

SEWER ORDINANCE

TOWN OF HAMILTON

SEWER ORDINANCE

Effective May 13, 1968

As amended through April 14, 2008

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Article I. Definitions.

- Sec. 19-1. Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:
- Sec. 19-1.1 “BOD” (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter.
- Sec. 19-1.2 “Building Drain” shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
- Sec. 19-1.3 “Building Sewer” shall mean the extension from the building drain to the property line, public sewer or other place of disposal, as required by the context.
- Sec. 19-1.4 “Garbage” shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
- Sec. 19-1.5 “Industrial Wastes” shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
- Sec. 19-1.6 “Natural Outlet” shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.
- Sec. 19-1.7 “Person” shall mean any individual, firm, company, association, society, corporation, or group.
- Sec. 19-1.8 “pH” shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- Sec. 19-1.9 “Properly Shredded Garbage” shall mean 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 on-half (1/2) inch in any dimension.
- Sec. 19-1.10 “Public Sewer” shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

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- Sec. 19-1.11 “Sanitary Sewer” shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
- Sec. 19-1.12 “Sewage” shall mean water-carried wastes from residence, business buildings, institutions and industrial establishments.
- Sec. 19-1.13 “Sewage Treatment Plant” shall mean any arrangement of devices and structure used for treating sewage.
- Sec. 19-1.14 “Sewage Works” shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
- Sec. 19-1.15 “Sewer” shall mean a pipe or conduit for carrying sewage.
- Sec. 19-1.16 “Shall” is mandatory; “May” is permissive.
- Sec. 19-1.17 “Slug” shall mean any discharge of water, sewage, 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 (24) hour concentration of flows during normal operation.
- Sec. 19-1.18 “Storm Sewer or Storm Drain” shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.
- Sec. 19-1.19 “Mayor” shall mean the Mayor of the Municipality of Hamilton, or his authorized deputy, agent, or representative.
- Sec. 19-1.20 “Suspended Solids” shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
- Sec. 19-1.21 “Watercourse” shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- Sec. 19-1.22 “Malfunctioning Septic Tank or Cesspool” shall include but not be limited to any privately operated sanitary system which shall allow effluent to reach the surface of the ground in the vicinity of said system or where it can be ascertained that effluent is from said system. A septic tank or cesspool shall also be declared malfunctioning should it emit an unpleasing odor.

Article II. Use of Public Sewers Required.

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- Sec. 19-2 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 municipality of Hamilton or in any area under the jurisdiction of said municipality, any human excrement, garbage, or other polluting waste.
- Sec. 19-2A It shall be unlawful for the owner of any house or other building where human being congregate to allow a malfunctioning septic tank or cesspool system within the municipality of Hamilton or in any are under the jurisdiction of said Municipality.
- Sec. 19-3 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, or other polluting wastes.
- Sec. 19-4 For the purpose of this article, 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, as provided in Chapter 25 of this Code, and flushing into:
- (1) the municipal sanitary sewer system; or
 - (2) a private septic tank system installed in accordance with the Loudoun County Sanitation Ordinance when:
 - (a) no public sewer is provided in any street, public right-of-way or easement adjoining or traversing the premises;
 - (b) compliance with item (1) of this section would require a private sewer line greater than two hundred (200) feet in length.
- Sec. 19-5 Notwithstanding the provisions of Sections 19-3 and 19-4 whenever the conditions of item (2) of Section 19-4 obtain and when a septic tank system cannot be installed in accordance with the Loudoun County Sanitation Ordinance, then, and upon the recommendation of the Loudoun County Health Director and approval by the Council, a pit privy installed and maintained in accordance with State standards and maintained in accordance with State standards will be considered an approved method of disposal of human excrement and the requirement for an adequate water supply will be waived.
- Sec. 19-6 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

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lot or parcel of land abuts on such street or other public way, which is a part of, or which is served, or may be served by the sewer system operated by the municipality, and upon which lot or parcel a building shall have been constructed for residential, commercial, industrial, or recreational use, is required to install within such building suitable sanitary water closets and make the necessary sewer connection to such sanitary sewer; provided, however, that such connection will not require a sewer line over two hundred (200) feet in length.

