out completely when the total accumulation of FOG, including floating solids and settled solids, reaches twenty-five percent (25%) of the overall liquid volume. At no time shall a GCD be cleaned less frequently than once every three (3) months unless allowed by the Director for good cause shown. Approval will be granted on a case-by-case basis upon submittal of a request by the FSE, documenting reasons for the proposed frequency variance.
 - (3) Grease traps and grease removal devices shall be opened, inspected and completely cleaned of food solids and FOG a minimum of once per week, unless allowed by the Director for good cause shown. Approval will be granted on a case-by-case basis upon submittal of a request by the FSE documenting reasons for the proposed frequency variance. In no event shall the content of food solids and FOG exceed twenty-five percent (25%) of the overall liquid depth of the device.
 - (4) The Director may establish a more frequent cleaning schedule if the FSE is found to be contributing FOG in quantities sufficient to cause line stoppages or to necessitate increased maintenance of the sanitary sewer system.
- (d) *Use of Additives.* The use of additives by FSEs including, but not limited to, products that contain solvents, emulsifiers, caustics, acids, enzymes or bacteria are prohibited for use as grease management control; provided, however, that additives may be used to clean the FSE drain lines so long as the usage of such additives will not cause FOG to be discharged from the grease control device to the sanitary sewer system. The use of additives shall not be substituted for the maintenance procedures required by this section.
- (e) *Waste Disposal.*

- (1) Waste removed from a grease trap shall be disposed of in the solid waste disposal system or by a grease hauler certified by the Hampton Roads Planning District Commission.
 - (2) Waste removed from a grease interceptor shall be disposed of at a facility permitted to receive such wastes. No materials removed from interceptors shall be returned to any grease interceptor, private sewer line or into any portion of the County's or HRSD's sanitary sewer system.
 - (3) FSEs shall dispose of yellow grease in a renderable FOG container, where contents will not be discharged to the environment. Yellow grease shall not be poured or discharged into the County's or HRSD sanitary sewer system.
- (f) *Inspection of Grease Control Devices.* The Director or his designee shall have the right of entry into any FSE, during reasonable hours, for the purpose of making inspections, observations, measurements, sampling, testing or records review of the of the sanitary sewer system and GCD's installed in such building or premise to ensure that the FSE is in compliance with this section. The owner or occupant may accompany the Director or his designee. Operational changes, maintenance and repairs required by the Director or his designee shall be implemented as noted in the written notice received by the FSE.
- (g) *Record Keeping.*
- (1) FSEs shall retain and make available for inspection and copying records of all cleaning and maintenance for the previous three (3) years for all GCDs. Cleaning and maintenance records shall include, at a minimum, the dates of cleaning/maintenance, the name and business address of the company or person performing each cleaning/maintenance and the volume of waste removed in each cleaning. Such records shall be kept on site and shall be made immediately available to any employee of the Department upon request.
 - (2) FSEs shall retain and make available for inspection and copying records of yellow grease disposal for the previous three (3) years. Yellow grease disposal logs shall include, at a minimum, the dates of disposal, name and business address of the company or person performing the disposal and the volume of yellow grease removed in each cleaning. Such records shall be kept on site and shall be made immediately available to any employee of the Department upon request.

Sec. 18.1-31.5. Grease Hauler Requirements.

- (a) Any person collecting, pumping or hauling waste from GCDs located within the County shall be certified by the Hampton Roads FOG and hold all required waste hauling permits. All grease haulers shall obtain the required permits, certifications, and/or approvals from the facility in which waste will be disposed. Grease haulers discharging to a HRSD treatment plant shall be approved through the HRSD Indirect Wastewater Discharge Permit.
- (b) The grease hauler shall notify the locality within twenty-four (24) hours of any incident required to be reported to the Virginia Department of Environmental Quality.

- (c) Grease haulers shall retain and make available for inspection and copying, all records related to grease interceptor pumping and waste disposal from businesses located in the County's wastewater service area. Records shall include, at a minimum, the dates of cleaning/maintenance, the name and business address of the company providing the service, the of the technician(s) performing the service and their associated HR FOG Program certification number(s), the condition of the GCD, the volume of waste removed in the cleaning, and the following sludge judge measurements (in inches): total depth, depth of solids, depth of grease, and anticipated destination of waste disposal. Photos of the GCD before and after cleaning are recommended. These records shall remain available for a period of at least three (3) years. The Director may require additional record keeping and reporting, as necessary, to ensure compliance with the terms of this section.

Sec. 18.1-31.6. Fees.

Fees provided for in this subsection are separate and distinct from all other fees chargeable by the County. Fees applicable to this subsection are as follows:

- (a) There shall be no initial inspection fee. Re-inspection fees shall be in the amount of \$60 and shall be due upon invoice by the County. Such fees may be added to the FSE's public service bill.

Sec. 18.1-31.7. Compliance.

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

Sec. 18.1-31.8. Violations and Penalties.

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

Sec. 18.1-32. Control of prohibited wastes.

