

## **CHAPTER XXV - WATER ORDINANCE AND RATES**

### **ARTICLE I. - IN GENERAL**

#### **Section 25-1. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Commercial Users” shall mean any non-industrial business which connects to the Town of Iron Gate Public Water System.

“Easement” shall mean an acquired legal right for the specific use of land owned by others.

“Industrial Users” shall mean a user which employs any industrial, manufacturing, or processing operation which connects to the Town of Iron Gate’s Public Water System.

“Mayor” shall mean the Town of Iron Gate or the Mayor’s authorized deputy, agent, or representative.

“Mayor’s agent” shall mean the Town of Iron Gate’s duly appointed agent who has the authority to technically review, operate and maintain the Town of Iron Gate’s water system, or any designee appointed by the Town of Iron Gate.

“Person” shall mean any individual, firm, company, association, society, corporation or group.

“Town of Iron Gate” shall mean the Governing Body of the Town of Iron Gate.

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

#### **Section 25-2 - Repeal of Prior Ordinances.**

All prior Ordinances relating to the provision of drinking water by the Town of Iron Gate are repealed.

Secs. 25-3—25-5. - Reserved.

### **ARTICLE II. - POLICY**

#### **Section 25-6. - Establishment of Town of Iron Gate Public Water Service.**

The Town of Iron Gate’s Public Water Service was established under Virginia Law on February 17, 1969 with authority to operate a water system in the Town of Iron Gate, Virginia in accordance with the appropriate rules and regulations of the Code of Virginia.

#### **Section 25-7 - Duties of Town of Iron Gate.**

The Town of Iron Gate and its personnel are charged with establishing and maintaining a water system which meet all applicable local, state and federal regulations.

These personnel are responsible for establishing and maintaining correct diagrams of the entire water system. They shall also keep a correct record of all persons using the water system and the rates, charges and violations of each customer.

Section 25-8 - Protection of the Town of Iron Gate's Property.

No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the water facilities. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct and destruction of public property.

Section 25-9 - Powers and Authority of Inspections.

The Mayor and other duly authorized employees of the Town of Iron Gate bearing property credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to the use of the water system in accordance with the provisions of the regulations and policies of the Town of Iron Gate.

Section 25-10 - Application for water service.

Any person, owning property along the line of any water main, desiring the introduction of water service into his premises, shall make written application to the Mayor. Such application shall set forth the name of the applicant, the location and description of the property into which the water is to be introduced, and the purpose for which the water is to be used.

Section 25-11 - Report on completion of connection and inspection by the Mayor or designee.

The person authorized to make the connection shall report to the Mayor promptly on the completion of the work. The Mayor shall inspect such connection promptly. The connection shall not be covered up until the Mayor has made his inspection unless there has been no inspection within forty-eight (48) hours after notice given to the Mayor.

Section 25-12 - Charges for water service.

Refer to Town of Iron Gate's Regulations #2 Special Policies of the Town of Iron Gate.

Section 25-13- Penalties for non-payment and late payment of water service.

Refer to Town of Iron Gate Regulations #2 and Special Policies of the Town of Iron Gate.

Section 25-14 - Enforcement of water service charges.

The payment of water service charges may be enforced in the same manner and to the same extent and with the same rights as now exist or may hereafter be provided by law for the enforcement of claims or demands between individuals.

Proceedings for the enforcement of water service charges shall be instituted and conducted in the name of the Town of Iron Gate.

Secs. 25-14— 25-20. - Reserved.

### ARTICLE III - WATER SYSTEM

#### Section 25-21. - Purpose.

It shall be the purpose of the Town of Iron Gate to obtain, improve, expand and maintain water sources and distribution systems to provide potable water to the residents (both private and commercial) of the Town of Iron Gate, Virginia, insofar as this may be financially feasible. Such potable water shall meet current Virginia Health Department requirements.

#### Section 25-22 - Water connection required.

No person, having an interest in a house or other building located within two hundred fifty (250) feet of a public water main shall use or allow such to be used as a human habitation or for any business or other purpose, or occupy or lease such for occupancy until such house or building shall have first received a water tap and meter.

All owners of such a house or other building is required to pay the Town of Iron Gate the minimum monthly water charge, even if no water is used.

