

## Chapter 83.1

### SANITARY SEWERS

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ARTICLE I  
General Provisions

§ 83.1-1 Definitions (Amended 01-09-14)

The following words and phrases shall have the following meanings unless the context specifically indicates otherwise:

**AUTOMOTIVE SERVICE ESTABLISHMENT** - Any facility where automobiles, trucks or equipment are serviced or maintained, including but not limited to: car washes, service centers, vehicle repair establishments, detailing centers, and any other similar facility that the Town Administrator determines to need a grease, oil or grit interceptor by virtue of its operation. Establishments that solely sell automotive parts are excluded. (Added 01-09- 14)

**BOD** (denoting "biochemical oxygen demand")- The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Celsius (20° C.), expressed in milligrams per liter.

**BUILDING DRAIN** - That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the sewer, beginning five (5) feet outside the inner face of the building wall.

**CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARD** - Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with §§ 307(a) & 307(c) of the Clean Water Act, which apply to specific categories of industrial users which appear in 40 CFR Chapter I, Subchapter N, Parts 405 - 471. (Added 7—01; Amended 01-09-14.)

**CFR** – The U.S. Code of Federal Regulations (Added 01-09-14).

**COUNCIL** - The duly elected governing body of the Town.

**CUSTOMER** - An individual, person, firm, company, association, society, corporation, group or any other entity who has established an account with the Town of Middleburg for the purpose of receiving sewer services. (Added 01-09-14)

**FOOD GRINDER** - Any device installed for the purpose of disposing of food waste into the sanitary sewer system. (Added 01-09-14)

**FOOD SERVICE ESTABLISHMENTS** - Any facility discharging kitchen or food preparation wastewater including, but not limited to the following: restaurants, bed and breakfast facilities, inns, hotels, schools, delicatessens, butchers, bakeries, grocery stores and any other facility that the Town Administrator determines to need a grease, oil or grit interceptor by virtue of its operation. (Added 01-09-14)

**GARBAGE** - Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sales of produce.

**GREASE** - All fats, oils (animal or vegetable), greases, starch, wax, cellulose or other lipids whether emulsified or not, whether natural or synthetic in the sanitary sewer system. These are substances that may solidify or become viscous at temperatures between thirty-two (32) degrees Fahrenheit and one hundred fifty degrees (150) Fahrenheit. Grease may originate from, but not be limited to, discharges from scullery sinks, pot and pan sinks, dishwashing machines, soup kettles and floor drains located in areas where grease containing materials may exist. (Added 01-09-14)

**GREASE INTERCEPTOR** - A structure or device designed for the purpose of removing and preventing fats, oils, and grease from entering the sanitary sewer collection system by separating and retaining waterborne greases and grease complexes. The terms grease interceptor and grease trap can be used interchangeably. Grease traps are most often referred to as the small, in-floor or under-the-sink prefabricated steel units. Grease interceptors are the larger devices located outdoors that offer much longer hydraulic

retention times and can store much more trapped and retained grease and oil. Both small and large devices are marketed as grease interceptors. (Added 01-09-14)

**GRIT INTERCEPTOR** - A device used for separating and retaining waterborne sand or grit prior to the wastewater entering the Town's sanitary sewer system. (Added 01-09-14)

**INDUSTRIAL WASTES** - The liquid wastes from industrial manufacturing processes, trade or business, as distinct from sanitary wastewater. (Amended 01-09-14)

**INTERFERENCE** - An inhibition or disruption of the treatment works, its treatment processes or operations, or its sludge processes, which clearly causes, in whole or in part, a violation of any requirement of the treatment works' Virginia Pollutant Discharge Elimination System (VPDES) permit, including those discharges that prevent the use or disposal of sludge by the treatment works in accordance with any federal or state laws, regulations, permits or sludge management plans. (Added 7—01; Amended 01-09-14.)

**NATURAL OUTLET** - Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

**NEW SOURCE** - Any building, structure, facility or installation from which there is or may be discharge of pollutants, the construction of which commenced after the promulgation of the pretreatment standards identified in Section 307(c) of the CFR as amended which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that (1) the building, structure, facility or installation is constructed at a site at which no other source is located or (2) the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source or (3) the production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. (Added 7—01; Amended 01-09-14.)

**OIL** - Any one of numerous mineral, vegetable and synthetic substances and animal and vegetable fats that are generally slippery, combustible, viscous, liquid or liquefiable at room temperatures, soluble in various organic solvents such as ether but not in water and is capable of being carried in or on water into the sanitary sewer system. When referred to with regard to automobile service establishments, this shall generally mean any petroleum product. When referred to with regard to food service establishments, this shall generally mean any animal or vegetable oil product. (Added 01-09-14)

**OIL INTERCEPTOR** - A device used for separating and retaining waterborne oils and oil complexes prior to the wastewater entering the Town's sanitary sewer system. (Added 01-09-14)

**OWNER** - An individual, person, firm, company, association, society, corporation, group or other entity upon whose property the building or structure is located. (Added 01-09-14)

**PASS-THROUGH** - The discharge of pollutants through a treatment works into State waters in quantities or concentrations which are a cause in whole or in part of a violation of any requirement of the treatment works' Virginia Pollutant Discharge Elimination System (VPDES) permit, including an increase in the magnitude or duration of a violation. (Added 7—01; Amended 01-09-14.)

**pH** - The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

**PLUMBING CODE** - The current edition of the International Plumbing Code (IPC) and the Uniform Plumbing Code (UPC) as adopted by Loudoun County. (Added 01-09-14)

**PLUMBING FIXTURE** - Any fixture that receives or discharges water.

**PROPERLY SHREDDED GARBAGE** - The wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.

**PUBLIC SEWER** - A sewer in which all owners of abutting properties have equal rights and which is controlled by a public authority.

**SAND** - Any form of soil, dirt, grit, or sand. (Added 01-09-14)

**SANITARY SEWER** - A sewer, which carries wastewater and to which storm-, surface and ground waters are not intentionally admitted. (Amended 01-09-14)

**SEWER** - A pipe or conduit for carrying wastewater. (Amended 01-09-14)

**SEWER LATERAL** - The private sewer connection to the public sanitary sewer or other approved place of disposal. (Added 01-09-14)

**SEWER MAIN** - A sewer pipe or conduit for carrying wastewater which is owned, controlled and maintained by a public entity or authority. (Added 01-09-14)

**SIGNIFICANT INDUSTRIAL USER** - shall be defined as follows:

- (a) Has a process wastewater\* flow of 25,000 gallons or more per average work day; (excluding sanitary, non-contact cooling and boiler blowdown wastewater)
- (b) Contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the treatment works;
- (c) Is subject to categorical pretreatment standards; or

(d) Has significant impact, either singularly or in combination with other significant dischargers, on the treatment works or the quality of its effluent. (Added 7—01.)

