

**WATER/SEWER REGULATIONS**  
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ORDINANCE NO. 12, 2024

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WISE, VIRGINIA REPEALING PREVIOUS SERVICE RULES AND REGULATIONS AND ESTABLISHING NEW WATER AND SEWER SERVICE RULES, REGULATIONS, AND CHARGES

WHEREAS, Virginia Code 15.2-2109 through 15.2-2157 authorizes the Town of Wise to adopt ordinances for water and sewer service rules and regulations, including charges for service; and,

WHEREAS, it is the desire of the governing body of the Town of Wise to adopt an ordinance setting forth water and sewer service rules and regulations, including charges for services; and,

WHEREAS, said Town Council desires to repeal previous service rules, regulations, and procedures.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Town Council of the Town of Wise, Virginia as follows:

**SECTION A. Designation of Water and Sewer Service Rules and Regulations**

1. The rules, regulations, and charges embraced in this ordinance shall constitute all water and sewer service rules, regulations, and charges for the Town of Wise, Virginia;
2. All customers who receive water and/or sewer service from the Town of Wise shall be subject to the rules and regulations written herein. The provisions of this ordinance and any rules and regulations adopted shall be a part of the contract with every customer provided water and/or sewer service, and every such consumer shall be considered to have expressed his or her consent to such rules and regulations.
3. The Town of Wise reserves the right to amend, revise or change the rules and regulations that are listed herein. Also, the Town reserves the right to adopt additional rules and regulations as deemed necessary and reasonable for the proper use and operation of its water and sewer system. The Wise Town Council shall revise by separate ordinance the water and sewer rates, fees, and charges enumerated herein.

**SECTION B. Provisions Saved From Repeal**

1. Nothing in this ordinance shall operate to repeal the following when not inconsistent with this ordinance. The following ordinances and regulations as they may be amended from time to time are hereby adopted and incorporated by reference:
  - a. The Town hereby adopts by reference article 3.00 of the Commonwealth Waterworks Regulations as it relates to cross connection and backflow prevention control, the text of which is incorporated by reference.
  - b. The Town hereby adopts by reference the Wise Waterworks Cross Connection and Backflow prevention Ordinance dated 05/23/77, the text of which is incorporated by reference.
  - c. The Town hereby adopts by reference an ordinance regulating discharge of industrial waste into the public sewers of the town dated 08/22/88, the text of which is incorporated by reference.

- d. The Town hereby adopts by reference an ordinance requiring installation of adequate approved grease traps in the sewer line of businesses within the town dated 08/22/88, the text of which is incorporated by reference.
- e. The Town hereby adopts by reference the facility fee agreement with Wise County dated February 9, 2009 and amended April 13, 2013, along with any future amendments to said agreement.

**SECTION C. Overriding Conflicting Ordinances**

1. All other previous ordinances in conflict herewith, and not listed in Section B are hereby repealed.

**SECTION D. Repeal of Repealed Ordinances**

1. When an ordinance which may have repealed another shall itself be repealed, the previous ordinance shall not be revised.

**SECTION E. Severability of Parts of the Ordinance**

1. If any section, sentence, clause, part or provision hereof shall be declared illegal, invalid, invalid, or unconstitutional by any court of competent jurisdiction; such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions in these rules and regulations. It is hereby declared to be the intent of the Town that these rules and regulations would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part or provision had not been included herein.

**SECTION F. Rules of Interpretation**

1. The following rules of interpretation shall be used:
  - a) Words in the present tense may imply the future tense
  - b) Words used in the singular may imply the plural
  - c) The masculine gender includes the feminine and neutral genders
  - d) The word "shall" is to be interpreted as mandatory, The word "may" is to be interpreted as directory
2. References to ordinances, resolutions, plans, maps, or governmental bodies are references to ordinances, resolutions, plans, maps, or governmental bodies in effect or in office from time to time including amendments or revisions thereto and successors thereof unless the text indicates that another reference is intended.

**SECTION G. Grandfather Clause**

1. This ordinance shall be construed to apply to customers or properties hereinafter connected to the Town's water and/or sewer system after the effective date of this ordinance.

**SECTION H. General Penalty**

1. Unless otherwise specified, any person who shall violate any of the provisions of these rules and regulations shall be guilty of a Class 3 misdemeanor. Any such person shall furthermore be liable and responsible for all damage, loss, and expenses suffered or incurred by the town because of such violations. The Town may also pursue all other civil and criminal remedies to which it is entitled under the authority of state statutes or other ordinances of the Town including but not limited to injunctive relief.
2. Further, the owner of any improved property served by the Town of Wise's water and/or sewer system shall be held liable for all acts of tenants or other occupants of such improved property to the extent permitted by law.

**SECTION I. Enforcement**

1. The Town Manager or Town Manager's designee shall administer, implement, and enforce the provisions of this ordinance. The Town Manager shall make and implement such rules, procedures, and requirements as deemed necessary for the enforcement of the provisions of this Ordinance, for the proper determination and collection of the rates and charges herein provided, and for the safe, efficient, and economical management of the system. Such rules and regulations shall have the same force and effect as ordinances of the Wise Town Council. Any powers granted to or duties imposed upon the Town Manager may be delegated by the Town Manager to other town personnel.

**SECTION J. Definitions**

**Applicant**-A person who applies for water and/or sewer services.

**BOD(Biochemical Oxygen Demand)**- The quantity of oxygen, expressed in milligrams per liter, utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius.

**Commercial Water Hauler**- A person delivering water from the Town's water supply to retail customers.

**Contractor**-A person who installs water and/or sewer facilities and appurtenances or who uses water on a temporary basis for construction purposes.

**Customer**-Any person who receives or has been approved to receive water and/or sewer from the Town.

**Customer Service Line**-The part of the water and/or sewer system extending from the Town's service line to an improved property, with the exception of the water meter.

**Facility Fee** – A charge levied to partially offset existing or future capital costs necessary to meet the service needs of Town utility customers located outside the corporate limits of the Town of Wise.

**Garbage**-Solid waste resulting from the domestic and commercial preparation cooking and dispensing of food and from handling, storage, and sale of produce.

**Ground Water**-That water which is contained in or passing through the ground.

**Improved Property**-Any property upon which there is an erected structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and to which water and sewer service is furnished. Improved properties shall include:

- A. Each side of a double house (duplex) or each housing unit.
- B. Any other improved property.

**Industrial Waste**-Solid, liquid or gaseous substances, water-borne waste from energy discharges or escaping in the course of any industrial, manufacturing, trade or commercial process or in the course of the development, recovery or processing of natural resources, but not sanitary sewage.

**Interconnection**-Any connection, direct or indirect, that physically joins a customer's service line, or any

pipng extension thereof, a non-potable source of water, or to any water source or system other than that of the Town.

