

TOWN OF TIMBERVILLE

TITLE 6

SERVICE ORDINANCES

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TOWN OF TIMBERVILLE

TITLE 6

WATER AND SEWER ORDINANCES

Adopted December 11, 1975. Effective date January 1, 1976.

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE WATER AND SEWER SYSTEMS AND PROVIDING PENALTIES FOR VIOLATIONS OF SUCH REGULATIONS IN THE TOWN OF TIMBERVILLE, VIRGINIA

ARTICLE I. – WATER SYSTEM.

§6-1.1 Occupied buildings to have water supply.

It shall be unlawful for the owner of any house or other building to be used for human habitation to occupy or to rent or lease the same for occupancy to any person, or for any person to occupy the same, until such house or other building so to be used for human habitation shall have been provided with a sanitary supply of water. If any landlord shall fail to supply any house, apartment, or other building to be used for human habitation with a sanitary supply of water, his tenants shall supply the same in conformity with the orders of the health officer or other designated official and may deduct the cost thereof from any sum due to the landlord.

§6-1.2 Private systems prohibited where Town service available.

It shall be unlawful for any person other than the Town of Timberville to furnish water to himself or any other person within the corporate limits of the Town where Town water is available, unless, in the opinion of the Town Manager, an adequate sanitary water supply system is in

operation as of the effective date of this ordinance. Town water shall be considered available if the Town water system is within one hundred (100) feet of the property line, and the Town Council or Town Manager determines that it is feasible to supply public water service.

[Amended & Re-Enacted February 9, 1995]

§6-1.3 Individual residential or business units to have separate connections and meters.

Each individual residential or business unit shall be required to have a separate connection and meter unless otherwise authorized by the Town Council. Apartment buildings or other buildings containing two or more units of occupancy may have a single meter provided that the building owner be responsible for payment of all charges and costs. Each unit of dwelling in an apartment building or building containing two or more units of occupancy will be charged the prevailing minimum rate.

AMENDED: October 9, 1996.

§6-1.4 Connections, generally.

All connections to the Town water system in and outside of the Town limits shall be made only upon the order of the Town Manager and shall conform in all respect to the requirements of the Town. The requirements of the Town shall be on file with the Town Manager in the Town office.

In the case of water service for an individual inside the Town limits, the Town shall run all water service lines to the applicant's property line for a distance not to exceed fifty (50) feet upon

payment of the connection charge in force at the time of application. If the distance exceeds fifty (50) feet, then applicant shall pay all costs in excess of fifty (50) feet.

In the case of water service for an individual outside the Town limits, applicants shall run all water service lines to the applicant's residence, and the applicant shall be responsible for all costs thereby incurred. The applicant must have a contractor approved by the Town Manager, submit a written "service plan" to the Town Manager before any work commences. The "service plan" must state the method and means of the connection, including, but not limited to, type of pipe, size of pipe, type of connection, connection point, depth of pipe, location of meter, size and type of meter, and course of pipe to applicant's residence. Residential connections shall be no larger than one inch (1") diameter pipe. The Town Manager may require larger pipe for non-residential connections. If the Town Manager requires a pipe greater than one inch (1") in diameter, the applicant shall reimburse the Town for any difference in meter cost from a standard one inch (1") residential meter to that required by the Town Manager.

Once the written "service plan" is approved by the Town Manager, the applicant may commence the work. All work done by the applicant's approved contractor and any work performed by the Town outside the Town, shall be at applicant's expense. The applicant shall also pay the out-of-town connection fee in force at the time of application.

[Amended & Re-Enacted February 9, 1995]

§6-1.5 Cross connections to Town's water supply.

No person shall install or maintain a cross connection, as defined in the Virginia Waterworks Regulation, from the consumer's water system to the Town water system, whether

such connection be made on or off the property of such person; provided; however, the Town Manager may allow such cross connection to be made and backflow prevention device installed where, in his judgment, no contamination of the Town water supply will result therefrom. In no case, however, shall any such cross connection be made, except under the authority of written permit from the Town Manager, and except further in accordance with plans and specifications approved by the Town Manager. All such cross connections, where made, shall be inspected and approved from time to time by the Town Manager. The Town Manager shall have power to revoke the permit allowing such cross connections at any time such cross connection does not pass inspection, or it is to the best interest of the public that such cross connection be discontinued.

[Amended & Re-Enacted February 9, 1995]

§6-1.6 Out-of-town connections.

Connections made outside the corporate limits of the Town shall be made only with the consent of and on the terms and conditions approved by the Town Council. (See also Section 1.1 of this title.)

[REPEALED February 9, 1995]

§6-1.7 Supervision of water system by Town ~~Supervisor~~ ~~Manager~~.

