

**ARTICLE 145
Sanitary Board**

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CROSS REFERENCES

Composition of board - see W.Va. Code 16-13-18

Publication of financial statement - see W.Va. Code 16-13-18a

145.01 PURPOSE AND POLICY: TOWN SANITARY SEWER SYSTEM USE.

The purpose of this ordinance is to establish uniform regulations for use of the sanitary sewer system of the Town of Nutter Fort. It is hereby determined and declared to be essential for the protection and preservation of the public health, comfort, safety and economy and for the general welfare of the inhabitants of the Town, and of the area served by the sanitary sewer system.

145.02 APPLICATION OF STATE CODE.

All pertinent provisions of West Virginia Code 16-13-1 to 16-13-24, shall be deemed to be a part of this article to the same extent as if written fully herein.

145.03 SUPERVISION AND CONTROL BY SANITARY BOARD; STATUTORY POWERS AND AUTHORITY OF SANITARY BOARD; LIMITS; RULES AND REGULATIONS.

- (a) In addition to the authority and powers enumerated in this article, the Sanitary Board created by this article shall be vested with all other powers and authorities provided for such sanitary boards by West Virginia Code Article 16-13.
- (b) The Sanitary Board shall be subject to the rules and regulations of the West Virginia Public Service Commission, the West Virginia Department of Environmental Protection, the United States Environmental Protection Agency, the West Virginia Department of Health and Human Services, and the provisions of any outstanding sanitary bond issuances by the Town.
- (c) Nothing in this article shall prevent the Sanitary Board from adopting rules and regulations for the use of the Sanitary Sewer System that may be deemed necessary by the Board for efficient operation of the system.
- (d) No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby any industrial waste of unusual strength or character may be accepted by the Town for treatment.
- (e) All articles contained may refer back to the WV State Code Books, WV Division of Environmental Protection Sewer Use Ordinance and the BOCA Code.

145.04 SANITARY BOARD COMPENSATION AND BOND.

- (a) ESTABLISHED. There is hereby created a Sanitary Board for the Town of Nutter Fort.
(Passed 2-23-60)
- (b) APPOINTMENT. The Sanitary Board of the Town shall be appointed by Council, and the members of the Board, upon their appointment, shall qualify by taking the oath of office required of other public officials of the Town.
(Passed 2-23-60)

(c) **COMPOSITION.** The Sanitary Board, as herein created, shall be composed of the Mayor and two persons appointed by Council, one of which must be a registered professional engineer. The engineer member of the Board need not be a resident of the Town. No officer or employee of the Town shall be eligible for appointment on the Sanitary Board until at least one year after the expiration of the term of his public office.

(Passed 2-23-60)

(d) **TERMS OF OFFICE; VACANCIES.** The appointment of the original two members of the Sanitary Board shall be for the terms of two and three years, respectively, and upon the expiration of each term, and each succeeding term thereafter, the appointment of a successor shall be made in the like manner for a term of three years. Vacancies shall be filled for the unexpired term in the same manner as the original appointment. The Mayor's term shall coincide with his tenure of office.

(Passed 2-23-60)

(e) **POWERS AND DUTIES.** The Sanitary Board shall have control over and supervision of construction, acquisition, improvement, equipment, custody, operation and maintenance of any sewage collection system and sewage treatment plant or plants, intercepting sewers, outfall sewers, force mains, pump stations and ejector stations as hereafter may be constructed within and for the benefit of the residents of the Town as well as the collection, treatment, purification and disposal, in a sanitary manner of liquid and solid waste, night soil and industrial waste of the Town; and in addition thereto, the Board shall be vested with and shall exercise all of the rights and perform all of the duties conferred upon it by West Virginia Code 16-13-11, and all acts amendatory and supplementary thereto.

(Passed 2-23-60)

(f) **OFFICERS.** The Mayor shall act as chairman of the Sanitary Board, which shall select from its members a vice-chairman and shall designate a secretary and treasurer (but the secretary and treasurer may be one and the same), who need not be a member or members of the Board. The vice-chairman, secretary and treasurer shall hold office at the will of the Board. The appointed members of the Board shall each receive as compensation for their services the sum of Fifty dollars (\$50.00) monthly.

(Amended 06-25-2013, Originally Passed 2-23-60)

**145.05 PRIVATE SYSTEMS PROHIBITED; REMOVAL OF PRIVATE SYSTEMS;
OTHER EFFLUENT SYSTEMS PROHIBITED.**

(a) No person shall construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater where public sanitary sewer service is available, as defined in Section 145.06.

