

The Town of
**Leesburg,
Virginia**

PRESENTED: March 29, 2016

ORDINANCE NO. 2016-O-008

ADOPTED: March 29, 2016

AN ORDINANCE: AMENDING CHAPTER 34 (UTILITIES), ARTICLE II (WATER SYSTEM) AND III (SEWERS AND SEWER DISPOSAL) AND APPENDIX B--FEE SCHEDULE.

WHEREAS, the Town of Leesburg's Department of Utilities ("Utilities") has identified the need for Town Code amendments to clarify and further define various sections of Chapter 34, in Article II (Water System) and III (Sewers and Sewer Disposal) of the Town Code; and

WHEREAS, enactment of certain fees and charges for activities provided and performed by Utilities is necessary to offset the costs associated with these services ; and

WHEREAS, the amount of these fees and charges is comparable to, or lower than the fees and charges for similar services in neighboring jurisdictions with similar population sizes; and

WHEREAS, the Leesburg Town Council conducted an advertised public hearing on March 29, 2016 and recommended approval of the proposed amendments and enactment of the new fees and charges.

THEREFORE, ORDAINED by the Council of the Town of Leesburg in Virginia as follows:

SECTION I. That Chapter 34 (Utilities), Article II (Water System) of the Town Code of Leesburg is hereby amended to read as follows:

Sec. 34-40. - Portability of water availability fees.

- (a) All paid water availability fees which have been paid for the issuance of the public facility permit (receipt) shall attach and run with the parcel.
- (b) Paid water availability fees are transferable within one commercial parcel with a single owner. Minimum commercial water availability fee, as established by council, shall remain with each meter connection ~~commercial street address~~. Upon evaluation of available historical records, paid water availability fees in excess of the minimum required commercial fee per use may be eligible for portability. This subsection shall not apply to residential parcels.

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- (c) Parcel owner must consent to transfer paid water availability fee from one meter connection ~~commercial street address~~ to another within the same parcel.
- (d) If any person enlarges a structure or extends the use of the town water system to any new or additional use on a premise, an availability fee shall be paid for the additional use, whether or not a new or enlarged connection is required. This subsection shall only apply if there is a transferable balance from previously paid water availability fees.

Sec. 34-62. - Rate for water drawn at hydrant or public meter.

Water drawn at an existing designated public fire hydrant with a town issued hydrant meter is assessed a service charge per quarter in addition to the usage water rate per 1,000 gallons of water withdrawn. Water drawn at the K.B. Rollins Water Treatment Plant will be charged a per day, per truck service charge and a processing fee per billing in addition to the usage water rate per 1,000 gallons of water withdrawn. The charges set forth in this section shall be established by the town council.

Sec. 34-68. - Adjustment of bills ~~for underground leaks.~~

- (a) When a leak develops in an underground water pipe between a water meter and a premises and the property owner or tenant cannot, by the use of ordinary diligence, discover such leak, the town may adjust the water bill of the user at such location. The policy regarding adjustment of accounts shall be established per adopted policy by the town manager. No credit shall be allowed after ten days from the date the property owner or tenant has knowledge of such leak.

Sec. 34-69 - When due and payable; notice, late payment penalty and second billing to delinquent accounts; discontinuance of service to delinquent accounts.

- (a) Water bills are due and payable within 30 days from the date of billing.
- (b) A grace period of 4 business days will be permitted for payments in transit before penalties are applied to unpaid accounts. Any billing that remains unpaid after 30 days and such grace period, ~~after 30 days~~ is subject to a ten percent late payment penalty plus an allowance for interest as determined by state code. These amounts will be added to the total amount due and payable.
 - 1. The adopted policy regarding waiver of late payment penalties shall be established by the town manager.
- (c) A notice shall be mailed in the form of a second billing, which will include the late payment penalty and interest. ~~at the end of 30 days from the date of billing, and water service will be discontinued if not paid in full within ten days from the date of such notice.~~ Payment is due within 10 days from the date of the second billing notice.
- (d) ~~When service is to be so discontinued, a fee for the disconnection and resumption of service in the amount~~ A Delinquent Account Processing Fee, established by the town council shall be charged to all accounts not paid within 10 days from the second billing notice.
 - 1. If the water bill remains unpaid after 10 days from the date of the notice of the second billing, water service will be discontinued and resumption of service will not occur until the total account balance is paid in full.

