

CHAPTER 24. WATER AND SEWER SERVICE

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CHAPTER 24. WATER AND SEWER SERVICE

ARTICLE I. In General

§24-0.1 Authority of the Augusta County Service Authority

A. The Augusta County Service Authority (ACSA) shall adopt rules, regulations, policies and standards which govern the provision, use and safety of water service and sewer service, which include but are not limited to the following purposes: (1) to set forth uniform requirements for control of direct and indirect discharges into the water supply and its wastewater collection and treatment systems; (2) to control and prevent cross-connection and back flow; (3) to control the quantity, character and rate of any and all discharge of sewerage or wastes, whether indirect or direct, into ACSA's water and/or sewerage systems; (4) to investigate and penalize unauthorized use of ACSA systems, services, resources, facilities and structures; (5) to enable ACSA to comply with all applicable State and Federal laws; and (6) to provide for the protection of the water supply and sewerage systems and their respective sources and receiving streams. ACSA's rules, regulations, policies and standards shall apply in addition to the Virginia Uniform Statewide Building Code (USBC), the regulations of the Virginia Department of Health (VDH), Virginia Department of Environmental Quality (DEQ), the Code of Virginia and any other applicable codes and regulations.

B. The Executive Director of the Augusta County Service Authority, or his representative, shall have the power and authority to enforce the provisions of this article and its rules, regulations, policies, and standards, with respect to all violations, threatened violations and prevention of violations; establish, assess and collect civil penalties for that purpose consistent with Virginia law and the procedures of the ACSA; require corrections and/or repairs to be made at the property owner's expense; and require restitution of expenses and losses of the ACSA arising from or related to any such violations. For the purposes of 1) protecting the water supply from contamination from any source, 2) monitoring compliance with state law, regulations, and ACSA permits, 3) eliminating inflow and infiltration, 4) inspecting and maintaining equipment and systems associated with its services, 5) advising the Board of Supervisors on issues of adequate fire protection and 6) protecting its facilities, systems and services from unauthorized use, misuse, obstruction or tampering, the Executive Director of ACSA, or his representative, is authorized to enter upon any lands, waters and premises, whether for routine or individualized inspections.

C. The authority of the Executive Director shall be concurrent with the Building Official of Augusta County with respect to cross-connection and back flow prevention.

(11/26/13)

§ 24-1. Water and sewer connections

A. Urban Service Areas

1. All houses, buildings or other structures used for residential, commercial or industrial purposes on all lots in all new major subdivisions shall be required to connect to a public water supply main and sanitary sewer system line.

2. Where the capacity of an existing water distribution system is not sufficient to meet the fire service and potable use needs of the new major subdivision, the developer, subdivider, or individual shall expand the capacity of the local and/or remote facilities of the existing water distribution system, as required by the Executive Director of the Augusta County Service Authority, so as to provide sufficient capacity to serve the fire and domestic needs of the development while not decreasing the pressure at any point in the existing or proposed water supply system below the minimum requirements of the Service Authority. The requirement of expanding capacity to insure sufficient flow for fire protection, as defined in §24-2 may be waived under the provisions of Paragraph E of that section. However, a waiver of the fire protection requirements does not relieve the developer of providing the infrastructure as required by the Service Authority Regulations to allow fire protection to be provided in the future when other off-site system improvements are made.

3. Except as provided in paragraph 8, below, all houses, buildings or other structures used for residential, commercial or industrial purposes on all lots in new minor subdivisions shall be required to connect to a public water supply main and sanitary sewer system line.

4. The owner of any new house, building or other structure used for residential, commercial or industrial purposes on existing lots in the County abutting on any street, easement or other public way in which or along which there is located a sanitary sewer or water main of the Augusta County Service Authority (ACSA) shall connect such house, building or other structure with such water main or sanitary sewer.

5. Any house, building or other structure used for residential, commercial or industrial purposes on a lot connected to a sanitary sewer or water main of the ACSA shall not use any other source of water supply for domestic or any non-agricultural use or any other method for the disposal of sewage, sewage waste or other polluting matter unless otherwise exempted from the requirement set forth in this paragraph through permit issued by the Board of Supervisors after consulting with the Augusta County Service Authority. Such permit shall be issued in accordance with policies established by the Board of Supervisors and will set forth any limitations to or conditions of said permit.

