

Chapter 355. Sewers and Sewage Disposal

[HISTORY: Adopted by the Town Council of the Town of Mineral effective 1-1-1982 as Ch. 20, Arts. III and IV of the 1982 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks — See Ch. **375**
Subdivision of land — See Ch. **380**. Water
— See Ch. **418**.

Article I. General Provisions

[1] *Editor's Note: For state law provisions related to public utilities, see § 15.2-2109 et seq., Code of Virginia. As to sewage disposal systems generally, see § 15.2-2122 et seq., Code of Virginia, and as to health regulations related to sewage disposal, see § 32.1-163.1 et seq., Code of Virginia.*

§ 355-1. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows. "Shall" is mandatory; "may" is permissive.

BOD (denoting biochemical oxygen demand)

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in parts per million by weight.

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 building sewer, beginning five feet outside the inner face of the building wall.

BUILDING SEWER

The extension from the building drain to the public sewer or other place of disposal.

COMBINED SEWER

A sewer receiving both surface runoff and sewage.

GARBAGE

Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

INDUSTRIAL WASTES

The liquid wastes from industrial processes as distinct from sanitary sewage.

NATURAL OUTLET

Any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

PERSON

Any individual, firm, company, association, society, corporation or group.

pH

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

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 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 public authority.

SANITARY SEWER

A sewer which carries sewage and to which stormwater, surface water and groundwater are not intentionally admitted.

SEWAGE

A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwater, surface water and stormwater as may be present.

SEWAGE TREATMENT PLANT

Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS

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

SEWER

A pipe or conduit for carrying sewage.

STORM SEWER or STORM DRAIN

A sewer which carries stormwater and surface water and drainage but excludes sewage and polluted industrial wastes.

SUPERINTENDENT

The Town Manager.^[1]

SUSPENDED SOLIDS

Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable therefrom by laboratory filtering.

WATERCOURSE

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

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).*

§ 355-2. Damaging or tampering with sewage works.

It shall be unlawful for any person to maliciously or wilfully break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works.

§ 355-3. Right of entry.

The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter upon any properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter.

§ 355-4. Notice of violation.

Any person found to be violating any provisions of this chapter, except § **355-2**, shall be served by the Town 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.

§ 355-5. Violations and penalties.

Any person served with a notice as provided in § **355-4** who shall continue the violation in question beyond the time limit provided for in such notice, as provided in § **355-4**, shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a penalty as provided in § **1-3** of this Code. Each day in which any such violation shall continue shall be deemed a separate offense.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).*

§ 355-6. Liability for damages.

In addition to the penalty provided in § **355-5**:

- A. Every user of the Town's sewerage system shall be civilly liable in damages to the Town for any injuries to the Town's sewerage system, or 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.
- B. Every user of the Town's sewerage system shall be civilly liable in damages to the Town for any injuries to the Town's sewerage system, or any injuries to third persons for which the Town is liable, caused by or resulting from such user discharging into the Town's sewerage system sewage or waste of a nature or in quantities prohibited by the statutes of the state, or prohibited by the State Water Control Board, or prohibited by the State Health Department or any subdivision thereof, or prohibited by any other state agency.
- C. Every user of the Town's sewerage system shall be liable as hereinabove provided in Subsections **A** and **B** 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.

§ 355-7. Unlawful deposits.

It shall be unlawful for any person to place or deposit, or permit to be placed or deposited, in an insanitary manner, upon public or private property within the Town or in any area under the jurisdiction of the Town, any human or animal excrement, garbage or other objectionable waste.

- A. Unlawful to excrete urine or feces in public. No person shall excrete urine or feces upon the floor, stairway or any other part of any public building, public conveyance, sidewalk, street, alley or lane of the Town, or on any private property where any such conduct can be viewed or seen by any other person.

[Added 11-9-1992]

- B. Urine or feces must be excreted in toilets. No person shall excrete urine or feces in any place or on any premises, private or public, in the Town other than a properly maintained toilet, rest room or temporary toilet facility that is approved by the Health Department of the Commonwealth of Virginia for such use.

[Added 11-9-1992]

- C. Unlawful to permit animals to excrete urine or feces on public property or streets. No person shall knowingly permit any animal to excrete urine or feces upon the floor, stairway or any part of any public building or place, upon the floor or any part of any public conveyance, or upon any sidewalk, street, alley or lane of the Town. Any excretion of feces on public property must be cleaned immediately by the owner. No person shall knowingly permit any animal to excrete urine or feces on private property other than on open ground, and all feces must be cleaned immediately by the animal owner.

[Added 11-9-1992; amended 11-13-2012 by Ord. No. 2012-03]

§ 355-8. Unlawful discharges to natural outlet.