**SIGNIFICANTLY MODIFIED PLUMBING** - Any modification that requires a plumbing permit. (Added 01-09-14)

**SLUG** - Any discharge of water, wastewater or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentration of flows during normal operation. (Amended 01-09-14)

**STORM SEWER or STORM DRAIN** - A sewer which carries storm and surface waters and drainage, but excludes wastewater and polluted industrial wastes. (Amended 01-09-14)

**SUSPENDED SOLIDS** - Solids that either float on the surface of or are in suspension in water, wastewater or other liquids and which are removable by laboratory filtering. (Amended 01-09-14)

**TOWN** - The Town of Middleburg, Virginia. (Added 01-09-14)

**TOWN ADMINISTRATOR** - The Town Administrator for the Town of Middleburg, Virginia or his/her designee. (Added 01-09-14)

**TOWN ENGINEER** - A qualified engineer designated by the Town Council. (Amended 01-09-14)

**TOWN SANITARY SEWER ORDINANCE** – Refers to this Chapter of the Middleburg Town Code, as adopted and amended. (Added 01-09-14)

**TREATMENT WORKS** - All facilities for collecting, pumping, treating and disposing of wastewater. (Amended 01-09-14)

**UNDER-THE-COUNTER GREASE TRAP** - A grease interceptor designed to be installed underneath a sink. (Added 01-09-14)

**USER** - Any individual, person, firm, company, association, society, corporation, group or other entity that operates the business or organization residing in the building or structure located on the property that contributes, causes or permits the contributing or discharge of wastewater into sewers within the Town's system. (Added 01-09-14)

**WASTEWATER** - Water-carried wastes from residences, business buildings, institutions and industrial establishments. (Added 01-09-14)

**WASTEWATER TREATMENT PLANT** - Any arrangement of devices and structures used for treating wastewater. (Added 01-09-14)

WATERCOURSE - A channel in which a flow of water occurs, either continuously or intermittently.

**§ 83.1-2 Approved methods of wastewater disposal (Amended 01-09-14)**

It shall be unlawful for the owner of any house or other building where human beings congregate or are employed to use or lease such house or building for human occupancy, unless and until the premises shall have been provided with an approved method of disposal of human excrement and other polluting waste. For the purposes of this chapter, an approved method of disposal of human excrement or other polluting waste shall be by means of a flush toilet connected to an adequate water supply and flushing into:

- A. The Town sanitary sewer system; or
- B. A private septic tank, installed in accordance with the requirements of the County of Loudoun and the State Health Department when:
  - (1) No public sanitary sewer is provided in any street, public right-of-way or easement adjoining or traversing the premises.
  - (2) Compliance with Subsection A of this section would require a private sewer lateral greater than two hundred (200) feet in length from the property line.

**§ 83.1-3 Connection to public sewer required (Amended 01-09-14)**

The owner of each lot or parcel of land which abuts upon a street or other public way containing a sanitary sewer at any point where such lot or parcel of land abuts on such streets or other public way, which is a part of, or which is served or may be served by the sanitary sewer system operated by the Town, and upon which lot or parcel a building shall have been constructed for residential, commercial, industrial or recreational use, shall install, within such building, suitable sanitary water closets and make the necessary sewer connection to such sanitary sewer, provided that such connection will not require a sewer lateral over two hundred (200) feet in length from the property line.

**§ 83.1-4 Approval required to uncover, connect or open any public sewer (Amended 01-09-14)**

- A. No unauthorized person shall uncover, make any openings into, use, alter or disturb any public sanitary sewer or appurtenance thereof without first obtaining written permission from the Town Administrator.
- B. Approval for a 5/8 inch connection to a public sanitary sewer shall be granted by the Town Administrator, when capacity is available, upon the submission and approval of (1) a location permit application in accordance with the provisions of the Zoning Ordinance, (2) a sanitary sewer connection/extension application in

accordance with Town Code Section 83.1-6 and (3) a Business Utility form to calculate the specific number and size of the taps. Construction for all sanitary sewer taps allocated must be completed per the approved location permit within twelve (12) months of the date of allocation of the taps by the Town Administrator. Unused allocations that remain at the conclusion of the twelve (12) month period will be revoked by the Town and the applicant will be returned the availability and tapping fees within thirty (30) days of their expiration without interest. The Town Administrator may, upon consideration of a written request by the applicant and for good cause shown, extend the expiration date for a period not to exceed twelve (12) months. The request must be made in writing prior to the expiration date and must explain the need for the extension. Only one (1) extension shall be granted. The water and sanitary sewer taps must be installed within twenty-four (24) months of the date of their initial approval. Failure to install the taps within this period shall result in the unused allocations being revoked by the Town, with the availability and tapping fees being returned to the applicant within thirty (30) days of their expiration without interest. Sewer taps are allocated to a particular project as defined in the corresponding location permit. Such taps may not be sold, traded, exchanged or transferred in any other way.

- C. With the exception of 5/8 inch sewer connections as described in Section 83.1-4(B), approval to connect to the public sanitary sewer system or to increase the size of an existing connection shall be granted by the Town Council, when capacity is available, upon submission and approval of (1) a location permit application in accordance with the provisions of the Zoning Ordinance<sup>1</sup>, (2) a sanitary sewer connection/extension application in accordance with Town Code Section 83.1-6 and (3) a Business Utility Form to calculate the specific number and size of the taps. Construction for which all water and sanitary sewer taps are allocated must be completed per the approved location permit within twelve (12) months of the date of allocation of the taps by the Town. Unused allocations that remain at the conclusion of the twelve (12) month period, shall be revoked by the Town and the applicant shall be returned the availability and tapping fees within thirty (30) days of their expiration without interest. The Town Council may, upon consideration of a written request by the applicant, extend the expiration date for a period not to exceed twelve (12) months. The request must be made in writing prior to the expiration date and only one (1) extension shall be granted. The sanitary sewer taps must be installed within twenty-four months of the date of their initial approval. Failure to install the taps within this period shall result in the unused allocations being revoked by the Town, with the availability and tapping fees being returned to the applicant within thirty days of their expiration without interest. Sewer taps are allocated to a particular project as defined in the corresponding location permit. Such taps may not be sold, traded, exchanged or transferred in any other way. **[Amended 1-10-85; 01-09-14]**

