

ORDINANCE NO. 96-4  
WATER USE AND MANAGEMENT ORDINANCE  
OF  
WYTHE COUNTY, VIRGINIA

ARTICLE I - Title, Authority, and Jurisdiction

- 1.1 Title. This ordinance shall hereafter be known and may be cited as the "Water Use and Management Ordinance of Wythe County, Virginia", Ordinance Number 96-4.
- 1.2 Authority. This ordinance is adopted pursuant to the authority of Section 15.1 - 510 of the Code of Virginia of 1950, as amended.
- 1.3 Jurisdiction. The provisions of this ordinance shall apply to all water works of the Wythe County Water Department, Wythe County, Virginia.

ARTICLE II - Purpose

- 2.1 This ordinance is adopted to regulate the use of public water systems by water users to insure safe and secure water service to all users and to provide guidelines for the orderly operation of the water systems.

ARTICLE III - Rules

- 3.1 In the construction of this ordinance, the rules contained in this section shall be observed and applied, except when the context clearly indicates otherwise;
- 3.1:1 Words used in the present tense shall include the future, and words used in the singular number shall include the plural number, and the plural singular;
- 3.1:2 The word shall is mandatory and not discretionary;
- 3.1:3 The word "may" is permissive and not mandatory;
- 3.1:4 The word "approve" shall be considered to be followed by the words "or disapproved";

- 3.1:5 The masculine gender includes the feminine and neuter;
- 3.1:6 Any reference to this ordinance includes all ordinances amending or supplementing the same;
- 3.1:7 All distances concerning water lines refer to measurement along the path of the line.

#### ARTICLE IV - Definitions

- 4.1 For the purpose of this ordinance, certain words or terms used herein shall be defined as follows:
  - 4.1:1 Board - The Wythe County Board of Supervisors
  - 4.1:2 Connections - Water service lines and metering devices for customer services.
  - 4.1:3 Connection Fee - A fee established by the Wythe County Board of Supervisors to cover the cost of installing a water service connection.
  - 4.1:4 Commercial Water Rates - The costs per 1,000 gallons metered through a commercial connection.
  - 4.1:5 Commercial Water Service - Water service to premises used for business, education, retail sales, overnight accommodations, etc. Those services not considered to be to a residence.
  - 4.1:6 County - Wythe County, Virginia
  - 4.1:7 Customer - Any person, firm, or corporation using public water.
  - 4.1:8 Main Lines - Water lines designed and approved to serve more than one service line.
  - 4.1:9 Metering Devices - Water Department equipment used to measure the amount of water passing through the service line. Metering devices include meter boxes, meter setters, valves, and meters.
  - 4.1:10 Public Water - Water supplied by the Wythe County Water Department.

- 4.1:11 Residential Water Rates - The cost per 1,000 gallons metered through a residential connection.
- 4.1:12 Residential Water Service - Water service to premises primarily used for a dwelling unit.
- 4.1:13 Service Lines - Lines from the main water line to the customer's plumbing.
- 4.1:14:a Customer Service Lines - Lines from the metering device to the customer's plumbing.
- 4.1:14:b Department Service Lines - Lines from the main line to the metering device.
- 4.1:15 Water Main Easement - Area of an easement perpendicular to both sides of a water main located within the easement. Water main easement does not include intersecting easements.
- 4.1:16 Water Main Right-of-Way - Area perpendicular to both sides of a water main located within a right-of-way. Water main right-of-way does not include intersecting right-of-ways or limited access right-of-ways.
- 4.1:17 Water Rates - The cost per 1,000 gallons metered through a connection. The Wythe County Board of Supervisors establishes all water rates.
- 4.1:18 Equivalent Dwelling Unit (EDU) - Conversion of a commercial user to a residential EDU. An EDU represents 4,200 gallons of residential usage per month based on projected flows using RECD guidelines.

**ARTICLE V - Connections to Public Water System**

- 5.1 Public water service shall be made available to anyone desiring a water connection that has access to existing water main right-of-ways or water main easements, as long as the water main within the area is not subject to low flow conditions or restricted to no additional connections by the Virginia Department of Health.
- 5.2 Anyone desiring a connection to the public water supply must make application to the Wythe County Water Department, pay the connection fee, and sign a contract with the Water Department for water service.

Where the applicant is the owner of the property and the connection is for a residential water service, the applicant may in lieu of paying the full connection fee as established by the Board of Supervisors, make a \$50.00 down payment on the connection fee and be billed \$15.00 per month plus interest at 1.5% per month.