- (a) If wastewater containing any substances described in section 18.1-30 or 18.1-31 is discharged or proposed to be discharged into the public sewer system, the County Administrator or HRSD may take any action necessary to:
 - (1) Prohibit the discharge of such wastewater.
 - (2) Require a discharger to demonstrate to the satisfaction of the County Administrator that "in plant" modifications will reduce or eliminate the discharge of such substances in conformity with this chapter.
 - (3) Require pretreatment, including storage, facilities, or flow equalization necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate this chapter. In cases where it is agreed that any waste will be accepted into the facilities of the County after receiving preliminary treatment, drawings and specifications showing all pertinent details of the methods and construction proposed to accomplish the preliminary treatment shall be submitted to the County Administrator for approval. Where preliminary treatment facilities are utilized prior to discharge to County facilities, they shall be subject to periodic inspection by the County Administrator and shall be maintained in good operating condition. Access shall be provided for flow measurements and sampling waste before they reach the facilities of the County. Provisions shall be made to control the rate of discharge and to shut off completely the discharge from pretreatment facilities if required.
 - (4) Take such other remedial action as may be deemed desirable or necessary to achieve the purpose of this chapter.
- (b) If for any reason a user accidentally discharges prohibited materials or other wastes regulated by this section, the person responsible for such discharge shall immediately notify the County Administrator so that corrective action may be taken to protect the system. In addition, a written report addressed to the County Administrator detailing the date, time, and cause of the accidental discharge, and corrective action taken to prevent future discharges shall be filed by the responsible person within five days of the occurrence of the discharge.

Secs. 18.1-33—18.1-39. Reserved.**ARTICLE III. PRIVATE SEWAGE DISPOSAL SYSTEMS****Sec. 18.1-40. Private sewer systems—Generally.**

- (a) *Certain systems prohibited.* The installation of private sewer systems other than soil absorption systems approved by the latest edition of the Commonwealth of Virginia State Board of Health Sewage Handling and Disposal Regulations and the York County Sanitary Sewer Standards and Specifications are prohibited.

- (b) *When soil absorption systems are permissible.* When any lot or parcel has been legally created or can be created by an otherwise approvable subdivision, and lies in an area where no public sewer which can serve the property is available, the building sewer may be connected to an approved soil absorption system if the site is determined by the health officer to be suitable for such a system to operate properly and in accordance with the provisions of this chapter
- (c) *Provision of primary and secondary absorption areas.* Every lot or parcel of land proposed for development where an approvable soil absorption system is proposed shall have and provide both a primary and secondary absorption area. The secondary absorption area shall be equal in size to the primary area. Both the primary and required secondary absorption areas shall be located outside of any RPA that may apply to the property under the terms of Chapter 23.2 of the County code. The secondary absorption area shall be used only in the event the primary absorption area fails and not for the purpose of expansion of the primary absorption area in order to accommodate additions to or enlargement of, the structure or structures served by the system.
- (d) *Soil absorption systems provisions for building.* Before commencement of construction of an approvable soil absorption system, the owner shall first obtain a written permit signed by the health officer. The application for such permit shall be on forms furnished by the health department, which the applicant shall supplement by any plans, specifications, and other information deemed necessary by the health officer. The type, capacity, location, and layout of a soil absorption system shall comply with all requirements of the Virginia Department of Health and of this chapter. The approved permit issued by the health officer, along with any supporting data must be submitted with the application for a building permit.
- (e) *Same—Inspection by health officer.* An approved soil absorption system shall not be utilized until the installation is completed to the satisfaction of the health officer. The health officer shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the health officer when the work is ready for final inspection and before any underground portions are covered.
- (f) *Same—Maintenance.* The owner shall operate and maintain the soil absorption system in a sanitary manner at all times and in accordance with any state health department requirements and the requirements of this chapter including any special conditions which may have been placed on the permit by the health officer. Each septic tank and/or pumping chamber should either be pumped out and the solids removed at least once every five (5) years, be inspected by a qualified person every five (5) years and pumped if necessary, or install a filter approved by the Health Department. Documentation or other proof satisfactory to the County Administrator or his designee of compliance with the maintenance requirements of this section shall be submitted to the County Administrator or his designee upon request.
- (g) *Same—Correction of violations or malfunctions.* When notified by the health officer or the County of a violation of any provision of this chapter or of a malfunction, the owner of a soil absorption system shall complete the prescribed corrective actions within sixty (60) days. Failure to make such correction shall be a violation of this chapter.

- (h) *Use of private systems prohibited.* Nothing in this article shall be construed to permit the continued use of a private sewer system if connection to a public system is required by this chapter.

Sec. 18.1-41. Grinder Pumps.

- (a) *When grinder pumps are permissible.* Grinder pumps may be authorized in accordance with standards and regulations promulgated pursuant to Section 18.1-3 of this chapter.
- (b) *Grinder Pumps—Inspection.* A grinder pump shall not be used until the certificate to operate is provided by the County or the health officer (if applicable). The County and the health officer shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the County or health officer when work is ready for final inspection and before any underground portions are covered.

Sec. 18.1-42. Exceptions.