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<sup>1</sup> Editor's Note: See Ch. 122, Zoning

- D. For purposes of this section, capacity is deemed available when the number of taps requested together with other taps committed but not yet connected will not cause estimated wastewater flows to the wastewater treatment plant to exceed 90% of permitted capacity as measured during the prior nine (9) months. [Amended 10-14-04; 01-09-14]

**§ 83.1-5 Sanitary Sewer Laterals (Amended 01-09-14)**

- A. It shall be unlawful for any person to construct and connect a sanitary sewer lateral to the Town's public sanitary sewer system without first obtaining written permission to do so from the Town Administrator per the procedure set forth in §83.1-4 and a corresponding building/plumbing permit from the County of Loudoun.
- B. All costs and expenses incidental to the installation and connection of the sewer lateral shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the sewer lateral.
- C. A separate and independent sanitary sewer lateral shall be provided for every building, except as provided herein.
- (1) In instances in which the property may be subdivided to allow each independent principal building to sit on its own parcel, multiple buildings on one lot may be connected to the same sewer lateral until such time as the property is subdivided. At the time of subdivision, each building shall be placed on its own separate and independent sewer connection and lateral upon the payment of the appropriate connection and availability fees as set forth in the schedule of water and wastewater charges established by the Council.
- (2) In instances of non-residential or accessory buildings on a single lot, regardless of whether the property can be subdivided, the buildings may be connected to the same lateral until such time as the property is subdivided. At the time of subdivision, each building shall be placed on its own separate and independent sewer connection and lateral upon the payment of the appropriate connection and availability fees as set forth in the schedule of water and wastewater charged established by the Council.

In the event the extensions described in this section necessitate a larger water meter than exists on the property, separate approval by the Council and payment of the corresponding water and sewer connection and availability fees shall be required.

- D. The size, slope, alignment and materials of construction of a sewer lateral and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall conform to the applicable requirements of the Codified Ordinances of Loudoun County, Virginia for sewer laterals and connections except that the designation of the location of the connection, the inspection of that portion of the sewer lateral within the Town right-of-way and the supervision of the connection to the public sewer shall be made by the Town Administrator. Construction standards notwithstanding, the sewer lateral shall be marked through the placement of tracer tape containing a hard wire, said tape to be installed a minimum of six-inches to a maximum of one foot above the sewer lateral, with the tracer tape to extend from the sewer clean-out to the building served by said lateral. Inspection of the sewer lateral installation on the premises shall be done by the County of Loudoun in accordance with the conditions of the applicable County permit.

**§ 83.1-6 Connection to and/or Extension of treatment works (Amended 01-09-14)**

- A. No connection to and/or extension of the Town treatment works (mains) shall be made for the purpose of serving users located within or without the corporate limits of the Town, except upon the approval of such extension by the Council or Town Administrator as provided in Town Code Section 83.1-4. Application for such approval shall be made to the Town on a form supplied by the Town and shall be accompanied by plans and specifications that meet the standards of the Town as identified in the specifications and regulations as adopted by the Town Council. Approval of an application for a main extension shall be conditioned as follows:
- (1) The Town treatment works shall be extended in accordance with plans and specifications approved by the Town Engineer and/or the Town's authorized representative and as contained in this chapter or the Supplemental Water & Sewer Regulations.
  - (2) The applicant shall secure such easements or fee simple title, free of defects, as are necessary for such extension, prior to construction and, upon completion, will convey any public portions of the completed system to the Town by easement or fee simple title, by recordation of the appropriate instrument, as approved by the Town Attorney, among the land records of Loudoun County, at no cost to the Town.

**§ 83.1-7 Maintenance responsibilities (Amended 01-09-14)**

The Town shall be responsible for the maintenance and repair of the Town wastewater collection system and treatment works. Maintenance of private service lines (laterals) shall be the responsibility of the owner of the premises served by such lines as specified in the Town's Supplemental Water & Sewer Regulations as adopted by the Town Council.

**§ 83.1-8 Excavations (Added 01-09-14)**

Excavations for installing sewer laterals or repairing the same shall be made in compliance with all applicable local and/or State regulations relating to making excavations in streets, provided that it shall be unlawful to place any sewer lateral in the same excavation with or directly under any water line or any other public utility, including but not limited to fiber optic lines, except as allowed by the standards as approved by the Town Council.

**§ 83.1-9 Right of entry (Amended 01-09-14)**

Duly authorized employees or representatives of the Town bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this chapter.

**§ 83.1-10 Violations and penalties (Amended 01-09-14)**

- A. Except as otherwise provided, any person or user that violates the provisions of this chapter or a user/discharge permit hereunder shall be subject to a penalty as allowed under Virginia Code Section 15.2-2122. Each day, or portion thereof, a violation continues shall constitute a separate violation.
- B. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or Wastewater Discharge Permit, or who falsifies any monitoring device or method required under this chapter, may be subject to criminal prosecution and penalties under Virginia law.
- C. In addition to any other penalties provided:
  - (1) Every user of the Town's treatment works shall be civilly liable in damages to the Town for any injuries to the Town's treatment works, for any injuries to third persons for which the Town is liable, caused by or resulting from a violation of any of the provisions of this chapter.
  - (2) Every user of the Town's treatment works shall be civilly liable in damages to the Town for any injuries to the Town's treatment works, or any injuries to third persons for which the Town is liable, caused by or resulting from such user discharging into the Town's treatment works wastewater or waste of a nature or in quantities prohibited by the statutes of the Commonwealth of Virginia, or prohibited by the State Health Department or any subdivision thereof, or prohibited by any other state agency.

- (3) Every user of the Town's treatment works shall be liable as hereinabove provided in Subsection C (1) and (2) herein if any such damage as therein provided is caused by such user, any member or guest of his household or by any of his agents, servants or employees.

**§ 83.1-11                      Legal Action (Amended 01-09-14)**

Without regard to any other penalty provided, if any person discharges wastewater, industrial wastes or other wastes into the Town treatment works contrary to the provisions of this chapter, applicable Federal or State Pretreatment Requirements, or any order of the Town or if any industrial user refuses access to the Town Administrator or his designee for purposes of inspection, the Town Attorney may commence an action for appropriate legal and/or equitable relief in the Circuit Court.