It shall be unlawful for any person to discharge to any natural outlet within the Town or in any area under the jurisdiction of the Town any sanitary sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

§ 355-9. Construction of privies and septic tanks.

Except as provided in the subsequent provisions of this chapter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

§ 355-10. Mandatory connection to public sewer.

The owner of any house building or property used for human occupancy, employment, recreation or other purpose situated within the Town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the Town shall, at his own expense, install suitable toilet and plumbing facilities therein and connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, provided that such public sewer is within 100 feet of the property line.

Article II. Private Sewage Disposal Facilities

§ 355-11. Approval required.

It shall be unlawful for any person to begin construction of a building for human occupancy, employment or recreation within the Town without making application and receiving approval by the Superintendent for a private sewage disposal system, as provided in this article; provided, however, that this section shall be construed to apply only where a public sanitary or combined sewer is not available.

§ 355-12. Use of private system when public sewer is not available.

Where a public sanitary or combined sewer is not available under the provisions of § **355-10**, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

§ 355-13. Permit required.

Before commencement of construction of a private sewage disposal system, the owner of the premises in question shall first obtain a written permit therefor, signed by the Superintendent.

§ 355-14. Application for permit.

The application for a permit, as required in § **355-13**, shall be made on a form furnished by the Town, which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the Superintendent.

§ 355-15. Permit and inspection fee.

[Amended 1-12-2009 by Ord. No. 2009-01]

A permit and inspection fee as set by the Town Council shall be paid to the Town Treasurer at the time the application referred to in § **355-14** is filed.

§ 355-16. Permit conditioned on approval by Superintendent.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent.

§ 355-17. Inspection.

The Superintendent shall be allowed to inspect the work at any stage of construction of the private sewage disposal system, and in any event the applicant for the permit, as provided for in § **355-13**, shall notify the Superintendent when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by such Superintendent.

§ 355-18. Type, capacity, location and layout of system.

The type, capacity, location and layout of a private sewage disposal system shall comply with all recommendations and requirements of the Louisa County Health Department.

§ 355-19. Lot area requirement.

No permit as provided in § **355-13** shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than the area required by the Town Zoning Ordinance.^[1]

[1] *Editor's Note: See Ch. 425, Zoning.*

§ 355-20. Connection to public sewer; abandonment of private system.

At such time as a public sewer become available to a property served by a private sewage disposal system, as provided in § **355-10**, a direct connection shall be made to the public sewer in compliance with this chapter within 90 days after date of official notice by the Town to do so. If the private sewage disposal system in question is not working properly and if it does not meet with all the requirements of

the Louisa County Health Department, when connection has been made with the public sewer, the private septic tank, cesspool or private sewage disposal facilities shall be abandoned.

§ 355-21. Discharge into public sewer or natural outlet.

No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

§ 355-22. Duty of owner.

The owner of the premises in question shall operate and maintain such private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.

§ 355-23. Additional requirements.

No provision contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

Article III. Public Sewage Disposal Facilities

§ 355-24. Permit required for connection to public sewer.

A connection shall not be made to any public sewer or appurtenance thereof except by permit to be issued by the Superintendent or some other authorized agent of the Town and shall not be made except in accordance with the specifications of this chapter or other ordinances of the Town and shall not be made until a connection fee, as established by the Town Council, has been paid.

§ 355-25. Application for permit.

Application for permission to connect with any public sewer shall be in writing and shall be made by the owner of the property which is desired to be connected with such sewer or by his duly authorized agent. Such application shall be addressed to the Superintendent and be made at least three days before the commencement of the work. Such application shall give the exact location of the property, the name of the owner, and the name of the person by whom the work is to be done and shall show the exact proposed location of the building sewer on the property.

§ 355-26. Duty of Superintendent upon receipt of application.

It shall be the duty of the Superintendent to give prompt attention upon receiving any application as hereinbefore specified. Within three days after its receipt, he shall either issue a permit to commence the work as herein specified or reject such application, notifying the applicant in writing of the objections, and when all requirements of this chapter have been complied with a permit shall be issued authorizing the construction of such building drain and building sewer. Should the Superintendent refuse to grant a permit, the applicant may appeal the matter to the Town Council, whose decision in the matter shall be final.

§ 355-27. Injury to sewers or public ways.

No person, while engaged in the construction of a building sewer or otherwise, shall injure, break or move any portion of any public sewer or appurtenance thereof or do any injury to streets or sidewalks. No penalty fixed by the ordinances or Code of the Town shall prevent the Town or any property owner from recovering any damages sustained by reason of such injury by appropriate civil action or otherwise.

