

PITTSYLVANIA COUNTY CODE

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CHAPTER 21

Article I.

Water and Sewer Authority

SEC. 21-1. CREATION.

In compliance with the Virginia Water and Sewer Authorities Act (Sections 15.2-5100 to 15.2-5158, Code of Virginia, 1950, as amended) (the "Act"), the Board of Supervisors of Pittsylvania County, Virginia (the "Board of Supervisors"), pursuant to a resolution signifying its intention to create a Water and Sewer Authority, which shall be a separate public political body and corporation, hereby certifies:

SEC. 21-2. AUTHORITY; ADDRESS.

This Authority is formed under the Act, its name shall be the PITTSYLVANIA COUNTY SERVICE AUTHORITY ("Authority" and/or "PCSA"), and the address of its principal office is 405 R & L Smith Drive, Danville, Virginia, 24540.

SEC. 21-3. APPOINTMENT OF MEMBERS; TERMS OF OFFICE.

The PCSA is a legal Authority established by the incorporated political subdivision of Pittsylvania County, Virginia (the "County"), wherein the Board of Supervisors shall appoint a Board of Commissioners for the PCSA. The Board of Commissioners shall consist of seven (7) members, one (1) from each Election District, each of whom shall be a resident of the County at time of appointment and shall maintain said residence for the duration of his/her term on the PCSA. The PCSA Commissioners shall serve at the pleasure of the Board of Supervisors for a term of four (4) years on staggered terms.

The successor of each PCSA Commissioner shall be appointed by the Board of Supervisors for a term of four (4) years and serve until his/her successor shall be duly appointed and qualify except that persons appointed to fill a vacancy shall serve only for the unexpired term. Any member of the Authority shall be eligible for reappointment.

SEC. 21-4. PURPOSES.

The purposes for which the Authority is to be created are for such projects and powers as are specified and authorized by the Act, to-wit; Section 15.2-5100, Code of Virginia, 1950, as amended, reserving however, the right of the Board of Supervisors to designate areas within the County to be served pursuant to any of the powers of the Authority. Further, the Authority will become the Assignee of the County, and take the place of the said County to and under an Agreement dated October 11, 1972, between the City of Danville, a Municipal Corporation of the State of Virginia, and the County; said Authority assuming all the terms and conditions of the Agreement.

SEC. 21-5. PROJECTS.

To acquire, finance, construct, operate, and maintain one (1) or more water systems and one (1) or more sewer systems, or any combination thereof.

SEC. 21-6. DESCRIPTION OF JURISDICTIONAL AREA.

The PCSA's jurisdiction area shall be determined by the Board of Supervisors. A map and description of the jurisdictional area shall be maintained at the PCSA's principal office, and available for public inspection during normal business days and hours. Said jurisdictional area may be altered by written mutual agreement between the Board of Supervisors and PCSA. Authority work or projects done or contained in areas not listed on, or found in, the PCSA's jurisdictional area shall not render said work or projects unauthorized, void, or unenforceable by the Authority and/or the Board of Supervisors. Any requests for water or sewer services outside the then-existing jurisdictional area should be submitted to the Board of Supervisors and the PCSA.

SEC. 21-7. RATES, CHARGES, ASSESSMENTS, AND FEES BILLING; PUBLICATION.

A. Rates, Charges, Assessments, and Fees: Pursuant to authority contained in Sections 15.2-5114(10) and 15.2-5136 of Virginia Code, 1950, as amended, the PCSA shall fix, assess, charge, and collect just and equitable rates, charges, assessments, and other fees, including, but not limited to: water service connection charges, sewer service connection charges, water service charges, sewer service charges, account charges, delinquent account charges, and inspection/reinspection charges.

The above-stated rates, charges, assessments, and other fees shall be subject to periodic increase or other change, adjustment, or revision from time-to-time as determined by the PCSA, at any regularly scheduled PCSA meeting. Such rates, charges, assessments, and other fees shall be reviewed by the Authority periodically and shall be adjusted, if necessary, to assure that they continue to be fair and reasonable.

B. Billing: Bills for the aforementioned rates, fees, and charges shall be rendered as determined by the PCSA.

C. Publication: Any proposed change in the schedule of the aforementioned rates, fees, and charges by the PCSA shall be published in a newspaper having general circulation in the County in accordance with the requirements set forth in the Code of Virginia, 1950, as amended.

(B.S.M. 05/19/20)

SEC. 21-8. ENFORCEMENT OF RATES, CHARGES, AND FEES.