- (a) If an existing structure is served by a privy, soil absorption system, or other previously authorized means of sewage disposal, and is damaged by fire or any other cause in excess of fifty percent (50%) of the physical value of the structure before the damage was incurred, as determined by the building official, or if the sewage disposal facility serving the structure fails, and if there is no possibility of installing an approved soil absorption or grinder pump system meeting the requirements of this chapter and the facilities of the County are not available, the building official, if so requested by the property owner or his representative, may allow the use of a pit privy or other means of sewage disposal provided the state health department shall approve the design and location of such facilities prior to the issuance of any building permits.
- (b) For temporary use in the disposal of sewage, a temporary privy or portable toilet, approved by the Health Department, may be used for a temporary period as prescribed by the Health Officer.

Sec. 18.1-43. Permit required.

- (a) When an approvable soil absorption system or grinder pump system is planned as the method of sewage disposal to serve any lot or parcel of land, the building official shall not issue a building permit until after receipt of a permit, if required, for said system from the Health Department. Any restrictions or qualifications on such Health Department approval shall be stated on the soil absorption construction permit and on the building permit. If any such conditions are stated on the soil absorption or grinder pump system construction permit, evidence of recordation of such conditions in the Clerk's Office of the Circuit Court must also be presented to the building official prior to issuance of the building permit. The health officer shall issue such construction permit only if all requirements of this chapter are met.
- (b) It shall be unlawful for any person to install or repair, have, allow, or contract to install or repair a soil absorption system in the County individually or for another

person without first obtaining a permit from the Health Department. Any proposed revisions to absorption systems utilizing elevated sand mound or low pressure technology shall be designed by an engineer. Inspection and final approval of the work shall be the responsibility of the Health Department.

Secs. 18.1-44—18.1-50. Reserved.

ARTICLE IV. CONSTRUCTION AND EXTENSION OF PUBLIC SEWER SYSTEMS

Sec. 18.1-51. Standards and regulations—Generally.

The standards and regulations established pursuant to section 18.1-3 of this chapter shall be subject to and in accordance with the following:

- (a) All facilities of the County shall be constructed in accordance with such standards and regulations.
- (b) Where such standards or regulations are more stringent than standards or regulations promulgated by regulatory agencies of the federal government or the state, the County's shall govern. Where such standards or regulations are less stringent, federal or state standards or regulations shall govern.
- (c) In the absence of applicable standards or regulations approved by the governing body or promulgated by the state, the County Administrator may establish such interim standards or regulations as he deems necessary. Such standards or regulations shall be submitted to the governing body within one year after establishment for approval and shall stand until the governing body actually approves, disapproves, or modifies such interim standards or regulations.
- (d) No design standards shall apply to facilities designed and approved prior to the establishment of such standards.

Sec. 18.1-52. Application, certificate to construct, inspection and payment of fees required.

- (a) *Certificates to construct.* Construction of or extensions to public sewer systems shall not begin until a certificate to construct has been issued by the Director of Public Works or designee. The construction of building sewers which serve multiple dwellings or structures or which extend off-site shall also require a certificate to construct.
- (b) *Applications.* Applications for a certificate to construct shall be submitted to the County and accompanied by a minimum of two (2) copies of plans and specifications prepared by a qualified professional engineer or land surveyor practicing within the areas of competence prescribed by section 54.1-408 et seq. of the Code of Virginia together with any other relevant contract documents and a plan review fee of one hundred and twenty-five dollars (\$125.00).

- (c) *Issuance.* Upon approval of the plans, specifications, and contract documents and upon payment of required inspection fees, the County shall issue a certificate to construct.
- (d) *Fees.* A certificate to construct shall not be issued until inspection fees in the amount of three hundred dollars (\$300.00) plus two dollars and twenty-five cents (\$2.25) per foot for every foot of six-inch or larger gravity sewer installed and two dollars and twenty-five cents (\$2.25) per foot for every foot of two-inch or larger force main installed and two dollars and twenty-five cents (\$2.25) per foot for every foot of vacuum sewer installed have been paid. In the case of building sewers required to be inspected pursuant to the provisions of section 18.1-24 of this chapter, an inspection fee shall be charged in the amount of two hundred dollars (\$200.00) plus two dollars and twenty-five cents (\$2.25) per foot for every foot of building sewer installed. The fees set forth in this subsection may not be reduced and are not refundable.
- (e) *Inspection.* The installation of public sewer systems and building sewers required to have a certificate to construct shall be inspected by the County and no part of such facilities shall be covered or obscured prior to inspection and approval by the County.
- (f) *Service laterals.* Service laterals, as approved, shall be provided by the applicant and installed at the time of construction.
- (g) *Connection to system regulated.* No connection between the existing public sewer system and new sewer construction shall be made until all required connection fees have been paid and all such construction has been approved by the County.

Sec. 18.1-53. Construction and extension.