§ 355-28. Requests for inspection.

Notice shall be given to the Superintendent when the work is sufficiently advanced for such purpose, and it shall be the duty of the Superintendent, within 24 hours after such notice, to inspect such work, and in case any change therein shall be found necessary, the Superintendent shall direct in writing that the change be made.

§ 355-29. Sewerage and plumbing not to be covered until inspected.

No drainage, sewerage or plumbing shall be covered or concealed in any way until it has been examined and approved by the Superintendent. The Superintendent shall have the right to enter any building under construction for the purpose of making the proper inspection hereunder.

§ 355-30. Supervision of connection of building sewer to public sewer.

The connection of a building sewer to the public sewer shall be made under the supervision of the Superintendent.

§ 355-31. Responsibility for costs.

[Amended 11-13-2012 by Ord. No. 2012-03]

The owner of the property in question shall bear all costs and expenses incidental to the installation, connection and maintenance of the building sewer on his property. The Superintendent or other authorized Town agents are permitted to periodically inspect both the public sewer and building sewers for maintenance concerns. Property owners will be notified of any maintenance issues with the building sewer and will have 90 days to repair the building sewer line. Appeals to this requirement can be made to the Sewer Committee of the Town Council.

§ 355-32. Separate building sewer required for every building.

A separate and independent building sewer shall be provided for every building; provided, however, that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

§ 355-33. Use of old building sewers in connection with new buildings.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this chapter.

§ 355-34. Specifications and requirements as to building sewers.

All building sewers shall be constructed strictly in accordance with the facts stated in the application and the provisions of the Uniform Statewide Building Code, provided that a permit to do the work has been issued by the Superintendent, and no plumbing or building sewer shall be commenced without such permit having been previously obtained.

§ 355-35. Discharge where building drain is too low for gravity flow.

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

§ 355-36. Barricades and lights for excavations; restoration of property.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Superintendent.

Article IV. Discharge into Public Sewer System

§ 355-37. Discharge to sanitary sewer restricted.

[Amended 11-13-2012 by Ord. No. 2012-03]

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water or industrial process waters to any sanitary sewer. Likewise, no person shall make any connection of roof spouts, foundation drains, areaway drains, sump pumps or other sources of surface water in any manner to the sewage system of the Town.

§ 355-38. Discharge of certain waters and wastes to sanitary sewer.

Except as hereinafter provided, no person shall discharge or cause to be discharged to any public sewer any of the following described waters or substances:

- A. Any liquid or vapor having a temperature higher than 150° F.
- B. Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease; provided, however, that hotels, hospitals, restaurants, and other institutions or commercial establishments designated by the Superintendent may discharge such water or waste into the public sewer, provided that the establishment or institution in question has a grease trap approved by the Superintendent.

- C. Any water or waste from auto wash racks and gasoline waste and waste motor oil.
- D. Any benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- E. Any waters or wastes containing 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, ash, cinders, sand, mud, straw, shavings, metal, glass, rags, lint, 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.
- F. Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to the structures, equipment and personnel of the sewage works.
- G. Any water or wastes containing a toxic or poisonous substance in sufficient quantity, either singly or by interaction with other waste, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the sewage treatment plant.
- H. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant. I. Any noxious or malodorous gas or substance capable of creating a public nuisance.
- J. Any waters or wastes containing strong acids.
- K. Any waters or wastes having colors in such concentrations as to affect the operations of the sewage treatment plant or, after treatment in the municipal waste treatment facilities, to create a nuisance or interfere directly or indirectly with specified uses of state waters.
- L. Any waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes 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.

§ 355-39. Grease, oil and sand interceptors.

- A. Generally. Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients; provided, however, that such interceptors shall not be required for private living quarters or dwelling units. All such interceptors shall be of a type and capacity approved by such Superintendent and shall be so located as to be readily and easily accessible for cleaning and inspection.
- B. Maintenance by owner. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

§ 355-40. Review and approval of certain waters and wastes; preliminary treatment facilities.

- A. The admission into the public sewers of the waters or wastes enumerated in this section shall be subject to the review and approval of the Superintendent:
 - (1) Any water or waste having a five-day BOD greater than 300 parts per million by weight.

- (2) Any water or waste containing more than 350 parts per million by weight of suspended solids.
 - (3) Any water or waste containing any quantity of substances having the characteristics described in § **355-38**.
 - (4) Any water or waste having an average daily flow greater than 2% of the average daily sewage flow of the Town.
- B. Where necessary in the opinion of such Superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to:
- (1) Reduce the BOD to 300 parts per million and the suspended solids to 350 parts per million by weight.
 - (2) Reduce objectionable characteristics or constituents to within the maximum limits provided for in § **355-38**.
 - (3) Control the quantities and rates of discharge of such waters or wastes.
- C. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of such Superintendent and of the Water Control Board of the state, and no construction of such facilities shall be commenced until said approvals are obtained in writing.^[1]
- (1) *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).*

§ 355-41. Maintenance of preliminary treatment facilities.

Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

§ 355-42. Control manhole.

When required by the Superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by such Superintendent. 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.

§ 355-43. Measurements, tests and analyses.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in §§ **355-38** and **355-40** shall be determined in accordance with Standard Methods for the Examination of Water and Waste Water and shall be determined at the control manhole provided for in § **355-42** or upon suitable samples taken at said control 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.

§ 355-44. Special agreements for industrial wastes of unusual strength or character.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefor by the industrial concern.

§ 355-45. Stoppage of sewer pipes.

In case of any stoppage in the public sewers, the Town shall remove the same. If the obstruction is in a branch or building sewer or drain, the owner of the property to which it connects shall remove such obstruction.

Article V. Sewer Charges

§ 355-46. Fee for connection to public sewer.

The Town Council shall, from time to time, fix connection fees for making connections to the public sewer of the Town. A copy of a schedule of such fees shall be maintained on file in the office of the Town Clerk, and such fee shall be payable before such connection is made.

§ 355-47. Connections requiring extension of public sewer within Town.

Should application be made for a connection to property in the Town where there is no public sewer in an adjoining street or right-of-way, such application shall not be acted on by the Superintendent but shall be postponed until the next meeting of the Town Council, which shall determine whether such public sewer should be constructed and the amount to be charged to the applicant for such construction, provided that such charges shall be in addition to the tapping charge and user charge provided for herein.

§ 355-48. Connections requiring extension of public sewer beyond Town limits.

Each application for sewer service outside the corporate limits which involves the construction of a public sewer or involves the construction of a lateral of such length or in such a location that there is a possibility of future connections to such lateral shall be referred by the Superintendent to the Town Council, which shall consider the project and determine whether such project should be undertaken and shall determine the cost to be charged to the applicant for such project, provided that such charges shall be in addition to the tapping fee and the user charge provided for herein, and provided further that no such extensions to the Town sewer system outside of the Town limits shall be undertaken until the statutory notice has been given to the appropriate governing body of the county in which the extension is contemplated.

§ 355-49. Charges and billings.

Every person whose property shall be connected to the public sewer system of the Town, whether in or outside of the corporate limits, shall, for each such connection, pay to the Town a charge at a rate to be established from time to time by the Town Council for such connection, to be measured by the consumption of water at such property. Such charge shall be a percentage of the water bill charged

each property each month, to be included in the water billing and to be collected as water accounts due the Town. However, nothing in this section shall be construed to abridge or deny the right of the Town Council to alter or raise these rates, and when, in the opinion of the Town Council, the water consumption at a property does not adequately represent the use being made of the Town sewage facilities, the Council may establish such rate as it sees fit. In case there is no water service to property to be served by the Town sewage facilities, the sewer charge against such property shall be as established by the Town Council.

§ 355-50. Statements generally.

All statements for Town sewer service shall be computed by the Town Treasurer on the basis of the rates set out in this article and shall be on a monthly basis. Such statements shall be rendered to the family, property owner, occupant or user as soon as practicable after monthly readings. This statement shall be considered the correct assessment unless a correction is requested of the Town Treasurer within 10 days after the statement is sent out.

§ 355-51. Complaints as to charges.

Any user of sewer service having a complaint in connection with the assessment of charges under this article shall report the same to the Town Treasurer, as provided in § 355-50, who shall adjust the same or refer the complaint to the Town Council.

§ 355-52. Effect of failure to pay bill by certain date.

In the event that a person whose duty it is to pay a statement for Town sewer service, rendered as provided in § 355-50, by such date as may be established by the Town Treasurer with the approval of the Town Council shall fail to do so, the Town Treasurer may cause the water to the premises in question to be turned off.

Article VI. Delinquent Charges

§ 355-53. Delinquent sewer charges to be lien against property.

All charges for services or fees under this chapter for sewer services or fees which remain unpaid and delinquent for as much as 60 days from the due date shall be a lien against the real estate of any owner to whom such services were supplied, and if the party owing such charges that are delinquent as herein stated is a tenant and not an owner of such real estate, then such indebtedness shall be a lien against any personal property of the tenant located within the limits of the Town. If any such delinquent charges are due at the time taxes are billed to any such party, such delinquent charges shall be placed on the tax bill of such owner or tenant and collected as taxes are collected.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).*