The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, presently existing or constructed subsequent to the installation of

the heretofore described water and sewerage systems and situated within the project areas of the Authority and a butting on any street, alley, right-of-way, public right-of-way, or easement in which there is located a public sanitary sewer and/or water main at a distance not greater than two hundred (200) feet from such houses, buildings, or properties, shall be required to install suitable toilet and other disposable liquid waste facilities therein and to connect such facilities directly with the public sewer and water main. All such connections shall be made in accordance with rules and regulations adopted by the Authority, which may provide for a reasonable charge for making such connections.

No public water main or sanitary sewer line or systems shall be constructed along any street in the Service Area until at least fifty-one (51) percent of the property owners fronting the street, road, or highway shall have agreed to or petitioned the PCSA for such water or sewer service. Where such construction is agreed to or petitioned for by the property owners, the feasibility and advisability to construct such water or sewer lines or systems shall be determined by the PCSA. If connection is not made to the systems upon the completion of the particular system, the owner, occupant, or tenant shall have thirty (30) days to connect to the system. In the event the connection is not made at the expiration of such thirty (30) day period, the connection fee is then due and payable to the Authority the same as if the connection had been made. A service charge applicable to the property, as if the connection had been made, shall begin to accrue as of the expiration of such thirty (30) day period and shall be payable to the same as if such connection had been made as of that date.

Notwithstanding any other provision of this chapter, those persons having a domestic supply or source of potable water shall not be required to discontinue the use of such water. However, persons not served by a water supply system, as defined by § 15.2-2149 of the Virginia Code, 1950, as amended, producing potable water meeting the standards established by the Virginia Department of Health may be required to pay a connection fee, a front footage fee, and a monthly nonuser service charge, which charge shall not be more than that proportion of the minimum monthly user charge, imposed by the Authority, as debt service bears to the total operating and debt service costs, or any combination of such fees and charges.

Notwithstanding any other provision of this chapter, those persons having a private septic system or domestic sewage system meeting applicable standards established by the Virginia Department of Health shall not be required under this chapter to discontinue the use of such system. However, such persons may be required to pay a connection fee, a front footage fee, and a monthly nonuser service charge, which charge shall not be more than that proportion of the minimum monthly user charge, imposed by the Authority, as debt service bears to the total operating and debt service costs, or any combination of such fees and charges.

Persons who have obtained exemption from or deferral of taxation pursuant to an ordinance authorized by § 58.1-3210 of Virginia Code, 1950, as amended, may be exempted or deferred by the authority from paying any charges and fees authorized herein, to the same extent as the exemption from or deferral of taxation pursuant to such ordinance.

SEC. 21-9. UNLAWFUL AND ILLEGAL USE OF FIRE HYDRANTS AND PENALTY FEES.

- A. Any person who (i) tampers with any metering device to the facilities owned by the PCSA or as set forth in Section 18.2-162, of the Code of Virginia, 1950, as amended, or otherwise intentionally prevents such a metering device from properly registering the degree, amount, or quantity of service supplied, or (ii) diverts such service, not owned or controlled by any such company, shall be guilty of a Class 1 misdemeanor.
- B. Any person who willfully and maliciously (i) diverts any public wastewater or sewer line, or (ii) diverts or wastes any public water supply by tampering with any fire hydrant shall be guilty of a Class 2 misdemeanor.
- C. The court may order restitution for the value of the services unlawfully used and for all costs. Such costs shall be limited to actual expenses, including the base wages of employees acting as witnesses for the County, and suit cost, and the amount shall not exceed \$250.00, excluding the value of the service.
- D. Any person who shall intentionally destroy or damage any facility of the PCSA or as identified in Section 18.2-162 of the Code of Virginia, 1950, as amended, which is used to furnish water service to the public, shall be guilty of a Class 4 felony, provided that in the event the destruction or damage may be remedied or repaired for \$200.00 or less, such act shall constitute a Class 3 misdemeanor. **(B.S.M. 8-17-10)**

SEC. 21-10. EXCLUSIVE AUTHORITY.

No other Authority has been created under the provisions of the Act serving the whole or part of the same area for the same purposes, and none of the powers granted by said Act shall be exercised by the Authority in construction, improvement, maintenance, extension of operation of any project or projects, which in whole or in part, shall duplicate or compete with existing utilities, public or private, serving substantially the same purposes. **(B.S.M. 2-5-73, amended 9-4-73, 2-4-74)**

SECS. 21-11. – 21-14. RESERVED

Amended by the Board of Supervisors 6-6-11.