**Meter-** A device that measures the quantity of water used by the customer. Includes the meter, meter set, meter box, corporation stop, line setter, and pipe from the main.

**MG/l-**Milligrams per liter.

**Owner-**Any person vested with ownership, legal or equitable, sole or partial, of a property.

**Qualifying Leak-**Leak amount that exceeds at 1,000 gallons over a 6 month average. No leak adjustments for outside faucets or water hose bibbs shall be allowed.

**Qualifying Sewer Adjustments-**Adjustments for the filling of swimming pools or hot tubs for amounts that exceed one thousand (1000) gallons over a six (6) month average.

**Regional Sewer System-**All facilities owned by the Coeburn/Norton/Wise Regional Sewer Authority, of any particular type, for collecting and transporting sanitary sewage and/or industrial water from the Town sewer system.

**Road Crossing** – A cut across the road pavement or a bore underneath the road made by either the Town or the customer/developer to connect pipe to the Town’s water or sewer main line. Any costs associated with the road crossing and/or repair shall be borne by the customer/developer. Repairs to pavement must be done in accordance with current VDOT requirements set forth in 24-VAC-30-151.

**Sanitary (DOMESTIC) Sewage-** the normal water-carried household and toilet waste from any improved property, excluding however, the effluent from septic tanks or cesspools, rain, storm and ground water, as well as roof or surface water, drainage or percolating or seeping waters, or accumulation thereof, whether underground, or in cellars or basements.

**Sanitary Sewer-** A sewer that carries sanitary sewage and/or industrial waste and to which storm, surface and ground waters are intentionally omitted.

**Service Connection Application-**Written permission from the Town to connect to the public water and/or sewer system in accordance with the Town’s rules, regulations, and specifications.

**Sewer Service-** Provisions for conveyance and treatment of sanitary sewage.

**Sewer System-**All facilities of any particular type, acquired, owned and operated by the Town, for collecting and transporting, sanitary sewage and/or industrial waste.

**Sewage Treatment Plant-**Any arrangement of devices and structures used for treating sanitary sewage and industrial waste.

**Sewer-Pipe** or conduit used for carrying sanitary sewage or industrial waste.

**Tap Fee-**A one-time non-refundable fee paid by the applicant for the right to have a connection onto the town’s utility system. This fee is used to help offset the cost of labor, materials, and equipment to install the service

connection, as well as the ongoing expense of perpetual care and maintenance of the tap. Tap fees shall not be assessed where the Town is the applicant for the tap and/or the owner of the premises.

**Tenant**-A person who leases or rents an improved property from an owner.

**Total Suspended Solids**-Solids that either float on the surface of or are in suspension in water, wastewater or other liquids and which are removable by laboratory filtering.

**Town**-The Town of Wise, a municipal Corporation of the Commonwealth of Virginia, chartered and acting by and through its council and manager, or in appropriate cases, acting by and through its authorized representatives.

**Town Service Line**-That part of the water and/or sewer system extending from the Town's main to a point at the inside face of the curb or edge of pavement of no curb.

**Wastewater**-The liquid and water-carried industrial or domestic wastes from dwelling, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is permitted to enter the sewer system.

**Water System**-The Town's water supply, treatment, storage, and distribution facilities, taken as a whole, or as any portion thereof.

#### **SECTION K. Water and Sewer Service Connections**

1. Any owner desiring to install a new water and/or sewer service line or to reuse and/or modify an existing water and/or sewer service line shall make application for a service connection prior to securing a zoning or building permit for the new construction or remodeling. Based upon information supplied by the applicant, as well as the results of a field test conducted by public works personnel, the town shall determine fees required to supply the requested service to the premises. In requesting the tap, the applicant acknowledges that this fee is merely the town's best estimate, and that unknown subsurface conditions and other variables may operate to increase or decrease the actual final cost. The applicant accepts responsibility for all charges. Generally, the town processes such applications no later than seven (7) days following receipt of an application, but the town reserves the right to require time in excess of seven (7) days. If for any reason the service connection is not completed within one (1) year after issuance of approval, the application will become void. It will then be necessary for the owner to reapply if services are still desired.
2. No water and/or sewer service connection shall be installed, reused, or modified prior to the execution of a written service connection agreement.
3. No service connection shall be authorized until the Town receives full payment of all applicable charges.
4. All service connections shall be made in accordance with the Town's construction specifications and the rules and regulations of the current and effective version of the International Plumbing Code for such installations.
5. A separate water and/or sewer service connection shall be required for:
  - a. each single family detached dwelling, each commercial establishment, and each industrial premise.

- b. each single family attached dwelling of a one-story structure where dwelling units are attached by a common vertical wall unless the dwellings are located on the same parcel of record and will remain rental properties not to be sold as separate units, in which case, the owner/developer can choose to meter and connect each dwelling separately or use a single water meter and/or single sewer connection when sized appropriately for the development. If a single water meter and/or sewer connection is chosen by said owner/developer, said owner/developer shall be responsible for the installation and maintenance of the said water and /or sewer lines from the point of the meter or connection.
  - c. swimming pools greater than 50,000 gallons in capacity
  - d. any private fire protection service
  - e. other connections as the Town shall deem advisable
6. For dwellings other than single family attached or detached, one water and one sewer connection shall be required for each building with line sizes to be based on projected demand as certified by a licensed professional engineer.
7. The owner of any house, building, or property in the Town, constructed and used for commercial, industrial, or residential purposes and abutting in any manner upon a public or private street, alley, or right-of-way in which there is or may be located a municipal water line, shall be required to connect such building to the Town's water system, provided that such connection will not require a private water line over 500 feet in length from the owner's property line to the nearest municipal water line. The property owner shall bear the cost and expenses incidental to the public water service installation and connection. In cases where initial installation of the municipal water system occurs after the structure is completed, the provisions of this section shall not apply to those portions of the structure which cannot be served without a booster pump. Portions of the structure which cannot be served without a booster pump may remain connected to pre-existing and properly functioning private water systems. Said property owner shall make application to the town for a water connection. Within thirty (30) calendar days thereafter, such person shall connect the fixtures in the building to the town's water system. Any person who shall fail to make such application after sixty (60) days written notice from the town to comply with this section shall be guilty of a Class 2 misdemeanor. When public water service is not available according to the provisions of this section, the property owner may construct a private potable water system provided that the owner first obtains a written permit for such system from the Virginia Department of Health.
8. Except as provided in this Ordinance, it shall be unlawful to construct or maintain any private potable water system in the Town, including but not limited to water wells.
9. The Town shall permit the continued use of a private potable water system in the Town such as a water well, provided the system has been approved by the applicable Board of Health or Health Officer and was in existence and use prior to the enactment of the Town's Mandatory Connection Ordinance until such time as the private potable water system ceases to be approved or fails to function properly, whereupon use thereof shall be discontinued and the owner of such premises shall cause it to be connected to the Town's water system at the owner's expense.
10. The owner of any house, building, or property in the Town, constructed and used for commercial, industrial or residential purposes and abutting in any manner upon a public or private street, alley, or right-of-way in which there is or may be located a municipal public sewer line, shall be required to connect such building to the Town's sewer system, provided that such connection will not require a