The water system of the Town shall be under the immediate supervision of the Town ~~Superintendent~~ ~~Manager~~. The Town ~~Superintendent~~ ~~Manager~~ shall have supervision over the water system and all wells, reservoirs, pipes, plugs, and other properties in any way connected

therewith. He/She shall keep all parts of the machinery and equipment in connection of the water system in good order and repair. He/She shall also keep a map showing the location of the main pipes and length and size of each of them. When there is an extension of any main pipe, he/she shall mark on the map the place of extension, size of pipe used and other related information such as the cost of labor and material used in making such an extension. He/She shall keep a record of all branch pipes, hydrants and other connections with the water system.

§6-1.8 Inspection of premises at reasonable hours.

Every person occupying a lot, house or other building into which water is conveyed from the Town water supply shall permit the Town ~~superintendent~~ Manager or his/her duly authorized representative to enter such lot, house or other building, at reasonable hours, to inspect the working of the water system therein or to see if the ordinances of the Town relative to the water system are or have been violated.

§6-1.9 Installation and specifications of new water mains.

In the case of subdivisions, the owner or developer shall install, at his/her own expense, all water mains in the subdivision in accordance with the specifications prescribed by the ~~Superintendent~~ Manager. Upon installation, such water mains shall become the property of and shall be maintained by the Town.

§6-1.10 Installation and specifications of service lines.

The service line is that line which runs from the meter connection to the property owner's house or other building. The owner must install at his/her own expense and maintain such line according to specifications set by the Town Superintendent Manager for service lines. No connection shall be made unless the house service line is in compliance with Town specifications.

§6-1.11 Maintenance of service lines.

Any malfunction, including backflow, or break in the service line shall be the responsibility of the property owner to repair in accordance with Department of Health Regulations.

§6-1.12 Application.

Any person desiring the introduction of water into his/her premises shall make written application to the Town Superintendent Manager. Such application shall set forth the name of the applicant, the location of the property into which the water is to be introduced, the purposes for which the water is to be used, and the name of the plumber who is to do the work incident to the introduction of water into the premises. Such application shall also contain a provision which, upon acceptance of the application by the Town Superintendent Manager and subsequent connection with the Town water system, shall obligate the owner of the premises to pay for all water furnished pursuant to such application. All applications shall be made and connection fees paid at least thirty (30) days in advance of hook-ups. In the event that an application is rejected, the connection fee will be refunded in full.

§6-1.13 Unauthorized entry.

No person shall, without lawful authority, trespass upon the property owned by or under the control of the Town and used in connection with the Timberville water system.

§6-1.14 Pollution of water supply.

No person shall deposit any offensive matter such as sticks, mud, garbage, or rubbish in the wells, springs, reservoirs, or other body of water of the Town water supply. No person shall cast any dead animals or other noxious matter, or what is commonly known as bait, into any of the streams, springs, wells, or other sources of the Town water supply, nor drown or cause to be drowned any animal therein, or to do any other similar act by reason of which the health of any person is affected, or the water supply of the Town is rendered impure or offensive.

§6-1.15 Wasting water, generally.

No person shall open any pipe, fire plug, hydrant, cock or other part of the Town water system so as to waste water.

§6-1.16 Turning on water; testing by plumbers.

Water shall not be turned on in any house or other building except by order of the Town **Superintendent** **Manager**, provided, however, that this section shall not be construed to prohibit duly licensed and bonded plumbers from turning water on in such places for purposes of testing the plumbing connected thereto.

§6-1.17 Unauthorized use of water, fire plugs and hydrants.

No person who is not a bona fide member of the fire company in the performance of his duties shall use water from the Town water system or manipulate the fire plugs or hydrants of the Town, except by order of the Town ~~Superintendent~~ **Manager**.

§6-1.18 Tampering with pipes, cocks, etc.

No person shall remove, alter, or injure in any way any pipe, fire plug, hydrant, cock, or other apparatus of the Town water system. Any person so removing, altering, or injuring shall be liable in damages to the Town for any injury caused the Town water system.

§6-1.19 Emergency water restrictions.

The ~~M~~mayor may, if in his opinion there exists a shortage of Town water supply and an emergency therefore exists with respect thereto, give proper notice of the existence of such emergency and prescribe the extent to which the use of water shall be curtailed. Any person found using water other than as permitted by the terms of the order of the Mayor after due publication of the notice shall be guilty of a misdemeanor. Such order of the Mayor shall be effective until the next regular or special meeting of the Town Council at which time the Council is authorized to act pursuant to this section.

§6-1.20 Connection Fees; Deposits.