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2. In the event water is discontinued and a security deposit has previously been refunded pursuant to § 34-58(b), a new security deposit shall be required under § 34-58(a) before water service will be restored.
3. If the water bill remains unpaid and the account is closed, the Town shall mail a notice in the form of a final billing to include all past due fees. A collections processing fee, established by the town council shall be charged to all closed accounts not paid within 10 days from the final billing notice.

Sec. 34-72. - Denial or discontinuation of water service due to leaks.

- (a) It shall be unlawful for a customer to forego repair of water leaks in the supply line or within the premises when identified by town personnel, including but not limited to fire sprinkler systems. The penalty for foregoing repairs shall be denial or discontinuation of water service.
- (b) For major leaks (greater than 300 percent of average usage), the town will shut off water service to the property immediately, upon detection of the leak. The town will attempt to verbally notify the owner of the property within 24 hours of the action taken and in writing within (3) three business days of the action taken. Water service will not be restored until the leak has been repaired to the town's satisfaction.
- (c) For minor leaks (between 75 percent and 300 percent of average usage), the town shall notify the property owner in writing of any water leaks detected by the town. The property owner shall repair the leak to the town's satisfaction within 60 days from date of written notification. If, after 60 days, the leak has not been repaired to the town's satisfaction, the town will discontinue water service to the property.
- (d) A connection fee, established by town council, will be charged to re-establish water service.

SECTION II. That Chapter 34 (Utilities), Article III (Sewers and Sewer Disposal) of the Town of Leesburg Code, be and the same is hereby amended to read as follows:

Sec. 34-136. - Sewer use regulations.

The sewer use regulations, as may be amended from time to time, is **are** hereby incorporated herein by reference and made a part hereof as if fully set out in this article.

Sec. 34-137. - Portability of sewer availability fees.

- (1) Paid sewer availability fees are transferable within one commercial parcel with a single owner. Minimum commercial sewer availability fees as established by council shall remain with each **meter connection** ~~commercial street address~~. Upon evaluation of available historical records, paid sewer availability fees in excess of the minimum

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required commercial fee per use may be eligible for portability. This subsection shall not apply to residential parcels.

- (2) A P parcel owner must consent to transfer the paid sewer availability fee from one meter connection ~~commercial~~ street address to another within the same parcel.

SECTION III. That Chapter 34 (Utilities), Article III (Sewers and Sewer Disposal) of the Town of Leesburg Code, be and the same is hereby amended to read as follows:

Division 3. - Fats, Oils and Grease (FOG) Program.

Sec. 34-164. - Purpose and applicability.

- (a) Purpose. The purpose of this division is to aid in preventing the introduction and accumulation of fats, oils and grease, into the town's public sewer system that may contribute to sanitary sewer blockages and obstructions.
- (b) Applicability. The provisions of this division shall apply to all food service establishments defined herein, within the town that are required under the Commonwealth of Virginia/State Board of Health and Waterworks Regulations to have grease control devices and to all grease haulers providing service to any such food service establishment.

Sec. 34-165. - Definitions.

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

Town Manager means the town manager, or his authorized designee.

Fats, oils and grease (FOG) means material, either liquid or solid, composed of fats, oils or grease from animal or vegetable sources. Examples of FOG include, but are not limited to, kitchen cooking grease, vegetable oil, bacon grease and organic polar compounds derived from animal or plant sources that contain multiple carbon triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in Title 40, Part 135 of the Code of Federal Regulations (40 CFR § 136), as may be amended from time to time.

Food service establishment means any commercial, institutional, or food processing facility that discharges kitchen or food preparation wastewaters and that is required to have a grease control device under the Virginia Uniform Building Code or applicable sewer regulations of the town.

Grease control device means a device used to collect, contain, and remove food waste and grease from the wastewater while allowing the remaining wastewater to be discharged to the town's wastewater collection system by gravity. Devices include grease interceptors,

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grease traps, automatic grease removal devices or other devices approved by the town manager.