private sewer line over 500 feet in length from the owner's property line to the nearest municipal sewer line. The property owner shall bear the cost and expenses incidental to the public sewer installation and connection. In cases where initial installation of the municipal sewer system occurs after the structure is completed, the provisions of this section shall not apply to those portions of the structure which cannot be served without installation of additional pumping facilities. Portions of the structure which cannot be sewerred without additional pumps may remain connected to pre-existing and properly functioning septic systems. Said property owner shall make application to the town for a sanitary sewer connection. Within thirty (30) calendar days thereafter, such person shall connect the fixtures in the building to the town's sewer system. Any person who fails to make such application after sixty (60) days written notice from the town to comply with this section shall be guilty of a Class 2 misdemeanor. When public sewer service is not available according to the provisions of this section, the property owner may construct a private sewage disposal system provided that the owner first obtains a permit for such system for the Virginia Department of Health.

11. It shall be unlawful to discharge into any natural outlet of a water course, pond, ditch, lake, stream, or other body of surface or groundwater, within the Town or under the Town's jurisdiction, any sewage, wastewater, or other polluted water except where suitable treatment has been provided in accordance with the requirements of the Virginia Department of Health and the Department of Environmental Quality.
12. Except as provided in this Ordinance, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
13. The Town of Wise shall permit the continued use of private sewage disposal systems in the Town, provided the system has been approved by the applicable Board of Health or Health Officer, and was in existence and use prior to the enactment of the Town's Mandatory Connection Ordinance until such time as the private sewage disposal system ceases to be discontinued and the owner of such premises shall cause it to be connected to the Town's sanitary sewer system at the owner's expense.
14. It is the policy of the Town of Wise to expand its public utility system (water and sewer) as rapidly as finances and manpower are available to provide service to all properties within the corporate limits of the Town through the construction of mains and/or laterals on abutting streets. However, the Town does not hereby assume the present or immediate construction of such expansion(s).
15. Any person or entity failing to make a mandatory connection shall be guilty of Class 1 misdemeanor and fined accordingly. Each day's violation shall constitute a separate offense. The Town may also pursue all other civil and criminal penalties to which it is entitled under the authority of state statutes, including without limitation, injunctive relief.
16. No owner, or occupant, of any premises shall supply (or allow to be supplied) water or sewer service to other persons or premises through his connection. No one shall sell water from the town's system to another person or entity for any purpose.
17. Generally, the responsibility for Town maintenance of service connections shall not extend beyond the water meter and/or the sewer cleanout.
18. It shall be the duty of every town employee to immediately report to the Treasurer, any condition of which he is aware which may result in the waste of town water or violates the provisions of this Ordinance.

**SECTION L. Service Connections: In-Town Customers**

1. The tap fee for water service shall be payable in full prior to installation of a tap by the Town. The fee for connection to the Town's water system shall include tapping the main trunk waterline, extending a three-quarter inch (200 p.s.i.) service line up to forty (40) feet from the water main, and installing a standard three-quarter inch water meter. In no case shall the Town extend municipal water lines past the property line. The total cost of an extension in excess of forty (40) feet shall be borne by the applicant for such service. After all tap fees and/or deposits and service charges have been paid in full, the Town shall cause to be constructed, at the expense of the Town, a service line of no more than (40) feet leading from the water main to a meter which shall be installed at some convenient location designated by the Town.
2. The tap fee for sewer service shall be payable in full prior to the installation of a tap by the Town. The fee for connection to the Town's sewer system shall include tapping of the main sewer interceptor, extending a four-inch p.v.c. service lateral up to forty (40) feet from the sewer main, and installing a cleanout. In no case shall the Town extend municipal lateral lines past the property line. The total cost of an extension more than forty (40) feet shall be borne by the applicant for such service. After all tap fees and/or deposits and service charges have been paid in full, the Town shall cause to be constructed, at the expense of the Town, a service lateral of no more than forty (40) feet leading from the sewer main to the private plumbing.

**SECTION M. Service Connections: Out-of-Town Customers**

1. The tap fee for water service shall be payable in full prior to the installation of a tap by the Town. Any required facility fee shall be payable in full prior to the installation of a tap by the Town. The fee for connection to the Town's water system outside the corporate limits includes tapping the main trunk waterline and installing a standard three-quarter inch water meter. The out-of-town tap fee does not include any extension of service line from the water main. The total cost of any line extension necessary to intercept the Town's water main shall be in addition to the tap fee. After all tap fees and/or deposits and service charges have been paid in full, the Town shall authorize the installation of a service line leading from the water main to a meter which shall be installed at some convenient location designated by the Town.
2. The tap fee for sewer service shall be payable in full prior to installation of a tap by the Town. Any required facility fee shall be payable in full prior to the installation of a tap by the Town. The fee for connection to the Town's sewer system outside the corporate limits includes tapping of the main sewer interceptor and installing a cleanout. The fee for connection to the Town's sewer system outside the corporate limits does not include any extension of a service lateral from the sewer main. The total cost of any line extensions necessary to intercept the Town's sewer main shall be borne by the applicant for such service, the expense of which shall be in addition to the tap fee. After all tap fees and/or deposits and service charges have been paid in full, the Town shall authorize the installation of a service lateral leading from the sewer main to the private plumbing.

**SECTION N. Tap Fee(s) for Municipal Service Connections(s)**

Tap fees for Municipal Service Connections are set by the Town Council. Fees referenced in this ordinance are the current fees that have been set by the Town Council under separate ordinance.

(The Town provides all materials, equipment, and labor for installation except as otherwise provided herein)

**SECTION O. Tap Fee(s) for Other Service Connections(s)**

Water and sewer connections requiring service lines and appurtenances larger than two inches for water and/or six inches for sewer shall be made at the expense of the applicant. The Town does not install water taps that exceed 2" or sewer taps that exceed 6". It is incumbent upon the applicant to pay all costs associated with the independent installation of these service connections in addition to payment of the current standard tap fees.

**SECTION P. Customer Service Lines**

1. The customer shall furnish, install and maintain in good condition, at his or her expense, all customer water and/or sewer service lines and appurtenances.
2. The size, slope, alignment, and methods and materials of construction of a customer water service and sewer line shall conform to the current and effective version of the Virginia Uniform Statewide Building Code—BOCA National Plumbing Code and International Plumbing Code requirements. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor.

