



ROCKY MOUNT TOWN COUNCIL
AGENDA
REGULAR COUNCIL MEETING
TO BE HELD IN COUNCIL CHAMBERS
ROCKY MOUNT MUNICIPAL BUILDING
345 DONALD AVENUE
ROCKY MOUNT, VIRGINIA
OCTOBER 9, 2017
AT 7:00 P.M.

When speaking before Town Council, please come to the podium and give your name and address for the record. Please address the Council and not the audience. If you provide Council with any documentation, please also give a copy to the town clerk prior to speaking.

◆
All cellular phones must be turned off during the Council Meeting.
◆

The Town of Rocky Mount is pleased to offer assistive listening devices for meeting attendees with special hearing needs. Please ask any staff member or the town clerk for assistance.

- I. Roll Call
- II. Pledge of Allegiance
- III. Approval of Agenda
- IV. Special Items
 - Special Recognition for National Chiropractic Health Month 2017
- V. Public Hearing
 - Rezoning for Franklin County Public Schools
- VI. Approval of Draft Minutes
 - September 11, 2017 – Regular Meeting Minutes
 - April 10, 2017 – Regular Meeting Minutes
 - April 11, 2017 – Budget Work Session No. 1 Minutes
- VII. Approval of Consent Agenda
 - Miscellaneous Action
 - Miscellaneous Resolutions/Proclamations (*none at this time*)
 - Departmental Monthly Reports
 - Community Development Department
 - Finance Department
 - Fire Department
 - Police Department
 - Public Works Department
 - Wastewater Department
 - Water Department
- VIII. Hearing of Citizens
- IX. Old Business (none at this time)
- X. New Business
 1. Sewer Ordinance Chapter 58 of Town Code
 2. BPOL Tax Regarding Temporary Automotive Dealership at Walmart
- XI. Committee Reports
 1. Public Utilities Committee Meeting Report from September 27, 2017

- XII. Referrals to Planning (*none at this time*)
- XIII. Other Matters, Concerns and Rise 'N Shine Appearances
- XIV. Closed Meeting and Action

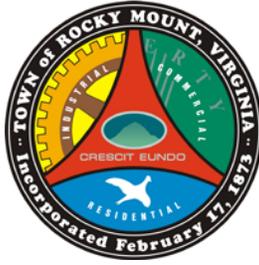
Section 2.2-3711(A)(3) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

- XV. Adjournment

Copies of the agenda packet are available for review at the Town Clerk's Office located at the Rocky Mount Municipal Building, 345 Donald Avenue, Rocky Mount, Virginia, Monday through Friday, during normal working hours (8 a.m. to 5 p.m.), or by going to Town of Rocky Mount website: www.rockymountva.org.

◆
Notice of intent to comply with Americans With Disabilities Act: Special assistance is available for disabled persons addressing Town Council. Efforts will be made to provide adaptations or accommodations based on individual needs of qualified individuals with disability, provided that reasonable advance notification has been received by the Town Clerk's Office. For assistance, please contact the Town Clerk's Office, Town of Rocky Mount, 345 Donald Avenue, Rocky Mount, VA 24151, or by calling (540) 483-7660.

◆
Thank you for taking the time to participate in your Town Council meeting. The Mayor and members of Council invite and encourage you to attend whenever possible because good government depends on the interest and involvement of citizens.



RESOLUTION NO.: 2017.018

RESOLUTION
Recognizing National Chiropractic Health Month

WHEREAS, America has seen a surge in addiction to opioid painkillers and other potentially abused prescription drugs, with as many as one in four patients who receive prescription opioids long term for non-cancer pain in primary care settings struggles with addiction; and

WHEREAS, every day, more than 1,000 people are treated in the ER for misusing prescription opioids, and deaths involving opioids have quadrupled since 1999, prompting the White House to designate the opioid crisis as a national emergency; and

WHEREAS, the need for noninvasive, non-drug approaches to pain management for common musculoskeletal conditions such as back pain has increased throughout the world and particularly in the United States; and

WHEREAS, the American College of Physicians in 2017 released updated low-back pain treatment guidelines promoting noninvasive, non-drug approaches as a first line of defense against back pain, before the use of pain medications and surgery; and

WHEREAS, chiropractors focus on the whole person with their noninvasive, non-drug approach to health care and pain management, with research validating the effectiveness of chiropractic services – spinal manipulation in particular– for treatment of low-back pain; and

WHEREAS, National Chiropractic Health Month 2017 serves as a reminder to all citizens of Rocky Mount, Virginia, that noninvasive, non-drug treatments for low-back pain such as chiropractic services and spinal manipulation may lessen or eliminate the need for potentially addictive treatments and should be thoroughly exhausted whenever possible before initiating over-the-counter and prescription opioid therapy;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of Rocky Mount, Virginia, assembled this ninth day of October, 2017, does hereby proclaim the month of October 2017 as National Chiropractic Health Month, and does call its recognition to the attention of Town residents, expressing our appreciation to Town doctors of chiropractic and their staffs for their role in promoting health and wellbeing for the greater community good.

GIVEN UNDER MY HAND, THIS 9TH DAY OF OCTOBER 2017:

Steven C. Angle, Mayor

ITEM(S) TO BE CONSIDERED UNDER:

- Hearing of Citizens
 Consent Item
 Old Business
 New Business
 Committee Report
 Other
 Public Hearing

FOR COUNCIL MEETING DATED:	October 9, 2017
----------------------------	-----------------

STAFF MAKING REQUEST:	Matt Hankins, Assistant Town Manager
BRIEF SUMMARY OF REQUEST:	<p>Public Hearing regarding a rezoning request by Franklin County Public Schools.</p> <p>Franklin County Public Schools has applied for a rezoning of approximately 40 acres of property on Perdue Lane in order to match the current zoning of the high school. Upon approval, Franklin County will transfer ownership to Franklin County Public Schools to continue to be held for future high school expansion. Staff has reviewed the application and recommends approval, as does the Planning Commission with a (7-0) vote. This application has been advertised in the Franklin News-Post as required by law, and the public hearing notice has been posted on the site.</p>
ACTION NEEDED:	Approve or deny