- (a) The governing body may, in its discretion, extend the public sewer system to areas of the County which have not been previously served.
- (b) The governing body may permit the extension of the public sewer system by a developer. Public sewer extensions serving less than three connections may be approved administratively by the County Administrator or his designee subject to the execution of a sewer extension agreement approved to form by the County Attorney. Extensions serving three or more connections shall be at the request of the developer and shall be made pursuant to a contract authorized by the governing body, executed by the County Administrator on behalf of the County, and approved as to form by the County Attorney between the developer and the County. The contract shall include terms providing for the amount of all fees to be paid to the County and providing that the connection fees shall be paid prior to the issuance of any building permit. The contract shall also set forth any cost-sharing and provide that, upon completion and approval of the construction of such facilities, they shall become the property of the County. Such contracts shall be executed by all parties prior to the issuance of a certificate to construct. The provisions of this subparagraph apply to extensions which have not been approved by the County on the date of adoption of this section. The governing body may authorize an extension based on preliminary fee and cost-sharing information, and may authorize the County Administrator to execute agreements required by this section at some later time, provided however: (1) that the number of connections to the system approved by the governing body shall not later be increased more than (10%) without authorization of the governing

body; and (2) that the standard connection fees, credits, and other fees and policies in effect at the time of execution of the agreement, as established by the governing body, shall be the basis for computing such fees.

- (c) All contractors installing facilities of the County shall be approved by the County.
- (d) For all construction under paragraph (b) above the location, type, and size of any facilities must comply with County standards and with plans established by the County for future sewer construction. Except as otherwise provided in section 18.1-54, the entire expense of construction shall be borne by the developer.

Sec. 18.1-54. Cost sharing in public sewer construction.

- (a) It is the intent of this section to discourage the development of facilities outside designated primary service areas and to provide some assistance to a developer when facilities are constructed in complete accordance with public sewer phasing and construction plans. Recognizing that the developer will incur a certain level of expense to properly bring sewer service to a development, the intent is not to reimburse the developer for that expense. In all cases the developer must make an economic decision. The purpose of this section is to provide a degree of certainty to the cost of sewer service and to set forth those conditions under which the County will permit private construction of public sewer systems.
- (b) Upon request and under certain conditions, the County may share in the cost of providing public sewer when application for construction is made by a developer. The extent to which the County participates will be based on certain factors designed to maximize and channel limited public funds for sewer construction into those areas where sewer can be provided most effectively to promote the public health and welfare. Those factors are:
 - (1) The extent to which the sewer facilities are oversized at the request of the County to provide future use capacity.
 - (2) The extent to which the proposed development is within or outside of a designated primary service area.
 - (3) The extent to which the facilities consist of system facilities as opposed to local facilities.
- (c) Within the limits of funds available for sewer construction, the County may share costs if requested by the developer as follows:
 - (1) The total cost of local facilities shall in all cases be borne by the developer.
 - (2) When proposed development is to be located within a primary service area, the County will pay the additional construction cost of installing or oversizing system facilities required by the County for future use capacity or other needs. The County may offset its cost by deducting any system facility connection fees due to it from the developer. The County share shall be the difference between the estimated cost of the facilities necessary for future use and the cost of local facilities and system upgrades necessary to serve the development. The developer shall bear all design costs. The estimated costs shall be based upon

current unit charges for sewer construction and shall be agreed to between the developer and the County.

- (3) When proposed development is to be located outside a primary service area, the cost of installing or oversizing system facilities for future use capacity or other needs shall be borne by the developer. In addition to the cost of construction, the developer will be liable for a connection charge at the time of connection of the extension to public sewer facilities. Such fee shall be equal to the total initial connection fees due from the development without credit or reduction for the construction of local or system facilities or other costs paid by the developer.
- (4) If no primary service areas have been established by the governing body, all proposed development shall be deemed to be within a primary service area.
- (d) If sufficient County funds are not available for sewer construction to enable the County to contribute fully as set forth in subsection (c)(2), then other sums may be negotiated on a case-by-case basis. In any event, the final sum to be contributed by the County to the construction and/or the total amount of connection fees due to the County, shall be set forth in the contract required by section 18.1-53.
- (e) Nothing in this section is to be construed to prohibit or restrict the governing body from extending or participating in the extension of the facilities of the County at the County's cost or on a different cost sharing basis than set forth in this section should the governing body determine that such an arrangement is in the County's best interest and furthers the goals of economic development or providing affordable housing opportunities.

Secs. 18.1-55—18.1-60. Reserved.

ARTICLE V. PUBLIC SEWER CONNECTIONS AND CONNECTION FEES

Sec. 18.1-61. When connection or payment deemed made.

Connections shall be deemed made under this article when all fees have been paid and actual connection, or an arrangement approved by the County for connection, has been made. Fees shall be deemed paid when actually paid or when arrangements for payment have been made through a contract with the County.

Sec. 18.1-62. Connection requirements; timing; and fees.