The fees for an Equivalent Residential Connection (ERC) for water connections service shall be determined by Town Council from time to time. Cost for connections will be calculated using the following schedule: as follows:

Meter Size	Water	Sewer
5/8 or 3/4	1 ERC	1 ERC
1	2.5 ERCs	2.5 ERCs
1 1/2	5 ERCs	5 ERCs
2	8 ERCs	8 ERCs
4	25 ERCs	25 ERCs
6	50 ERCs	50 ERCs

ERC = Equivalent Residential Connection

Fees for multi-family, hotel, hospital, assisted living facility, nursing care facility, or master-metered mobile home parks shall be charged the higher of a fee based upon meter size or the calculation of the number of units multiplied by the following factors:

Multi-family	1 unit = 0.5 ERC
Hotels	1 room = 0.33 ERC
Mobile Home Park	1 mobile home = 1 ERC
Hospitals	1 bed = 1 ERC
Assisted Living Facility	1 unit = 0.5 ERC
Nursing Care Facility	1 bed = 1 ERC

(A) Residential

Single Family

(a) In Town	\$4,000.00
(b) Out of Town	\$4,500.00

(B) Commercial and Industrial

1. Motels and Motor Courts, per unit

(a) In Town	\$4,000.00
(b) Out of Town	\$4,500.00
(c) In no case less than	\$4,000.00

2. Restaurants and/or Eating Establishments

(a) 0-150 seats, per seat	\$80.00
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~~(b) Over 150 seats (calculated on Health Department Design Criteria)~~
~~(c) In no case less than \$4,500.00~~

~~3. Car Wash, \$2,500.00 + \$660.00 per bay~~

~~4. Laundry Service, per machine \$500.00~~

~~5. Small Business (normal usage)~~

~~(a) In Town \$4,000.00~~

~~(b) Out of Town \$4,500.00~~

~~6. All others calculated on Va. Health Department Design Criteria.~~

~~7. Industrial.~~

~~The Town Council will review new industrial requests for service. Consideration shall be based on consumption, peak demands, and their effect on the Town's reserve.~~

(C) Deposits. A rental deposit ~~in the amount of \$125.00~~ will be required of all new customers after July 1, 2007. Deposit will be retained by the Town on a non-interest bearing basis and will be returned after a period of one year or applied to the final bill of the customer upon the discontinuance of service, whichever should come first. The amount of the deposit shall be determined by Town Council from time to time.

[Adopted and Re-Enacted August 14, 2014]

§6-1.21 Drought Management.

- A. The purpose of this Ordinance is to provide for the voluntary and mandatory restriction of use of the Timberville, Virginia public water supply system during declared water shortages or water emergencies. This Ordinance shall apply to all Timberville, Virginia residents and businesses which are served by the public water system. The Town Council shall adopt by resolution the Upper Shenandoah River Basin Drought Preparedness and Response Plan. The indicators used to indicate drought severity shall be defined in the Upper Shenandoah River Basin Drought Preparedness and Response Plan. The drought stages shall be Drought Watch, Drought Warning, and Drought Emergency, as determined by the Board/Council, pursuant to the Upper Shenandoah River Basin Drought Preparedness and Response Plan and State Water Control Board regulation 9 VAC 25-120. Upon notification to the Town that a drought stage exists, as defined in this Ordinance, the Council may issue a declaration of a drought stage. The Town may declare a drought stage in the absence of a declaration by the Commonwealth of Virginia. The Town must declare a drought stage upon declaration by the Commonwealth of Virginia. Upon declaration by the Council 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. Upon declaration of a Drought Emergency, mandatory restrictions shall apply as set forth in the Plan.
- B. Upon prior written request by an individual, business, or other water user, the Council, 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 Council or its designee unless the Council or its designee determines that the public health, safety, and welfare will not be adversely affected by the waiver. All waivers granted by the Council or its designee shall be reported at the Council's next regular or special meeting.

- C. Any person who shall violate any of the provisions of this Article shall, upon conviction thereof, be fined not less than fifty dollars (\$50.00), nor more than 500 hundred dollars (\$500.00). Each act or each day's continuance of the violation shall be considered a separate offense.

[Adopted and Enacted September 8, 2011]

ARTICLE II. – SEWER SYSTEM.

§6-2.1 Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- (a) “Biochemical oxygen demand (BOD)” shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.
- (b) “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 (1.5 meters) outside the inner face of the building wall.

- (c) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.
- (d) "County" shall mean Rockingham County, Virginia.
- (e) "Easement" shall mean an acquired legal right for the specific use of land owned by others.
- (f) "Floatable oil" is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.
- (g) "Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
- (h) "Industrial wastes" shall mean the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.
- (i) "Natural outlet" shall mean any outlet, including storm sewers, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- (j) "May" is permissive (See "shall", paragraph (r)).
- (k) "Person" shall mean any natural person, individual, firm, company, association, society, corporation, or group.
- (l) "pH" shall mean the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .
- (m) "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be

- carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch (1.27 centimeters) in any dimension.
- (n) “Public sewer” shall mean a common sewer controlled by a governmental agency or public utility.
- (o) “Sanitary sewer” shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
- (p) “Sewage” is the spent water of a community. The preferred term is “wastewater”, paragraph (y).
- (q) “Sewer” shall mean a pipe or conduit that carries wastewater or drainage water.
- (r) “Shall” is mandatory (See “may”, paragraph (j)).
- (s) “Slug” shall mean any discharge of water or wastewater 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 or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.
- (t) “Storm drain” (sometimes termed “storm sewer”) shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.
- ~~(u) “Superintendent” shall mean the Town Superintendent of the Town of Timberville, or his authorized deputy, agent, or representative.~~
- (v) ~~(u)~~ (u) “Suspended solids” shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater or other liquids, and that is

removable by laboratory filtering as prescribed in “Standard Methods for the Examination of Water and Wastewater” and referred to as nonfilterable residue.