Attachment(s): Yes

<p>FOLLOW-UP ACTION: (To be completed by Town Clerk)</p>
--

TOWN OF ROCKY MOUNT
345 DONALD AVE.
ROCKY MOUNT, VIRGINIA 24151

540.483.7660
FAX : 540.483.8830



TOWN COUNCIL
STEVEN C. ANGLE, MAYOR
GREGORY B. WALKER, VICE MAYOR

BOBBY M. CUNDIFF BOBBY L. MOYER
MARK NEWBILL JON W. SNEAD
BILLIE W. STOCKTON

E-MAIL: JHECKMAN@ROCKYMOUNTVA.ORG
WWW.ROCKYMOUNTVA.ORG

JESSICA HECKMAN
TOWN PLANNER

PLANNING COMMISSION STAFF REPORT

PETITIONER: Franklin County Public Schools
LOCATION: PERDUE LANE
REQUEST: To rezone approximately 40 acres from R2 (Residential District) to POS (Public Open Space)
HEARING DATE: **Planning Commission – October 3, 2017**
Town Council – October 9, 2017
TAX PARCEL: 2080001201

PLANNING COMMISSION PUBLIC HEARING SUMMARY

On October 3, 2017, the Town of Rocky Mount Planning Commission held a site visit and a public hearing for the above-listed Rezoning application. The town planner gave a summary of the staff report and recommended approval of the rezoning based on compliance with the Comprehensive plan and future land use map. The applicant's representative was present and answered questions from the commission. Approximately 10 residents attended the meeting, mostly Perdue Lane neighbors to the property, with public comment from one property owner, Brenda Muse, who expressed several concerns she would hope to have addressed by the schools as future expansion plans progressed, but noted she fully supported expansion. The planning commission noted that the school could expand on the property whether zoned R2 (Residential) or POS (Public Open Space), so there would be no impacts on neighboring from the rezoning itself.

Planning Commission unanimously recommends Town Council approve the requested rezoning as presented by a 7-0 vote, moved by John Speidel with second by Derwin Hall.

EXECUTIVE SUMMARY:

Franklin County Public schools proposes to rezone adjoining property at Perdue Lane from R2 (Residential District) to POS (Public Open Space). This land is currently vacant and is earmarked for potential future school expansion. The land will continue to be held for that purpose.

The applicant wishes to have the property rezoned to Public Open Space so that it will be appropriately zoned for expanding and extending the high school campus. If the rezoning is approved, the County of Franklin will transfer ownership to Franklin County Public Schools and will be used in the future as part of the high school campus and associated recreational and educational facilities. Due to its current zoning classification, the school could be limited in future expansions that involved recreational facilities.

A rezoning to Public Open Space will allow future expansion of the school campus that could include public and school recreational, educational and parking facilities. The rezoning is supported by staff and the Town's Comprehensive Plan.

I. APPLICABLE REGULATIONS:

RESIDENTIAL DISTRICT R2 – from “Statement of Intent”

This district is composed of certain medium density residential uses where housing densities may range from three to eight units per acre. This district also contains certain open areas where similar development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, insofar as is compatible with the intensity of land use, a suitable environment for family life composed of an adult population with children. To this end, this district is protected against encroachment of general commercial or industrial uses.

PUBLIC OPEN SPACE DISTRICT - POS - from “Statement of Intent”

A purpose of this district is to preserve specific areas from private development, as these areas have been identified as currently undeveloped, unlikely to be developed, or unsuitable for private development. This zone is not considered to be a main district within the zoning ordinance. These areas either have natural conditions of soil, slope, susceptibility to flooding or erosion, geological condition, vegetation or an interaction between the aforesaid which makes such lands unsuitable for urban development or which are of a public nature which is inappropriate for private development. In order to protect the natural environment in these sensitive areas, the permissible uses there are limited to public recreation-oriented activities.

This district is also intended to specify the location of public facilities of a recreational nature as well as to reserve areas for location of other public facilities (*such as schools and associated facilities*). The zoning administrator and health official shall approve any proposed area requirements for any proposed use. Any public/open space activity shall be in compliance with § 15.2-2204 of the Code of Virginia (1950), as amended.

OTHER REGULATIONS OF NOTE

- Schools are permitted by right in R2 zoning districts and public open space districts.
- Recreational facilities are permitted by right in public open space districts.
- If rezoned, Town site plan review and approval would be required for future school facility expansions.

II. EXISTING CONDITIONS:

The property is currently vacant and is surrounded primarily by R2 residential properties, residential agricultural (RA) open land and the adjoining school property which is zoned as POS public open space. This is the former Perdue family land sold to Franklin County as part of the deal which moved Bald Knob into the state’s natural conservation program.

III. PROPOSED CONDITIONS:

The property will continue to be held for potential future school expansion, and could support expansion of recreation opportunities if trails or other recreational amenities are developed on Bald Knob by the Commonwealth.

The public schools are working with their architects to redesign the overall FCHS campus layout, bringing technical and vocational education programs onto the main campus, improving overall student safety, accessibility and facilities. These expansions and plans are dependent on the Franklin

County Board of Supervisors and Franklin County School Board for funding and approval. Early stages of the plan call for added traffic and facilities along the property and on Perdue Lane. Staff has met with the schools and their engineers to assess traffic and other impacts on the site, and we expect to receive data, assess it and use it for future recommendations. Any expansions will require a site plan review and any impacts will be addressed at that time.

IV. CONFORMANCE WITH COMPREHENSIVE PLAN:

A rezoning to Public & Open Space preserves the land for future growth of the school and helps perpetuate the Parks and Open Space land use designation on the Future Land Use Map, which is in conformance with the Comprehensive Plan.