- (a) The owner of any premises having access to facilities of the County that were constructed after January 1, 1992, shall be required to connect to the public sewer system. Connection fees shall be paid or arrangements to pay shall be made within ninety (90) days and connection made within one hundred twenty (120) days of notification that service exists. The applicable fee shall be the total initial connection fee set forth in section 18.1-64 of this chapter.
- (b) Any owner failing to connect to the facilities of the County as required by paragraph (a) of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than fifty dollars (\$50). Each day that such failure continues

shall constitute a separate offense. In addition, such owner shall be required to pay the regular connection fee as set forth in section 18.1-64 of this chapter.

- (c) The owner of any premises having service available by means of facilities of the County, that were constructed after January 1, 1992, may voluntarily elect to pay the applicable connection fee and service charges set forth in the chapter and either connect or not connect to the public sewer system. If the connection fee payment or arrangements for payment are made within ninety (90) days of notification that service exists, the fee shall be the same fee as that imposed on owners who connect under paragraph (a) of this section. After such ninety-day period, the owner shall be required to pay the total regular connection fee.
- (d) The owner of any premises having access to, or service available by, facilities of the County that were constructed prior to January 1, 1992, may voluntarily elect to pay the applicable connection fee and service charges set forth in this chapter and either connect or not connect to the public sewer system. The fee shall be the total initial connection fee set forth in section 18.1-64 of this chapter.
- (e) The connection requirements, fees, and times set forth in this section shall not apply where the County Administrator has determined that public sewer service is not available to abutting property due to the nature of, or limitations on, the facilities of the County. For purposes of this section, property which abuts a public road owned and maintained by the Commonwealth of Virginia or the County and which is separated from the facilities of the County by the surfaced area of such road, shall be deemed not to have public sewer available unless a lateral has been installed under the pavement which can serve the property.
- (f) When extensions of the facilities of the County are made pursuant to Section 18.1-53(b), the owner of any premises having access to, or service available by, the facilities of the County and having, at the time of the extension, an operating soil absorption system which has been inspected and approved by the Health Department, may connect to such facilities and pay the applicable initial connection fee as set forth in Section 18.1-64 of this chapter at the time the owner elects to connect. Should the owner of such premises receive written notification from the health department of a failing system, the provisions in Section 18.1-62(a) and (b) shall apply and the applicable time limits shall begin to run on the date of receipt of such notice.

Sec. 18.1-63. Application for connection; permit required.

- (a) No person shall connect any premises with the facilities of the County without first obtaining a permit to do so from the County Administrator or his designee. The owner of the premises, or such owner's authorized agent, shall make application therefore on forms furnished by the County. All applications shall clearly indicate the activities on the premises for which the service to be rendered by the public sewer system will be used.
- (b) No permit for connection shall be issued until all required fees have been paid and the manner of connection (including the qualifications of the person making the connection) have been approved.

- (c) No building permit for a structure that will connect to the public sewer facilities of the County shall be issued until the construction of the public sewer facilities of the County has been completed and approved. Prior to the completion of construction, a permit may be issued if:
- (1) In the case of single-family detached residential buildings, the County Administrator determines that completion of construction of the required public sewer facilities to County standards is probable within ninety (90) days and appropriate agreements are in place to guarantee completion; or
 - (2) In the case of single-family attached or multi-family dwelling units, or commercial or industrial buildings, the County Administrator determines that completion of construction of the required public sewer facilities to County standards is probable within one hundred eighty (180) days and appropriate agreements are in place to guarantee completion;
 - (3) In the case of residential buildings (single-family detached, single-family attached, multifamily) that are in the service area of a County Sewer Extension Project, the County Administrator determines that completion of construction of the required public sewer facilities to the County's standards is probable within one hundred eighty (180) days.
 - (4) In the case of multi-family residential buildings for which construction is subject to special lender-imposed financing conditions that require the developer to obtain construction permits, including the building permits, prior to closing on the project financing, the County Administrator determines that construction and completion of the required public sewer facilities to County standards within an acceptable timeframe has been guaranteed by an executed Development Agreement, with surety in an amount approved by the County Administrator. In such cases, the issuance of construction permits shall be contingent on the County's approval of the following:
 - Site Plan.
 - Comprehensive Sewer Construction Schedule/Timeline—including the schedule to construct the necessary sanitary sewer improvements, complete testing and as-builts preparation, and the formal acceptance process.
 - Emergency Response Plan—including commitments for ensuring appropriate accessibility for emergency responders during the construction phase of the project.

In no event shall Certificates of Occupancy be issued for any habitable structure until the sanitary sewer facilities have been constructed, tested and accepted by the County for operation and maintenance. For the purposes of this section, the different types of residential structures shall be as defined in Chapter 24.1, Zoning, of this Code.

Sec. 18.1-64. Connection fees established.