Article II.

Sewer and Privies

SEC. 21-15. REQUIREMENT.

It shall be unlawful for the owner of any house used as a human habitation, any warehouse, any public building, or other place where human beings congregate or any employed in the County the County of Pittsylvania to occupy or to rent or lease the same for occupancy by any person, or firm or corporation, or to permit the same to be occupied by any person, firm, or corporation, or

any person, firm, or corporation to occupy the same unless and until the said house or buildings shall have been supplied or equipped with a sanitary closet or privy of such construction as will comply with the requirements hereinafter set forth.

SEC. 21-16. DEFINITION.

That for the purposes of this ordinance "a sanitary closet or privy" shall be deemed to be either:

- a) A properly installed flush toilet connected to an approved public or private sewer.
- b) A properly installed pit privy or concrete or double wood slab construction.
- c) A properly installed flush toilet connected to a properly installed septic tank of adequate capacity with adequate subsurface drainage system for the disposal of effluent.

The terms "properly constructed and approved" as used in this ordinance shall be construed to mean "in accordance with the specifications of the State Department of Health providing arrangements for the disposal of wastes or excrements.

SEC. 21-17. PERMIT.

It shall be unlawful for anyone to install a septic tank in Pittsylvania County without first obtaining permit from the County Health Officer, or his representative. No such permit shall be issued unless an inexpensive, detailed sketch, in duplicate, on a 5 by 4 inch card, showing the exact location of such tank and its relation issued relation to wells and lot boundaries and existing or projecting the Health Officer or buildings, is submitted to and approved by Officer, or his authorized representative. The Health Officer of his representative shall decide the capacity of septic tank and number of feet of sub-soil to be used. The minimum capacities shall be as follows:

<u>Table No. 1</u>	<u>Gallons Capacity</u>
<u>Number of persons</u>	
1-5 Inclusive	450
5-9 Inclusive	720
10-14 Inclusive	1000
15-20 Inclusive	1480

The amount of subsurface drainage to be used shall be determined by the Health Officer or his representative at the time the permit is granted. In no case shall a fewer number of feet of

drainage tile be used then that specified by the Health Officer or his representative. The kind and amount of absorption material shall conform with the regulations of the Health Department and in each instance shall be determined by the Health Officer or his representative.

SEC. 21-18. HEALTH DEPARTMENT.

Septic tanks shall be installed under the supervision of the Health Department. They shall be inspected by a representative, of Heath Department, and approved before they are permitted to be the covered.

SEC. 21-19. VIOLATION.

It shall be unlawful for any person, firm or corporation to neglect, fail or refuse to comply with the provisions of this ordinance.

SEC. 21-20. FINE.

Any person, firm or corporation who violates any of the provisions or the regulations, issued under it by the County Health Department shall be fined the sum of not exceeding twenty-five (\$25.00) dollars and each week of failure or refusal to comply with the provisions shall be deemed a separate offense and he shall be fined an additional sum of five dollars (\$5.00) for each week of failure or refusal to comply with the provisions of this ordinance, or the regulations issued under it by the County Health Department. **(B.S.M. 8-3-36)**

SEC. 21-21. SMITH MOUNTAIN AND LEESVILLE DAM RESERVOIRS SEPTIC TANK ORDINANCE.

That all septic tank systems be placed at a minimum distance of fifty (50) feet from the high water level of the Smith Mountain and Leesville Dam Reservoirs to the nearest point in the septic tank system. This ordinance to be titled Smith Mountain and Leesville Dam Reservoirs Septic Tank Ordinance. **(B.S.M. 6-3-64)**

Article III.

Drought Ordinance

SEC. 21-22. AUTHORITY TO DECLARE WATER EMERGENCIES.

During the continued existence of climatic, hydrological and other extraordinary conditions, the protection of the health, safety, and welfare of the residents of Pittsylvania County, Virginia (the "County") may require that certain uses of water, not essential to public health, safety, and welfare, be reduced, restricted, or curtailed. As the shortage of raw or potable water becomes increasingly more critical, conservation measures to reduce consumption, or curtail nonessential

water use, may be necessary. The definitions, water emergency criteria, and water use restrictions referenced in this Ordinance are presented in greater detail in the County’s Drought Response and Contingency Plan, which is incorporated herein by reference.