V. STAFF CONCLUSIONS

Staff supports rezoning the property to Public Open Space District. It not only is in direct alignment with our Comprehensive Plan and Future Land use map, but it meets the needs of our public schools and allows for future growth and expansion when needed.

POSSIBLE MOTIONS:

Approval: I move to approve the rezoning request for Tax Map Parcel 2080001201 (on the following grounds, if needed): _____

Denial: I move to deny the rezoning request for Tax Map Parcel 2080001201 (on the following grounds, if needed): _____

PREPARED BY: Jessica Heckman
HEARING DATES: Planning Commission – October 3, 2017
Town Council – October 9, 2017
ATTACHMENTS: Zoning Map
Future Land Use Map

**ROCKY MOUNT TOWN COUNCIL
REGULAR MEETING MINUTES
SEPTEMBER 11, 2017**

The September 11, 2017 Regular Council Meeting of the Rocky Mount Town Council (hereafter referred to as "Council") was held in the Council Chambers of the Rocky Mount Municipal Building located at 345 Donald Avenue, Rocky Mount, Virginia, at 7:00 p.m. with Mayor Steven C. Angle presiding.

The following members of Council were present:

- Mayor Steven C. Angle
- Vice Mayor Gregory B. Walker
- Bobby M. Cundiff
- Robert L. Moyer
- Jon W. Snead
- Billie W. Stockton
- Mark H. Newbill

The following staff members were also present:

- John Boitnott, Town Attorney
- Tim Burton, Waste Water Superintendent
- Ken Criner, Chief of Police
- Robert Deitrich, Water Plant Superintendent
- Rebecca H. Dillon, Executive Administrative Assistant
- C. James Ervin, Town Manager
- Matthew Hankins, Assistant Town Manager
- Jessica Heckman, Town Planner
- Mark Lovern, Lieutenant of Patrol
- Linda P. Woody, Finance Director

The meeting was called to order by Mayor Steven C. Angle.

PLEDGE OF ALLEGIANCE

Mayor Angle led in saying the Pledge of Allegiance.

Mayor Angle asked everyone to remain standing to observe a Moment of Silence in remembrance of the anniversary of September 11, 2001.

APPROVAL OF AGENDA

Prior to the meeting, Council had received the agenda for review and consideration of approval. Let the record show that the agenda was amended in New Business to include an update regarding the Harvester Performance Center by Mr. Andy Turner.

Motion: To approve the amended agenda

Motion By: Council Member Newbill

Second: Council Member Moyer

Motion Discussion: None

Ayes: Cundiff, Moyer, Snead, Stockton, Walker, Newbill

Nays: None

Action: Approved the amended agenda by a unanimous vote.

SPECIAL ITEMS

None at this time

PUBLIC HEARING

None at this time

APPROVAL OF MINUTES

Received by Council in their packet for this scheduled meeting were draft minutes for review and consideration of approval:

- August 14, 2017 – Regular Council Meeting

Discussion: None

Motion: To approve the draft minutes

Motion By: Council Member Snead

Second: Council Member Stockton

Motion Discussion: None

Ayes: Cundiff, Moyer, Snead, Stockton, Walker, Newbill

Nays: None

Action: Approved the motion by a unanimous vote.

APPROVAL OF CONSENT AGENDA

This month's consent agenda consists of the following items:

- (1) **Miscellaneous Action:** (none at this time)
- (2) **Miscellaneous Resolutions/Proclamations** (none at this time)

(3) Department Monthly Reports

- Community Development Department
- Finance Department
- Fire Department
- Police Department
- Public Works Department
- Wastewater Department
- Water Department

Discussion: None**Motion: To approve the consent agenda as presented.****Motion By: Council Member Stockton****Second: Council Member Snead****Motion Discussion: None****Ayes: Cundiff, Moyer, Snead, Stockton, Walker, Newbill****Nays: None****Action: Approved the consent agenda as presented by a unanimous vote.****HEARING OF CITIZENS**

Mayor Angle opened the floor to any citizens wishing to speak.

For the record, no one came forward.

OLD BUSINESS:

None at this time

NEW BUSINESS

1. Supplemental Appropriation for VML Safety Grant

The Virginia Municipal League (VML) awarded the Town a \$4,000 safety grant towards the purchase (\$8,635) of a video surveillance system at the Emergency Services Building. A supplemental appropriation was presented to recognize the award. The balance would be coming from the Emergency Services Building account.

Discussion: None**Motion: To approve the request****Motion By: Council Member Newbill****Second: Vice Mayor Walker****Motion Discussion: None**

Ayes: Cundiff, Moyer, Snead, Stockton, Walker, Newbill

Nays: None

Action: Motion approved by a unanimous vote

2. Repeal of Town Code § 58-5.1

Mr. Ervin stated that Rocky Mount Town Council approved water and sewer rates annually as part of the budget and may from time to time set rates in between budgets as needed for the overall fiscal health of the utility operations. The language in Chapter 58 of Town Code had been modified to state that rates are set administratively (with Council approval). The language that establishes this practice is set in § 58-6. § 58-5.1 is an artifact left from when rates were set in Town Code and sets out the rate for Elderly and Disabled customers. Council has modified the Elderly and Disabled rate tier and has expanded its application to non-profits in recent years in ways that conflict with the out of date code section.

The Town Attorney spoke stating that Mr. Burton had started the repeal process approximately one year ago. The Elderly and Disabled rates were completed in 2005. The charges were established by the ordinance. In 2012, Chapter 58 was amended to take the Elderly and Disabled rates out of the ordinance so Council would not have to change Chapter 58 each time the ordinance was published by Council. The Town Attorney explained that the rates are now set by a schedule, published by Council and does not intertwine with Chapter 58.

The Town Attorney added that Chapter 58-5.1 had to be repealed as part of the process before Chapter 58 could be amended in its entirety, at which time it would be brought to Committee, and then to Council for review.