~~(u)~~ (v) “Town” shall mean Town of Timberville.

~~(w)~~ (w) “Town Manager” shall mean the Town Manager of the Town of Timberville, or his/her authorized deputy, agent, or representative.

~~(x)~~ (x) “Unpolluted water” is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

~~(y)~~ (y) “Wastewater” shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

~~(z)~~ (z) “Wastewater facilities” shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

~~(aa)~~ (aa) “Wastewater treatment works” shall mean an arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes use as synonymous with “waste water treatment plant” or “wastewater treatment plant” or “water pollution control plant.”

~~(bb)~~ (bb) “Wastecourse” shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

§6-2.2 Use of public sewers required.

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

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

C. Except as hereinafter provided, it shall be unlawful for any person to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

D. The owner(s) of all houses or buildings used for human occupancy, employment, recreation, or other purposes, 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 sewer of the Town, is hereby required, at the owner’s expense, to install suitable toilet facilities therein, and to connect such facilities directly with the public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line, and the Town Council has not determined that it is infeasible to make public sewer service available.

E. (i). All connections to the Town sewer system in and outside of the Town limits shall be made only upon the approval of the Town Manager.

(ii). In the case of sewer service for an individual inside the Town limits, the Town shall run all sewer service lines to the applicant's property line for a distance not to exceed fifty (50) feet upon payment of the connection charges in force at the time of the application. If the distance exceeds fifty (50) feet, the applicant shall pay all costs in excess of fifty (50) feet.

(iii). In the case of sewer service for an individual outside the Town Limits, applicant shall run all sewer service lines to the applicant's residence, and the applicant shall be responsible for all costs thereby incurred. The applicant must have a contractor licensed by the Commonwealth of Virginia and approved by the Town Manager, submit a written "service plan" to the Town Manager before any work commences. The "service plan" must state the method and means of connection, including, but not limited to, type of pipe, size of pipe, type of connection, connection point, depth of pipe, and course of pipe to applicant's residence. Residential connections shall be a minimum of four inch (4") diameter pipe. The Town Manager may require larger pipe for non-residential or multi-residential connections.

Once the written "service plan" is approved by the Town Manager, the applicant may commence at work. All work done by the applicant's approved contractor and any work performed by the Town outside the Town, shall be at applicant's expense. The applicant shall also pay the out-of-town connection fee in force at the time of application.

[Subsection E. Amended & Re-Enacted February 9, 1995]

F. In the case of subdivision, the owner or developer shall install, at his own expense, all water and sewer mains in the subdivision in accordance with specifications prescribed by and approved by the Town Manager. Upon installation, inspection, and approval of the installation by the Town Manager, the owner and developer shall warranty the installation for a period of one (1)

year from approval. At the expiration of the one (1) year warranty period, such sewer mains shall become the property of and shall be maintained by the Town.

[Subsection F. Amended & Re-Enacted February 9, 1995]

§6-2.3 Private wastewater disposal.

A. Where public sewer service is not available under Section 2.2(D) of this title, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

B. Before commencement of construction of a private wastewater disposal system the owner(s) shall first obtain a written permit signed by the ~~Superintendent~~ Town Manager.

C. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the ~~Superintendent~~ Town Manager. The ~~Superintendent~~ Town Manager shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the ~~Superintendent~~ Town Manager when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the ~~Superintendent~~ Town Manager.

D. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of the department of public health of the state of Virginia. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than 20,000 square feet where such lot is served by public water or less than 24,000 square feet where the lot is not served by public water. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

E. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Town.

F. When a public sewer is available to a property served by a private wastewater disposal system and such private system fails or malfunctions, the ~~Superintendent~~ **Town Manager** upon determining that such failure or malfunction exists, shall direct the owner(s) to connect **to** the public sewer within ninety (90) days, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleared of sludge and filled with suitable material.

G. It shall be unlawful for any person to repair a private wastewater disposal system or any part thereof when public sewer is ~~un~~available.

H. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the county health officer.

§6-2.4 Building sewers and connections.

A. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the ~~Superintendent~~ **Town Manager**.

B. There shall be two (2) classes of building permits: (a) for residential and commerce services, and (b) for service establishments producing industrial wastes. In either case, the owner(s) or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the ~~Superintendent~~ **Town Manager**.

C. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

D. A separate and independent building sewer shall be provided for every building; except 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 front building may be extended to the rear building and the whole considered as one building sewer, but the Town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

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

F. 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 the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

H. No person(s) shall make connection of roof downspouts, foundation drains, area drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the ~~Superintendent~~ Town Manager for purposes of disposal of polluted surface drainage.