Grease hauler means a contractor who collects the contents of a grease interceptor or trap and transports it to a recycling or disposal facility. A grease hauler may also provide other services related to grease interceptor maintenance for a food service establishment.

Grease interceptor means a structure or device, usually located underground and outside of a food service establishment, designed to collect, contain and remove food waste and grease from the wastewater while allowing the remaining wastewater to be discharged to the town's wastewater collection system by gravity.

Grease removal device means 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 (24) hours utilizing electromechanical apparatus.

Grease trap means a device typically located indoors and under the sink, designed for separating and retaining grease prior to the wastewater exiting the trap and entering the wastewater collection system. Such devices are typically passive (gravity fed) and compact with removable baffles.

Public sewer system includes the pipelines or conduits, pumping stations, force mains, and all other construction, devices, and appliances appurtenant thereto, located within the Town of Leesburg and used for the conveyance of residential, commercial or industrial sewage or wastewater or other wastes.

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

Virginia Uniform Statewide Building Code includes the model codes incorporated by reference therein, including, specifically, the International Plumbing Code.

Yellow grease means FOG used in food preparation that has not 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. 34-166. - Grease control devices.

- (a) Requirements. All food service establishments shall have a grease control device or devices which have been approved by the town manager, and which meet all applicable requirements of the Virginia Uniform Statewide Building Code, as determined by the building code administrator. Notwithstanding the foregoing, any grease control device sized in accordance with the Town of Leesburg Sewer Use Regulations shall be deemed to meet the requirements of the section.

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1. ***New establishments.*** Except as provided in subsection (a)(2), new food service establishments, including those operated by a new owner or for a different use, shall be required to install, operate and maintain a grease control device in compliance with the requirements of the Virginia Uniform Statewide Building Code. Grease control devices shall be installed and registered in accordance with this section prior to the issuance of a certificate of occupancy.
 2. ***Existing establishments.*** Food services establishments in operation as of the effective date of this division may continue to operate and maintain their existing grease control devices, provided such grease control devices are in proper operating condition and are not found to be contributing FOG in quantities sufficient to cause line stoppages or to necessitate increased maintenance of the sanitary sewer system. An existing food service establishment shall install a new grease control device that complies with the requirements of the Virginia Uniform Statewide Building Code if its grease control device is determined by the town manager not to be in proper operating condition or if the food service establishment is found to be contributing FOG in quantities sufficient to cause line stoppages or to necessitate increased maintenance of the sanitary sewer system.
 3. ***Renovations or expansions.*** Food service establishments that are renovated or expanded shall, if required by the Virginia Uniform Statewide Building Code, install new grease control devices meeting the requirements of such code.
 4. ***Retrofitting.*** Existing food service establishments lacking approved grease control devices by reason of having been grandfathered from such requirements under the Virginia Uniform Statewide Building Code shall, if required, install grease control devices in accordance with town regulations. Such grease control devices shall be registered within thirty (30) days of installation.
- (b) ***Installation.*** Grease control devices shall be installed by a plumber licensed in the Commonwealth of Virginia. Every grease control device 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.*** Grease control devices shall be maintained as follows:
1. ***Grease control devices shall be properly maintained at all times.*** 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 sewer line or into any portion of the town's wastewater collection system is prohibited.
 2. ***Grease interceptors shall be pumped out completely when the total accumulation of surface FOG, including floating solids and settled solids, reaches twenty-five (25) percent of the overall liquid volume. At no time***

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shall a grease control device be cleaned less frequently than once every three (3) months unless allowed by the director for good cause shown. Such approval will be granted on a case-by-case basis upon submittal of a request by the food service establishment documenting reasons for the proposed frequency variance. The town manager shall not approve any request unless the applicant demonstrates that the frequency variance will not result in the introduction of any greater quantities of FOG into the public sewer system than would otherwise be introduced.