6. All such connections shall be made in accordance with rules and regulations which shall be adopted from time to time by the ACSA.

7. Existing houses, buildings or other structures must comply with this section at such time as the existing well or other water supply or the existing septic system or other sewage disposal system is condemned by the Virginia Department of Health or its use is otherwise discontinued.

8. a. The requirement that all houses, buildings or other structures used for residential, commercial or industrial purposes on lots in minor subdivisions connect to a water or sewer main may be waived if such connection is deemed to be not practically available. Factors to be considered in granting a waiver shall include, but not be limited to, economic infeasibility, geological features of the parcel, topographic features on the parcel, and available capacity of the Service Authority to serve the subdivision, house, building or other structure used for residential, commercial or industrial purposes in the County. Such waivers may be granted by the Board of Supervisors after consulting with the Augusta County Service Authority.

b. The requirement that any new house, building or other structure used for residential, commercial or industrial purposes on existing lots connect to a water or sewer main may be waived by the Director of Community Development if such connection is deemed to be not practically available in accordance with policy establishing criteria for waivers based on, but not be limited to, economic infeasibility, geological features of the parcel, topographic features on the parcel, and available capacity of the Service Authority to serve the subdivision, house, building or other structure used for residential, commercial or industrial purposes in the County. Such waivers may be granted by the Director of Community Development after consulting with the Augusta County Service Authority. A decision of the Director not to grant a waiver may be appealed to the Board of Supervisors.

B. Community Development Areas

1. Any house, building or other structure used for residential, commercial or industrial purposes on lots in all new major subdivisions abutting on or adjacent to any street, easement, or other public way in which or along which there is located a sanitary sewer or water main of the Augusta County Service Authority (ACSA) shall be required to connect to the water main or sanitary sewer.

2. Except as provided in paragraph 7, below, any house, building or other structure used for residential, commercial or industrial purposes on lots in new minor subdivisions abutting on or adjacent to any street, easement, or other public way in which or along which there is located a sanitary sewer or water main of the ACSA shall be required to connect to the water main or sanitary sewer.

3. The owner of any new house, building or other structure used for residential, commercial or industrial purposes on existing lots in the County and abutting on any street, easement, or other public way in which or along which there is located a sanitary sewer or water main of the ACSA, shall connect such house, building or other structure with such water main or sanitary sewer.

4. Any house, building or other structure used for residential, commercial or industrial purposes on any lot connected to a sanitary sewer or water main of the ACSA shall not use any other source of water supply for domestic or any non-agricultural use or any other method for the disposal of sewage, sewage waste or other polluting matter unless otherwise exempted from the requirement set forth in this paragraph through permit issued by the Board of Supervisors after consulting with the Augusta County Service Authority. Such permit shall be issued in accordance with policies established by the Board of Supervisors and will set forth any limitations to or conditions of said permit.

5. All such connections shall be made in accordance with rules and regulations which shall be adopted from time to time by the ACSA.

6. Existing houses, buildings or other structures must comply with this section at such time as the existing well or other water supply or the existing septic system or other sewage disposal system is condemned by the Virginia Department of Health or its use is otherwise discontinued.

7. a. The requirement that any house, building or other structure used for residential, commercial or industrial purposes on lots in major or minor subdivisions connect to a water or sewer main may be waived if such connection is deemed to be not practically available. Factors to be considered in granting a waiver shall include, but not be limited to, economic infeasibility, geological features of the parcel, topographic features on the parcel, and available capacity of the Service Authority to serve the subdivision, house, building or other structure used for residential, commercial or industrial purposes in the County. Such waivers may be granted by the Board of Supervisors after consulting with the Augusta County Service Authority.

b. The requirement that any new house, building or other structure used for residential, commercial or industrial purposes on existing lots connect to a water or sewer main may be waived by the Director of Community Development if such connection is deemed to be not practically available in accordance with policy establishing criteria for waivers based on, but not be limited to, economic infeasibility, geological features of the parcel, topographic features on the parcel, and available capacity of the Service Authority to serve the subdivision, house, building or other structure used for residential, commercial or industrial purposes in the County. Such waivers may be granted by the Director of Community Development after consulting with the Augusta County Service Authority. A decision of the Director not to grant a waiver may be appealed to the Board of Supervisors.

(11/26/13)

Sec. 24-2. Water supply for fire protection.