**§ 83.1-12                      Emergency Suspension of Service (Amended 01-09-14)**

- A. The Town Administrator may suspend the wastewater treatment service and/or a Wastewater Discharge Permit when such suspension is necessary, in the opinion of the Town Administrator, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of humans, to the environment, causes interference to the treatment works and/or wastewater treatment plant or causes the Town to violate any condition of its VPDES Permit.
- B. Any person notified of a suspension of the wastewater treatment service and/or the Wastewater Discharge Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Town Administrator shall take such steps as deemed necessary, including immediate severance of the sewer connection and/or the seeking of legal and equitable relief in the circuit court, to prevent or minimize damage to the wastewater treatment facilities or endangerment to any individuals.
- C. The Town Administrator shall reinstate the Wastewater Discharge Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge, reimbursement of all costs reasonably incurred by the Town in effecting the suspension and reinstatement of service, and payment of the reconnection charge imposed by Section 83.1-41. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Town Administrator within 15 days of the date of notification of the occurrence.

ARTICLE II  
**Sewer Use; Prohibited Discharges.**

**§ 83.1-13 Unlawful deposit of human excrement and wastewater (Amended 01-09-14)**

- A. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Town or in any area under the jurisdiction of the Town any human excrement or other polluting waste.
- B. Wastewater.
- (1) No person shall throw, empty, permit or cause to be thrown or emptied any wastewater from a bathtub, sink, commode or other fixture or any filthy water from any other source on private property upon any street, sidewalk or gutter, or place such waste or filthy water in any place from which it will flow into or upon a street, sidewalk or gutter. Each act of permitting or causing water to be placed upon or into a street, sidewalk or gutter or in a place from which it will flow into a street, sidewalk, gutter or other public place in violation of this section shall constitute a separate offense.
  - (2) It shall be unlawful for any person to cause or permit water from a bathtub, sink, commode or other fixture or any filthy water from any other source to be emptied upon his own property or property belonging to another person in such a manner as to allow such waste or filthy water to accumulate and become stagnant or afford or create a breeding place for mosquitoes or other insects or create an offensive odor.

**§ 83.1-14 Discharge of stormwater or other unpolluted waters**

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

**§ 83.1-15 Special Uses of Treatment Works (Amended 01-09-14)**

All discharges of storm water, surface water, groundwater, roof runoff, subsurface drainage, or other waters not intended to be treated in the treatment facility shall be made to storm sewers or natural outlets designed for such discharges. Any connection, drain, or arrangement which will permit any such waters to enter any other sewer shall be deemed to be a violation of this Chapter.

**§ 83.1-16 Hauled Wastewater (Amended 01-09-14)**

- A. Septic tank waste may be introduced into the treatment works only at locations designated by the Town Administrator, and at such times as are established by the Town Administrator. Such waste shall not violate the provisions of this Chapter

or any other requirements established by the Town. The Town Administrator may require septic tank waste haulers to obtain wastewater discharge permits pursuant to the requirements established by the Town Administrator.

**§ 83.1-17 Prohibited discharges (Amended 01-09-14)**

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- A. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- B. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the wastewater treatment plant, including but not limited to cyanides in excess of two (2) milligrams per liter as CN in the wastes as discharged to the public sewer.
- C. Any waters or wastes having a pH lower than five point five (5.5) or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the treatment works.
- D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the treatment works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, grease, oil, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

**§ 83.1-18 Accidental Discharges (Amended 01-09-14)**

- A. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Town Administrator for review, and shall be approved by the Town Administrator before construction of the facility. No user who commences contribution to the Town treatment works after the effective date of this ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Town Administrator. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this ordinance. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the Town treatment works personnel of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

- B. Within five (5) days following an accidental discharge; the user shall submit to the Town Administrator a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the treatment works, wastewater treatment plant, fish kills, or any other damage to person(s) or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this Article or other applicable law.
- C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

ARTICLE III  
**Pretreatment of Industrial Wastewater**

**§ 83.1-19 Categorical Pretreatment Standards (Amended 01-09-14)**

- A. No person shall discharge or cause to be discharged to any treatment works wastewaters containing substances subject to an applicable Categorical Pretreatment Standard promulgated by EPA in excess of the quantity prescribed in such applicable pretreatment standards except as otherwise provided in this section or the Town's Water & Sewer Supplemental Regulations as adopted by the Town Council. In the event that discharge of such substances is allowed, all discharge shall be in accordance with the requirements and regulations as established in the Town's Water & Sewer Supplemental Regulations as adopted by the Town Council.
- B. No person shall discharge trucked hazardous wastes to the Town's treatment works.

ARTICLE IV  
**GREASE, OIL AND GRIT INTERCEPTORS**  
**(Added in its entirety 01-09-14)**

**§ 83.1-20 Purpose**

It is the duty of the Town of Middleburg to prevent the introduction of excessive grease, oil, grit and other substances harmful or hazardous to the wastewater system and wastewater treatment plant. This Article is designed to implement and ensure compliance with applicable local, state or federal rules and regulations.

Accumulations of grease, oil, sand, rags, string, and other harmful substances and material within the sewer lines increase the potential to cause sewer blockages that in turn can cause overflows that degrade the quality of local surface waters and can cause sewer back-up into businesses or homes, which may cause extensive damage.

**§83.1-21 Applicability**

Any user of the Town wastewater system including businesses, institutions, or establishments engaged in food preparation and service, where fats, oil and grease may be discharged into a public sewer shall install, operate, maintain, and repair a grease interceptor, waste oil collection device or other applicable pretreatment unit solely at the user's expense. Any user where automobiles, trucks or equipment are serviced or maintained, including but not limited to: car washes, service centers, repair shops, detailing centers, garages and any other facility where grease, oil, or grit may be discharged into the public sewer shall install, operate, maintain, and repair a grease/grit interceptor or other pretreatment unit solely at the user's expense.

Newly constructed businesses where grease, oil, sand, rags, string, and other harmful substances and material may be discharged into the Town wastewater system, shall install, operate, maintain and repair a grease/grit interceptor, waste oil collection device or other applicable pretreatment unit solely at the user's expense when necessary for the proper handling of wastes prior to the issuance of an occupancy permit.