- 5.3 Water service connections must be scheduled with Water Department personnel for installation. In most cases connections will be made within three weeks of the application. Should circumstances delay the connection past three weeks, the applicant will be notified by the Water Department in writing of the delay, the reason for delay, and a date on which the connection may be installed.
- 5.4 The Water Department will be responsible for making all connections to the water system. If Water Department personnel or equipment are not available for the connection, the Water Department will contract the work to be completed. Metering devices will be installed within the water main right-of-way or the water main easement at a location selected by the Head of the Water Department. The location shall be selected considering minimum cost of installing the department service line and the accessibility to the metering device by the customer. Should the customer prefer a different location, that is acceptable to the Water Department, the customer shall bear any additional costs above that of the connection fee. Applicants wishing to be served that do not have access to a water main right-of-way or water main easement shall be responsible for securing customer service line easements to the water main right-of-way or water main easement and must provide a customer service line to the point of metering.
- 5.5 Maintenance of department service lines and the metering devices shall be the responsibility of the Water Department. Maintenance of customer service lines shall be the responsibility of the customer.

#### ARTICLE VI - Abuse of Water Systems

- 6.1 No person, firm, or corporation shall make a connection to the public water system unless under contract to do so with the Wythe County Water Department. No person, firm, or corporation shall use a connection from the water system without a metering device.
- 6.2 No person, firm, or corporation shall allow another party to connect to their water system being served by the public water system unless the

second party to be served can demonstrate to the Head of the Water Department that to have an individual connection to the public system would create an undue hardship and that the additional usage on the existing service would not create problems for the first party.

- 6.3 No person, firm, or corporation shall tamper with fire hydrants, blow-off valves, metering devices, or any other water system equipment. Fire hydrants are provided on the water system for emergency use only. Anyone, other than Water Department personnel, must receive written approval from the Wythe County Water Department before using the fire hydrants for other than emergency situations.
- 6.4 No person, firm, or corporation shall tamper with the metering device or equipment. No person, firm, or corporation shall attempt to circumvent the metering device in any manner.
- 6.5 Anyone inadvertently breaking a water main or service line will be responsible for immediately contacting the Water Department. Unless the water line was previously marked incorrectly by Water Department personnel, the person, firm, or corporation shall be responsible for the costs incurred to repair the water line.
- 6.5:1 Exception - Section 6.5 does not apply to VDOT personnel working on VDOT right-of-ways.
- 6.6 Public water is provided to fire stations at no charge to the local fire department, for use by the fire department, within the fire station and in servicing department equipment.

#### ARTICLE VII - Interruptions of Water Service

- 7.1 Water service shall be disconnected by Water Department personnel at the request of the customer. The customer must notify the Water Department of the intent to disconnect.
- 7.2 Water service may be interrupted to a customer's service by the Water Department personnel when deemed necessary to repair a water main or department service line. Water service may also be interrupted when Water Department personnel discover breaks in the customer's service line or unsupervised open spouts within the customer's water system.

7.3 Water service may be interrupted due to main line breaks or improvements being made to the public water system. In an emergency such as a main line break, notification to the customers may not be practical.

When interruptions are planned, customers will be notified of the interruption, if possible. Damages to customer's water system or equipment by interruptions of water service remain the responsibility of the customer.

7.4 Customer's water service will be disconnected for nonpayment of water bills when customer has a bill 30 days past due. Prior to a non-pay disconnect, the customer will be mailed a late notice giving a 10 day period to pay the bill in full. After the late notices are mailed, customer must pay his bill in full, including the current bill, within the 10 day period at the office of the Wythe County Water Department or his service will be disconnected.

7.5 Water service may be restricted or discontinued due to loss of water supply. Where a limited supply exists, water services will be rated as to the greatest need, and those services with high priority served ahead of those with lower priority.

#### ARTICLE VIII - Water Main Extensions

8.1 Any person, firm, or corporation wishing to extend a water main shall bear all costs of planning, engineering, construction, professional inspections, permits, and easements. Plans must be submitted to the Wythe County Water Department and, where required, to the Virginia Department of Health for approval.

#### ARTICLE IX - Water Rates, Connection Rates and Reconnection Rates

9.1 The Wythe County Board of Supervisors shall establish rates for water consumption and new connections and reconnects to the public water system by resolution. The rates shall be reviewed and revised periodically. Before any water or connection rate fees can become effective, the Board of Supervisors shall hold a public hearing on such rate changes.

## ARTICLE X - Bill Adjustments

- 10.0 Bill adjustments shall be made immediately for any mistakes in meter reading or billing. Bill adjustments for customer leaks shall be made for underground leaks after certification by a Water Department employee that the customer has repaired the leak. Leak adjustments will be the average of the customer's bills for the previous six months plus ten dollars. Leak adjustments may be made for two consecutive months due to the fact that there is a time lapse between meter reading and billing.