A. (1) For new major residential subdivisions, where public water is available, adequate fire hydrants will be installed by the developer and/or builder. Placement of hydrants shall be coordinated with the Augusta County Service Authority and with the county's fire chief or his authorized representative. Adequate water supply to such hydrants shall also be available as

determined by the standards set forth in the schedule below. Placement decisions made by the fire chief should be predicated on public safety and welfare considerations, the standards listed below, and the ability to properly and efficiently use fire-fighting apparatus. Decisions of the fire chief may be appealed to the Board of Supervisors, whose decision shall be final.

Schedule for fire flow in residential developments

Fire flow shall be based on two hour flow duration for all construction projects.

Based on distance between structures:

<u>Distance</u>	<u>Required Flow</u>
Buildings 100' apart or greater	500 gpm
30' or more, but less than 100'	750 gpm
More than 10' but less than 30'	1,000 gpm
10' or less	1,500 gpm

(2) In the event that fire flow requirements cannot be met at all hydrants within a proposed development, the Fire Chief in consultation with the Augusta County Service Authority, may reduce the required fire flow at no more than two (2) fire hydrants within the proposed development. Provided that the fire flow requirements for the hydrants may not be reduced by more than 200 gpm per hydrant and at no time will any hydrant be approved with a fire flow below 500 gpm.

(3) For the purposes of this section, duplexes, townhouses and apartments will be treated as residential structures and must comply with the Statewide Building Code for fire protection.

B. (1) For commercial, business and industrial structures located where public water is available, adequate water supply shall be not less than 1,000 gpm based on a two hour designed flow duration. Required flow will be determined by use of the ISO formula using total square footage.

(2) For the purposes of this section, to calculate a structure's square footage to determine adequate fire flow, one half of the total square footage of any floors other than the main floor, including basements and mezzanines, if any, shall be added to the total square footage of the main floor.

(3) Fire flow will be established by using the largest one building of a commercial or industrial development.

(4) Buildings divided by fire walls, as defined by the Statewide Building Code may receive a reduction in required fire flow based on the largest spaces between the two commercial or industrial spaces.

C. Square footage of buildings protected by approved fire suppression systems, such as sprinkler systems, shall not be used to determine adequate fire flow, provided that NFPA standard for fire suppression systems is met. In no event will the minimum fire flow for any commercial or industrial structure with an approved fire suppression system be less than 500 gpm.

D. Where a new subdivision is to be developed with individual wells, the Fire Chief, shall require that alternative sources of water for fire suppression purposes be made available including construction of a fire suppression well system, provision of "dry" hydrants, and/or easements granting access to water sources.

E. Upon application of the developer and for good cause shown, the standards for buildings or subdivisions set forth in paragraphs A through D above may be waived or reduced by the Board of Supervisors, provided that the developer can demonstrate that there is adequate fire protection available for the proposed development.

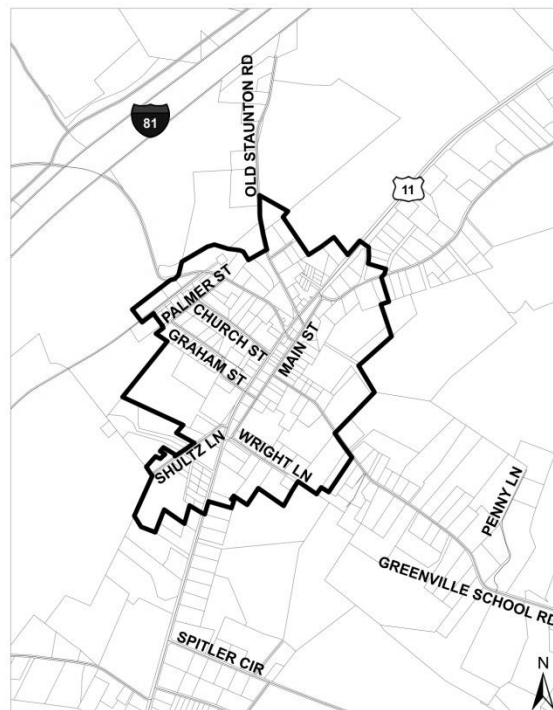
(Ord. 08/27/08) (Ord. 11/14/12) (Ord. 3/26/14)

§ 24-3. Sewer Connection fees in Certain Designated Areas of Augusta County

A. Designated Areas

The provisions of this section shall apply to the following defined areas only:

1. The Greenville Village Service Area as depicted on the map below:



B. Connections

1. The owner of any dwelling or other building in which human beings can live or congregate shall, whenever a trunk line or lateral sewer line is available, connect such dwelling or building with such trunk or lateral line sewer.
2. Septic tank systems that have been permitted by the Virginia Health Department may continue in use to serve properties where a trunk line or lateral line sewer is available, until such time as such septic tank system becomes in need of repair. At such time connection to the sewer lines will be required.
3. Properly functioning alternative onsite sewage disposal systems that have been permitted by the Virginia Health Department may continue in use until such system is in need of repair. At such time connection to the sewer lines will be required.

C. Fees

The fee for connections to the sewer line shall include the privilege fee applicable to the area and the prevailing rate for connections established by the Augusta County Service Authority at the time of the requested connection.

These fees shall not include the costs of providing a sewer line from a building to a trunk or lateral line.

The Board of Supervisors shall establish a flat monthly fee for usage of the Greenville Village Service Area sewer system. The fee shall be Fifty-five dollars (\$55.00) a month. In the event that the system is conveyed to the Augusta County Service Authority; the Service Authority shall have authority to set usage fees for the system consistent with fees it sets for all of its customers.

Unless connected to a septic system or alternative onsite sewage disposal system permitted by the State Health Department, it shall be unlawful for any person to occupy, lease or rent any premises, not connected to a public sewer, as required by this section, and each day of such occupancy shall constitute a separate and distinct violation.

(Ord. 9/28/11) (3/26/14)

§§ 24-4 through 24-10 reserved.

ARTICLE II. Water Service

§ 24-11. Water cross-connections and back flow prevention.

A. All existing or proposed buildings, premises or structures in the county served by the Augusta County Service Authority's potable water system shall be subject to the following as they relate to water cross-connection and back flow prevention:

1. The rules of the Augusta County Service Authority;
2. The Virginia Uniform Statewide Building Code; and
3. The regulations of the Virginia Department of Health.

B. The foregoing rules and regulations, as they may be amended from time to time, shall control all matters concerning cross-connections and back flow prevention affecting every building, premise or structure in the county served by the Augusta County Service Authority, including, but not limited to, functions which pertain to the insulation of systems vital to the prevention of pollution of the public water supplies.

State law reference--Virginia Code §§ 15.2-2109 and 15.2-2121.

§ 24-12. Same; enforcement.

A. The Executive Director of the Augusta County Service Authority, or his representative, shall have the power and authority to enforce the provisions of this article with respect to violations, threatened violations or the prevention of violations which occur or may occur within any water supply system at the water meter or on the water main (supply) side of the meter.

B. The Building Official of Augusta County, or his representative, shall have the power and authority to enforce the provisions of this article with respect to violations, threatened violations or the prevention of violations which occur or may occur within any water supply system on the service connection (discharge) side of the water meter.

§ 24-13. Drought Management.

A. This Article shall apply to all Augusta County residents and businesses which are served by the public water system.

B. The Board of Supervisors has adopted by resolution the Upper Shenandoah River Basin Drought Preparedness and Response Plan.

C. The indicators used to indicate drought severity shall be defined in the Upper Shenandoah River Basin Drought Preparedness and Response Plan Drought Response Plan.

D. The drought stages shall be Drought Watch, Drought Warning, and Drought Emergency, as determined by the Board, pursuant to the Upper Shenandoah River Basin Drought Preparedness and Response Plan and State Water Control Board regulation 9 VAC 25-120.

E. The County may declare a drought stage in the absence of a declaration by the Commonwealth of Virginia. The County must declare a drought stage upon declaration by the Commonwealth of Virginia. Upon notification to the Board that a drought stage exists, as defined in Section D of this Ordinance, the Board may issue a declaration of a drought stage.

F. Upon declaration by the Board of a Drought Watch or Drought Warning, voluntary conservation measures will be requested of residents and businesses as set forth in the Upper Shenandoah River Basin Drought Preparedness and Response Plan Drought Response Plan (table A and B below). Upon declaration of a Drought Emergency, mandatory restrictions shall apply as set forth in the Plan (table C below).