No person, being the owner of a house or other building that is using that building for other than residential purposes or is renting or leasing that building for residential use shall be allowed to use that building until having first connected the plumbing of such with the Town of Iron Gate water system in order to insure the health and safety of persons other than himself.

#### Section 25-23 - Operating plumbing system required.

All owners of buildings used for residential purposes must install and maintain an operable plumbing system.

#### Section 25-24 - Use of private wells in addition to use of the public system.

No person, having an interest in a house or other building that is connected to the Town of Iron Gate's water system shall be permitted to connect another water supply source such as a well, spring or cistern to the same plumbing system that is supplied by the Town of Iron Gate's water system. If the use of another water supply is made by such person it must be connected to a separate plumbing system, or a system, authorized by the Town's Mayor or other authorized agent, protecting against backflow and cross-contamination of the Town's water system.

Section 25-25 - Future residential or commercial buildings.

No person, having an interest in a building that is constructed in the future, shall be allowed to use such until it has been connected to the Town of Iron Gate's water system if it is located within two hundred fifty (250) feet of a public water main.

Section 25-26 - Drilling of private wells.

No person shall be allowed to drill a well within two hundred (200) feet of a main water line owned by the Town of Iron Gate or use a private well.

Section 25-27 - Installation of service.

The Town of Iron Gate shall furnish for each person to whom it contracts to supply water, a water meter of the regular size with a meter box, and shall tap the water main, lay the pipe line to the outer edge of the right-of-way line adjacent to the property to which water is to be furnished, and install the water meter.

If the distance from tap to property line exceeds thirty (30) feet the property owner shall bear the cost of installation of that part which exceeds the thirty (30) feet. The property owner shall bear the cost of open cuts or boring under any roadway.

If a customer requires a larger than regular size meter, meter box and connection lines to the water main, the customer shall (in addition to the regular connection charge) secure and file with the Town of Iron Gate treasurer as indemnity bond in amount of one thousand dollars (\$1,000), said bond to remain in effect until the Town of Iron Gate has received income from the sale of the water to this customer equal in amount to the complete cost of installation plus the cost of producing the water sold.

Section 25-28 - Connection to public sewer as prerequisite to water service.

The Town of Iron Gate shall not be required to furnish water to any house or other building used as a human habitation or for any business or other purpose within two hundred fifty (250) feet of a public sewer until such house or building is connected with the public sewer.

Section 25-29 - Fee therefore.

For such equipment and the installation thereof, the owner of the premises shall pay to the Town of Iron Gate such sum as the Town of Iron Gate may direct by general policy. Should a meter larger than the regular one be desired, the owner of the premises shall pay the additional amount necessary to purchase the same.

Section 25-30 - Owner to pipe from Right-of-way (referred to in Section 25-27 above).

The owner of the premises supplied with Town of Iron Gate water shall arrange for and bear the expense of placing and maintaining the piping from the outer edge of the right-of-way into and over these premises.

Section 25-31 - Cutting off water at meter.

No user shall cut the water off at the meter without first securing permission from the Town of Iron Gate except in case of serious accident to the fixtures, in which case the user shall be responsible for all damage done to the fixtures at the meter.

Section 25-32 - Use of Town of Iron Gate Water by the Iron Gate Volunteer Fire Department.

The Iron Gate Volunteer Fire Department may use the Town of Iron Gate's water at no charge only for examining equipment, for cleaning and putting in good condition their engines and hose, for practicing fighting fires, and for fighting fires.

Rates for the water used will be charged to the Iron Gate Volunteer Fire Department based on the number of gallons used at the Town's current billing rate and billed in the same manner as other consumers of water located in the Town.

All penalties shall apply if not paid as prescribed on the water bill.

Section 25-33 - Connection fee.