Any person required or desiring to connect to the facilities of the County shall, unless otherwise provided in this chapter, pay the connection fees set forth in the schedule which

follows as a part of this section. Such fees shall be paid at such time as required by this chapter. The connection fee to be paid shall be the indicated total initial fee or total regular fee as required. The connection fee shall not include the actual cost of connection which shall be borne by the applicant. Existing commercial or industrial connections may upgrade the connection size by paying the initial connection fee applicable to the larger size connection. A credit will be given for connection fee amounts previously paid. Columns entitled "Local Facility Credit" and "System Facility Charge" are used only for the purposes referred to in other sections of this chapter:

CONNECTION FEE SCHEDULE [18.1.64(a)]

Water Meter Size	Initial Connection Fee	Credit Maximum	Regular Connection Fee
5/8"	\$ 3,700	\$ 500	\$ 8,625
3/4"	\$ 5,600	\$ 1,000	\$ 10,075
1"	\$ 9,300	\$ 1,300	\$ 15,825
1 1/2"	\$ 18,500	\$ 2,000	\$ 23,000
2"	\$ 29,700	\$ 4,700	\$ 34,500
2" + and Compound Meters	\$150 for each gallon per minute of water meter: capacity (c) as determined by American Water Works Association Standards	Capacity (c) / 5	Capacity (c) + \$17,250
Note 1:			
In the event a Public Sewer Extension Agreement (PSEA) is approved by the Board, the developer shall enter into a contract as provided for in Section 18.1 of the York County Code. In addition, the contract shall provide for the contribution by the developer of an amount equal to \$2,500 for each lot to be connected to the proposed vacuum system in addition to all required fees as an offset for projected increased construction inspection cost and maintenance expense over the life of the system.			
Note 2:			
For residential subdivisions approved for grinder pumps, each lot connected to a grinder pump will be required to pay an additional fee of \$2,500 per lot in addition to all required fees as an offset for projected increased construction inspection cost and maintenance expense over the life of the system.			
Note 3:			
Those facilities where a large portion of the flow through the water meter is to be used in a process, other than in an agricultural process, which does not return that portion of the flow to the facilities of the			

	County shall have their tap fee based on meter size determined by AWWA Manual M-22, (Sizing Water Service Lines and Meters) necessary to handle those flows which are returned to the facilities of the County. Fire service meter size shall not be considered in determining the connection fee.
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- (b) If any facility whose connection fee is based on a water meter size is not connected to a metered water system, the County Administrator may require the installation of a meter or may make a reasonable estimate of the meter requirements for the facility for the purpose of establishing the appropriate connection fee.
- (c) The provisions of this section shall not apply to premises which have paid the applicable connection fee or arranged to pay the applicable connection fee through agreement with the County prior to the date of adoption of this section.
- (d) A credit of \$500 shall be allowed against the above fees when a grinder pump is installed to service an existing premise as part of a County financed sewer extension project in accordance with regulations adopted pursuant to Section 18.1-3.
- (e) Notwithstanding the provisions of paragraph (a) of this section, the connection fees established by the governing body in 2007 with the adoption of Chapter 18.1 shall apply to any development or site plan having final approval from the County prior to March 1, 2012. In addition to these developments, the connection fees adopted in 2007 shall also apply for any project being financed by the County for which the preliminary design has started by March 1, 2012. For such projects, the regular connection fee shall be that fee which is in effect at the time of connection.

Sec. 18.1-65. Reduction in fees due to construction by developer.

When public sewer facilities are constructed by developers pursuant to section 18.1-53(b) of this chapter, the following reductions to total initial connection fees shall apply:

- (a) When all local facilities are constructed by the developer, the developer shall receive a reduction in the total connection fee equal to the total local facilities credit component which would otherwise be due.
- (b) When a developer constructs facilities to a premises and the construction includes system facilities, in addition to any reductions under paragraph (a) of this section, the developer shall receive a reduction in the system facility connection fee component, which would otherwise be due, equal to the estimated cost increase for construction of system facilities required by the County based on current charges, as set forth in section 18.1-54(c)(2) of this chapter. Reductions under this subsection may be prorated among all connections in the development or the developer may apply them to the first fees due whichever is provided for in the agreement executed pursuant to section. 18.1-53(b).
- (c) Total reductions in connection fees under subparagraphs (a) and (b) of this section shall not exceed the total connection fee due.

- (d) Nothing in this section shall be construed to reduce in any way the connection charge imposed by section 18.1-54(c)(3) for the connection of premises located outside of primary service areas.

Sec. 18.1-66. Installment payment of connection fees.

- (a) Owners of single family detached dwellings having access to facilities of the County may elect to pay all or part of the connection fee in installments. The connection fees provided for in this article may be paid in installments pursuant to a contract the form of which has been approved by the County Attorney. Such contracts may provide for not more than twelve (12) bimonthly installments and provide for interest on the unpaid balance at six percent (6%) per annum. A down payment may be made, but it shall result in a remaining balance which is a multiple of one hundred dollars (\$100.00). The first bimonthly payment will be billed at the end of the next full utility billing cycle following execution of the installment contract by the owners and will be due within thirty (30) days of the billing date. The unpaid principal may be paid in full without penalty at any time.
- (b) Owners for whom connection is not required, but who choose to pay the applicable connection fee, may contract to pay all or part of such fee in installments. Such contracts, which shall be approved as to form by the County Attorney, may provide for not more than eighteen (18) bimonthly installments and provide for interest on the unpaid balance at six percent (6%) per annum. A down payment may be made, but it shall result in a remaining balance which is a multiple of one hundred dollars (\$100.00). The first bimonthly payment will be billed at the end of the next full utility billing cycle following execution of the installment contract by the owner and will be due within thirty (30) days of the billing date. The unpaid principal may be paid in full without penalty at any time.
- (c) If any installment is not paid when due, the entire remaining balance shall be immediately due and payable. In the cases where initial connection fees were charged pursuant to section 18.1-62(a) or (c) of this chapter, the initial connection fee shall be forfeited and the regular connection fee, against which the previously paid principal shall be credited, shall be immediately due and payable.
- (d) This section shall not apply to connection fees due from developers who extend public sewer pursuant to section 18.1-53(b) of this chapter.