Pursuant to authority granted in §§ 15.2-923 and 15.2-924 of the Code of Virginia, 1950, as amended, the County Administrator of Pittsylvania County, Virginia (the “County Administrator”), is authorized to declare a water emergency in the County restricting the use of water in any area of the County. The County Administrator will work closely with the Pittsylvania County Service Authority (the “Authority”) to designate the appropriate stage of water emergency. All water stages are built upon and require compliance with previous water stages. For example, when a Drought Emergency – Stage 1 is declared, all provisions of a Drought Warning are in effect. Also, the County Administrator may declare any of the four (4) stages; they do not have to be declared sequentially.

SEC. 21-23. PUBLICATION OF DECLARATION.

Upon the declaration of a water emergency, the County Administrator shall immediately post a written notice of the emergency at the front door of the County Administration Building and shall place a notice in a newspaper of general circulation in the area in which such emergency has been declared.

SEC. 21-24. WATER USE CONSIDERATIONS.

Upon the declaration of a water shortage or emergency, the County Administrator is authorized and directed to implement conservation measures by ordering the restricted use, or absolute curtailment, of the use of water for certain nonessential purposes for the duration of the water shortage or emergency in the manner hereinafter set forth. In exercising this discretionary authority, and making the determinations set forth herein, the County Administrator shall give due consideration to streamflow conditions, water levels, available/usable storage on hand, draw down rates, and the projected supply capability in the County; system purification and pumping capacity; daily water consumption and consumption projections of the system's customers; prevailing and forecast weather conditions; fire service requirements; pipeline conditions, including breakages, stoppages, and leaks; supplementary source data; estimates of minimum essential supplies to preserve public health and safety, and such other data pertinent to the past, current, and projected water demands.

SEC. 21-25. LIMITATION OF RESTRICTIONS.

The provisions of this Article shall not apply to any governmental activity, institution, business, or industry which shall be declared by the County Administrator, upon a proper showing, to be necessary for the public health, safety, and welfare, or the prevention of severe economic hardship or the substantial loss of employment. Any activity, institution, business, or industry aggrieved by the finding of the County Administrator may appeal that decision to the Board of Supervisors of Pittsylvania County, Virginia (the “Board of Supervisors”).

SEC. 21-26. WATER CONSERVATION MEASURES.

Upon a determination by the County Administrator of the existence of the following conditions, the County Administrator shall take the following actions that shall apply to all water users in the County:

- A. Drought Watch: When moderate but limited supplies of water are available and a Drought Watch is declared in accordance with the Drought Response and Contingency Plan, the County Administrator shall, through appropriate means, call upon the general population to employ prudent restraint in water usage. Public outreach activities shall be identified to inform the general population of the potential for drought conditions to intensify and potential water conservation activities that may be utilized.

- B. Drought Warning: The Drought Warning stage includes voluntary water conservation actions due to imminent onset of a significant drought event. When a drought warning exists, the following voluntary water restrictions are requested:
 - ◆ Voluntary, commercial, manufacturing, institutional and residential conservation measures will be strongly encouraged and recommended including the following:
 - Inspect and repair all faulty and defective parts of faucets and toilets.
 - Use shower for bathing, rather than bathtub, and limit shower to no more than five (5) minutes.
 - Do not leave faucets running while shaving, rinsing dishes, or brushing teeth.
 - Limit use of clothes washers and dishwashers, and, when used, operate fully loaded.
 - Limit lawn watering to that necessary for plant survival.
 - Water shrubbery the minimum required, reusing household water when possible.
 - Limit vehicle washing.
 - Do not wash down outside areas such as sidewalks, patios, driveways, etc.
 - Install water flow restrictions in showerheads and other water saving devices.
 - Use disposable and biodegradable dishes where possible.
 - Install water saving devices in toilets, such as early closing flapper valves.
 - Do not fill swimming pools.

 - ◆ An extensive publicity campaign will be initiated using public media and specialized methods to inform the public of an impending water shortage.
 - ◆ Water supply line pressure should be reduced where feasible to reduce water consumption, if it will not affect operation of fixtures, equipment, or public safety devices.
 - ◆ Conservation in public buildings, institutions, dormitories, and similar facilities is encouraged by reducing pressure at plumbing fixtures and by installation of restricting devices.
 - ◆ All residents, business, and institutions are requested to delay new landscape work, until the water shortage has ended.
 - ◆ Water conservation should be followed during all phases of construction related activities. Where appropriate, water needed should be obtained from supplemental

sources and construction related activities, which require water, should be delayed, until such time as the water emergency has ended.

All industrial, manufacturing, and commercial enterprises shall reduce consumption to any degree feasible with a goal of a reduction of ten percent (10%).