Sec. 19-7 An owner installing sanitary water closets and making a sewer connection, as required in section 19-8, shall also discontinue the use of any dry closet or pit privy on the lot or parcel of land in question from the date of receiving notice to this effect from the Council or its duly designated agent.

Sec. 19-8 (A) Any owner whose property is now served by, or which at the time sanitary sewer may be available, is served by a septic tank system or a privately owned sewage treatment plant, will not be required to make the installation and connections referred to in Section 19-6; provided, and as long as such septic tank system and private sewerage system conforms to an is maintained in strict accordance with all applicable ordinances, statues, rules and regulations. In the event that such septic tank system or privately owned sewage treatment plant is not so maintained or is altered, enlarged or repaired, then such owner shall comply with the provisions of Section 19-6 upon due notice thereof by the Council or its designated agent.

**Adopted by the Hamilton Town Council
at the October 10, 1989 meeting**

Sec. 19-9 No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first applying for and obtaining a written permit from the Mayor.

Sec. 19-10 There shall be two (2) classes of building sewer permits:

- (a) for residential and commercial service, and
- (b) for service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the municipality. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Mayor. Following the issuance of such permit, if the type of waste being generated changes to create or increase industrial wastes being discharged into the system,

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the applicant shall reapply to the municipality and furnish any plans, specifications, or other information considered pertinent in the judgment of the Mayor.

- Sec. 19-11 Charges for connections to the municipal sewer during the time of construction of the municipal sewer shall be as follows:
- a. Within the corporate limits the lot owners must defray the cost of the building sewer to the property line and pay a hookup charge of \$150.00.
 - b. Outside the corporate limits where the municipal sewer abuts the property the lot owner must defray the cost of the building sewer to the property line and pay a hookup charge of \$200.00.
- Sec. 19-12 Charges for connection to the municipal sewer after the construction of said sewer is complete shall be as follows:
- a. Within the corporate limits the lot owner must defray the cost of building sewer to the property line and from the property line to the main sewer line and pay a hookup charge of \$5,000.00; plus an availability fee of \$20,000.00 to be paid within thirty (30) days of final approval.
 - b. Outside the corporate limits the lot owner must defray the cost of the building sewer to the property line and from the property line to the main sewer line and pay a hookup charge of \$5,000.00; plus an availability fee of \$20,000.00 to be paid within thirty (30) days of final approval.
 - c. The property owner shall be responsible to defray the costs of any additional equipment which is necessary to provide sewer service to the lot. Said equipment shall be approved by the Town of Hamilton. Provided, however that the costs of grinder pumps for property owners in the Hamilton Area Sewer Tax District shall be paid by funds as designated in the Service Agreement between the Board of Supervisors of Loudoun County and the Town of Hamilton, dated December 16, 1998, as amended. (section added March 12, 2001.)
- Sec. 19-13 All hookups paid for by the lot owners must be used by physically connecting house plumbing to the main sewer line within six months after receipt of notice from the Town by certified mail that the municipal sewer is available to serve the property, provided, however, that residents of the Hamilton Area Sewer Service Tax District shall be permitted to pay for the hook-up and physically connect the house plumbing to the main sewer line prior to the expiration of the Hamilton Sewer Service loan repayment period. (Amended March 12, 2001.) Hookup charges on hookups not so physically connected shall thereafter be refunded and the hookup withdrawn. The property owner may re-apply, under the then existing

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conditions and regulations, and said hookup may be re-issued if any are then available.

- Sec. 19-14 The owner shall indemnify the municipality from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- Sec. 19-15 The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of Loudoun County and the Virginia State Plumbing Code.

Article IV. Extension of Public Sewer.