Food and automobile facilities existing prior to the date of this Article shall be permitted to operate and maintain an existing grease/oil/grit interceptor provided such units are in good operating conditions, as determined by the Town Administrator. The Town Administrator will require an existing facility to install a new grease/oil/grit interceptor that complies with the requirements of the State of Virginia Plumbing Code, as amended, or to modify or repair any noncompliant plumbing or existing grease/oil/grit interceptor when any of the following conditions exist, at the determination of the Town Administrator:

1. The facility is found to be contributing grease/oil/grit in quantities sufficient to cause line stoppages or necessitate increased maintenance on the wastewater collection system.
2. The facility does not have a grease/oil/grit interceptor.
3. The facility has an irreparable or defective grease/oil/grit interceptor.
4. Remodeling of the food preparation or kitchen waste plumbing system is performed which requires a plumbing permit to be issued.
5. Remodeling of the automotive establishment plumbing system is performed which requires a plumbing permit to be issued.
6. The facility is sold or undergoes a change of ownership.
7. The facility has a change of use from one business to another business.
8. The facility does not have plumbing connections to a grease/oil/grit interceptor in compliance with the requirements of this Article. Existing food and automotive service businesses must comply with this Article within six (6) months after the effective date of this Article. Upon written application to the Town Council, this period may be extended up to three (3) additional months, if, in the opinion of the Town Council, it can be demonstrated that unique hardship conditions exist in implementing the program.

**§83.1-22 Waivers**

The Town Administrator reserves the right to waive portions of this Article, including the Design, Sizing, Construction and Installation Requirements as identified in the Water & Sewer Supplemental Regulations, at his/her discretion. If a properly sized grease interceptor cannot be accommodated within the property of the existing establishments, a waiver may be requested from the Town Administrator. For existing establishments, the establishment shall demonstrate to the satisfaction of the Town Administrator that the installation of a grease interceptor would be unfeasible and/or would cause an undue hardship in the utilization of the building as a food service establishment. The establishment seeking the waiver shall submit a written request to the Town Administrator detailing the reasons and issues supporting the waiver request. The establishment will still be required to comply with all other provisions of this Article. A waiver shall not relieve the establishment of the requirement to use waste oil barrels to dispose of waste cooking grease. For any establishment granted a waiver that fails to comply with provisions of this Article, the Town reserves the right to require the establishment to install a grease interceptor or pay fees for noncompliance, as well as terminate service.

**§83.1-23 Exceptions**

Exceptions to the requirement to install a grease interceptor shall be allowed under the following conditions:

1. Establishments that use disposable service ware and have less than twenty-five (25) seats will not be required to install a grease interceptor. This exception does not apply to commercial kitchens. The establishment shall write a letter to the Town Administrator stating fixtures, seat counts and certifying usage of disposable service ware and stating they shall comply with all provisions of this Article.
2. A single-family residence shall not be required to install a grease interceptor unless such residence has been converted for commercial food preparation use.
3. Single service kitchens with no food preparation (heat and serve only), and which use only disposable service ware will not be required to install a grease interceptor. The establishment will be required to submit a letter to the Town Administrator stating the number of fixtures, seat count, and certify usage of disposable service ware and shall comply with all of the other provisions of this Article.

**§83.1-24 Design, Sizing, Construction and Installation of Pretreatment Devices**

All pre-treatment devices shall meet the Town design, sizing, construction and installation requirements as identified in the Town's Water & Sewer Supplemental Regulations as adopted by the Town Council.

**§83.1-25 User Responsibilities**

1. It is the responsibility of the user to insure compliance with the Town's discharge limitations as specified in this Ordinance.
2. Hazardous wastes, such as acids, strong cleaners, pesticides, herbicides, paint solvents, or gasoline must not be disposed of in such a manner as to pass through the grease/grit interceptor.
3. Commercial dishwashers that use detergents and elevated water temperatures that will melt grease must be designed to prevent grease from passing through the grease interceptor and into the collection system.
4. Enzymes, solvents, and emulsifiers that can change the form of grease, allowing it to be carried out of the interceptor and deposited in the treatment works are not permitted to be discharged through a grease interceptor. Biological treatment systems must be pre-approved by the Town Administrator.
5. Where fats, oil and grease are by-products of food preparation and/or cleanup, reasonable efforts shall be made to separate waste fats, oil and grease into a separate container for proper disposal. Such waste must be disposed of in containers provided by grease rendering companies for recycling or disposal by a water hauler. Collection containers must be present on the property at all times. Access to such containers should be limited to employees and haulers only. Containers should be labeled to include the facility's name and hauler information.

**§83.1-26 Maintenance of Pretreatment Devices**

The user is responsible for maintaining grease interceptors in a continuous satisfactory and effective operation as prescribed in the Plumbing Code, including inspecting the interceptor, making repairs, and adding additional apparatus if necessary. The user must have the grease/grit interceptor serviced, which shall include pumping, cleaning and inspection, by a waste hauler at a minimum of every ninety (90) days. More frequent service may be required depending on the volume of discharged waste. In addition, grease traps must be serviced by a food establishment's staff on a weekly basis at a minimum. Maintenance shall include the complete removal of all contents, including floatable materials, wastewater, sludge, and solids. Separation, decanting or back flushing of the interceptor or its wastes is prohibited. Maintenance of interceptors with grease or solids accumulation shall not exceed twenty-five percent (25%) of the total operating hydraulic depth of the interceptor. No interceptor waste shall be discharged directly into the treatment works.

### **§83.1-27 Inspections**

The Town may conduct mandatory inspections at a minimum of once a year and at other times as the Town deems necessary, at its sole discretion. All establishments shall be open and available to inspections at all times during normal business hours. If grease or grit is responsible for a sewer blockage, inspections of all upstream food service and automotive service establishments will be conducted. Access to all interceptors shall be maintained in a manner that is free and open to inspection at all times.

### **§83.1-28 Maintenance Records for Pretreatment Devices**

The user of the grease/grit interceptor shall be required to maintain cleaning and maintenance records. Cleaning records shall include at a minimum the date and time the cleaning is performed, the volume removed and the initials of the individual who performed the cleaning. Maintenance records shall include the type of maintenance performed, the date and time performed, and the initials of the individual who performed the maintenance. Invoices for contracted services shall be maintained and kept with the maintenance records. All cleaning and maintenance records shall be maintained a minimum of five (5) years.

### **§83.1-29 Prohibitions and Violations**

No user shall contribute or cause to be contributed into the sanitary sewer system the following:

1. Hot water running continuously through a grease interceptor.
2. Discharge of concentrated alkaline or acidic solutions.
3. Discharge of concentrated detergents, emulsifiers, de-emulsifiers, surface active agents, enzymes, degreasers, solvents or any type of product that will liquefy grease interceptor wastes.
4. Discharge of any substance that may cause excessive foaming in the sanitary sewer system.
5. Discharge of pure waste fats, oils and grease directly into an interceptor from a pan, vat, pot, or any similar device.
6. Discharge of any substance capable of passing the solid or semi-solid contents of the grease interceptor to the treatment works.
7. Discharge of any hazardous wastes including concentrated cleaners, pesticides, herbicides, paints, solvents, gasoline or other petroleum products.