Discussion: None

Motion: To repeal Chapter 58-5.1

Motion By: Council Member Snead

Second: Council Member Cundiff

Motion Discussion: None

Ayes: Cundiff, Moyer, Snead, Stockton, Walker, Newbill

Nays: None

Action: Motion approved by a unanimous vote to repeal Chapter 58-5.1

3. Harvester Performance Center Financial Update

Mr. Andy Turner presented a mid-year financial report of the Harvester Performance Center.

Received in ticket sales and concessions for half way through 2017 was \$871,501.07
 Performance Expenditures netted for 2017 \$785,232.23
 Beginning profit from the shows are \$ 86,268.84

Operational Expenditures \$134,137.34
Loss for mid-year of \$47,868.50.
Cash on hand as of June 30, 2017 was \$120,473.15

Also listed on the handout were expenses that were underwritten by the Town.

Council Member Moyer asked Mr. Turner if the profit that was shared with Council from the Harvester, included the amounts for salaries. Mr. Turner replied, that was not entailed on the sheet.

Mr. Hankins stated that the way the Harvester is funded, the building, operations and personnel expenses, are funded from the increase that comes in through meals tax. The operations stand on their own.

The Mayor asked what the status was of the study that Virginia Tech was performing on the Town and the local economy. Mr. Hankins responded by saying that Virginia Tech was working on the study currently. Virginia Tech has engaged surveys with every ticket buyer who has been to a Harvester show since June of 2017. Virginia Tech has performed surveys at the Harvester as well. Also, everyone who purchased a Harvester ticket from September 2016 through the current September (2017), will receive an email with a survey to respond to. Mr. Hankins stated that Virginia Tech hoped to deliver the final product of those surveys to the Town in December.

COMMITTEE REPORTS

1. The Streets, Sidewalks & Streetlights Committee met on August 29, 2017 to continue the discussion with Mr. Pinkard regarding the maintenance of his property abutting South Main Street and Riverview.

Mr. Ervin stated that Mr. Pinckard met with the Streets, Sidewalks & Streetlights Committee on August 29, 2017. It was the consensus of the committee to agree to continue the Town's twice a year maintenance of the steep slopes on Mr. Pinckard's property on South Main Street. In addition to the twice a year maintenance (once in the Spring and once in the Fall), there would also be an optional third mowing if needed. The Committee asked the Town Attorney to develop a document allowing the Town to access Mr. Pinckard's property and the other residents who have asked for more frequent bank/slope mowing as well.

Council Member Snead asked the Town Attorney to draft a paper of preapproval for mowing Mr. Pinckard's property and for the other property owners as well. The Town Attorney stated that such a paper would likely detail permissible entry. The Town Attorney further stated that he would work with Mr. Ervin, Mr. Pinckard, and the other property owner to draft an agreement that would receive their preapproval and then present the document to Council.

For the record, no action was required at this time.

2. Public Facilities & Special Events Committee Meeting was held on September 7, 2017 but met too close to the packets release to be covered in the packet.

Mr. Hankins stated that he would write up a summary of that committee meeting and present it to Council at the next regular meeting in October.

REFERRALS TO PLANNING

None at this time

OTHER MATTERS AND CONCERNS

Mr. Ervin was on Rise n' Shine.

CLOSED MEETING AND ACTION

Enter Closed Meeting

Motion: To go into closed session under the Virginia Code Section cited below

Time: 7:20 p.m.

Virginia Code Section:

Section 2.2-3711(A)(1) Discussion, consideration or interviews of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of any public body. Economic Development Authority

Section 2.2-3711(A)(1) Discussion, consideration or interviews of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of any public body. Board of Zoning Appeals

Motion By: Council Member Stockton

Second: Council Member Snead

Motion Discussion: None

Ayes: Cundiff, Moyer, Snead, Stockton, Walker, Newbill

Nays: None

Action: To go into a closed meeting

Certificate of Closed Meeting Discussion:

Council certified unanimously that nothing was discussed in the closed meeting other than what was stated in the motion to enter the closed meeting. No action was taken during the closed meeting.

Whereas, the Rocky Mount Town Council has convened a closed meeting on Monday, March 14, 2016 pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Whereas, Section 2.2-3712 of the Code of Virginia (1950), as amended, requires certification by this Council that such closed meeting was conducted in conformity with Virginia law;

Now, Therefore, Be It Resolved that the Rocky Mount Town Council hereby certifies that, to the best of each members' knowledge: (1) only public business matters lawfully exempted from open meeting requirements under this chapter; and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered in the meeting by the public body.

Steven C. Angle, Mayor

Motion: To include the Town Attorney on the Town's Insurance plan.

Motion By: Council Member Snead

Second: Vice Mayor Walker

Motion Discussion: None

Ayes: Moyer, Snead, Stockton, Walker, Newbill, Cundiff

Nays: None

Action: Motion approved by a unanimous vote.

ADJOURNMENT

Motion: To adjourn meeting

Time: 7:40 p.m.

Motion By: Council Member Newbill

Second: Council Member Snead

Motion Discussion: None

Ayes: Cundiff, Moyer, Newbill, Snead, Stockton, Walker

Nays: None

Action: Adjourned by a unanimous vote

Steven C. Angle, Mayor

ATTEST:

Rebecca H. Dillon, Town Clerk

DRAFT

ITEM(S) TO BE CONSIDERED UNDER:

- Hearing of Citizens** **Consent Item** **Old Business** **New Business**
 Committee Report **Public Hearing** **Minutes**

FOR COUNCIL MEETING DATED:	October 9, 2017
----------------------------	-----------------

STAFF MAKING REQUEST:	C. James Ervin, Town Manager
BRIEF SUMMARY OF REQUEST:	At the May 1, 2017 Council Meeting two sets of minutes were approved. An enumerated error was made and the Town Clerk is correcting the minutes that are listed on the May 1 st minutes approved to read April 10 th and April 11 th not April 17 th and May 1 st as they currently read.
ACTION NEEDED:	To approve April 10 th Regular Meeting Minutes and April 11 th Budget Work Session No. 1 Minutes.