**SECTION Q. Testing and Inspections**

1. Town and customer water service lines should be pressure tested at one and one half (1.5) times the normal working pressure or to a maximum of 200 p.s.i. (pounds per square inch). Test pressure shall be maintained at  $\pm 5$  p.s.i. for a minimum of fifteen (15) minutes.
2. Town and customer sewer service lines should be pressure tested at 4 p.s.i. Test pressure shall be maintained for a minimum of five (5) minutes.

**SECTION R. Water Service Lines Pressure**

1. In cases where water service line pressure is deemed to be excessive, the customer shall be responsible for installing, at his or her own expense, any pressure regulator.
2. In cases where water service line pressure is undesirably low, the customer may install, at his or her expense, an approved booster-pumping device upon securing written approval from the Town.
3. In the event of low water pressure or no water pressure, the Town shall not be liable for any damage to customer's equipment due to the lack of a back flow prevention device or low pressure cut off switch.

**SECTION S. Boilers and Heat Transfer Equipment**

1. Customers using the Town's water supply for steam boilers and similar devices assume all risks regarding such operations. The Town shall, upon request, furnish water system pressure data for customer convenience in setting relief valves, but shall not guarantee any results desired by the customer. The customer recognizes that the town operates a dynamic waterworks, and that data is subject to change without notice.
2. Customers desiring to use water for heat transfer equipment, including but not limited to, air conditioning, refrigeration, heat pump and/or other heating equipment, air compressor, atmospheric condenser, vacuum pan or similar equipment, or heat exchangers attached to any such equipment supplied with water from the Town's water system, shall submit a written request to the Town for approval.

3. The Town reserves the right to deny a request to use water for heat transfer equipment when, in its sole discretion, such request will result in excessive consumption of water or will create conditions that may be harmful to the water system.
4. In cases where the Town approves the use of water for heat transfer equipment and subsequently determines that water consumption for the same is excessive, the Town may discontinue service until the customer reduces consumption to an acceptable level.

#### **SECTION T. Internal Fire Protection Systems**

1. Private fire service may be provided under terms and conditions established by the Town.
2. Applicants for private fire service shall submit a written request to the Town for approval accompanied by plans and specifications and shall pay a tap fee according to the current rate set by Ordinance.
3. The Town shall approve the size of each private fire service line to be installed. Any such line shall be smaller than the main water line to which it is connected.
4. The customer shall install, at his or her expense, approved detector checks or compound meters with bypass meters on all new or replaced private fire service lines. Such detector checks or compound meters shall become Town property.
5. The Town shall maintain, at its expense, any fire service meter or detector check except in cases of damage caused by the customer's failure to protect the meter.
6. No cross connection shall be permitted between a private fire service line and a water service line.

#### **SECTION U. Temporary Water and/or Sewer Service**

1. Water and/or sewer service may be provided on a temporary basis for special conditions, which do not fall under the classification of regular service. Each case shall be reviewed on an individual basis and service shall be at the discretion of the Town.
2. Applicants for temporary use of water and/or sewer service, including contractors using water on construction sites, shall submit a written request to the Town for approval. A deposit in the amount of the minimum applicable monthly charge shall accompany the request. Additional monthly charges shall be assessed when such service extends beyond a period of one (1) month.
3. Temporary water service may be metered at the Town's option. In such cases, the Town shall supply the meter and billing will be based on actual usage.
4. In cases where a meter is not installed, the Town shall establish the charge for water and/or sewer service from the date service is provided until a meter is installed or until termination of service, whichever occurs first.
5. The customer shall pay for all cost associated with installing and dismantling Town service connections.

#### **SECTION V. Water Drawn at Public Meter**

1. Service may be provided to commercial water haulers, or to county residents on dry wells, under terms and conditions established by the Town. The Town extends this privilege as a courtesy and is under no

obligation to sell water at a public meter. The Town may discontinue this practice at any time and for any reason, or for no reason at all, and no water hauler or beneficiary shall take retaliatory action against the town if it chooses to discontinue this service. The charge for each purchase of water drawn at the public meter located at the water treatment plant shall be at the current rate set by the Town Council for 56174059out-of-town customers. All fees for this water service are payable prior to withdrawal of the water.

2. Any commercial or private water hauler desiring this service shall submit a written request to the Town. The request shall include the date and time(s) of service as well as the quantity of water requested. The Town shall designate and operate all loading sites and shall require the private or commercial water hauler to provide back flow prevention on the vehicle used to receive water. A Town employee must monitor all water pick-ups.
3. No person shall obtain water from the Town through any location other than the designated public meter at the water treatment plant without the expressed written approval of the Town. Water haulers shall pay all costs associated with providing such service from an approved location other than the water treatment plant, including but not limited to, installing the service connection, meter, back flow prevention device, meter pit, valves, riser pipe, and other facilities necessary to control spillage and surge conditions.
4. Commercial or private water haulers may not use water purchased from or provided at the town's public meter for human consumption or cooking since the Town cannot control the means and methods of transport, storage and/or distribution, nor over the sanitizing of the water containers. All water must execute a written agreement with a release of liability and indemnification prior to pick up of water.

#### **SECTION W. Installation of Meters and Backflow Prevention Devices**

1. A water meter and a approved back flow prevention device shall be installed horizontally on all service lines in a specified location and in accordance with requirements of the International Plumbing Code and the Town of Wise Cross Connection Ordinance.
2. Each improved property shall have a separate meter except as otherwise provided herein.
3. The customer shall install, at his or her expense, a back flow prevention device and a water stop or valve after the meter on the customer service line.
4. The Town shall retain ownership and maintain, at its expense, except as otherwise provided herein, all meters and remote readouts. Water meters in its system are the property of the Town of Wise and are at all times subject to its control and inspection. When any meter is located on any private property, building, or premises, the agents of the Town may enter into or upon such private property, building, or premises for the purpose of inspecting, repairing, replacing, or removing such meter or for the taking of a meter reading. Any water meter damaged from any cause directly or indirectly attributable to the negligence of the owner or occupant of the premises shall be repaired and replaced by the Town at the expense of the Owner or occupant.
5. The customer shall retain ownership of all back flow prevention devices and shall maintain and test the same as required, at his expense. The Town reserves the right to require any back flow prevention device to be tested at least every twelve (12) months and that a certified test report on the same be

furnished to the Town. Any agent of the Town shall be permitted to enter upon all premises for the purpose of inspection, observation, sampling, or testing of cross-connection control devices, backflow preventers, and/or low-pressure cutoff devices. Upon issuance of a notice of violation (NOV), the consumer shall have 30 days to bring said device(s) into compliance. Failure to comply within this thirty-day period shall be grounds for discontinuance of water and/or sewer service.