It shall be a violation of this program for any person to:

1. Modify an interceptor without consent from the Town Administrator.
2. Falsify maintenance or design records.
3. Not provide maintenance or design records.
4. Discharge toilets, urinals, and other similar fixtures through a grease interceptor.

### §83.1-30 Violations and Enforcement

Whenever the Town finds that any user has violated this Article, the Town may serve upon the user a written notice stating the nature of the violation. Within thirty (30) days of said notice, a plan for the satisfactory correction of the violation shall be submitted to the Town. All costs incurred by the Town for cleaning sewers downstream of a device failing to meet the Town's Sewer Ordinance shall be billed to the account of the customer causing the obstruction.

In addition, fines shall be imposed as identified below:

<b>VIOLATIONS</b>	<b><i>1st Offense</i></b>	<b><i>2nd Offense (Within a 12 month period)</i></b>	<b><i>3rd Offense (Within a two- Year period)</i></b>	<b><i>Fourth &amp; Subsequent Offense (Not to Exceed from same operative set of facts)</i></b>
-Failure to Maintain On-Site Records; -Inspection Hindrance (equipment related); -Failure to Properly Clean Interceptor (excess of 25% full)	Warning Letter	\$100	\$150	\$3,000
-Interceptors in Excess of 75% Full; - Failure to Maintain Interceptor Other than Cleaning - Falsification of Maintenance or Cleaning Records and Noncompliance with Policy and Program (Criminal misdemeanor charges may also be filed)	Warning Letter	\$100	\$150	\$3,000 + termination of service
Source of Sewer Blockage	Warning Letter & Clean up Costs	\$100 + Clean up Costs	\$150 + Clean up Costs	\$3,000 + Clean Up Costs + Termination of Service
Refusal for Inspection	Termination of Service			

Article V  
**Availability, Connection and User Charges**  
**(Amended 01-09-14)**

**§ 83.1-31 Sewer connection (tapping) fee. [Amended 6-18-1989; 3-8-1990;6-14-1990; 10-14-04; 01-09-14]**

No connection with the Town public sanitary sewer system shall be made except on the payment of a connection fee set forth in the schedule of water and wastewater charges established by the Town Council [Amended 10-14-04; 11-11-04; 5-22-08].

**§ 83.1-32 Sewer availability fee (Amended 01-09-14)**

- A. In addition to the sewer connection fee, there shall be an availability fee. This fee shall apply to every sewer connection application and shall be a fixed charge based on the size of the connection as set forth in the schedule of water and wastewater charges established by the Town Council. Such fee shall be payable prior to the issuance of a location permit. [Amended 11-11-04; 7-13-06; 05-22-08]
- B. The Town Administrator shall make an inspection following completion of the building or renovation to ensure that the number of plumbing fixtures conforms to the approved number on the location permit. This inspection shall be completed prior to the issuance of an occupancy permit. [Amended 11-11-04]
- C. In the event of the construction, expansion or conversion of an existing building to another use that results in increased sewer usage and/or the need to increase the water connection size, the property owner shall be assessed an additional availability charge equal to the difference between the charge for the new or expanded building or use and the charge for the original building or use on the schedule of water and wastewater charges established by the Town Council at the time of the proposed construction or conversion. This additional fee shall apply, but not be limited to the following conditions:
- (i) The remodeling or expansion of buildings already connected to the public sewer that will result in an increase in discharge; or
  - (ii) The replacement of one building already connected to the public sewer with another that will result in an increase in discharge; or
  - (iii) The conversion from one use to another that will result in an increase in discharge into the public sewer system; or
  - (iv) An increase in the water connection size.

In addition to the foregoing, new buildings constructed on property already connected to the public sewer system shall be assessed availability fees for new construction imposed by subsection A, and if separately connected to the public sewer system a connection fee as required by Section 83.1-31.

- D. Payments required by subsection C above shall be made in full prior to the issuance of a zoning permit.
- E. No refund of such payment pursuant to subsection C shall be made in the event of a subsequent change to a use requiring a lower availability charge. [Amended 7-13-06]
- F. The Town Administrator shall determine the type and amount of the availability charge for all premises based upon the size of the water connection as calculated and approved by the Town on the Business Utility Form. The abandonment, discontinuance or reduction of a connection to the public sewer system do not entitle any person to a refund of fees paid.

**§ 83.1-33 Review and adjustment of connection and availability fees (Amended 01-09-14)**

Sewer connection (tapping) fees and sewer availability fees shall be subject to periodic review and adjustment by the Town Council.

**§83.1-34 Acceptance of wastewater restricted (Added 01-09-14)**

No wastewater from a building or premise shall be accepted into the Town's treatment system by any person other than as authorized by the Town Council.

**§83.1- 35 Application; Fee for establishing sewer account [Added 01-09-14; Amended 09-24-20]**

- A. Applications to have wastewater accepted by the Town shall be made in writing to the Finance Director/Town Treasurer on forms provided by the Town, and shall contain an agreement by the applicant to abide by and accept all of the provisions of this Chapter as conditions governing the use of the Town wastewater system by the applicant.
- B. In accordance with Virginia Code § 15.2-2119.4, as may be amended, any application by a person other than the property owner of a dwelling or building unit, hereinafter referred to as a tenant, shall be accompanied by written or electronic authorization from the property owner for the tenant to obtain water and sewer services in the name of such tenant. Said authorization shall consist of a copy of the signed lease or a statement that includes the following: (1) the date; (2) full tenant name and address; (3) a statement indicating that “[insert tenant name] has entered into a lease for the property located at [insert address] and is authorized to obtain services at this address as a tenant of [insert property owner's name].” Said statement shall be addressed to the Town of Middleburg and signed by the property owner.

- C. In the event the property owner fails or refuses to submit the written or electronic authorization as required in paragraph (B) above, the Town shall require the property owner to contract for the sewer services and to pay the associated charges.
- D. In the event the property has a single water or sewer meter that serves multiple tenant units, the Town shall require the property owner to contract for the sewer service and to pay the associated charges.
- E. In the event a tenant removes an account on a property from his/her name, the Town shall require the property owner to contract for the sewer service and to pay the associated charges unless the property owner notifies the Town that it will cease discharging sewage into the Town's wastewater treatment system. The property owner may file a standing application with the Town to automatically place the sewer service account in said owner's name when a tenant removes it from tenant's name and pay a one-time administrative fee as identified in Section 113-3(A) below. In the event the property owner does not file such standing application and wishes to continue discharging sewage into the Town's wastewater system for treatment when the account is not in a tenant's name, he/she must file an application to contract for sewer service each time a tenant removes the account from tenant's name and pay the administrative fee as identified in Section 83.1-36(A) below.