Attachment(s): Yes

<p>FOLLOW-UP ACTION: (To be completed by Town Clerk)</p>
--

**ROCKY MOUNT TOWN COUNCIL
REGULAR MEETING MINUTES
APRIL 10, 2017**

The April 10, 2017 Regular Council Meeting of the Rocky Mount Town Council (hereafter referred to as "Council") was held in the Council Chambers of the Rocky Mount Municipal Building located at 345 Donald Avenue, Rocky Mount, Virginia, at 7:00 p.m. with Mayor Steven C. Angle presiding.

The following members of Council were present:

- Mayor Steven C. Angle
- Vice Mayor Gregory B. Walker
- Bobby M. Cundiff
- Robert L. Moyer
- Jon W. Snead
- Billie W. Stockton
- Mark H. Newbill

The following staff members were also present:

- John Boitnott, Town Attorney
- Tim Burton, Waste Water Superintendent
- Ken Criner, Chief of Police
- Robert Deitrich, Water Plant Superintendent
- Rebecca H. Dillon, Executive Administrative Assistant
- C. James Ervin, Town Manager
- Josh Gibson, Town Planner
- Matthew Hankins, Assistant Town Manager
- Brian Schofield, Public Works Superintendent
- Linda P. Woody, Finance Director

The meeting was called to order by Mayor Steven C. Angle.

PLEDGE OF ALLEGIANCE

Mayor Angle led in saying the Pledge of Allegiance.

APPROVAL OF AGENDA

Prior to the meeting, Council had received the agenda for review and consideration of approval. The agenda was amended for a public hearing to take input on the Transportation Appendix for inclusion in the Comprehensive Plan and to request permission to use downtown

parking during three upcoming events, two of which were large; Court Day and Come Home to a Franklin County Christmas.

Motion: To approve the amended agenda

Motion By: Vice-Mayor Walker

Second: Council Member Snead

Motion Discussion: None

Ayes: Cundiff, Moyer, Snead, Stockton, Walker, Newbill

Nays: None

Action: Approved the motion to amend the agenda by a unanimous vote.

SPECIAL ITEMS

Special recognition was given for WYTI-AM Radio Station in regard of their 60th Anniversary being on the air. A resolution was signed and presented by the Mayor to Mr. Bill Jefferson for this special recognition.

PUBLIC HEARING

1. Bond Issue by Carter Bank & Trust for the Town of Rocky Mount

Mr. Ervin spoke regarding the Town Council authorized borrowing of 1.5 million dollars two years ago for various projects. Carter Bank and Trust asked that the borrowing be in the form of a bond. The Town has worked with VML VaCo Finance to secure counsel so the Town could issue the bond as inexpensively as possible. The public hearing was duly advertised as part of the bond borrow.

The Mayor stated that no one signed up to speak during the public hearing so the Mayor opened up the floor to anyone who wished to speak and no one came forward.

2. Transportation Appendix for Inclusion in the Comprehensive Plan

Mr. Gibson spoke regarding the inclusion of the Transportation Appendix into the Comprehensive Plan. A public hearing was required as the Town was adding an appendix for the Transportation Project Prioritization into the Comprehensive Plan. The Planning Commission and Staff had developed a list that was recommended to Council by a vote of 6-0. The list was a guide only and was non binding. Maintaining an officially adopted plan for transportation projects is very important in moving forward with the transportation scoring and funding of the Angle Bridge realignment and other projects.

The Mayor asked if the Transportation Appendix was a wish list for VDOT. Mr. Gibson confirmed that the Transportation Appendix was such a list for VDOT and further confirmed

that it had information as to where the Town wanted to go in the future with the top priority still being to realign the intersection at the Angle Street Bridge.

APPROVAL OF MINUTES

Received by Council in their packet for this scheduled meeting were draft minutes for review and consideration of approval:

- March 13, 2017 - regular meeting minutes

Discussion: None

Motion: To approve the draft minutes

Motion By: Council Member Newbill

Second: Vice-Mayor Walker

Motion Discussion: None

Ayes: Cundiff, Moyer, Snead, Stockton, Walker, Newbill

Nays: None

Action: Approved the motion by a unanimous vote.

APPROVAL OF CONSENT AGENDA

This month's consent agenda consists of the following items:

- (1) **Miscellaneous Action:** (none at this time)
- (2) **Miscellaneous Resolutions/Proclamations** (none at this time)
- (3) **Department Monthly Reports**
 - Community Development Department
 - Finance Department
 - Fire Department
 - Police Department
 - Public Works Department
 - Wastewater Department
 - Water Department

Discussion: None

Motion: To approve the consent agenda as presented.

Motion By: Council Member Stockton

Second: Council Member Snead

Motion Discussion: None

Ayes: Cundiff, Moyer, Snead, Stockton, Walker, Newbill

Nays: None

Action: Approved the consent agenda as presented by a unanimous vote.

HEARING OF CITIZENS

Mayor Angle opened the floor to any citizens wishing to speak.

For the record, no one came forward.

OLD BUSINESS:

1. Review and Consideration of Paving Award

Mr. Ervin spoke regarding the paving award stating that the Town had solicited bids for the FY17 budget asphalt overlay. The quoted cost for the paving was \$433,431 and staff asked for the approval for the work not to exceed \$450,000 as additional milling was expected on Scuffling Hill. The streets marked for paving were: Donald, Tanyard, South Main, Pendelton, Noel, School Board, 40 East, North Main, West College, State Street, Scuffling Hill Road and East Court Street. Mr. Ervin stated that Tanyard Road was marked for an overlay technology that the Town would like to try. Patterson Brothers Paving had submitted a proposal to the Town for the paving job mentioned and had done paving for the Town previously.

Discussion: None

Motion: To approve \$450,000 for paving of the before mentioned streets.

Motion By: Council Member Stockton

Second: Council Member Snead

Motion Discussion: None

Ayes: Cundiff, Moyer, Snead, Stockton, Walker, Newbill

Nays: None

Action: Approved the motion by a unanimous vote.