#### **SECTION X. Meter Readings**

1. Meters will be read each month between the hours of 8:00 a.m. and 2:15 p.m., unless there are no work orders to be completed, in which case reading will continue until 4:00 p.m.
2. In the event that a meter fails to register or is found to be defective in registering, or cannot be read due to the fault of the customer (i.e. parked car on meter, etc.) an estimate of the current month's consumption will be made based on the previous six-month average, or if an account has not been active for six months, then the number of months in which there was consumption.
3. The meter reader should not be disturbed by radio calls during the reading period as it is very important that he remains on schedule. In case of an emergency, the water and sewer department head should be contacted at 328-6119.

#### **SECTION Y. Meter Testing**

1. The Town shall test the accuracy of any meter upon request. For ¾" meters, the customer shall pay the current fee set by the Town Council for meter testing. Should the customer request additional meter testing or if the meter exceeds ¾" in size, the customer shall pay the current fee charged by the meter testing company. If said test reveals a faulty meter, the testing fee will be waived.
2. The Town may consider billing adjustments for more than the current billing period when evidence is presented that establishes the actual date when a meter became inaccurate.
3. The Town may test or replace,, at its expense, a water meter at any time without notification to the customer.

#### **SECTION Z. Customer Requests for Relocation of Meters**

A fee of cost plus ten percent shall be charged for the relocation of a meter for either aesthetic reasons, or for construction undertaken by the customer, i.e. a new driveway or sidewalk. Any property owner wishing to request a meter relocation shall complete a written application for said service.

#### **SECTION AA. Grease, Oil, and Sand Interceptors**

1. All motels, hotels, boarding houses, restaurants or other public eating establishments shall, at their expense, install a grease interceptor(s) at a location(s) approved by the Town for the proper handling of liquid wastes containing grease.
2. All service stations, garages, industrial or other premises which handle oil, petroleum or similar products and/or wash cars, trucks or other types of machinery shall, at their expense, install a grease, oil and/or sand interceptor(s) at a location(s) approved by the Town for the proper handling of liquid wastes containing grease or any flammable wastes, sand or other harmful ingredients.
3. All such interceptors shall be of a type and capacity approved by the Town and shall be located as to be readily and easily accessible for cleaning and inspection.

4. The customer shall, upon request from the Town, supply report documents that contain the dates in which materials were removed from the interceptors.

#### **SECTION BB. Grinder Pumps**

1. It shall be unlawful to discharge into the town's sewer system, any garbage, debris, or other material that has particles greater than one-half inch in any dimension. The customer shall furnish and install, at his or her expense, any required grinder pumps or similar devices at a location approved by the Town.
2. The Town shall inspect, at the customer's expense, the installation of any grinder pump or similar device.

#### **SECTION CC. Application for service**

1. Any application for residential water or sewer service shall be made in person. A completed application, including a photo identification, a signed user agreement, payment of the current deposit amount set by the Town Council for renters of residential or commercial premises, and payment of the current service charge set by Council for all customers is required before any service can be connected.
2. Meter deposits are held in a non-interest-bearing account and are refunded in full, unless any outstanding balance is due upon discontinuance of water service. Said outstanding balance is applied against the deposit on record. All service charges are non-refundable.
3. All applications received before 2:00 p.m. should be connected on the same business day, or the date requested by the applicant. Applications received after 2:00 p.m. should be connected the following business day before 4:00 p.m.
4. All accounts requesting a water service transfer to a different physical location and having a deposit on record in an amount less than the deposit amount required at the time of transfer, shall pay the additional deposit. All transfers of utility service will require payment of the same non-refundable service charge as new set-ups.

#### **SECTION DD. Computation of Bills**

1. Water and sewer service bills shall be issued to customers once a month. Utility bills shall be for services provided during the preceding month.
2. Water and sewer service charges shall be billable to the person or entity listed in the "Application for Service". Therefore, owners of rental property who apply for service are responsible for the payment of any unpaid bills.
3. Each improved property shall be billed separately unless otherwise provided for in these regulations.
  - a. Water service shall be billed based upon actual meter readings and in accordance with current rate schedules set by Council, with a minimum charge for a meter reading of 1,000 gallons or less unless otherwise provided for in these regulations. Readings and billings will be based on the nearest 100 gallons of usage. Water and sewer service bills shall be based on a rate schedule enacted by the Wise Town Council. The prescribed rates shall apply to each separate water meter,

and each meter shall be considered as a separate utility account. Charges for water and sewer service shall be assessed by the Town at the rates set by the Town Council. For uses of water not covered by this Ordinance, the Town Manager is authorized to set a tentative rate to be used until confirmed or altered by Town Council no later than ninety (90) calendar days thereafter.

4. When a leak develops in an underground water pipe between a water meter and the structure served, or within a plumbing fixture, and the owner or tenant could not by the use of ordinary care and due diligence discover the leak, the treasurer may adjust the utility bill of the account holder. After verification that a qualified leak has been repaired, an adjustment will be computed on any water consumption in excess of a six-month average for that location. A corresponding calculation for sewer excess, if applicable, shall also be made. The Town will assume responsibility for the cost of fifty percent of the excess. To qualify for an adjustment, the leak must be reported within sixty (60) calendar days of its occurrence. Two qualifying leak adjustments per year per account are the maximum allowed for any reason. No adjustment is allowed for outside faucets or water hose bibs. No adjustments are allowed for wholesale contract purchases or for tank overflows.
5. Qualifying sewer adjustments will be allowed for the filling of swimming pools or hot tubs for amounts that exceed 1,000 gallons over a 6-month average, not to exceed two per year.
6. A surcharge shall be applied to the normal sewer service bill in accordance with the formula shown in the Town of Wise Industrial Waste Ordinance.
7. The Town reserves the right to impose additional surcharges to utility bills (i.e. annual VDH fee, monthly tank maintenance fee).

#### **SECTION EE. Collection of Bills**

1. All bills are payable on or before the due date shown on the bill which is fifteen calendar days from the date of billing.
2. Failure to receive a bill shall not excuse a customer from his or her obligation to pay the bill by its due date.
3. Payment of bills shall be considered timely under the following conditions:

When delivered in person, by mail or night drop to the Treasurer's Department at the Wise Municipal Building by 4:30 p.m. on the due date specified.
4. In the event the due date falls on a Saturday, Sunday or a Town observed holiday, the due date shall then be on the next business day.
5. Any bill believed to be inaccurate may be returned to the Town within ten days of its receipt. At such time the customer may request a meter accuracy test as defined under the meter testing section of this document.
6. Bills that remain unpaid beyond the due date shown on the bill shall be delinquent and be assessed a penalty of ten percent of the amount due. Bills or portions of bill, together with any penalty, that



remain unpaid more than sixty days beyond the billing due date shall be assessed interest at the rate of ten percent per annum. However, billings for federal, state, or local governments, or other institutions will not incur penalty or interest charges.