C. Drought Emergency – Stage 1: As drought conditions continue to worsen, a Drought Emergency – Stage 1 may be declared by the County Administrator, or his/her designee, in accordance with the Drought Response and Contingency Plan. When a Drought Emergency – Stage 1 exists, the following will be prohibited:

- ◆ Watering lawns, grass, shrubbery, trees, flower, and vegetable gardens, except by hand held hose, container, or drip irrigation system, except persons regularly engaged in the sale of plants will be permitted to use water for irrigation of their commercial stock and golf courses may water greens;
- ◆ Filling of newly constructed swimming pools and/or wading pools or refilling swimming and/or wading pools, which have been drained;
- ◆ Operating water-cooled air conditioners or other equipment that does not recycle cooling water, except when health and safety are adversely affected;
- ◆ Washing automobiles, trucks, trailers, boats, airplanes, or any other type of mobile equipment, except persons regularly engaged in the business of washing motor vehicles, and any commercial car wash facility will be permitted to use water for such purposes;
- ◆ Washing down outside areas such as streets, driveways, service station aprons, parking lots, office buildings, exteriors, or existing or newly constructed homes or apartments, sidewalks, or patios, or to use water for similar purposes;
- ◆ Operation of ornamental fountain, pool, or pond or other structure making similar use of water;
- ◆ Serving drinking water in restaurants, cafeterias, or other food establishments, except as requested by the customer;
- ◆ Using public or private fire hydrants for any purpose other than fire suppression or other public emergency or Utility Department need;
- ◆ Using water for dust control or compaction; and
- ◆ Using water for any unnecessary purpose or intentionally waste water.

All industrial, manufacturing, and commercial enterprises shall reduce consumption to any degree feasible with a goal of a reduction of at least ten to fifteen percent (10-15%).

D. Drought Emergency – Stage 2: As drought conditions continue to worsen, a Drought Emergency – Stage 2 may be declared by the County Administrator, or his/her designee, in accordance with the Drought Response and Contingency Plan. When a Drought Emergency – stage 2 exists, in addition to the restrictions imposed under the Drought Emergency – Stage 1, the following will be prohibited:

- ◆ Watering lawns, grass, shrubbery, trees, or flowers, except persons regularly engaged in the sale of plants shall be permitted to use water for irrigation of their commercial stock and golf courses may water greens;
- ◆ Watering any vegetable garden, except by hand held hose, container, or drip irrigation system;
- ◆ All nonessential use of water for commercial or public use;
- ◆ Using water outside a structure for any use other than an emergency use involving fire or as needed by the water utility to maintain the water system;
- ◆ Operating an evaporative air conditioning unit which recycles water, except as may be required for health and safety; and
- ◆ Other restrictions as may be deemed appropriate and adopted by the Board of Supervisors.

All industrial, manufacturing, and commercial enterprises shall reduce consumption to any degree feasible with a goal of a reduction of at least fifteen to twenty-five percent (15-25%).

SEC. 21-27. PENALTY AND ENFORCEMENT.

- A. Any person who violates any provision of this article shall be subject to the following civil penalties:
1. For the first offense, violators shall receive a written warning delivered in person or posted by a representative of the County.
 2. For the second offense, violators shall be fined fifty dollars (\$50.00), the fine to be imposed on the violator's next water bill, or in the case of violators not on the public water system, in a written notice.
 3. For the third and each subsequent offense, violators shall be fined one hundred dollars (\$100.00) for each offense, the fine to be imposed on the violator's next water bill, or in the case of violators not on the public water system, in a written notice.
 4. Each violation by a person shall be counted as a separate violation by that person, irrespective of the location at which the violation occurs.
- B. Persons who have been assessed a penalty shall have the right to challenge the assessment by providing a written notice to the County Administrator within ten (10) days of the date of the assessment of the penalty. The County Administrator, or his/her designee, shall determine that the penalty was properly assessed and notify the complaining person in writing of his determination.
- C. The County Administrator, or his/her designee, may waive the penalty, if he/she determines that the violation occurred due to no fault of the person.

SEC. 21-28. NOTIFICATION OF END OF WATER EMERGENCY.

The County Administrator, following discussions with the Authority, shall notify the Board of Supervisors when, in his/her opinion, the water emergency situation no longer exists. Upon concurrence of the Board of Supervisors, the water emergency shall be declared to have ended. When this declaration is made, the information shall be conveyed to the general public through the news media.

Adopted by the Board of Supervisors, October 3, 2011.