**§ 83.1-36 Deposit; Administrative Fee [Added 01-09-14; Amended 09-24-20]**

- A. For the establishment of accounts effective July 1, 2012, each occupant of a dwelling or building that is connected to the Town's treatment works who is the owner of said dwelling or building unit, hereinafter referred to as the owner, shall be required to pay a non-refundable administrative fee of thirty-five dollars (\$35). If the new account holder has paid an administrative fee for water service, no administrative fee will be required for sewer service.
- B. For the establishment of accounts effective July 1, 2012, each occupant of a dwelling or building that is connected to the Town's wastewater treatment works who is a tenant shall be required to pay a nonrefundable administrative fee of thirty-five dollars (\$35). In addition, the tenant shall be required to pay a deposit, subject to the provisions herein, equal to the previous three months sewer billings. When the account is terminated, said deposit shall first be applied to any unpaid water and/or sewer bills, with any remaining deposit balance being refunded within thirty (30) days to the tenant without interest. If the new account holder has paid an administrative fee for water service, no administrative fee will be required for sewer service.

- C. In the event the tenant provides the Town with a landlord authorization letter and documentation showing said tenant receives need-based local, state or federal rental assistance, no deposit shall be required. The absence of a security deposit shall not prevent the Town from exercising its lien rights as allowed by State Code and set forth in Sections 83.1-42 and 83.1-43 herein.

**§ 83.1-37 User Charges [Retitled and Amended 09-24-20]**

- A. Annual review of the sewer service charges. The sewer service rate structure shall be subject to review and revision on an annual basis using actual operating and maintenance and debt service cost figures to determine the rates for the following year.
- B. Sewer service charge basic rate. All users of the wastewater works shall be required to pay sewer user service charges based upon the user's metered water consumption during the billing period. If the user is not connected to the Town's water system, the charges shall be based upon the readings of the user's sewer meter. Rates are set by ordinance enacted by the Town Council, pursuant to the provisions of Virginia Code Sections 15.2-2119, 2122 and 15.2-2143, as amended, and shall be as set out in the Town of Middleburg Water & Sewer Rate Schedule, except for the addition of the high-strength surcharge described in Section 83.1-39.

**§ 83.1-38. Reserved.** [Amended 7-1-94; 7-11-96; 6-12-97; 5-22-08; 1-28-10; 01-09-14; Rescinded 09-24-20]

**§ 83.1-39 High-strength surcharge**

- A. All users who discharge a waste which contains more than two hundred forty (240) parts per million of BOD or more than two hundred forty (240) parts per million of suspended solids shall pay a surcharge on the amount of BOD and suspended solids that exceed the above amounts.
- B. Surcharges for high strength shall be based on samples collected and analyzed by the Town. Samples shall be collected on a periodic basis but not less than once a year.
- C. High-strength wastes will only be accepted when it can be demonstrated that they will not damage the collection or treatment facilities and will not impair the treatment process.
- D. The surcharge for high-strength wastes shall be calculated on the basis of the amount of BOD and suspended solids discharged to the sewer in excess of the two hundred forty (240) parts per million of BOD and two hundred forty (240) parts per million of suspended solids expressed as pounds.

- E. The high-strength surcharge shall be:
- (1) BOD: twelve cents (\$0.12) per pound.
  - (2) Suspended solids: twelve cents (\$0.12) per pound.

**§ 83.1-40 Billing; Due Date; Delinquency Fines & Charges; Budget Billing  
[Amended 01-09-14; 09-24-20]**

- A. **Billing.** Sewer service charges shall be billed in accordance with the billing schedule as established by the Town Council.
- B. **Due Date.** All payments for sewer services shall be due by the fifteen (15<sup>th</sup>) day of the month following the date of billing. If the 15<sup>th</sup> day of the month falls on a weekend, holiday or other day when the Town's business office is closed, the due date shall be the next regular day of business.
- C. **Delinquency Fines & Charges.** Accounts for which full payment is not received by the close of business on the due date are delinquent. Upon being delinquent, a late penalty of ten percent (10%) of the delinquent bill shall be charged to the delinquent account. This late penalty may be waived by the Finance Director/Town Treasurer on a one-time annual calendar year basis for those customers who have paid their bills in full by their due date for the preceding twelve (12) month period, provided the account is paid in full within ten (10) days' notice of the delinquency. If the account remains delinquent after the original notice of the total delinquency, additional late penalties of ten percent (10%) shall be charged on the fifteenth (15<sup>th</sup>) of the month for each month of delinquency and will continue to accrue until the bill is paid in full. When an account is delinquent, any payments received shall be applied to the oldest balance first, then to the current balance. In the event a non-profit organization, defined for the purposes of this Subsection C as an organization that the Internal Revenue Service has determined to be a 501(C)(3) entity or an organization that provides substantial and ongoing financial support for indigent members of the Middleburg community, pays the sewer service bill on behalf of a customer, the Finance Director/Town Treasurer, shall waive all late penalties associated with said bill.
- D. **Budget Billing.** Notwithstanding the foregoing, the Finance Director/Town Treasurer may, in his/her discretion, enter into an agreement with a customer on a fixed or limited income for alternative billing and payment schedules. Should the customer become delinquent in payment based upon the terms of the budget billing agreement, the water service may be terminated in accordance with Section 83.1-41 of this Chapter.

**§ 83.1-40 .1 Adjustments in Bills in Case of Water Leaks or Extraordinary Water Usage [Added 09-24-20]**

- A. Adjustment of bill in case of underground water leaks. When a water leak develops in a customer's underground service line or an outside fixture that is apart from the primary structure and the property owner or tenant could not have, by the use of ordinary diligence, discovered such leak, the Finance Director/Town Treasurer may adjust the sewer portion of the bill by giving credit for the amount above the historic usage, to be determined by averaging the four (4) previous utility bills. The Town shall issue such sewer credit if the leak has been repaired within ten (10) days of the customer being made aware of the leak either by the Town or by some other party and if the water consumption exceeds fifty percent (50%) of the customer's average water bill. The customer shall present confirmation to the Finance Director/Town Treasurer prior to the due date of said bill that the water leak has been repaired. The average water usage shall be based upon the average of the four (4) previous billing periods.
- B. Adjustment of bill in case of toilet or fixture leaks. No credit on the sewer portion of the bill shall be given for faulty toilets; leaking faucets or other interior fixtures; any other leak that results in discharge into the sanitary sewer system; or the watering of gardens or lawns.
- C. Adjustment of bill for filling of swimming pools and/or hot tubs. Credit may be given for the sewer portion of the bill for the filling of swimming pools and/or hot tubs only if such filling is coordinated in advance with the Finance Director/Town Treasurer. The credit shall be in the amount equal to the volume of the water used to fill the swimming pool and/or hot tub.
- D. Adjustment of bill in case of extraordinary water usage. In cases where there is an extraordinary water usage in excess of one hundred (100%) above the average water usage and no water leak or explanation for the usage can be found, the Town Manager may, upon request by the property owner within ten days of the date of billing, adjust the sewer bill to correspond to the average bill. The average water usage shall be based upon the average for the four (4) previous billing periods. Only one extraordinary water use adjustment shall be made per property within a three-year period.