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Table A. Guidelines for Drought Response and Mitigation during a Drought Watch Stage

DROUGHT STAGE	ACTIONS		
Drought Watch	Communities/ Localities Need to:	Individuals Need to:	Commercial Entities Need to:
<p><i>Goal of drought actions in this stage are to reduce use by up to 5%.</i></p>	<p>Implement Voluntary Conservation Measures</p> <p>Review and/or update Regional Drought Plan</p> <p>Communicate conditions, increase outreach and provide conservation tips.</p> <p>Increase water use efficiency and/or promote use reclaimed water for public facility landscaping.</p> <p>Consider developing increased conservation rate charges or surcharges to respond to drought conditions.</p>	<p>Conduct home water audits and leak detection. Fix leaking faucets and replace faulty fixtures.</p> <p>Implement Voluntary Conservation Measures</p> <ul style="list-style-type: none"> • Convert high water using plumbing to low-flow fixtures. • Water at night or in the early morning to avoid the hottest part of the day • Make sure sprinklers are working properly to reduce overspray • Plant native or drought tolerant plants • Use a bucket when washing cars or go to a commercial car wash • Utilize water harvesting strategies. • Reuse water as much as possible such as reusing dishwater and rinse water for watering indoor and outdoor plants, where allowed by law. 	<p>Implement voluntary water reduction and follow conservation plan.</p> <p>Discontinue use of decorative fountains.</p> <p>Require commercial facilities with monthly demand exceeding a threshold limit to conduct a self-audit.</p>

Table B. Guidelines for Drought Response and Mitigation during a Drought Warning

DROUGHT STAGE	ACTIONS		
Drought Warning	Communities/ Localities Need to:	Individuals Need to:	Commercial Entities Need to:
<p><i>Goal of drought actions in this stage are to reduce use by up to 5% - 10%.</i></p>	<p>Continue implementation of Voluntary Conservation Measures</p> <p>Begin the reduction or elimination of non-essential uses to reduce water usage by 5 to 10%</p> <p>Communicate drought level and conditions to public.</p> <p>Increase education on conservation followed by voluntary reductions for communities.</p> <p>Consider implementing a schedule for public lawn watering.</p> <p>Implement increased conservation rate changes or surcharges, as determined by locality.</p>	<p>Continue implementation of Voluntary Conservation Measures and follow the items below:</p> <ul style="list-style-type: none"> • Reduce lawn watering to no more than two times per week between the hours of 9 p.m. and 10 a.m. • Reduce vegetable garden watering and water between the hours of 9 p.m. and 10 a.m. • Avoid sprinkler use. Use soil-soakers or drip irrigation • Do not plant new landscaping or grass 	<p>Implement water conservation plans.</p> <p>Implement interior retrofit for all high water use faucets and materials.</p> <p>Restrict washing of sidewalks, driveways, parking lots or any other paved surface except in the case of meeting health and safety standards.</p> <p>Prohibit operations of fountains at commercial sites.</p>

Table C. Guidelines for Drought Response and Mitigation during a Drought Emergency

DROUGHT STAGE	ACTIONS		
Drought Emergency	Communities/ Localities Need to:	Individuals Need to:	Commercial Entities Need to:
<p><i>Goal of drought actions in this stage are to reduce use by up to 10% - 15%.</i></p>	<p>Implement mandatory non-essential water use restrictions to reduce water usage by 10-15%</p> <p>Continue aforementioned conservation measures from watch and warning stages.</p> <p>Communicate conditions, increase outreach and promote conservation tips.</p> <p>Consider the adoption and enforcement of emergency ordinances as necessary to protect public welfare, health, and safety.</p>	<p>Implement mandatory non-essential water use restrictions including the following:</p> <ul style="list-style-type: none"> • No unrestricted lawn irrigation. • No washing of paved areas with any pressurized water source except in the case of meeting health and safety standards. • No washing of autos, trucks, types of mobile equipment except at facilities with wash water re-circulating systems. • No filling or topping off of outdoor swimming pools <p>Continue aforementioned conservation measures from watch and warning stages.</p> <p>Where allowable by law, reuse water:</p> <ul style="list-style-type: none"> • Reuse dishwater for plants. • Capture shower water in buckets for watering plants. 	<p>Implement mandatory non-essential water use restrictions</p> <p>Voluntarily reduce water consumption by at least 10%. This reduction may result from the elimination of other non-essential water uses, application of water conservation practices, or reduction in essential water uses.</p> <p>Follow conservation measures for ‘individuals’ where appropriate.</p> <p>Discontinue the service of water to the restaurant or other food service establishment customers unless specifically requested by customer.</p>

The above restrictions in tables A, B, and C, or any one of them, shall become effective upon their being printed in any newspaper of general circulation in the county, or broadcast upon any radio or television station serving the county. As the water supply system in Augusta County is permitted and operated as several separate systems, the above restrictions may be applied to all systems or to individual systems as required by circumstances at the time of the declaration.