- Sec. 19-16 It shall be unlawful for any person to fail, neglect or refuse to comply with those specifications and requirements for the construction of sanitary sewer mains and appurtenances and pumping stations on file in the office of the Mayor.
- Sec. 19-17 No extension of the municipal sewage works shall be made for the purpose of serving users located within or without the corporate limits of the municipality except upon the approval of such extension by the Council.
- Sec. 19-18 Any person desiring an extension of the municipal sewage works as referred to in Section 19-18, shall make application to the Council for the approval thereof. Such application for approval shall be filed with the Mayor.
- Sec. 19-19 Any application, filed as provided in Section 19-19, shall be accompanied by plans and specifications which meet the standards of the Town of Hamilton.
- Sec. 19-20 The approval of an extension of the municipal sewage works as provided in Section 19-18, shall be conditioned as follows:
- (a) That the municipal sewage works shall be extended in accordance with plans and specifications approved by the Council.
 - (b) That the applicant has secured such easements or fee simple title, free of defects, as are necessary, prior to construction and upon completion will convey by appropriate instrument the completed system, easements and fee simple title to the Town free of costs.
 - (c) Applicants for permission to construct sewer main pipes to serve two or more residences, business establishments or other uses

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shall furnish a reasonable estimate of the monetary value of such proposed addition or additions to the Town Sewer System with his or their application; and approval, if given by the Council, shall be contingent upon the furnishing by the Applicant of a Performance Bond in a minimum amount of not less than the aforementioned monetary value estimate plus ten percent to assure proper completion, according to specifications, of the proposed addition or additions. Such Performance Bond shall be posted prior to the start of any actual excavation; otherwise, approval shall become null and void.

- (d) The Property owner shall be responsible for the repair and maintenance and all costs of same, of any and all sewer lines and appurtenances that extend from the lines owned by the Town unless the lines and appurtenances are within a recorded easement wherein the Town has agreed to maintain and repair the lines and appurtenances or the Town has accepted the lines and appurtenances into the municipal system.

Sec. 19-21 The form for application for permission to connect with and extend the municipal sewer works shall be as follows:

TO THE TOWN OF HAMILTON, VIRGINIA:

The undersigned being the _____
(owner, lessee, tenant, etc.)

of the property described _____

_____ does hereby request a permit to connect with and extend the sewer works of the Town of Hamilton, Virginia.

- now
- 1- A plat of the property showing accurately all sewers and drains existing is attached hereunto as Exhibit "A".
 - 2- Plans and specifications covering all work proposed to be performed under this permit is attached hereunto as Exhibit "B".
 - 3- The name and address of the person or firm who will perform the work covered by this permit is _____

_____ In consideration of the granting of this permit the undersigned agrees:

- 1. To accept and abide by the provisions of this Ordinance, and all other pertinent ordinances or regulations.

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2. To install all facilities in strict accordance with the approved plans;
3. To post a bond or cash deposit, if at any time required by the municipality, in a sum deemed to be sufficient by the municipality to guarantee the satisfactory installation of the facilities and satisfactory compliance with the provisions of this application;
4. To plug or seal any part of the sewer works extended by him to prevent the entrance of debris and the use of such facilities during construction for general drainage or other purposes;
5. To maintain such sewer works extended by him in a clean and normal operating condition until such time as the facilities are accepted by the municipality;
6. To make all new and existing manholes accessible and properly adjust them to final street surface elevations upon completion of roadway surfacing operations;
7. To assume liability for any and all claims arising out of or in connection with damages to the property to be served by the facilities of the municipality incurred by reason of the installation, operation and use of the facilities, until such time as the facilities are accepted by the municipality;
8. To furnish the municipality detailed plans, prepared by a Certified Professional Engineer, showing all facilities as actually built and easements as recorded, prior to acceptance of such facilities by the municipality;
9. To convey, by appropriate instrument at the time of completion, the completed sewage works, land, all permanent easements and fee simple title to the municipality;
10. To make no building sewer connection without first obtaining a written permit therefor from the Mayor as required by this Ordinance.
11. To pay for any and all charges for the use of the public sewage works of the municipality when and as due until such time as he arranges for the transfer of the sewerage service accounts entered in his name to the name of the person or persons who acquired title to the above described property; and, in order to effectuate the transfer of such accounts, he will arrange for the processing of such transfers at the time of sale, rental or lease

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of each parcel of the above described property.

Applicant

By: _____

Title

Address

Date: _____

Approved by Council:

Date: _____

Town Recorder

Article V. Use of Public Sewers.