(b) At such time as a public sanitary sewer becomes available to a property served by a private wastewater disposal system, the owner of such property shall construct a direct connection to the public sanitary sewer system in compliance with this article, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned

of sludge at the owner's expense. The vessel may be filled with suitable material or salvaged and removed at the owner's expense.

(c) Where connection to sanitary sewer service is required, the use of any type of septic tank effluent system is hereby prohibited.

145.06 CONNECTION REQUIRED; INDIVIDUAL PUMP STATIONS.

(a) The owner of real property which abuts a public sanitary sewer line, street, alley or other public way containing a sanitary sewer service, or which is located within 300 feet of sanitary sewer service, and upon which property a building or other habitable structure has been erected for residential, commercial or industrial use, shall be required to connect the building or structure in question to the sanitary sewer system or to such part of the system as may from time to time be extended or become reasonably available, and shall thereafter refrain from using or cease to use any other method in place of the sanitary sewer services which are now, or may hereafter become, available; and shall thereafter pay all the charges, rates or fees as required.

(b) In the event that sanitary sewer service is unavailable to the property by gravity because of terrain, the property may be connected to the sanitary sewers by means of individual pump stations. Such stations shall be constructed and maintained by the property owner, at his expense, shall conform to the specifications of the BOCA Plumbing Code and shall be approved by the West Virginia Department of Health and Human Services and the Sanitary Board. All persons proposing construction of a building or other habitable structure within the Town of Nutter Fort Sanitary Board service area, whether within 300 feet of an existing sanitary sewer line or not, shall contact the Sanitary Board prior to construction.

145.07 DISCHARGE INTO PUBLIC SEWERS.

(a) In compliance with State and Federal environmental regulations governing sanitary sewer use, no person shall discharge or cause to be discharged into the sanitary sewer system through any leak, defect or connection any storm water or other unpolluted wastewater, to include but not be limited to, footer drains, downspouts, yard drains and catch basins.

(b) No person(s) shall discharge or cause to be discharged any of the following described waters or wastes into any public sewer:

- 1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- 2) Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.

- 3) Any waters or wastes having PH lower or higher than that normally encountered in the system, or having any other corrosive property capable of causing damage or hazard to structures, equipment/operation and personnel of the wastewater works without a permit to do so.
- 4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, ungrounded garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

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

- (1) Wastewater having a temperature higher than 150 degrees Fahrenheit (65 Celsius).
- (2) Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin.
- (3) Wastewater from industrial plants containing floatable oils, fat, or grease.
- (4) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- (5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Manager for such materials.

- (6) Any waters or wastes containing odor-producing substances exceeding limits that may be established by the Manager.
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Manager in compliance with applicable state or federal regulations.
- (8) Quantities of flow, concentrations, or both which constitute a “slug” as defined herein.
- (9) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (10) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release noxious gases, from suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

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

145.08 PERMISSION REQUIRED TO UNCOVER, CONNECT WITH OR DISTURB SEWERS; SANITARY SEWER TAPS BY AUTHORIZED PERSONS ONLY.

(a) It shall be unlawful for any person to access, pave over, uncover, or make any connections with or opening into the sanitary sewer system; to use alter or disturb the system; to excavate or alter the grade adjacent thereto; or otherwise to prevent reasonable access to the system, without first obtaining written permission from the Sanitary Board.

(b) It shall be unlawful for any unauthorized person to use or attempt to use a mechanical, high water pressure or commercial cleaning device and/or industrial chemical solution in the Nutter Fort Sanitary Sewer System.

(c) No person, except those persons duly authorized by the Sanitary Board for such purpose, shall tap into the Nutter Fort Sanitary Sewer System.

(d) No person shall turn, lift, remove, raise or tamper with any cover or any manhole, basin, inlet or other appurtenance of any public sanitary and/or storm sewer without a written permit from the Town, or of any combined sewer or sanitary sewer without a written permit from the Council.

145.09 CONNECTION AND SERVICE APPLICATION; TOWN EMPLOYEE RIGHT OF ENTRY; CHANGE OF CUSTOMER; WASTEWATER VOLUME OR CONSTITUENTS CHANGE NOTIFICATION.

(a) It shall be unlawful for any person to make an initial cut in or connection with the Nutter Fort sanitary sewer system, or to use such system without first making written

application for such connection and service to the Sanitary Board and paying costs, charges, fees and deposits.