3. Grease traps and grease removal devices shall be opened, inspected and completely cleaned of food solids and fats, oils and grease a minimum of once per week, unless allowed by the director for good cause shown. Such approval will be granted on a case-by-case basis upon submittal for a request by the food service establishment documenting reasons for the proposed frequency variance. The director shall not approve any request unless the applicant demonstrates that the frequency variance will not result in the introduction of any greater quantities of FOG into the public sewer system than would otherwise be introduced, and in no event shall the content of food solids and FOG exceed twenty-five (25) percent of the overall liquid depth of the device.
4. The town manager may establish a more frequent cleaning schedule if the food service establishment is found to be contributing FOG in quantities sufficient to cause line stoppages or to necessitate increased maintenance of the wastewater collection system.
5. Unless authorized by the town manager, the use of additives including, but not limited to, products that contain solvents, emulsifiers, surfactants, caustics, acids, enzymes or bacteria are prohibited for use as grease management control; provided, however, that additives may be used to clean the food service establishment 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. The town manager shall not approve the use of any additives unless he is satisfied that such use will have no adverse effects upon the public sewer system.

(d) Waste disposal. Waste material from grease control devices shall be disposed of as follows:

1. Waste removal from a grease trap shall be disposed of in the solid waste disposal system or by a grease hauler certified by the Town of Leesburg.
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 town's wastewater collection system.
3. Yellow grease shall be disposed of in a renderable FOG container in which contents will not be discharged to the environment. Yellow grease

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shall not be poured or discharged into the town's wastewater collection system.

- (e) Inspection, modification and repair. The town manager shall have the authority to make such inspections as are authorized by law during reasonable hours for the purpose of inspecting, observing, taking measurement, sampling, testing or reviewing the records of the wastewater collection system and grease control devices installed in a food service establishment to ensure that such food service establishment is in compliance with this division. Operational changes, maintenance and repairs required by the town manager shall be implemented as noted in the written notice issued to the food service establishment by the town manager. The owner or occupant of such food service establishment, or his/her designee, shall be entitled to accompany the town manager during such inspection. The town manager may require existing food service establishments to modify or repair any noncompliant grease control device and appurtenances within thirty (30) days of written notification by the director. The town manager may grant extensions for good cause shown.
- (f) Recordkeeping. Food service establishments shall maintain records meeting the following requirements:
1. Food service establishments shall retain and make available for inspection and copying records of all cleaning and maintenance for the previous three (3) years for all grease control devices. Cleaning and maintenance records shall include, at a minimum, the dates of cleaning/maintenance, the names and business addresses of the company or person performing each cleaning/maintenance and the volume of waste, including the percentage of grease and settled solids, removed in each cleaning. Such records shall be kept on site and shall be made available to the town manager upon request.
 2. Food service establishments 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 available to the town manager upon request.
 3. Food service establishments shall retain and make available for inspection and copying records of weekly inspections and cleaning pursuant to (c)(3) of this section for the previous three (3) years.

Sec. 34-167. - Discharge limits.

No person shall discharge or cause to be discharged from any food service establishment any wastewater with FOG or other substances harmful or hazardous to the public sewer system, the regional sanitary sewer system, or sewage treatment plant or processes.

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Sec. 34-168. - Civil penalties; scheduled violations.

- (a) **Except for the violations specified in the Schedule of Violations, below, and without otherwise limiting the remedies which may be obtained under this division, the town manager may issue an order assessing a civil penalty or other monetary assessment in accordance with the following provisions:**
- 1. No order assessing a civil penalty for a violation shall be issued until after the alleged violator has been provided an opportunity for a hearing before the town manager, except with the consent of the alleged violator. The notice of hearing shall be served personally or by registered or certified mail, return receipt requested, on the alleged violator or his authorized representative at least thirty (30) days prior to the hearing. The notice shall specify the time and place for the hearing, facts and legal requirements related to the alleged violation, and the amount of any proposed civil penalty. At the hearing, the alleged violator may present evidence, including witnesses regarding the occurrence of the alleged violation and the amount of the penalty, and may examine any witnesses for the town. A verbatim record of the hearing shall be made. Within thirty (30) days after the conclusion of the hearing, the director shall make findings of fact and conclusions of law and issue the order.**
 - 2. No order issued by the town shall assess civil penalties in excess of thirty-two thousand five hundred dollars (\$32,500.00) per violation, not to exceed one hundred thousand dollars (\$100,000.00) per order, or such other amount as may be allowed under Code of Virginia § 62.1-44.15 or any successor statute, except with the consent of the violator.**
 - 3. The actual amount of any civil penalty assessed shall be based upon the severity of the violation, the extent of any potential or actual environmental harm or facility damage, the compliance history of the violator, any economic benefit realized from the noncompliance, and the ability of the violator to pay the penalty. In addition to civil penalties, the order may include a monetary assessment for actual damages to sewers, treatment works, and appurtenances and for costs, attorney fees and other expenses resulting from the violation.**
 - 4. Any civil penalty or other monetary assessment included in any such order shall be payable as set forth in the order. Any unpaid balance at the time payment of the civil penalty or other monetary assessment is due may be collected in an action at law against the violator or included in the violator's bill for sewer services and collected in accordance with § 34-161 of the Town Code.**
 - 5. Any order issued by the town manager, regardless of whether such order assesses a civil penalty, shall inform the alleged violator of his right to judicial review of any final order by appeal to the circuit court on the record of proceedings before the director. To commence an appeal, the alleged violator shall file a petition in circuit court within thirty (30) days of the date of the final order, and failure to do so shall constitute a waiver**