**§ 83.1-41 Termination of Service for unpaid bills; Reconnection [Added 01-09-14; Amended 09-24-20]**

- A. Whenever a bill for water and/or sewer services remains unpaid at the close of business on the due date, the Finance Director/Town Treasurer shall notify the customer of the delinquency
- B. Whenever a bill for water and/or sewer services, including late penalties, remains unpaid for sixty (60) days after the due date, it shall be mandatory for the

Finance Director/Town Treasurer to terminate said service. At least ten (10) business days prior to termination of service, the Finance Director/Town Treasurer shall provide the customer, including the property owner in cases in which the customer is a tenant, with written notice of such cessation. Service may be restored upon payment of said outstanding obligation. When water and/or sewer service is disconnected for nonpayment of bills, there shall be, in addition to any other charges, a charge of fifty dollars (\$50) for reconnection, payable at such time as the bill is paid in full. Discharge to the sewer system may not resume until such reconnection charge has been paid.

- C. In the event the service is terminated in accordance with Section 83.1-41 (B) and the service is in the name of a tenant and it is determined that the tenant has vacated the premises, the deposit held for this account shall be applied to the final bill. Should a balance remain on the account, a copy of the bill shall be mailed to the account holder at his last known mailing address.

**§ 83.1-42 Unpaid bills; liens [Added 01-09-14; Amended 09-24-20]**

- A. In the event the unpaid bill is in the name of the property owner, unpaid amounts for water and/or sewer charges; any applicable late penalties and interest on such delinquent charges; and reasonable attorney fees and other costs of collection, not to exceed twenty percent (20%) of the delinquent charges, shall be a lien upon the premises as provided by statute. Whenever a bill for water and/or sewer services remains unpaid sixty (60) days after its due date, the Finance Director/Town Treasurer shall terminate said service and shall provide the property owner with written notice at least thirty (30) days in advance of recordation of a lien against the property. If the bill remains unpaid at the conclusion of the thirty (30) day notification period, the Finance Director/Town Treasurer may file with the Clerk of the Circuit Court for Loudoun County a statement of lien claim in accordance with Virginia Code Section 15.2-2119 as amended. This lien statement shall contain the legal description of the premises served and the amount of the unpaid bill plus any applicable penalties, late charges, interest, attorney fees and other costs of collections. In no case shall a lien be recorded against the property for less than twenty-five dollars (\$25).
- B. In the event the unpaid bill is in the name of a tenant, the Finance Director/Town Treasurer shall make reasonable collection efforts and practices to collect the remaining amount due from the tenant prior to sending written notice to, or taking any collection or legal action against, the property owner regarding the delinquency of the tenant. For the purposes of this section, "reasonable collection efforts and practices" shall be defined as either filing for the Virginia Setoff Debt Collection Program or placing the account with a debt collection service. If an unpaid bill remains after reasonable collection efforts have been undertaken and the Town has collected payment of a security deposit as a condition precedent to turning on the sewer services in the name of the tenant, the Finance Director/Town Treasurer shall notify the property owner of the outstanding obligation of the tenant and thereafter record a lien against the property owner by using the lien recordation process as identified in Section (A)

above. Said lien amount shall not exceed three (3) months of delinquent water and/or sewer charges.

- C. In the event a lien is recorded against the property owner for the obligations of a delinquent tenant and the property owner pays any of the delinquent obligation, the property owner shall be entitled to any refunds and shall be subrogated against the former tenant in place of the Town in the amount paid by the property owner and the Town shall execute any documents necessary to perfect such subrogation in favor of the property owner.
- D. Unless a lien has been recorded against the property owner, the Town shall not deny service to a new tenant requesting service at a particular property address based upon the fact that a former tenant has not paid any outstanding fees and charges for the services in the name of the former tenant.
- E. Upon request, the Town shall provide information relative to a former or current tenant to the property owner. If the property owner provides the Town with a request to be notified of a tenant's delinquent water and/or sewer bill and provides an e-mail address, the Town shall send the property owner notice whenever a tenant's water and/or sewer bill has become fifteen (15) days delinquent.
- F. A lien shall not bind or affect a subsequent bona fide purchaser of the real estate for valuable consideration without actual notice of the lien until the amount of such delinquent charges is entered in a judgment lien book in the Office of the Clerk of the Circuit Court of Loudoun County.
- G. The lien on any real estate may be discharged upon payment to the Town of the total lien amount and any interest which has accrued through the date of the payment. The Town shall deliver a certificate of release thereon to the person making the payment and record said lien release in the Office of the Clerk of the Circuit Court of Loudoun County.

**§ 83.1-43 Foreclosure of lien [Added 01-09-14; Amended 09-24-20]**

- A. Property subject to a lien for unpaid water and/or sewer charges shall be sold for nonpayment of the same, and the proceeds of such sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill in equity in the name of the Town.
- B. The Town Attorney is hereby authorized and directed to institute such proceedings, in the name of the Town, in any court having jurisdiction over such matters, against any property for which a sewer bill has remained unpaid six (6) months after it has been rendered.

**§ 83.1-44      Suspension of Late Fees and Termination of Service in the Event of a  
Local State of Emergency [Added 03-26-2020]**

In the event the Town of Middleburg declares a local emergency, the Town Council may, by a majority vote of its members, suspend the provisions of this Article related to (1) the imposition of late fees for bills that remain unpaid after thirty (30) days and (2) the requirement that the Town Treasurer terminate services for bills that remain unpaid after sixty (60) days. Such suspension may only be enacted for a maximum period of six months, at which point, the Council may vote to extend the suspension for an additional maximum six-month period.