- 1) Such application shall be made on forms prescribed and furnished by the Board and shall constitute an agreement by the applicant with the City to abide by all provisions of this article and the applicable rules and regulations of the Town or Sanitary Board regarding the use of such sanitary sewer system.
 - 2) Applicants shall be required to furnish information about all waste producing activities. (SEE COPY OF 930.4.4)
The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Board.
- (b) The application shall require the applicant to grant to the Town, without cost, all rights, easements, permits and privileges which are necessary for the rendering of sanitary sewer service.
- (c) Sanitary Board employees or authorized agents of the Board shall have access, at all reasonable hours, to the premises of the applicant for the purpose of installing or removing any of its property, examining pipes or fixtures or for any purpose which is incidental to the rendering of sanitary sewer service or which is within the statutory authority of the Board. Any such employee or agent who is denied such access shall have the authority to seek a search warrant from any court of competent jurisdiction.
- (d) Each contracted customer shall give written notice to the Board upon any change in occupancy of any improved property. The contracted customer shall be liable for any sanitary sewer use charges that may accrue prior to the notice of change of occupancy of premises.
- (e) Users shall notify the Sanitary Board of any proposed new introduction of wastewater constituents or any proposed substantial change in the volume or character of the wastewater constituents being introduced into the sanitary sewer system.
- (f) No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the Manager for purposes of disposal of polluted surface drainage.

145.10 STATE PLUMBING CODE.

All building sanitary sewer lines and connections shall be installed so as to meet or exceed the requirements of the most current revision of the BOCA Codes, or such other Code as may be adopted by the Town, and such administrative regulations as the Sanitary Board may approve.

145.11 PROPERTY OWNER MAINTENANCE RESPONSIBILITIES; BOARD REPAIRS.

- (a) In accordance with the provisions of the BOCA Property Maintenance Code, PM-507.2, the owner, tenant or occupant of the property served by the Town sanitary sewer shall be continuously responsible for maintaining and keeping the sanitary sewer pipe leading to and between the plumbing system of his premises to the Town's connecting sanitary sewer clean and free from obstruction and shall not cause, suffer or permit any article or thing to be introduced into such pipe which causes a stoppage or interference with the operation of the system.
- (b) In the event of any such obstruction or stoppage, the Sanitary Board shall have the right to terminate water service, which shall not be reconnected until such sanitary sewer pipe is cleaned and maintained properly; and in the further event of the failure of such user to remedy such obstruction or stoppage, the Board shall have the right to enter upon such premises and make necessary repairs. The costs associated with this type of repair work shall be \$100.00 per hour plus the cost of labor and materials, all of which shall be included as part of the charges against such premises as outlined in Article 145, Section 145.18 of the Nutter Fort Town Code. The Sanitary Board has the right to elect to contract this work out as an alternative option.
- (c) In the event of a stoppage that may be in the Sanitary Board lateral connection or main line, the customer shall notify the Sanitary Board of this emergency situation. The Sanitary Board shall promptly investigate all reports of stoppage. The Sanitary Board shall not be liable for claims by individuals or contractors for any work not authorized by the Sanitary Board.

145.12 CLEAN OUT REQUIRED.

For all structures in which a building lateral is being constructed, whether being constructed as a new lateral or being replaced, a clean out must be installed at or near the property line or edge of the easement. The clean out must be constructed in accordance with BOCA Codes. A TEE connection shall be used.

145.13 SEPARATE BUILDING SANITARY SEWER FOR EACH BUILDING; TOWNHOMES; EXTENSIONS PROHIBITED.

- (a) A separate and independent building sewer shall be provided for every building.
- (b) Buildings comprised of multiple town-home style living units shall be served by a separate and independent customer service line for each town-home living unit. Buildings comprised of multiple apartment style living units may be served by a single customer service line which may be common to all such living units within the buildings. Where such living units are to be individually owned, the single customer service line shall be owned and maintained as common property of such owners.
- (c) Extension of customer service lines from any point on the customer's side of the tap for delivery of waste from any location other than that of the customer in whose name the tap is registered shall not be permitted, and is hereby declared unlawful.

(d) Private extensions of the Nutter Fort sanitary sewer system shall be prohibited. All persons proposing to extend the sanitary sewer system shall contact and make application to the Nutter Fort Sanitary Board. The Nutter Fort Sanitary Board is directed to establish uniform rules and regulations in accordance with the West Virginia Public Service Commission and the West Virginia Department of Health and Human Services to maintain the integrity of the system.

145.14 INSPECTIONS PREREQUISITE TO SANITARY SEWER CONNECTION; NOTIFICATION FOR INSPECTION PRIOR TO CONNECTION; REQUIREMENTS FOR SANITARY SEWER LATERALS; AUTHORITY OF INSPECTORS.