Sec. 18.1-67. Notice of construction completion.

When service is hereafter made available to any premises, the County will notify property owners by first class mail, postage paid, addressed to the owner of the property at the mailing address shown on the current Annual Real Estate Land Book of the County. The County Administrator or his designee shall prepare an affidavit, or affidavits, showing the date of mailing and the names and addresses of all property owners to whom such notice is mailed. The appearance of the correct name and address as shown on the land book of the County on such affidavit(s) shall be all that is required to mark the beginning of the applicable time period during which initial connection fees apply. The County shall not be required to prove that such notice was actually received by any individual property owner.

Secs. 18.1-68—18.1-70. Reserved.

ARTICLE VI. RATES AND BILLING PROCEDURES

Sec. 18.1-71. Power to establish rates and enforce payment.

- (a) The governing body is vested with the authority to make and fix rates at which service shall be supplied to customers of the public sewer system and to collect, require, and enforce the payment thereof by all remedies provided for by law.
- (b) The rates fixed by the governing body shall be fair and just and shall take into consideration the cost of construction, maintenance, extension, operation, and administration of the public sewer system, including the cost of necessary insurance, interest and principal on bonds, and any other cost or expense growing out of the operation of, or appertaining to, the public sewer system.

Sec. 18.1-72. Rates—Generally.

- (a) *Payment—Generally.* The service charges set forth in this section shall be paid by all users of the public sewer system beginning July 1, 2021. For new development, user charges shall commence with the issuance of a certificate of occupancy. Nonusers owning premises having access to the facilities of the County or service available shall pay service charges equal to 65% of the service charges set forth in this section.
- (b) *Bimonthly rate for single-family residential equivalents.* A bimonthly service charge of \$54 shall be paid to the County by single-family residential equivalents. A single-family residential equivalent is a mobile home, an apartment, a single-family detached dwelling, a townhouse, condominium, timeshare, or any other unit used to house a single family on a full-time basis.
- (c) *Bimonthly rates for users other than single-family residential equivalents.* For new development where a residential equivalent unit is metered with a non-residential space, a minimum bimonthly service charge of \$54 shall apply. When the metered water consumption is expected to be above average for a unit of similar size, an additional service charge based on consumption may be due as determined by the County on a case by case basis. If water consumption is measured in cubic feet, a bimonthly service charge per meter of \$3.61 per 100 cubic feet or a minimum charge of \$20 shall be paid to the County by users other than single family residential equivalents. If water consumption is measured in gallons, a bimonthly service charge per meter of \$4.82 per 1,000 gallons or a minimum charge of \$20 shall be paid to the County by users other than single-family residential equivalents. Service charges, unless otherwise set forth herein, shall be based upon water consumed on the premises as measured by the meter or meters used for such purpose. In any case where the premises are not connected to a water system for which water consumption figures satisfactory to the County are available, the bimonthly service charge shall be \$54, plus \$7.50 for each employee.

- (d) *Reduction in charges for users other than single-family residential equivalents.* Premises other than single-family residential equivalents, which do not discharge the entire volume of water into a public sewer, shall be allowed a reduction in charge, provided the owner installs, at his expense, a meter or meters satisfactory to the County for measuring or determining the volume of water consumed and not discharged, or the volume of waste discharged into the public sewer.
- (e) *Authority to require installation of measuring devices.* The County reserves the right to require the installation of facilities for measuring or determining the volume of water consumed or the volume of waste discharged into the sewer.
- (f) *Commencement of service charges.* Service charges imposed by this section shall commence on the first day of the immediately succeeding billing period in the case of new connections to the public sewer system. For existing connections, service charges shall commence on the first day of the immediately succeeding billing period after ownership is conveyed. For new development, service charges shall commence on the first day of the immediately succeeding billing period after the Certificate of Occupancy is issued.

Sec. 18.1-73. Rates not prorated.

When title to premises is conveyed from one owner to another, the service charges for the billing period in which the premises is conveyed shall not be prorated by the County and shall become the obligation of the owner of the property on the first day of the billing period in which service was rendered.

Sec. 18.1-74. HRSD charges.

Facilities of the County collect and deliver sewage to HRSD, which treats and disposes of the waste. In addition to the charges prescribed in this chapter, HRSD levies charges to cover the costs of treatment and disposal of sewage. Such charges may be billed directly by HRSD or in conjunction with County charges.