I. The connection of the building sewer into the public sewer shall conform to the requirements of the Town which shall be on file in the Town office. All such connections shall be made gas tight and water tight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the ~~Superintendent~~ Town Manager before installation.

SUBSECTION (I) AMENDED: June 12, 1986.

J. The applicant for the building sewer permit shall notify the ~~Superintendent~~ Town Manager when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the ~~Superintendent~~ Town Manager or his her representative.

K. All excavations for building sewer installation shall be adequately guarded with barricades and lights 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 Town.

§6-2.5 Certain uses of the public sewers prohibited.

A. No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer, except stormwater runoff from limited areas, which stormwater, which may be polluted at times, may be discharged to the sanitary sewer by permission of the ~~Superintendent~~ Town Manager.

B. Stormwater ~~other than that exempted under Section 2.5(A) of this title,~~ and all other unpolluted drainage shall be discharged to storm sewers or to a natural outlet approved by the ~~Superintendent~~ Town Manager and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the ~~Superintendent~~ Town Manager to a storm sewer or natural outlet.

C. No person(s) 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 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 waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.

(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, or personnel of the wastewater 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 wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass,

rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

D. The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The ~~Superintendent~~ **Town Manager** may set limitations established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the ~~Superintendent~~ **Town Manager** will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the ~~Superintendent~~ **Town Manager** are as follows:

- (a) Wastewater having a temperature higher than 150° Fahrenheit (65° Celsius).
- (b) Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.
- (c) Wastewater from industrial plants containing floatable oils, fat, or grease.
- (d) Any garbage that has not been properly shredded (See Section 2.1(m) of this title).

Garbage grinders may be connected to sanitary sewers from home, hotels, institutions, restaurants,

hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

(e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the **Superintendent** **Town Manager** for such materials.

(f) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the **Superintendent** **Town Manager**.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the **Superintendent** **Town Manager** in compliance with applicable state or federal regulations.

(h) Quantities of flow, concentrations, or both which constitute a “slug” as defined herein.

(i) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(j) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

E. If any waters or wastes are discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 2.5(D) of this title, and which in the judgment of the **Superintendent** **Town Manager**, may have a deleterious effect upon the

wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the ~~Superintendent~~ Town Manager 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 added cost of handling and treating the wastes not

covered by existing taxes or sewer charges under the provisions of Section 2.5(J) of this title.

F. Grease, oil, and sand interceptors shall be provided when, in the opinion of the ~~Superintendent~~ Town Manager, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Section 2.5(D)(c) of this title, 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 ~~Superintendent~~ Town Manager, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the ~~Superintendent~~ Town Manager. Any removal and hauling of the collected materials not performed by owner(s)' personnel must be performed by currently licensed waste disposal firms.

G. Where pretreatment or flowequalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his/her expense.

H. When required by the ~~Superintendent~~ Town Manager, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together

with such necessary meters and other appurtenances in the building sewer to facilitate observations, sampling, and measurement of the wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the ~~Superintendent~~ **Town Manager**. The structure shall be installed by the owner at his/**her** expense and shall be maintained by him/**her** so as to be safe and accessible at all times.

I. The ~~Superintendent~~ **Town Manager** may require a user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include:

(a) Wastewaters discharge peak rate and volume over a specified time period.

(b) Chemical analyses of wastewaters.

(c) Information on raw materials, processes, and products affecting wastewater volume and quality.

(d) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.

(e) A plot plan of sewers of the user's property showing sewer and pretreatment facility location.

(f) Details of wastewater pretreatment facilities.

(g) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

J. All measurements, tests, and analyses of the characteristics of waters and wastes to which references is made in this ordinance 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. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the ~~Superintendent~~ **Town Manager**.

K. No statement contained in this section 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.

§6-2.6 Damage to public sewer system.

No 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 wastewater facilities.

§6-2.7 Powers and authority of inspectors.

A. The ~~Superintendent~~ **Town Manager** and other duly authorized employees or agents of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this ordinance.

B. The ~~Superintendent~~ **Town Manager** or other duly authorized employees are authorized to obtain information concerning industrial process which have a direct bearing on the kind and source of discharge to the waste water collection system and to take appropriate action based upon their findings.

SUBSECTION (B) AMENDED: JUNE 12, 1986.

C. While performing the necessary work on private properties referred to in paragraph (A) above, the ~~Superintendent~~ **Town Manager** or duly authorized employees or agents of the Town shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the Town employees or agents, and the Town shall indemnify the company against loss or damage to its property by Town employees or agents against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 2.5(H) of this title.

~~D.~~ The ~~Superintendent~~ **Town Manager** and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

D.