- (a) A standard connection fee as set forth in the current policy of the Town of Iron Gate shall be charged at the time of connection. The Town Council of the Town of Iron Gate reserves the right to change this policy from time to time depending on construction project funding arrangements.
- (b) The purpose of this user charge system is to provide a financing mechanism to ensure that the operations of the Town of Iron Gate water system are self-sufficient and that each user of the system pays his proportionate share of operation, maintenance and replacement costs based upon the volume of water used.
- (c) Operation, maintenance and replacement (OM&R) costs for the water system will be distributed to the users in proportion to the total flow of each user.
- (d) The user charge system and rates will be revised annually to generate sufficient revenue to off set OM&R costs.
- (e) Debt service and repayment costs will be distributed among all users based upon availability to use the system. Users requiring individual debt services will pay a surcharge to sufficiently offset the costs.
- (f) All water will be furnished by meter measurement at such rates as are calculated by the Town of Iron Gate and all water passing through any meter shall be paid for according to meter reading at the prevailing rate specified by the Town of Iron Gate whether used or wasted.
- (g) Users may apply to the Town Clerk to purchase Bulk Water. Bulk Water will be metered at the point of delivery by a designated agent of the Town. The water used will be subtracted from the

total amount charged under subsection (f) above. Bulk Water shall be paid at the Bulk Water rate specified by the Town of Iron Gate. Application for Bulk Water purchases must be submitted to the Town Clerk at least three (3) business days prior to the metering and delivery of the Bulk Water.

- (h) Current policies and rates shall be available to the public during normal business hours at the Iron Gate Town Hall.

Section 25-34 - Suspension of Services.

(a) The Town of Iron Gate reserves the right to discontinue its service without notice for the following reasons:

- (1) To prevent fraud or abuse.
- (2) Consumers' willful disregard of the Town of Iron Gate's regulations and policies.
- (3) Emergency repairs.
- (4) Insufficiency of supply due to circumstances beyond the Town of Iron Gate's control.
- (5) Legal processes issued against the Town of Iron Gate.
- (6) Directions of Town Council.
- (7) Strike, riot, fire, flood, accident or any unavoidable cause.

Section 25-35 - Deposit as Prerequisite to Service.

The Town Treasurer shall require a deposit of two hundred dollars (\$200) from the owner or owners of the property to be served. In the case of apartments or other multi-dwelling properties, a separate deposit shall be required for each apartment, or other dwelling, served. The existence of a valid leasehold interest in any property shall not excuse the owner or owners of the property from payment of the deposit required by this Section.

Secs. 25-36—25-50. - Reserved.

ARTICLE IV - ENFORCEMENT AUTHORITY

Section 25-51 - Authority.

The Mayor or his designated agent shall inspect the plumbing in every building or premises in the Town of Iron Gate service area as frequently as in his judgment may be necessary to ensure that such plumbing has been installed in accordance with the provisions of this Chapter.

The Mayor or his designated agent shall notify or cause to be notified in writing the owner or authorized agent of the owner of any such building or premises to correct, within a reasonable time set by the Mayor or designated agent, any plumbing installed or existing contrary to or in violation of this Ordinance.

Section 25-52 - Inspection.

The Mayor or his designated agent, shall have the right to enter into any building during reasonable hours for the purpose of making inspection of the plumbing system installed in such building

or premises provided that with respect to the inspection shall first be obtained from a person of suitable age and discretion herein, or in control thereof.

Section 25-53 - Connections to Boilers.

Potable water connections to boilers shall be made through an air gap or provided with an approved backflow preventer.

Section 25-54 – Violations.

Any owner, lessee, or tenant violating the provisions of this chapter shall be fined not less than one hundred dollars (\$100) per day. Each day's continuance of such violation shall constitute a separate offense.

Secs. 25-55—25-60. - Reserved.

ARTICLE X - WATER SYSTEM RATES

Section 25-61 – Connection fee.

All persons who desire to tap on the public water system of the Town of Iron Gate shall be charged a fee of \$600.

Section 25-62 – Multi-family dwellings.

In apartment buildings or homes where two or more families have separate living quarters, each family shall be charged the minimum charge although there is only one water meter. If the consumption of water exceeds eight thousand (8,000) gallons in a calendar month the said base fee shall be charged as two meters and the overage shall be prorated between the two families.

Section 25-63 – Accounts due.

All accounts are due and payable upon receipt of statement. There shall be a 5% penalty added to all water accounts not paid by the 21st day of the billing month. Services shall be discontinued if not paid by the 25th day of the billing month and a fee of twenty dollars (\$20.00) will be charged for reconnecting services.

Reconnecting services shall be reinstated during regular business hours only after payment of all past due accounts, penalties and the reconnection fee of twenty dollars (\$20.00) has been received. The fee will apply regardless if services are discontinued or not.