G. Waiver of Restrictions. Upon prior written request by an individual, business, or other water user, the Board, or its designee, may permit less than full compliance with any drought restrictions if good cause can be shown, including evidence that the applicant is affected in a substantial manner not common to other businesses or persons generally. No waiver shall be granted by the Board or its designee unless the Board or its designee determines that the public health, safety, and welfare will not be adversely affected by the waiver. All waivers granted by the Board or its designee shall be reported at the Board's next regular or special meeting.

H. Any person violating any provision of this section or any order of the County Administrator pursuant to the authority granted hereunder shall be guilty of a Class 3 misdemeanor. In addition, the ACSA is hereby authorized to terminate the water service, for the duration of the emergency, to any person convicted of such violation.

I. Nothing in this section shall be construed to prohibit the County Administrator or the Executive Director of the ACSA from rescinding any orders issued hereunder when the conditions creating the need for such orders have abated.

Ord. 8/10/11

§ 24-14 through § 24-20. Reserved.

ARTICLE III. Enforcement

§24-21. Criminal and civil penalties

A. Violations of this Article and ACSA rules, regulations, policies, and standards shall be punishable in accordance with Virginia law and in accordance with ACSA rules, regulations, policies and standards.

1. Unauthorized use of hydrants and/or public water

a. The crimes of unauthorized use of a hydrant or public water and tampering with a meter or hydrant will be reported to law enforcement for possible arrest and prosecution.

b. In addition, ACSA is authorized to impose civil penalties and to require restitution of the costs of any quantity of water taken or any damages caused by the unauthorized use of a hydrant or of public water from its system.

2. Civil penalties for noncompliance with ACSA regulations

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a. Upon finding of non-compliance with its rules, regulations, policies, and standards, ACSA may disconnect services.

b. In accordance with Va. Code § 15.2-2122(10), ACSA is authorized to establish and impose penalties for violations of any of its rules and regulations relating to the use and provision of sanitary, combined and stormwater sewer systems, treatment works and appurtenances, including but not limited to its fats, oils and grease standards and its infiltration and inflow standards. Except as provided in (c) below, the penalty will be based upon the severity of the violations, the extent of any potential or actual environmental harm or facility damage, the compliance history of the user, any economic benefit realized by the noncompliance, and the ability of the user to pay the penalty, provided however that the penalty shall not exceed the amounts set forth in Va. Code §15.2-2122(10)(b).

c. In accordance with Va. Code § 15.2-2122(10)(d), ACSA is authorized to assess and collect civil penalties for violations of its fats, oils and grease standards and its infiltration and inflow standards as follows:

- i. The penalty for one violation shall be \$100;
- ii. The penalty for each additional violation shall be \$150;
- iii. No more than \$3,000 can be imposed from a series of repeated violations arising from the same operative set of facts;
- iv. Each day on which a violation is found to have existed will constitute a separate violation.

d. An assessment hereunder also may include a monetary amount sufficient to provide restitution of any actual damages to sewers, treatment works and any appurtenances and to pay costs, attorneys' fees and any other expenses resulting from the violation, which amount shall include, but not be limited to:

- i. The costs of mileage and labor incurred in detecting and correcting the violation or circumstances caused by the violation;
- ii. Laboratory analysis costs associated with detecting and correcting the violation or circumstances caused by the violation;
- iii. Additional treatment costs caused by the violation or associated with detecting and correcting the violation or circumstances caused by the violation;
- iv. Costs of any additional equipment acquired or expended by ACSA for detecting or correcting the violation or circumstances caused by the violation;
- v. Repair or replacement of any part of the system damaged by the violation;
- vi. Any liability, damages, fines or penalties incurred by ACSA as a result of the violation; and
- vii. Any other costs associated with the violation.

e. ACSA shall create and follow procedures, including notice and the opportunity for a hearing, prior to imposition of any penalty.

(11/26/13)

§ 24-22. Repealed (11/26/13)