~~ERC = Equivalent Residential Connection~~

~~Fees for multi-family, hotel, hospital, assisted living facility, nursing care facility, or master-metered mobile home parks shall be charged the higher of a fee based upon meter size or the calculation of the number of units multiplied by the following factors:~~

Multi-family	1 unit = 0.5 ERC
Hotels	1 room = 0.33 ERC
Mobile Home Park	1 mobile home = 1 ERC
Hospitals	1 bed = 1 ERC
Assisted Living Facility	1 unit = 0.5 ERC
Nursing Care Facility	1 bed = 1 ERC

§6-2.8 Connections Fees; Deposits.

The fees for an Equivalent Residential Connection (ERC) for sewer connections service shall be determined by Town Council from time to time. Cost for connections will be calculated using the following schedule: are as follows:

Meter Size	Water	Sewer
5/8 or 3/4	1 ERC	1 ERC
1	2.5 ERCs	2.5 ERCs
1 1/2	5 ERCs	5 ERCs
2	8 ERCs	8 ERCs
4	25 ERCs	25 ERCs
6	50 ERCs	50 ERCs

ERC = Equivalent Residential Connection

Fees for multi-family, hotel, hospital, assisted living facility, nursing care facility, or master-metered mobile home parks shall be charged the higher of a fee based upon meter size or the calculation of the number of units multiplied by the following factors:

Multi-family	1 unit = 0.5 ERC
Hotels	1 room = 0.33 ERC
Mobile Home Park	1 mobile home = 1 ERC
Hospitals	1 bed = 1 ERC

<u>Assisted Living Facility</u>	<u>1 unit = 0.5 ERC</u>
<u>Nursing Care Facility</u>	<u>1 bed = 1 ERC</u>

~~(B)~~ (A) Residential

Single Family

<u>(a) In Town</u>	<u>\$4,000.00</u>
<u>(b) Out of Town</u>	<u>\$4,500.00</u>

~~(C)~~ (B) Commercial and Industrial

1. Motels and Motor Courts, per unit

<u>(a) In Town</u>	<u>\$4,000.00</u>
<u>(b) Out of Town</u>	<u>\$4,500.00</u>
<u>(c) In no case less than</u>	<u>\$4,000.00</u>

2. Restaurants and/or Eating Establishments

<u>(a) 0-150 seats, per seat</u>	<u>\$120.00</u>
<u>(b) Over 150 seats (calculated on Va. Health Department Design Criteria)</u>	
<u>(c) In no case less than</u>	<u>\$4,500.00</u>

3. Small Business, normal usage

<u>(a) In Town</u>	<u>\$4,000.00</u>
<u>(b) Out of Town</u>	<u>\$4,500.00</u>

4. Car Wash, \$2,500 + \$660.00 per bay

~~5. Laundry Service, per machine \$550.00~~

~~6. All other calculated on Va. Health Department Design Criteria.~~

~~7. Industrial.~~

The Town Council shall review new industrial water discharges. Consideration shall be based on equivalent flows and waste characteristics. Exotic wastes shall be governed by the Town's sewer ordinances.

~~(D)(C) Deposits.~~ A rental deposit ~~in the amount of \$125.00~~ will be required of all new customers after July 1, 2007. Deposit will be retained by the Town on a non-interest bearing basis and will be returned after a period of one year or applied to the final bill of the customer upon discontinuance of service, whichever should come first. The deposit amount shall be determined by the Town Council from time to time.

[Adopted and Re-Enacted August 14, 2014]

**ARTICLE III. – SEWER AND WATER SERVICE RATES AND CHARGES: METERS,
GENERALLY; DICONINUANCE OF SERVICE.**

§6-3.1 Water charges based on meter readings.

All water passing through the meter installed for the measurement of water supplied by the Town shall be paid for according to meter readings at the rate prescribed by the Town Council. The Town ~~Superintendent~~ **Manager** ~~or his/her~~ ~~duly designated representative,~~ shall read the water meters at or near the first of every **other** month beginning February each year.

§6-3.2 Rates for water service.

A. Water rates inside the corporate limits of the Town shall be **determined by the Town Council from time to time and** assessed bi-monthly. ~~as follows:~~

Gallons	Water
0-5,000	\$25.32
5,001-15,000	\$3.19/1,000 gallons
15,001-25,000	\$3.51/1,000 gallons
25,001-50,000	\$3.79/1,000 gallons
50,001-100,000	\$4.11/1,000 gallons
Over 100,000	\$4.40/1,000 gallons

B. Water rates outside the corporate limits of the Town shall be **determined by the Town Council from time to time and** assessed **bi-monthly**. ~~quarterly~~ ~~as follows:~~

Gallons	Water
0-3,000	\$30.72
3,001-15,000	\$3.87/1,000 gallons
15,001-25,000	\$4.25/1,000 gallons
25,001-50,000	\$4.62/1,000 gallons
50,001-100,000	\$4.98/1,000 gallons
Over 100,000	\$5.34/1,000 gallons

C. All members of the National Guard or Reserves who:

- (1) Are the head of the household,
- (2) Have been called for active duty, and
- (3) Present their orders to the Town Manager

shall be exempt from the Town's water charges for as long as their orders for active duty remain valid.