(a) The customer's sanitary sewer line, beginning five feet from the building and extending to the tap, shall remain uncovered until it has been inspected and approved by an inspector of the Board.

(b) The customer shall notify the Board when the building sanitary sewer is ready for inspection and connection to the public sanitary sewer. The connection shall be made under the supervision of the Board or its representative. All connections shall be made gastight and watertight and verified by proper testing, at the owner's expense, when necessary. Any deviation from the prescribed procedures and materials shall be approved by the Board before installation. If the size of the project is sufficient to require the construction of one or more manholes, an agent of the Sanitary Board shall be present for inspections during all period of construction. Inspection shall be billed on a cost of service basis.

(c) Anyone replacing a lateral connection to the Nutter Fort sanitary sewer system shall notify the Board in writing of such work. The replacement connection shall be constructed in accordance with Sections 145.08 and 145.12.

(d) The Maintenance Supervisor of the Nutter Fort Sanitary Board is hereby given the authority to halt work on any extension, service lateral or connection to the sanitary sewer system if the extension, service lateral or connection is not being constructed in accordance with the provisions of this Article or if the construction practices are immediately dangerous to life and health of workers or the residents of the Town. Failure to halt construction after receiving a written notice shall be unlawful and shall be subject to penalty as specified in Section 145.97, provided that the Sanitary Board Maintenance Supervisor shall provide the party performing the construction work with a list of deficiencies and when the deficiencies are corrected, the construction work may continue.

145.15 LIABILITY TO TOWN FOR SANITARY SEWER SERVICE; SHUT-OFF PERIODS.

Customer liability for payment for and connection to service shall begin on the date that sanitary sewer service shall become reasonably available to any persons. Such liability shall continue thereafter unless such premises are disconnected from the sanitary sewer system with the approval of the Sanitary Board. After such liability begins, no allowance shall be made for

vacant houses unless either a written or verbal request to have the sanitary sewer system shut off is received by the Board, nor shall any allowance be made for any shut-off period which is less than thirty days.

145.16 LIMITATION ON TOWN DAMAGE LIABILITY; EMERGENCY RESTRICTIONS.

(a) Neither the Town nor the Council shall be liable for any damage resulting from bursting of any sanitary sewer main, service pipe or valve, or by discontinuing the operation of its sanitary sewer collection, treatment and disposal facilities, for repairs, extensions or connections, or from the accidental failure of the sewage collection, treatment and disposal facilities from any cause whatsoever.

(b) In cases of emergency, the Sanitary Board shall have the right to restrict the use of its sewage collection, treatment and disposal facilities in any reasonable manner for the protection of the Town, its residents, the sanitary sewer system, and the environment.

145.17 BILLS TO BE A LIEN UPON THE PREMISES SERVED.

Rates and charges provided in this ordinance, if not paid when due, shall be a lien upon the premises served by the system. If such rates or charges are not paid within thirty days, the amount thereof, together with all reasonable and customary legal fees, may be recovered by the Sanitary Board in a civil action in the name of the Town, and in connection with such action said lien may be foreclosed against such lot, parcel of land or building in accordance with the laws relating thereto.

145.96 PUBLIC NUISANCES.

A violation of any provision of this ordinance may be declared a public nuisance by the Nutter Fort Code 1131 to be corrected or abated as directed by that Board. Any person(s) creating a public nuisance may be subject to the provisions of Nutter Fort Town Code Article 1131 governing such nuisances, including reimbursing the Nutter Fort Sanitary Board for any costs incurred in removing, abating, or remedying said nuisance.

145.97 PENALTY.

Whoever violates any provision of this Article 145 for which no other penalty is provided shall be fined not more than five hundred dollars (\$500.00), or imprisoned not more than thirty days, or both. Each day such violation continues shall constitute a separate offense.

145.98 APPEALS.

If anyone is aggrieved by an action or decision of the Maintenance Supervisor relative to implementation of this article, he may, upon written request, be heard by the Sanitary Board. The Board, after the hearing, may either affirm or reverse the decision of the Maintenance Supervisor.

Anyone aggrieved by the action of the Board shall have the right to file a complaint with the West Virginia Public Service Commission or seek relief in a court of competent jurisdiction, as may be appropriate.

145.99 SEVERABILITY.

If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect, and to this end the provisions of this article are declared to be severable.

Originally passed and effective on June 11, 1996

(Passed July 11, 2001)