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of the right to appeal. With respect to matters of law, the burden shall be on the party seeking review to designate and demonstrate an error of law subject to review by the court. With respect to issues of fact, the duty of the court shall be limited to ascertaining whether there was substantial evidence in the record to reasonably support such findings.

(b) Any violation listed in the following schedule, shall subject the violator to a civil penalty of not more than one hundred dollars (\$100.00) for the initial summons, not more than one hundred fifty dollars (\$150.00) for each additional summons, and not more than a total amount of three thousand dollars (\$3,000.00) for a series of specified violations arising from the same operative set of facts, as follows:

1. The town may issue a civil summons ticket for a scheduled violation. Any persons summoned or issued a ticket for a scheduled violation may make an appearance in person or in writing by mail to the town's director of finance and administrative services prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability and pay the civil penalty established for the violation.
2. If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided for by law. In any such trial, the town shall have the burden of proving by a preponderance of the evidence the liability of the alleged violator.
3. An admission of liability or finding of liability under this section shall not be deemed an admission at a criminal proceeding, and no civil action authorized by this section shall proceed while a criminal action is pending.
4. Any civil penalties imposed pursuant to this subsection shall be applied to the purpose of abating, preventing or mitigating environmental pollution.

Schedule of Violations

<u>1. Failure to maintain cleaning and maintenance records.</u>
<u>2. Failure to maintain yellow grease disposal records.</u>
<u>3. Failure to maintain certified employee with completed grease control device training.</u>
<u>4. Failure to register grease control device(s)</u>
<u>5. Failure to use certified grease hauler for grease control device rated over 50 gallons per minute.</u>
<u>6. Failure to properly maintain grease control device</u>
<u>7. Failure to allow inspection of grease control device</u>

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<u>8. Unauthorized use of additives including, but not limited to, products that contain solvents, emulsifiers, surfactants, caustics, acids, enzymes or bacteria</u>
<u>9. Failure to have grease control device(s) meeting all applicable requirements of the Virginia Uniform Statewide Building Code</u>
<u>10. Failure to make required modification or repair to a grease control device</u>

Sec. 34-169. - Other violations and penalties.

- (a) Any intentional or willful act or omission to act in violation of any of the provisions of this division shall be punishable by a fine in the amount not to exceed one thousand dollars (\$1,000.00) per violation. Each day that a continuing violation exists shall constitute a separate offense, and any fines imposed under this division shall be applied to the purpose of abating, preventing or mitigating environmental pollution.**
- (b) Any person who, intentionally or otherwise, commits any of the acts prohibited by this division or who fails to perform any of the acts required by this division shall be liable to the town in an action at law for all costs of containment, cleanup, abatement, removal and disposal of any substance unlawfully discharged into the wastewater collection system, as well as the costs of any damages or regulatory fines imposed upon the town that are proximately caused by such violations. Such costs shall be collectible by the town in accordance with the provisions of § 15.2-2119 of the Code of Virginia.**
- (c) In addition to any other remedy for the violation of this article, the town may bring legal action to enjoin the continuing violation of this division, and the existence of any other remedy, at law or in equity, shall be no defense to any such action.**
- (d) The remedies set forth in this section are cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one or more of the remedies set forth herein has been sought or granted.**

SECTION IV. That Section 34 of Appendix B--Fee Schedule be and the same is hereby incorporated and shall be amended to read as follows:

Sec. 34-22. - Damage or obstruction of water system property; cross connections; unauthorized connections.