§6-3.3 Rates for sewer service.

A. Sewer rates within the corporate limits of the Town shall be determined by the Town Council from time to time and assessed bimonthly, quarterly as follows:

Gallons	Sewer
0-5,000	\$34.06
5,001-15,000	\$3.56/1,000 gallons
15,001-25,000	\$3.86/1,000 gallons
25,001-50,000	\$4.16/1,000 gallons
50,001-100,000	\$4.45/1,000 gallons
Over 100,000	\$4.77/1,000 gallons

B. Sewer rates outside the corporate limits of the Town shall be determined by the Town Council from time to time and assessed bi-monthly, as follows:

Gallons	Sewer
0-3,000	\$41.32
3,001-15,000	\$4.32/1,000 gallons
15,001-25,000	\$4.69/1,000 gallons
25,001-50,000	\$5.05/1,000 gallons
50,001-100,000	\$5.41/1,000 gallons
Over 100,000	\$5.79/1,000 gallons

C. Sewer service rates for Commercial/Industrial customers, within or outside the corporate limits of the Town, discharging chemicals into the sewer collection system shall be a matter of negotiation between the customer and the Town Council. Rates will be established on volume and/or of B.O.D. being discharged.

D. All members of the National Guard or Reserves who:

- (4) Are the head of the household,
- (5) Have been called for active duty, and
- (6) Present their orders to the Town Manager

shall be exempt from the Town's sewer charges for as long as their orders for active duty remain valid.

[Adopted & Re-Enacted July 12, 2018]

§6-3.3.2 Site Plan Requirements.

Surety shall only be accepted in lieu of completion of improvements where such work cannot be completed due to inclement weather, delays directly caused by public construction projects, or factors beyond the control of the developer.

[Adopted & Enacted October 14, 2010]

§6-3.4 Water and sewer billing date; delinquent bills and penalty; discontinuance of service.

Water and sewer charges shall be billed quarterly, and the billing date shall be the date of mailing. Bills become due ten (10) days after the date of billing. Bills unpaid thirty (30) days after

the billing date shall be considered delinquent, thereby incurring a penalty of 10%. Delinquent bills may give rise to discontinuance of water or sewer service by the Town ~~Superintendent~~ Manager, without notice. The Town ~~Clerk~~ Manager shall mail a notice of delinquency and possible discontinuance of service thirty (30) days after billing date.

§6-3.5 Overassessments.

Any water or sewer user having a complaint in connection with the assessment of his water or sewer bill shall report the same to the Town ~~Superintendent~~ Manager. Any water user who feels that he/she is over assessed may have his/her meter tested by the Town upon payment of a testing fee ~~of five dollars (\$5) and shipping charges in effect at the time~~ to the Town. If the meter is found to over-register, the fee and shipping charges shall be returned, but if the meter is correct or under-registering, the fee and shipping charges shall not be returned and used by the Town to cover the cost of the test.

§6-3.6 Turnoff charge.

~~A charge of five dollars (\$5) shall be made for having water service to particular premises turned off at the request of a water service customer.~~

§6-3.7 Tampering with water meter.

No person shall tamper with a water meter, meter box, or meter valve, or use, or cause to be used, any device whatsoever, so as to injure the same, or as to prevent or interrupt the proper and accurate registering by it of the quantity of water from the Town water system used or supplied.

§6-3.8 Estimate of water consumption when meter malfunctions or is tampered with.

If at any time a meter shall be found to have been tampered with, or for any reason shall fail to register, or shall be found to be defective in registering since the last previous reading, the water consumption for such period may be estimated by an average of past readings from that connection.

§6-3.9 Reconnection.

If water service is disconnected for non-payment of either sewer or water bills such water service shall not be connected until after the person responsible for payment of the bill has paid the same in full, including penalties, and has paid, in addition to the bill, a reconnection charge of fifty dollars (\$50)

[Adopted & Re-enacted June 13, 2019]

§6-3.10 Discontinuance of service generally.

The Town ~~Superintendent~~ **Manager** may discontinue water or sewer service to a consumer for repairs to the water or sewage system or because the inadequacy or pollution of the water

supply and shall give as much notice of such discontinuance to the consumer as is practicable under the circumstances.

ARTICLE IV. – PENALTIES.

§6-4.1 Failure to comply; written notice and correction.

Any person who fails to comply with any provision of this Code, except Sections 6-1.13, 6-1.14, 6-1.15, 6-1.17, 6-1.18, 6-2.6, 6-3.7, shall be served by the Town ~~Superintendent~~ **Manager** with written notice stating the nature of the noncompliance and, if applicable, providing a reasonable time limit for the satisfactory correction thereof. The person so served shall, within the period of time stated in such notice, permanently cease all violations.

§6-4.2 Violation; misdemeanor.