Sec. 18.1-75. Responsibility of owner for charges.

Where any premises, whether supplied by single or multiple service, is rented to one (1) or more tenants, service charges shall be charged to and paid by the owner of the premises who alone shall be deemed the agent for the entire premises.

Sec. 18.1-76. New service; deposit required.

No new or reinstated service shall be supplied to any applicant until payment of a cash deposit equal to the estimated charge for one (1) bimonthly billing period. The deposit shall be held by the County until such applicant ceases to be served by the system at which time any portion of such deposit due shall be returned without interest to the applicant by whom it was made, provided that all unpaid charges and fees shall be deducted from the amount of the deposit. If the deposit is not sufficient to pay all charges and fees due, the remaining balance shall be subject to normal collection procedures of the County. A deposit shall not be required for single family residential equivalents as

defined in section 18.1-72(b) or its successor sections except in the case of rental units which are master metered as one (1) connection.

Sec. 18.1-77. Previous balance to be paid prior to new service or transfer of service.

Any person owing a balance for sewer service previously furnished, regardless of the length of time the same has been owing, shall not be furnished new sewer service until all amounts in connection with past sewer services furnished have been paid in full.

Sec. 18.1-78. When bills to be paid; overdue accounts.

- (a) Sewer service charges shall be due upon receipt of the statement rendered by the County and shall be considered delinquent 30 days following the billing date. A late charge of 10% of the amount due or \$10 whichever is greater, shall be added to all service charges when they are first considered delinquent. Interest at the rate of 6% per annum shall be charged on the aggregate of the payment and penalty due beginning with the date the penalty is applied. If any bill is not paid within 120 days of the billing date, the water supply to the premises shall be subject to interruption and may be discontinued as provided for in section 18.1-82 of this chapter.
- (b) In lieu of discontinuing water service as provided for in paragraph (a) of this section, the County may enter into agreements by which the owners of the premises for which bills for service are unpaid may be allowed to pay the amount owed, including the penalty and interest owed, in installment payments, such agreements to contain such other reasonable terms and conditions as may be necessary to ensure payment, and to be approved as to form by the County Attorney. Such agreements shall provide that late payment of any installment payment or a failure to pay current amounts due may result in immediate discontinuance of the water supply to the premises.
- (c) Any unpaid sewer connection fee or any installment thereof, or any unpaid service charge, together with any penalty and interest, shall become a lien superior to the interest of any owner, lessee, or tenant, and next in succession to County taxes on the real estate benefited by any such facilities. Such lien may be discharged by payment to the County of the total amount of such lien, together with penalty and interest accrued thereon to the date of payment. If any such charges remain unpaid for a period of 180 days from the billing date, the County shall certify such charges as being unpaid to the Clerk of Circuit Court who shall docket the same in the appropriate lien books of the Circuit Court.

Sec. 18.1-79. Failure to receive bill no excuse.

Failure to receive a bill for service charges shall not exempt any person from liability for payment of bills or from the provisions of this chapter. It shall be the responsibility of the owner, occupant, or consumer to notify the County of the failure to receive a bill for any reason and to advise the County whenever it is suspected that charges for services used are improperly billed.

Sec. 18.1-80. Charge to be assessed for checks returned from bank for insufficient funds or other reasons.

When a check received in payment of service charges, or in payment of deposits, connection fees, or other fees, is returned by the bank for insufficient funds or the account has been closed, a service charge as set forth in Chapter 2, Section 2.2 of the Code of Ordinances shall be made for each returned check. This charge is to defray the administrative costs to the County of handling and processing returned checks.

Sec. 18.1-81. Discontinuing water service for nonpayment of service charges.

- (a) Water service may be discontinued by or at the request of the County for any of the following reasons until the defects or faults have been corrected.
 - (1) For nonpayment of service charges as provided in section 18.1-79 of this chapter.
 - (2) For violation or noncompliance of any provision of this chapter or with any health department regulation or requirement.
- (b) When water service is to be discontinued, except in emergency situations involving an imminent risk to property or public health, in which event no notice shall be necessary, ten (10) days' written notice shall be given to the owner, occupant, or agent of the owner. The notice shall state the reason for the proposed termination. Water service shall be terminated unless the owner, occupant, or agent presents clear and convincing evidence that violation or nonpayment has not occurred or unless such termination would impose a serious risk of harm to the occupants of the premises and not merely an inconvenience.
- (c) If water service is discontinued as provided in this section, in addition to any charges which may be imposed by the water purveyor, a fee of twenty-five dollars (\$25.00) shall be payable to the County for administrative expenses.
- (d) When water service has been discontinued, the health department shall be notified and service will be renewed only when the conditions for which such service was discontinued are corrected and all fees and charges have been paid.

Sec. 18.1-82. Adjusting of bill for inaccurate water meter.

Upon presentation of satisfactory evidence by the user that water meter readings upon which any service charge was based were inaccurate, the County shall adjust the service charge to reflect the inaccuracy of the water meter reading.

A Copy Teste:

Heather L. Schott, MMC
Deputy Clerk