- (a) The cost for any repair or replacement shall be \$50.00 plus the direct cost of labor, materials, equipment and administrative overhead calculated at 15 percent of such direct costs.**
- (b) In addition to subsection (a) above for cross connections and unauthorized connections, a fee of \$250.00 shall be due for the second violation, \$500.00 for the third violation and \$2,500.00 for each subsequent violation.**

Sec. 34-29. - Water service availability charge:

- (1) Multifamily dwelling, townhouse or mobile home, per unit: \$3,744.00.**

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- (2) Single-family detached dwelling, or two-family attached (duplex), per unit: \$4,683.00.
- (3) Water service availability fees for residential uses shall be reduced to \$1,750.00 per unit where the lot was created and a single-family detached dwelling was existing thereon prior to the 1984 annexation and failure of the well is imminent, as determined by the town manager in consultation with the Virginia Department of Health.
- (4) Water service availability fees for nonresidential uses shall be \$4,683.00 or more, depending on the estimated water flow to the user as compared to the water flow to the average single-family dwelling. Fees shall be \$4,683.00 or \$13.33 per gallon per day of the estimated water flow to the user, ~~whichever is greater.~~
- (5) If an additional user or change of use is proposed, fees shall be \$13.33 per gallon per day of the estimated water flow. Current water usage and paid availability fees shall be evaluated.**

Sec. 34-39. - Cross connections and backflow prevention control program.

- (3) Not more than one hundred dollars (\$100.00) for the initial summons, not more than one hundred fifty dollars (\$150.00) for each additional summons, and not more than a total amount of three thousand dollars (\$3,000.00) for a series of specified violations arising from the same operative set of facts.**

Sec. 34-62. - Water drawn at existing designated public fire hydrant with a town issued hydrant meter.

- (6) Processing fee per billing: \$15.00**
- (7) A temporary hydrant use bag: \$100.00**

Sec. 34-69. - (1) **Delinquent Account Processing Fee** Disconnection and resumption of water service for nonpayment of charges: \$30.00

- (2) Utilities Collection Fee: \$30.00**

Sec. 34-71.- Miscellaneous fees and charges:

- (14) ~~Water flushing~~ **Construction water for flushing and testing**: \$50.00 service charge in addition to outside town nonresidential rate per 1,000 gallons of all water drawn.
- (20) Processing fee per billing: \$15.00.**
- (21) General utility billing late payment penalty and second billing to delinquent accounts; discontinuance of service to delinquent accounts. General billing invoices are due and payable within 20 days from the date of billing. Any billing that remains unpaid after 30 days is subject to a ten percent late payment plus an allowance for interest as determined by state code which amounts will be added to the total amount due and payable. A notice shall be mailed in the form of a second billing, which will include the late payment penalty and interest at the end of the 30 days from the date of billing, and all services will be discontinued if not paid in full within ten days from the date of such notice.**

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- (22) Customer-Requested Utility Service Location: \$30.00.**
- (23) Customer-Requested Sanitary Sewer Property Line Cleanout: Direct cost of labor, equipment, materials, and administrative overhead of 15 percent of such direct costs.**
- (24) Construction purity sampling: \$45.00 per sample.**

Sec. 34-126. - Sewer Connection Fee:

- (4) The fee for a closed circuit television (CCTV) inspection of new sanitary sewer mains: \$1.25 per linear foot (\$500 minimum per project).**

Sec. 34-127. - Sewer service availability charge:

- (1) Residential uses shall be as follows:
 - a. Multifamily dwelling, townhouse or mobile home, per unit: \$5,852.00.
 - b. Single-family detached dwelling, or two-family attached (duplex), per unit: \$7,292.00.
 - c. Sewer service availability fees for residential uses shall be reduced to \$1,750.00 per unit where the lot was created and a single-family detached dwelling was existing thereon prior to the 1984 annexation and failure of the septic system is imminent, as determined by the town manager in consultation with the Virginia Department of Health.
- (2) Nonresidential uses: \$7,292.00 or more, depending on the estimated sewage flow and required treatment characteristics from the user as compared to the sewage flow and required treatment characteristics from the average single-family dwelling. Fees shall be calculated as follows:
 - a. *All nonindustrial uses:* \$7,292.00 or \$20.20 per gallon per day of the estimated sewage flow from the user, ~~whichever is greater.~~
 - b. *All industrial uses:* ~~The greater of~~ \$7,292.00 or \$20.20 per gallon per day of the estimated sewage flow from the user, plus an additional charge in proportion to the excess biochemical oxygen demand, suspended solids or other pollutant discharge of the user above the average pollutant discharge of residential users of the system.
- (3) If an additional user or change of use is proposed, fees shall be \$20.20 per gallon per day of the estimated sewer flow. Current sewer usage and paid availability fees shall be evaluated.**

Sec. 34-136. - Sewer use regulations:

- (1) As required by the General Pretreatment Regulations (40 C.F.R. § 403), the town will conduct annual pretreatment inspections of non-single family residential plumbing systems connected to the town's sanitary sewer system. The charge for each inspection per connection, premises or account shall be:**

<u>5/8" Meter</u>	<u>\$25.00</u>
<u>3/4" Meter</u>	<u>\$32.50</u>
<u>1" Meter</u>	<u>\$47.50</u>
<u>1 1/2" Meter</u>	<u>\$75.00</u>

AN ORDINANCE: AMENDING CHAPTER 34 (UTILITIES), ARTICLE II (WATER SYSTEM) AND III (SEWERS AND SEWER DISPOSAL) AND APPENDIX B--FEE SCHEDULE.

<u>2" Meter</u>	<u>\$120.00</u>
<u>3" Meter</u>	<u>\$225.00</u>
<u>4" Meter</u>	<u>\$375.00</u>
<u>6" Meter</u>	<u>\$750.00</u>

- (2) When a user is deemed by the Department of Environmental Quality to be a Significant Industrial User, any required testing will be charged to the user's account.
- (3) In the event a Significant Industrial User requires pretreatment, all required permits, equipment and infrastructure shall be borne by user.

Sec. 34-168. – Fats, Oils and Grease (FOG) Program; civil penalties; scheduled violations: Any violation listed in the following FOG schedule shall subject the violator to a civil penalty of not more than one hundred dollars (\$100.00) for the initial summons, not more than one hundred fifty dollars (\$150.00) for each additional summons, and not more than a total amount of three thousand dollars (\$3,000.00) for a series of specified violations arising from the same operative set of facts.

Schedule of Violations

<u>1. Failure to maintain cleaning and maintenance records.</u>
<u>2. Failure to maintain yellow grease disposal records.</u>
<u>3. Failure to maintain certified employee with completed grease control device training.</u>
<u>4. Failure to register grease control device(s)</u>
<u>5. Failure to use certified grease hauler for grease control device rated over 50 gallons per minute.</u>
<u>6. Failure to properly maintain grease control device</u>
<u>7. Failure to allow inspection of grease control device</u>
<u>8. Unauthorized use of additives including, but not limited to, products that contain solvents, emulsifiers, surfactants, caustics, acids, enzymes or bacteria</u>
<u>9. Failure to have grease control device(s) meeting all applicable requirements of the Virginia Uniform Statewide Building Code</u>
<u>10. Failure to make required modification or repair to a grease control device</u>

SECTION V. This Ordinance shall become effective on the date approved.

AN ORDINANCE: AMENDING CHAPTER 34 (UTILITIES), ARTICLE II (WATER SYSTEM) AND III (SEWERS AND SEWER DISPOSAL) AND APPENDIX B--FEE SCHEDULE.

SECTION VI. If any provision of this ordinance is declared invalid, the decision shall not affect the validity of the ordinance as a whole or any remaining provisions of the ordinance.

PASSED this 29th day of March, 2016.



David S. Butler, Mayor
Town of Leesburg

ATTEST



Clerk of Council