Any person who shall be found guilty of violating any provision of this ordinance in relation to violation notice is not required under Section 4.1 of this article, or who shall continue any non-compliance beyond the time limit provided for in Section 4.1 of this article, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding one hundred dollars (\$100) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

§6-4.3 Violation; liability of Town.

Any person violating any of the provisions of this ordinance shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation.

ARTICLE V. – SOLID WASTE.

§6-5.1 Solid waste removal.

(a) The Town may provide solid waste removal for residents and businesses and require that they utilize the Town collection service for which the Town may make reasonable charges which at from time to time may establish.

(b) The Town may impose fees for the collection of solid waste and for the recycling of acceptable categories of refuse. Such fees are mandatory for all active utility customers in the Town, irrespective of the actual use of the services provided. Exceptions include residential developments and businesses that utilize a commercial refuse container and have prior approval from the Town.

(c) All members of the National Guard or Reserves who:

- (7) Are the head of the household,
- (8) Have been called for active duty, and
- (9) Present their orders to the Town Manager

shall be exempt from the Town's solid waste charges for as long as their orders for active duty remain valid.

[Adopted and Re-Enacted October 9, 2014]

§6-5.2 Rates for solid waste removal services.

Solid waste removal rates within the corporate limits of the Town shall be determined by the Town Council from time to time and assessed bi-monthly. ~~as follows:~~

~~(a) Residential: \$28.00 per residential unit with an additional \$2.00/billing cycle charge for each additional trash container.~~

~~(b) Commercial/Industrial: \$28.00 per business location depending on volume and assessment by town employees with an additional \$2.00/billing cycle charge for each additional trash container.~~

§6-5.3 Failure to comply, penalties.

(a) Any solid waste fees which remain unpaid at the close of business on the twentieth day of the month, as set forth as the due date on the bill, shall be subject to a penalty of 10% of the amount outstanding, which shall be added to the next regular billing.

(b) Any solid waste fees which remain unpaid at the close of business on the fiftieth day following date that such bill was originally due, shall be subject to a penalty for each bill as set forth from time to time by the Town Council. The current penalty is \$50 per month, in addition to the 10% set forth above, which shall also be added to the next regular billing.

(c) All unpaid costs and fees shall then constitute a lien against such real estate, and shall be collected as other taxes and liens are collected and may include any and all legal fees incurred, whether or not legal action was commenced.

[Adopted & Re-Enacted July 12, 2018]

§6-6.1 Adoption of the City of Harrisonburg Design and Construction Standards Manual.

In order to promote and encourage orderly and quality development in the Town of Timberville by establishing reasonable, technically accurate guidelines and standards for public facilities constructed within the Town's border, the Town hereby requires that all elements of development within the Town's borders shall comply with and adhere to the City of Harrisonburg Design and Construction Standards Manual in effect at the time of development. In addition, any development contiguous to the Town that utilizes the Town's water and sewer systems shall also comply and adhere to the Manual. The use of the Manual will provide design and construction standards which promote economical use of public and private funds while promoting environmental quality and the quality of life for the Town. Any deviation from the standards described therein after adoption of this ordinance shall be approved by the Town Council.

[Adopted and Enacted October 14, 2010]

§6-6.2 Adoption of the Town of Timberville Standards and Specifications Manual.

In order to promote and encourage orderly and quality development in the Town of Timberville by establishing reasonable, technically accurate guidelines and standards for water and sewer service for public facilities constructed within the Town's border, the Town hereby requires that water and sewer elements of development within the Town's borders shall comply with and adhere to the Town of Timberville Standards and Specifications Manual in effect at the time of development.

In addition, any development contiguous to the Town that utilizes the Town's water and sewer system shall also comply and adhere to the Town of Timberville Standards and

Specifications Manual. Any deviation from the standards described therein after adoption of this ordinance must be approved by the Town Council.

The requirements of the Town of Timberville Standards and Specifications Manual are in addition to the requirements of § 6-6.2, previously enacted as §1-11.1, adopting the City of Harrisonburg Design Standards Manual.

[Adopted and Enacted October 14, 2010]

§6-6.3 Site Improvements to be Completed or Bonded Prior to Issuance of Certificate of Occupancy. (§15.2-1125)

Prior to submitting a request for a Certificate of Occupancy, the owner or developer shall have completed or bonded all of the improvements included on the approved site plan or approved site plan revision. No Certificate of Occupancy shall be issued for developments where a suitable base is not provided for emergency access or vehicular parking.

The Town Manager may accept surety in an amount equal to one and one half times the installed costs of the improvements outstanding. The surety shall be drawn in a manner acceptable to the Town Attorney and shall provide for completion of all work within a specified period of time. Failure to complete the improvement within the specified time or any mutually agreeable extension up to one year each shall constitute default and Certificate of Occupancy shall become void. The owner or developer waives any rights to contest the utilization of the posted surety by the Town or its designee(s) to cause completion of the improvements. The owner or developer also shall grant access to the property to allow completion of the improvements.

[Adopted and Enacted October 14, 2010]