2. Presentation of Proposed FY 2018 Budget

The General Fund has balanced revenue and expenses of \$6,893,445 with a reserve for contingency of \$50,000. Significant capital investments include a single new police vehicle, continued funding for a restroom at Gilley's Park, equipment to pretreat streets for snow and ice and continued investment in the Town's sidewalk repair. If the budget was followed, the Town Finance Director estimated that the Town would have 7.2 million dollars in the General Fund reserves at the end of the year.

The Utility Operating Fund has revenues of \$2,929,973 and expenses of \$3,066,232 and was balanced with \$1,369,259 from the Utility Capital Fund. The Utility Operating Fund would have an estimated balance of \$484,547 at the conclusion of FY 2018 absent funds carried forward from the current year.

The Utility Capital Fund shows estimated FY 2018 revenues of \$552,048 and projected use of prior revenue (fund balance) for capital projects of \$610,355 for a total revenue forecast of \$1,162,403 which would be offset by a like amount in expenses. The Utility Capital Fund

would have an estimated balance of \$1,079,506 at the conclusion of FY 2018 absent funds carried forward from the current year.

The main reasons for the thin amount of capital spending in the general fund were increases in the Town's fixed cost related to employees. The Town's health insurance was expected to increase \$182,000. Staff had looked at the increase in detail, considering options such as dramatically increasing the cost of the plan as passed on to the Town's staff, reducing the depth of the benefit or going out to bid for alternate coverage. In the end, given that the town's rate was experience based, the decision was made to renew and keep offering a mid-tier plan as one of the Town's core benefits of employment.

The budget also included a 2.5% merit increase and a 1% cost of living adjustment. Without these taken together, many staff would see a net reduction in their take home pay on July 1. The core value shaping the proposed budget was that the Town was wholly made up of the skilled and experienced staff that do the work of keeping Rocky Mount one of the best places to live, work and play and that our primary investment should be in that asset.

NEW BUSINESS

1. Review and Consideration of the First Annual Friends of the Family Resource Center 5K Run/Walk for Domestic Violence

Mr. Ervin stated that the Friends of the Family Resource Center and the Family Resource Center would like to hold a 5K run/walk event beginning at 8:30 a.m. on June 17, 2017 on the streets of Rocky Mount. Angela Phillips, Director of the Franklin County Family Resource Center had been in touch with the Rocky Mount Police Department and they had reviewed and approved the event.

Discussion: None

Motion: To approve the First Annual Friends of the Family Resource Center 5K Run/Walk for Domestic Violence on June 17, 2017.

Motion By: Council Member Snead

Second: Vice-Mayor Walker

Motion Discussion: None

Ayes: Cundiff, Moyer, Snead, Stockton, Walker, Newbill

Nays: None

Action: Approved the motion by a unanimous vote.

2. Review and Consideration of 5th Annual Eagle Strut 5k/10k Race

Mr. Ervin spoke regarding the 5th Annual Eagle Strut Race stating that it would be held on September 9th at 8:00 a.m. for approximately three hours. The event would begin at the Franklin County High School and go through the streets of Rocky Mount. Lauren Judson,

Senior Class Sponsor, had been in touch with the Rocky Mount Police Department and they had reviewed and approved the event.

Discussion: None

Motion: To approve the 5th Annual Eagle Strut 5K/10K Race.

Motion By: Council Member Snead

Second: Council Member Stockton

Motion Discussion: None

Ayes: Cundiff, Moyer, Snead, Stockton, Walker, Newbill

Nays: None

Action: Motion approved by a unanimous vote

3. Review and Consideration of Southwest Virginia Antique Farm Days Parade

Mr. Ray Agee spoke regarding the Southwest Virginia Antique Farm Days Parade. Mr. Agee stated that the parade would be held in town on Sunday, June 11, 2017. The parade would be at 3:00 p.m.; begin at Lowe's and proceed with the same route as in previous years. Mr. Agee, who was the Tractor Parade Coordinator, had been in touch with the Rocky Mount Police Department and they had reviewed and approved the event.

Discussion: None

Motion: To approve the Southwest Virginia Antique Farm Days Parade.

Motion By: Council Member Newbill

Second: Vice-Mayor Walker

Motion Discussion: None

Ayes: Cundiff, Moyer, Snead, Stockton, Walker, Newbill

Nays: None

Action: Motion approved by a unanimous vote

4. Town Bond Issue Through Carter Bank and Trust

Town Council approved a loan from Carter Bank and Trust in 2015. Upon attempting to draw on the loan, Carter informed the Town that they desired that the loan be in the form of a traditional bond. The Town had solicited the services of VML/VaCo Finance to assist in closing this loan as a bond issue. This debt was the same debt previously approved and Carter was still the lender.

After the public hearing on the \$1,512,000 bond to be issued at 2.17% for ten years, a vote was needed on the bond resolution and the bond purchase agreement. This bond financed several projects approved in the fiscal year 2016 capital improvements plan (CIP).

Council Member Cundiff inquired regarding the garbage truck being in the budget and being listed on the bond as well. Mr. Ervin stated that to meet the legal requirements of the bond

language, it was necessary to include all projects in the bond. The budget will include where the garbage truck comes from.

Discussion: None

Motion: To approve the bond issue.

Motion By: Vice-Mayor Walker

Second: Council Member Snead

Motion Discussion: None

Ayes: Cundiff, Moyer, Snead, Stockton, Walker, Newbill

Nays: None

Action: Motion approved by a unanimous vote

Member Name	Voting				
	Present	Absent	Yes	No	Abstaining
Mark H. Newbill	x		x		
Robert L. Moyer	x		x		
Bobby M. Cundiff	x		x		
Billie W. Stockton	x		x		
Jon W. Snead	x		x		
Gregory B. Walker	x		x		
Steven C. Angle	x		x		

5. 2017 Intern Position at Waste Water Treatment Plant

Mr. Burton spoke regarding the Intern Position stating that the Town had received many benefits from participating in the program in previous years and the Waste Water Treatment Plant would like to hire another intern this year.