7. The Town reserves the right to disconnect service in order to recover any unpaid amounts that are past due and payable.
8. When a bank returns a check due to insufficient funds, the customer shall be charged a returned check fee at the current amount set by the Town Council. After notification, if the customer does not resolve this non-payment within three days of the postmark of the notice sent, the check amount plus the returned check fee will be added to the customer's account and the account will be subject to disconnection. Returned checks issued tendered for payment of anything other than utilities charges will render the transaction null and void. If a check issued for reconnection of water service is returned the account will be subject to immediate disconnection. After two returned checks, the Town will no longer accept checks from a particular customer, and only cash, cashiers' check, money orders, or credit/debit cards may be accepted.
9. The Town reserves the right to place a lien upon the real estate for any utility rates, fees, and other charges for water and/or sewer service rendered by the Town to such real estate from and after the time the bill therefore becomes delinquent. A delinquent bill under this section shall be defined as any bill that has not been paid within 45 days of the due date. The Treasurer shall certify to the Clerk of the Circuit Court for Wise County, the amount of delinquent water and/or sewer charges, together with the fee paid for each entry on the judgement records by the court.

#### **SECTION FF. Delinquent Notices –**

No delinquent notices will be mailed to customers. All past due amounts including notice of disconnections will be included on all regular monthly billings and shall serve as the notice of delinquency and disconnection to the customer. As allowed by the Code of Virginia, delinquent accounts past 45 days will be subject to disconnection.

1. After the 45 day grace period, all accounts having a balance due will be subject to disconnection of service. Once the cut-off list has been generated and forwarded to the meter reader for execution, all accounts listed will be cut-off.

#### **SECTION GG. Customer Request for Discontinuance of Service**

Residential customers requesting that their water service be disconnected at their residence shall complete an application in person providing a forwarding address and the date the customer desires service to be discontinued.

#### **SECTION HH. Customer Request for Temporary Disconnection**

Any customer wishing to have utility service on temporary disconnection (AAA) while away from their residence for an extended period, may do so by applying at the treasurers' office. There is no fee for this service and no monthly minimum bill will be charge unless there is usage.

#### **SECTION II. Municipal Disconnection of Service**

Utility Service may be disconnected, cut off, or locked for reasons including but not limited to the following:

1. Nonpayment of a bill for service provided.

2. Permitting the provision of water or disposal of sewerage to other persons or premises.
3. Willful and continued waste of water through defective pipes or fixtures after receiving a "Notice of Violation".
4. No backflow prevention device, or a device which is removed or by-passed or rendered inoperative.
5. A cross-connection exists on the premises.
6. Pressure in the waterworks is less than eighteen (18) pounds per square inch.
7. The owner or occupant refuses to furnish information or access requested under these rules and regulations or the owner or the owner or occupant falsifies information.
8. Violation of any rules or regulations of the Town relating to water and sewer service.

#### **SECTION JJ. Restoration of Service**

Utility service disconnected shall not be reinstated until all delinquent charges have been paid, a payment plan for payment of past due charges is in place, and/or all defects have been corrected. When service is disconnected for any reason, a fee in the current amount set by the Town Council for reconnection of service must be paid in full up front in addition to any past due amounts prior to a resumption of service. Customers paying these amounts by 2:00 p.m. will be reconnected between the hours of 2:30 p.m. and 4:00 p.m. on the same business day if time permits. Accounts paid after 2:00 p.m. will be reconnected the following business day between the hours of 2:30 p.m. and 4:00 p.m. Immediate family members or any person residing at the physical location of the account holder may not apply for restored water service at a disconnected location until all outstanding balances due and owing are paid in full. Immediate family members include: father, mother, husband, wife, brother, sister, child, mother-in-law, father-in-law, grandparents, grandchildren, or any other relative living in the household.

#### **SECTION KK. Prohibited Connection and Use**

##### **1. Prohibited Water Connections**

The following connections with Town's water system are prohibited:

- a. Any interconnection or cross connection.
- b. Any connection that may cause water hammer.
- c. Any unprotected connection to a booster pump, boiler plant or boiler pump.
- d. Any connection which returns water to the Town's system.

##### **2. Prohibited Wastewater Connections**

The following connections with the Town's sewer system are prohibited:

- a. Sump pumps, roof drains and downspouts, floor drains, exterior foundation drains, surface drains, subsoil drains, yard fountains, ponds, lawn sprays, or other sources runoff or groundwater.
- b. Any mechanical garbage grinder in commercial or industrial premises without prior written approval from the Town. Any garbage grinder equipped with a three-fourths horsepower or greater motor without prior written approval from the Town.

##### **3. Prohibited Deposits**

- a. Liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit or a pH lower than 6.0 or higher than 9.0
- b. Water or waste which contains more than one hundred (100) parts per million by weight of fat, oil, wax, or grease, exclusive of soap, whether emulsified or not. Any liquid containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees Fahrenheit at the point of discharge into the system.

- c. Gasoline, kerosene, benzene, naphtha, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides, fuel oil, or any other flammable or explosive liquid, solid or gas
- d. Ashes, cinders, sand, mud, straw, shaving, metal, glass, rags, feathers, tar, plastics, wood, sawdust, whole blood, paunch manure, hair and fleshing, entrails, bones, paint residues, or any other bulk solids having characteristics capable of causing injury to or obstruction to flow in sewers or in any other way interfering with the proper operation of the sewage works
- e. Waste from any industrial, septic, or other waste hauler at any location in the sewer collection system
- b. Any substance, of such nature and quantity which, either singly or by interaction with other wastes may 1) cause obstruction to the flow in a sewer or damage wastewater treatment facilities, 2) reduce the biological effectiveness of or impede the proper functioning of, any wastewater treatment process, 3) cause excessive loading or overloading of wastewater facilities or cause excessive treatment costs, 4) pass to the receiving waters without being effectively treated, due to the incompatibility of the substance, and cause violation of operating permits or state or federal regulations, 5) any noxious or malodorous substance that is capable of causing objectionable odors, public nuisance, hazard to life, or 6) any condition which requires unusual provisions, alteration, or expense to accommodate such material.