## ARTICLE XI - Complaints

- 11.0 Complaints concerning the water system shall be handled on an individual basis.
- 11.1 Complaints concerning water quality as to taste, odor, or color shall be answered by Water Department operators at the customer's tap. Water operators shall determine if there is a problem and take appropriate action to alleviate any problem. Should the problem persist, assistance from the Virginia Department of Health may be secured.
- 11.2 Complaints concerning water bills will be handled through the Water Department office. Any discrepancies found in the billing shall be corrected immediately. If an investigation of the complaint reveals no discrepancies, the original bill will be deemed correct.
- 11.3 Complaints or controversies not resolved by Water Department personnel or covered by this ordinance shall be referred to the Wythe County Board of Supervisors. Any decisions made by the Board of Supervisors shall be considered Water Department policy until such time as they may be incorporated into this ordinance.

## ARTICLE XII - Violations and Penalties

- 12.0 Any person, firm, or corporation violating any water use provisions of this ordinance shall be guilty of a misdemeanor and upon conviction may be punished by up to 12 months in jail and/or a fine of up to \$2,500 for a Class I offense and up to 6 months in jail and/or a fine of up to \$1,000 for a Class II offense.

ARTICLE XIII - Legal Status Provisions

- 13.0 Should any portion or provision of this ordinance be held by any court of competent jurisdiction to be unconstitutional or invalid, that decision shall not affect the validity of the ordinance as a whole, or any part of the ordinance other than the part held to be unconstitutional or invalid.
- 13.1 Certified copies of this ordinance and all amendments thereto shall be filed in the offices of the Planning Commission, the County Administrator, and the Clerk of the Circuit Court of Wythe County, Virginia.
- 13.2 All ordinances or portions thereof in conflict with this ordinance are hereby repealed to the extent of their conflict.
- 13.3 Effective Date. This ordinance was duly considered following the required public hearing held on the 23rd day of July, 1996, and was adopted by the Board of Supervisors of Wythe County, Virginia, at its regular meeting held on July 23, 1996, the members voting:

<u>NAME</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSENT</u>
Charles S. Dix	X		
Mark C. Munsey	X		
R. T. DuPuis			X
S. Clay Lawrence	X		
Giles C. Rose	X		
Harvey E. Atkinson, III	X		
Wythe B. Sharitz	X		

This ordinance shall become effective on and after 12:01 a.m., on the 24th day of July, 1996.

I certify that this is a true and correct copy taken from the July 23, 1996, minutes of the Wythe County Board of Supervisors meeting.

*Billy R. Branson*

\_\_\_\_\_  
Billy R. Branson, Clerk





## RESOLUTION

BE IT RESOLVED, that the Wythe County Board of Supervisors assembled this 23rd day of July, 1996, does hereby adopt the following water rate schedule:

### WYTHE COUNTY WATER DEPARTMENT WATER RATES

#### Residential:

\$12.50 Minimum Bill for 1st 3,000 Gallons  
\$5.00 per 1,000 Gallons for each additional 1,000 Gallons

#### Commercial:

\$16.00 Minimum Bill for 1st 3,000 Gallons  
\$5.00 per 1,000 Gallons for each additional 1,000 Gallons

#### Bulk Sales:

\$20.00 Service Fee  
\$16.00 Minimum Bill for 1st 3,000 Gallons  
\$5.00 per 1,000 Gallons for each additional 1,000 Gallons


Reconnection Fee: \$25.00

Residential Renter Deposit: \$75.00 plus reconnection fee

Commercial Renter Deposit: \$75.00 x EDU + reconnection fee

BE IT FURTHER RESOLVED, that the above water rates shall become effective on or after 12:01 a.m. on the 16th day of August, 1996.

BE IT FURTHER RESOLVED, that a copy of this resolution be incorporated into the official minutes of the July 23, 1996, Wythe County Board of Supervisors meeting.

  
\_\_\_\_\_  
Charles S. Dix, Chairman



## RESOLUTION

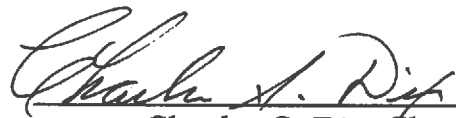
BE IT RESOLVED, that the Wythe County Board of Supervisors assembled this 23rd day of July, 1996, does hereby adopt the following water connection fees:

### WYTHE COUNTY WATER DEPARTMENT CONNECTION FEES

<u>SIZE</u>	<u>TOTAL</u>
5/8" X 3/4" Residential	\$350.00
5/8" x 3/4" Commercial	Actual Cost
1" Commercial or Residential	Actual Cost
2" Commercial or Business	Actual Cost
3" Commercial or Business	Actual Cost
4" Commercial or Business	Actual Cost
6" Commercial or Business	Actual Cost

BE IT FURTHER RESOLVED, that the above water connection fees shall become effective on or after 12:01 a.m. on the 16th day of August, 1996.

BE IT FURTHER RESOLVED, that a copy of this resolution be incorporated into the official minutes of the July 23, 1996, Wythe County Board of Supervisors meeting.

  
\_\_\_\_\_  
Charles S. Dix, Chairman