Discussion: None

Motion: To approve the request for an intern position at the Waste Water Treatment Plant.

Motion By: Council Member Newbill

Second: Vice-Mayor Walker

Motion Discussion: None

Ayes: Cundiff, Moyer, Snead, Stockton, Walker, Newbill

Nays: None

Action: Motion approved by a unanimous vote.

6. Review and Consideration of Transportation Appendix for Inclusion in the Comprehensive Plan.

Mr. Gibson stated that he had spoken at the beginning of the meeting and would only like to share that he was present for the spring meeting in Salem, Virginia where the Town was very encouraged to be able to get funding for future projects particularly the realignment of the Angle Street Bridge.

Discussion: None

Motion: To approve the inclusion of the Transportation Appendix in the Comprehensive Plan for the Town of Rocky Mount.

Motion By: Council Member Snead

Second: Council Member Stockton

Motion Discussion: None

Ayes: Cundiff, Moyer, Snead, Stockton, Walker, Newbill

Nays: None

Action: Motion approved by a unanimous vote.

7. Review and Consideration for Court Day, Christmas Tree Lighting and Come Home to a Franklin County Christmas.

Mr. Zack Wimmer, Vice-President of Community Partnership for Revitalization or "CPR" spoke regarding the request to close Franklin Street downtown for Court Day on the date of June 10, 2017 from 3:00 to 9:00 p.m. with Franklin Street closing at 2:00 p.m., Come Home to a Franklin County Christmas on December 1, 2017 from 5:00 to 9:00 p.m., and the Christmas Tree Lighting from 5:00 to 6:00 p.m. uptown on the Courthouse Lawn on November 24, 2017. The events were rain or shine events and the police department has reviewed and approved the events as well.

Discussion: None

Motion: To approve the request for all three events.

Motion By: Council Member Snead

Second: Council Member Stockton

Motion Discussion: None

Ayes: Cundiff, Moyer, Snead, Stockton, Walker, Newbill

Nays: None

Action: Motion approved by a unanimous vote.

COMMITTEE REPORTS

None at this time

REFERRALS TO PLANNING

None at this time

OTHER MATTERS & CONCERNS

Mr. Ervin and the Mayor were on Rise and Shine.

Council Member Moyer shared a concern regarding the Veterans' Memorial Park. At the March 13th Council Meeting, Council voted to bring the grade up to level with the park. Mr. Hankins stated that generally the Town was very happy with the work done at the park however the subcontractor did not bring the grade up to the level of the park which was expected before completion of the job. Mr. Hankins further stated that the engineers had been informed that the job was not finished and the Town was waiting on a response from the engineers. The Town had not paid for the completion of the job yet.

Council Member Newbill shared that a sidewalk cover was missing across from the Courthouse in front of the Perdue Building. An individual caught their shoe in what was perhaps a small sewer line cover.

The Mayor asked Mr. Hankins to share with Council what Sky Magazine was as each Council member received a copy of the magazine on the diaz prior to the meeting. Mr. Hankins stated that in February, Delta Sky Magazine approached the Town regarding an ad. The Roanoke Region was being highlighted and so the Town took out a small advertisement using the Town's tourism branding funds and by doing so was able to get significant national and international coverage regarding the Harvester based on the magazine's many readers which was approximately 5.4 million every month. The Town also received editorial content as well.

Vice-Mayor Walker inquired regarding Gilley's Park. Mr. Hankins stated that there were several things going on at Gilley's Park. A new restroom facility will be built there. Electricity will be added and aeration pumps to the two larger ponds as well as the Town plans to then stock the ponds. The Town planned to ask the same contractor that applied the treatment to the park for the geese problem last year to come back again this year as the treatment was found to be very helpful. Regarding the lily pads, the Town planned to buy a small water craft to go out into the pond and pull some of the pads. Mr. Schofield also planned to add additional parking in a small gravel lot.

CLOSED MEETING AND ACTION

Enter Closed Meeting

Motion: To go into closed session under the Virginia Code Section cited below
Time:7:47 p.m.

Virginia Code Section:

Section 2.2-3711(A)(1) Discussion, consideration or interviews of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of any public body, Town Manager's Office.

Section 2.2-3711(A)(1) Discussion, consideration or interviews of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of any public body, Economic Development Authority.

Section 2.2-3711(A)(1) Discussion, consideration or interviews of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of any public body, Community Development.

Motion By: Council Member Moyer

Second: Vice-Mayor Walker

Motion Discussion: None

Ayes: Cundiff, Moyer, Snead, Stockton, Walker, Newbill

Nays: None

Action: To go into a closed meeting

Certificate of Closed Meeting Discussion:

Council certified unanimously that nothing was discussed in the closed meeting other than what was stated in the motion to enter the closed meeting. No action was taken during the closed meeting.

Whereas, the Rocky Mount Town Council has convened a closed meeting on Monday, March 14, 2016 pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Whereas, Section 2.2-3712 of the Code of Virginia (1950), as amended, requires certification by this Council that such closed meeting was conducted in conformity with Virginia law;

Now, Therefore, Be It Resolved that the Rocky Mount Town Council hereby certifies that, to the best of each members' knowledge: (1) only public business matters lawfully exempted

from open meeting requirements under this chapter; and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered in the meeting by the public body.

Steven C. Angle, Mayor

Motion: To drop the Acting in the title and appoint Rebecca H. Dillon as Town Clerk for Council

Motion By: Council Member Snead

Second: Council Member Stockton

Motion Discussion: None

Ayes: Moyer, Snead, Stockton, Walker, Newbill

Nays: None

Action: Motion approved by a unanimous vote to drop the Acting in the title and appoint Rebecca H. Dillon as Town Clerk with Council Member Cundiff abstaining due to a prior relationship.

ADJOURNMENT

Motion: To adjourn meeting

Time: 8:45 p.m.