## **SECTION LL. Illegal Acts**

### **1. Damage to Water and Sewer System**

- a. No unauthorized person shall uncover, open, use, alter, deposit in, disturb, connect to or any public water or sewer line, meter, manhole, fire hydrant, or other appurtenance or property of the Town of Wise.
- b. Any person who shall maliciously, willfully, or negligently damage, alter, deface, destroy, molest, disturb, block, or otherwise tamper with any portion of the water and/or sewer system, including any of its structures, meters, or equipment, shall be held liable by the Town to pay all costs associated with correcting conditions caused by such actions. No penalty fixed by these rules and regulations shall prevent the Town from recovering any damages sustained by reason of such injury by appropriate civil action or otherwise.
- c. It shall be unlawful for any person to deposit or throw anything in any reservoir of the town's waterworks or to bathe or swim or otherwise have body contact with any such reservoir, or to break, deface, damage, injure, or climb any enclosure structure or building, or to otherwise damage, deface or molest anything about the filtration plant or anything belonging or pertaining to the town's waterworks. Further, use of gasoline or diesel engines on the reservoir is strictly prohibited.

### **2. Tampering with Metering Devices**

- a. Any person who tampers with any metering device installed in the public water supply system or in the sanitary sewer system of the Town or who otherwise intentionally prevents such metering device from properly registering the degree, amount, or quantity of such water supplied, or quantity of service supplied, or diverts such water or sewer service, except telephonic or electronic extension service not owned or controlled by the Town, without authorization from

the Town shall be guilty of a Class 1 misdemeanor. Likewise, it shall be unlawful for any person to turn on water service previously disconnected by town for nonpayment of charges, divert water from the system, or otherwise use water without paying the proper charges thereof.

- b. The presence of any water or sewer metering device found to have been altered, tampered with or bypassed in a manner that would cause the metering device to inaccurately measure and register the degree, amount or quantity of service supplied or which would cause the service to be diverted from the recording apparatus of the meter shall be prima facie evidence of intent to violate and of the violation of this section by the person to whose benefit it is that such water or sewage be unmeasured, unregistered or diverted.

#### **SECTION MM. Use of Fire Hydrants, Private Service Lines, and Valves**

1. Fire hydrants, or private fire service lines, shall be used only for purposes of extinguishing fires, except when otherwise permitted by the Town.
2. Any customer, fire company, or municipality desiring to test fire hydrants or private fire service lines shall request approval from the Town to perform the same at least five working days in advance of the scheduled test date.
3. No unauthorized person shall operate any curb stop, valve, or hydrant on any Town service main water line. The Town reserves the right to prosecute any person violating this provision to the fullest extent of the law.
4. It shall be unlawful for any person to block access to or obstruct in any way, any fire hydrant within the town.

#### **SECTION NN. Emergency Restrictions**

1. The Town reserves the right to declare a water emergency in order to restrict water service in cases of emergency, water supply deficiency, or whenever required to assure the public welfare. The contingency plan outlined below will be in effect upon declaration of a Water Emergency by the Wise Town Council and shall extend to all customers in or outside the town, and to any end users of another system supplied Town water through a wholesale contract. A Water Emergency is deemed imminent when the total water stored in the Town's reservoir reaches 50 million gallons. When such a declaration is proclaimed, it shall be published two consecutive times in the local newspaper of general circulation and posted at the front door of the Town Hall for the duration of the emergency. Such proclamation shall contain the rules and regulations governing restrictions in use of water throughout the length of the period, and anyone violating the provisions thereof shall be guilty of a Class 2 misdemeanor. When a water emergency is declared, no person shall use water from the Town's system for watering of lawn or garden, agriculture, operation of swimming pools or fountains, building or window washing, vehicle washing, street cleaning, or other purposes not essential to health, safety, and welfare. Violations of this provision will be a Class 2 misdemeanor.
2. After Town Council's declaration of a water emergency, when the amount of reserve water reaches 25 million gallons, the Town shall impose the following additional limitations as part of a Water Rationing Plan in order to restrict water usage when circumstances require such action. The Town shall notify each affected person/business by certified mail or personal delivery when a Water Rationing Plan is activated as follows:

- a. Bottling Plants and Manufacturing or Processing Facilities  
Production using Town supplied water shall be prohibited.
  - b. Food Outlets and Restaurants  
Hours of operation shall be limited to four (4) hours a day and a maximum of twenty (20) hours per week. A plan of operating hours shall be filed with the Town Manager's office within forty-eight (48) hours of receipt of notice.
  - c. Beauty Shops, Barber Shops, Health Spas, Laundries, Pet Shops, Car Washes  
Hours of operation shall be limited to 16 hours per week at a maximum. A plan of operation hours shall be filed with the Town Manager's office within forty-eight (48) hours of receipt of notice.
  - d. Hotels, Motels, and other Overnight Lodging  
Restricted to rental of 50% of total rooms on any given night.
  - e. Schools, Hospitals, and Nursing Homes  
Required to use all disposable paper goods possible in the preparation and serving of food and meals. Schools shall operate on the most abbreviated school day required to retain full state funding. A plan for operations shall be filed with the Town Manager's office within forty-eight (48) hours of receipt of notice.
  - f. Upon receipt of notification of by certified mail or personal delivery, the plan of action described above must be filed within forty-eight (48) hours. Violators of plan filing deadlines will have their water service discontinued immediately. Violations of the plan on file will be a Class 1 misdemeanor.
3. When the amount of reserve water reaches 5 million gallons, all commercial and institutional customers (including schools) will be cut off, and only residential customers, hospitals, nursing homes, and fire departments will be allowed.
  4. This procedure shall be used in reverse order as the reservoirs begin to refill and restrictions are lifted. All parties so affected will be notified by certified mail or personal delivery.

**SECTION OO. Other Interruptions of Service**

1. The Town reserves the right to temporarily interrupt service without notice to customers for the following:
  - a. To make repairs to pumps or mains.
  - b. To extend or tap mains.
  - c. For construction, reconstruction, or replacements in the system.
  - d. For preventative maintenance.
  - e. To change or test water meters.
  - f. During any other emergency condition.
2. The Town shall attempt to notify customers of any temporary service interruptions when practical and feasible. Planned disruptions of service may be publicized on the Town of Wise website ([www.townofwise.net](http://www.townofwise.net)), in the local newspaper, on local television bulletin boards, and on the local

radio station. No claims for damages of any nature whatsoever arising from interruptions of service shall be paid.

**SECTION PP. Access by Town Personnel**

Town representatives and agents shall, upon the presentation of credentials, be provided safe access (i.e. from dogs, pets, etc.) to premises, at all reasonable hours, for the purpose of reading meters, disconnecting service, making inspections, observation, measurement, samplings, test or repairs, enforcing the rules and regulations of the town, protecting the Town's interests, and for the performance of any other functions related to water and/or sewer service provided by the Town.