Sec. 19-22 No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Sec. 19-23 Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Mayor. industrial cooling water or unpolluted process waters may be discharged, on approval of the Mayor, to a storm sewer or natural outlet.

Sec. 19-24 No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
(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 sewage treatment process, constitute

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a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.

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

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works, such as, but not limited to, ashes, cinders, sand, mud, straw, shaving, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups milk containers, etc. either whole or ground by garbage grinders.

Sec. 19-25 No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Mayor that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Mayor will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treat-ability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than one hundred fifty degrees F (150 degrees F).

(b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperature between thirty-two (32) and one hundred fifty (150) degrees F.

(c) Any garbage that has not been properly shredded.

(d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Mayor for such materials.

(f) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Mayor as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving

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waters.

- as
- (g) Any radioactive wastes or isotopes of such half-life or concentration may exceed limits established by the Mayor in compliance with applicable State or Federal regulations.
 - (h) Any waters or wastes having a pH in excess of 9.0.
 - (i) Materials which exert or cause:
 - (1) Unusual concentrations of inert suspended solids or of dissolved solids.
 - (2) Excessive discoloration.
 - (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - (4) Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.
 - (j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

- Sec. 19-26 If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 19-26 of this Article, and which in the judgment of the Mayor, may have deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Mayor may:
- (a) Reject the wastes,
 - (b) Require pretreatment to an acceptable condition for discharge to the public sewers,
 - (c) Require control over the quantities and rates of discharge, and or
 - (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Article VI of this Chapter. If the Mayor permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Mayor and subject to the requirements of all applicable codes, ordinances, and laws.

- Sec. 19-27 Grease, oil, and sand interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Mayor, and shall be located as to be readily and easily accessible for cleaning and inspection.

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- Sec. 19-28 Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- Sec. 19-29 When required by the Mayor, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be constructed in accordance with plans approved by the Mayor. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.
- Sec. 19-30 All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property.
- Sec. 19-31 No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the municipality and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the municipality for treatment, subject to payment therefore, by the industrial concern.

Article VI. Charges for Use of Public Sewer.

- Sec. 19-32 (a) The town council shall, at its discretion, set appropriate fees for sewer service to residential and nonresidential users. The town council, at its discretion, shall also set additional fees, if deemed appropriate, should an applicant request a change in existing sewer use. In addition to a one-time payment for initial sewer service or for a change in sewer service, the council may elect to assess a dollar amount per foot frontage, per lot for the service connection. The fees enacted by the town council shall be set forth on schedules and incorporated by reference into this Ordinance. At its discretion, the town council may amend the fees set forth on the schedules and upon adoption, such amended schedules shall be incorporated as part of the Ordinance.

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(b) The sewer rates for all properties served by the Town of Hamilton shall be based upon the water consumption, measured through the water meter, rounded to the nearest 10 (ten) gallons. In the event that there is no water meter, then the property shall pay a flat bimonthly fee. The bill shall be rendered bimonthly and shall be in accordance with the rate schedule established by the council from time to time as set forth on schedules and incorporated by reference into this Ordinance.

Unpaid sewer and water charges shall become a lien upon the real estate to which they relate 90 days after they become due and remain unpaid.

Ordinance Adopted at May 10, 1993 council meeting to become effective July 1, 1993. Changes adding a late fee adopted at April 14, 2008 council meeting to become effective July 1, 2008. Changes adding schedule of rates to become effective Aug 10, 2009.

Sec. 19-33

Payment of sewer bills; liens and collection of delinquent accounts.

(a) Sewer bills are due and payable within thirty (30) days from the date of billing. If at the end of thirty (30) days from the date of the billing, the sewer bill remains unpaid, a ten percent (10%) late payment penalty will be added to the total amount due and payable. A past due "final" notice stating the amount due shall be mailed to the user, with a copy to the owner of the premises if the user is known not to be the owner of the premises.

(b) There shall be a lien upon the real estate for the amount of any rates, fees and other charges, including but not limited to interest thereon at the highest rate provided by law, for sewer services rendered by the Town to such real estate, from and after the time the bill therefor becomes delinquent. A delinquent bill, under this section, shall be defined as any bill that has not been paid within ten (10) days from the final notice given pursuant to Paragraph (a) of this section. For the purpose of calculating the amount of the line, interest shall accrue from the date the bill became due and payable.