**SECTION QQ. Liability**

1. The supply of water to the consumer is without guarantee of a fixed quantity, quality, purity, or temperature.
2. The Town shall not be liable for any damages consequences or inconveniences as a result of a deficiency in water supply to any improved property, as a result of any deficient or excessive water pressure.
3. The Town shall not be liable for any damages, consequences or inconveniences as a result of any water and/or sewer service interruptions. The property owner and the occupant shall indemnify and hold harmless, the town from any loss or damage that may directly or indirectly be occasioned by the installation, operation, maintenance, or replacement of water or sewer facilities.
4. The Town shall not be liable for any damages, consequences or inconveniences as a result of its entering an improved property for the purpose of performing any functions related to water and/or sewer service provided by the Town.
5. The Town shall not be liable for:
  - a. Damages resulting from leaks, broken pipes, or any other causes occurring at any improved property.
  - b. Claims against the Town due to leaks, broken mains, service lines, or other damaged appurtenances in the water and/or sewer system.

**SECTION RR. Approval of Extensions for Residential Subdivisions, Multi-Family Housing Projects, Mobile Home Parks, Commercial/Industrial Parks and Uses, or Expansions Thereof**

1. No Extension of the town's waterworks or sewer system shall be made for the purpose of serving residential subdivisions, multi-family housing projects, mobile home parks, or commercial/industrial parks except upon approval of such extension by the Wise Town Council.
2. Any person desiring an extension shall make an application to the Town Council for approval thereof. Such application shall be filed with the Town Manager and shall be accompanied by the current application fee as set by the Town Council of the Town of Wise. Applications shall also be accompanied by sealed and stamped plans and specifications from a Virginia licensed professional engineer which meet the standards of the town, and which have been approved by the Virginia Department of Health (VDH) and/or the Virginia Department of Environmental Quality (DEQ), or a preliminary engineering report approved by the Virginia Department of Health and a hydraulic analysis. The applicant/developer shall also provide a copy of the certificate to construct if VDH/DEQ approved plans and specifications are submitted.

3. A subdivider or developer shall be required to install and pay for water and sewer improvements both within and outside the proposed development necessitated or required, at least in part, by the construction or improvement of land owned by the developer or subdivider.
4. Approval of an extension of the town's waterworks or sewer collection system shall be conditioned upon the following:
  - a. The improvements shall be installed in accordance with plans and specifications prepared by a Virginia licensed professional engineer and approved by VDH and/or DEQ
  - b. The applicant shall have paid all required fees and shall not be in arrears on any real estate taxes for the subject parcel.
  - c. Prior to construction, the applicant shall secure exclusive easements or fee simple title, free of defects, and in a form acceptable to the Town Attorney, as are necessary to install and maintain all water and sewer improvements.
  - d. At least one week prior to start of construction, the applicant shall attend a preconstruction meeting with the Town.
  - e. Prior to construction, the applicant shall provide one copy of VDH stamped approved plans and specifications along with a copy of the Certificate to Construct.
  - f. The applicant shall grant a right of entry onto the subject parcel to agents or employees of the Town of Wise for the purpose of inspecting and monitoring the work in progress. One set of approved plans shall be available on the job at all times. Any inspection performed or failed to be performed by the Town shall not constitute a waiver of the applicant's responsibilities hereunder.
  - g. Upon completion of construction, the applicant shall submit to the town, a statement signed by a licensed professional engineer stating that the construction work was completed in accordance with the approved plans and specifications based upon his inspection of the work in progress along with a set of "As Built" drawings.
  - h. Upon completion of construction, the applicant shall convey by appropriate legal instrument, 1) all water and/or sewer lines and appurtenances to become the town's responsibility for operation, and maintenance, 2) all easements and all fee simple title to the town free of costs. Thereupon, the town shall have the right to use these water and sewer improvements, to connect others to the water and sewer improvements, and to increase flows through said improvements. No Certificate of Occupancy and Use may be granted by the building inspector until these conveyances have been completed.
  - i. The applicant/developer shall guarantee the improvements to be free of defects for one year after the improvements are placed in active and continuous use after completion of construction, and shall repair at his cost, any defects during that one-year warranty period.
  - j. The applicant shall provide to the town, an "affidavit of Payment of Claims" and a "Release of Liens" for all installed systems.

- k. Actual water and sewer service to lots within subdivisions and parks served by the extension shall be available only upon payment of required tap fees and other associated charges. Tap fees shall be paid prior to sale or rental of a lot or housing unit.
- l. All extensions shall be completed within three years of the date of Town Council approval. Failure to complete within three years shall result in revocation of all approvals and in revocation of all allocated and reserved capacity in the system. Any further work will require submittal and processing of a new application which may or may not be approved.
- m. Each request for extension of service shall be evaluated by the Town based upon the characteristics of the request, the capacity available, and may be rejected by the Town.
- n. The approval of the extension of water and or sewer service does not constitute approval of the proposed development, nor a guarantee that such approvals will be forthcoming (ie, subdivision permits, zoning permits, building permits). Developers are solely responsible for obtaining any other permits or approvals required under other laws and ordinances. The approval in no way relieves the developer from responsibility to comply with all other local ordinances, and state and federal laws and regulations, and in no way constitutes a guarantee that other approvals will be forthcoming.
- o. Should any federal or state agency including but not limited to the United States Environmental Protection Agency, the Virginia Department of Health, or the Virginia Department of Environmental Quality impose a moratorium upon new connections or impose any type of consent decree or operating permit limitation that would prohibit the Town from honoring its approval, the applicant (developer) whose extension application has been approved shall have no rights against the Town for any damages suffered due to the Town's inability to connect the proposed development if at the time of said approval, the Town had no notice of the impending regulatory action.
- p. Approval secured from the Town are the rights and responsibilities of the applicant and may not be transferred to another party without the express written approval of the Wise Town Council.
- q. The applicant/developer may be required to provide financial security to guarantee completion of all planned utility system improvements.
- r. The Town of Wise shall not provide fire flow when approving extensions outside the town's corporate limits unless the Town is compensated for any increase in cost associated with accommodating the fire flow including but not limited to: 1) preparation by a certified engineer of a hydraulic node model for peak demand under fire flow conditions, 2) any increase in the specified line size, 3) any required increase in storage capacity, 4) any required increase in storage capacity due to increased pressure zones.

**BE IT FURTHER ORDAINED AND ENACTED**, by the Town Council of the Town of Wise, Virginia that this ordinance shall take full force and effect immediately upon its adoption,



VOTING "AYE"

Teresa Adkins  
Ben Conway  
Jeffery Dotson  
Robin Dotson  
Caynor Smith, Jr.

VOTING "NAY"

None  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ABSENT: None ABSTENTIONS: None

ADOPTED, ENACTED, AND EFFECTIVE this the 26th day of November, 2024.

TOWN OF WISE, VIRGINIA

Teresa Adkins  
MAYOR

ATTEST: Samia F. Collins  
CLERK OF COUNCIL

CIRCUIT COURT  
RECEIVED AND FILED  
11-15-24  
Samia F. Collins  
Deputy Clerk