(c) the Secretary-Treasurer shall certify the amount of the delinquent sewer charges, and forward a request to the Clerk of the Circuit Court for Loudoun County that the lien for delinquent sewer charges be docketed, together with the fee to be paid for each entry on the lien

records

by the Clerk.

(d) In the event that the rates, fees and other charges charged for the use and services of the Town's sewage works by or in connection with any premises shall not be paid when due, the user of such services shall, until such rates, fees, and other charges shall be paid, cease to dispose of

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sewage or industrial waste originating from or on such premises by discharge directly or indirectly into the sewage disposal system, and if such user shall not cease such disposal within two (2) months thereafter and the rates, fees or other charges with interest remain unpaid, then the Secretary-Treasurer shall notify the user that the Secretary-Treasurer is recommending to the Town Council that the Town cease supplying water to the premises occupied by the user, and that the user may appear at the next appropriate meeting of the Town Council in order to state any reasons why the Town should not cease supplying such water service; in lieu of appearing at the meeting, the user may submit his or her reasons in writing prior to the commencement of the meeting. If the occupant is known by the Secretary-Treasurer not to be the owner of such premises, the Secretary-Treasurer shall reasonably attempt to provide a copy of such notification to the owner of such premises at his or her last known address. The Town Council, after considering the matter, may direct that the Town cease supplying water for the premises occupied by the user, unless the user or the owner of said premises has demonstrated to the satisfaction of the Town Council that health officers have certified that shutting off the water will endanger the health of occupants of the premises or the health of others. In any instance where the charges remain unpaid for a period exceeding two months, the Town Council may direct the Town Treasurer to calculate and collect charges equal to up to six months to be paid in advance by the responsible party (last sentence effective July 1, 2000.)

(e) The Town Council may at any time direct the Town Attorney or another agent of the Town to initiate proceedings in a court of competent jurisdiction for the collection of the delinquent sewer charges, including interest thereon accruing from the date each delinquent bill became due and payable, or for other appropriate relief. The user of the sewer services shall be liable for costs and attorney's fees incurred by the Town in such proceedings.

Ordinance Adopted at August 10, 1998 council meeting to become effective November 1, 1998.

Sec. 29-34

Additional Surcharge on users of Public Sewer System.

(a) The Town of Hamilton hereby imposes a monthly sewer surcharge to be paid by the users of the public sewer system. The sewer surcharge shall be in addition to the monthly sewer charges on the sewer bill and the payment of such additional surcharge shall be due within thirty (30) days of billing.

(b) The funds collected from the monthly surcharge shall be used to repay amounts borrowed by the Town for corrective construction, operation and maintenance of the Town sewer system.

(c) The term of the sewer surcharge shall be twenty-one (21) years from the effective date of this ordinance section, or when the amounts borrowed

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by the Town are fully paid, whichever date first occurs.

(d) The terms and conditions for the payment of sewer bills and liens and collection of delinquent accounts set forth in this Article IV, Section 19-33, as amended, shall apply to the monthly sewer surcharge, mutatis mutandis.

Sec. 19-35 RESERVED

Sec. 19-36 RESERVED

Sec. 19-37 RESERVED

Sec. 19-38 No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal public sewage works. Any person violating this provision shall be subject to immediate arrest under charge for disorderly conduct.

Article VII. Protection from Damage.

Sec. 19-39 The Mayor and duly authorized employees of the municipality 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.

Article VIII. Powers and Authority of Inspectors.

Sec. 19-40 Any person found to be violating any provision of this chapter except Sec. 19-39 shall be served by the Mayor with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Article IX. Penalties.

Sec. 19-41 Any person who shall continue any violation beyond the time limit provided
such
in Sec. 19-40 shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not exceeding One Hundred Dollars (\$100.00) for each violation. Each day in which any violation shall continue shall be deemed a separate offense.

Sec. 19-42 Any person violating any of the provisions of this Chapter shall become liable to the municipality for any expense, loss or damage occasioned the

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municipality by reason of such violation.