Motion By: Council Member Moyer

Second: Vice-Mayor Walker

Motion Discussion: None

Ayes: Cundiff, Moyer, Newbill, Snead, Stockton, Walker

Nays: None

Action: Adjourned by a unanimous vote

Steven C. Angle, Mayor

ATTEST:

Rebecca H. Dillon, Acting Town Clerk

DRAFT

**ROCKY MOUNT TOWN COUNCIL
FISCAL YEAR 2018
BUDGET WORK SESSION NO. 1
APRIL 11, 2017**

The April 11, 2017 Fiscal Year (FY) 2018 Budget Work Session No. 1 meeting of the Rocky Mount Town Council (here after referred to as "Council") was held in the Council Chambers of the Rocky Mount Municipal Building located at 345 Donald Avenue, Rocky Mount, Virginia at 5:00 p.m. with Mayor Steven C. Angle presiding. The following members of Council were present:

- Mayor Steven C. Angle
- Vice Mayor Gregory B. Walker
- Bobby M. Cundiff
- Mark H. Newbill
- Robert L. Moyer
- Jon W. Snead
- Billie W. Stockton

The following staff members were also present:

- Tim Burton, Wastewater Treatment Plant Superintendent
- Bob Deitrich, Water Treatment Plant Superintendent
- Rebecca Dillon, Executive Administrative Assistant
- C. James Ervin, Town Manager
- Josh Gibson, Town Planner
- Matthew Hankins, Assistant Town Manager
- Amy Gordon, Assistant Finance Director
- Brian Schofield, Public Works Superintendent
- Linda Woody, Finance Director
- Jeff Rakes, Fire Chief
- Ken Criner, Police Chief

The meeting was called to order by Mayor Steven C. Angle.

APPROVAL OF AGENDA

Motion: To approve an amended agenda to include a closed session under the sited code 2.2-3711(A)(1) for the Town Manager's Office.

Motion By: Council Member Cundiff

Second: Vice Mayor Walker

Motion Discussion: None

Ayes: Cundiff, Newbill, Moyer, Snead, Stockton, Walker

Nays: None

Action: Approved an amended agenda by a unanimous vote

Council Member Cundiff stated that he would like an explanation regarding where the \$514,270 went in the budget. Council Member Cundiff also stated that the town is generating the funds but they are not showing in the general fund. Mr. Ervin stated that since the payoff of the waste water treatment plant, Town Council has appropriated all funds as they have seen fit. Ms. Woody stated that on page 6 of the proposed budget the Surplus/Deficit of FY15 of \$603,233 FY16 of \$590,978 and the estimated FY17 of \$347,277 helped to make up the \$514,270 that was in the General Fund.

In the FY18 Proposed Budget book to Council Ms. Woody stated that at some point Council would want to discuss what projects the Town would like to substitute for the \$345,154.30 that was available from the bond for other projects as well as where it came from. Ms. Woody provided each Council Member with a handout regarding capital items and the \$1,500,000 bond issue with the one requirement of whatever project(s) that Council might choose, that project(s) would have to have a 10 year bond life. The Town has \$345,154.30 for Council to consider using as they go through the budget process. The handout can be found in the minute book.

Vice Mayor Walker asked if there was a deal made on the impound lot yet. Mr. Ervin stated that Council had given permission to Chief Criner to look for another property to house items currently being held at the impound lot. This was a barter agreement and Mr. Ervin stated that he had given Franklin County first refusal at the location. If the County did not take the property, the Town planned to put the property on the market at a higher price. Whatever the property would be sold for, if it was a barter offer or through the market, the property being sold would give a way to offset the construction purchase of another location.

GENERAL FUND

Ms. Woody began the FY18 proposed budget book with the General Fund on page 3 with General Property taxes such as Real Estate and Personal Property taxes that were proposed for FY18 at \$1,006,841.

- Other Local Taxes include Meals Tax at \$1,489,112.
- Transient Occupancy Tax (5% tourism) FY18 proposed at \$109,318 and Transient Occupancy Tax (2.5% branding) FY18 proposed at \$54,659.
- Business Licenses may be down this year as revenue was down due to web sales.
- Permits, Licenses and Fees which includes the Farmer's Market Fees, Welcome Center Fees and Planning and Zoning Fees for a total of \$15,400.

- Fines and Forfeitures for \$52,700
- Proceeds From the Use of Assets for a total of \$78,355.
- Categorical Aid such as VDOT Grant money for Floyd and Franklin Intersection and State Street maintenance.
- Use of Fund Balance which the Town does not propose to use any of in FY18.

GENERAL GOVERNMENT

Mayor and Council: No significant changes here.

Town Manager: On page 11, a change for FY18 was the increase from a part time to full time receptionist for \$22,003 grade 12 with benefits, with family insurance + 11 hours a week more than the part time position is currently getting. The difference would be from 29 hours a week to 40 hours a week and the fringe benefits. Council Member Cundiff stated he did not see the need to add another employee.

Finance Department: A 2.5% salary increase was proposed with Ms. Woody's employees being re-classed. That would be an additional \$4,078 for the employees in the finance department.

Electoral Board: The Town will have an election in May of 2018 at \$2,900. Mr. Ervin stated that it had been Council's preference to stay with May elections but the General Assembly has now allowed the election to go until November instead so if Council saw to change, it would be by ordinance and does not take a charter change. If Council were to ever decide to change this practice, it can be done with out assistance from Richmond.

PUBLIC SAFETY

Police Department: On page 19, for Motor Vehicles and Equipment, there is money for 1 vehicle but not the 4 that was requested. Vice Mayor Walker asked if the surveillance equipment that was needed was in the budget. Lt. Arrington spoke and indicated that the equipment in question was ordered and due to arrive any time for use from FY17 budget. Vice Mayor Walker asked if additional equipment was needed and Lt. Arrington Stated that once the equipment the police department was receiving was implemented, likely there may be use for more. Also, a second item needed at the police department was the audio and video equipment (phone system) as a new phone system was needed for FY18. Allotted for it was \$13,000.

Fire Department: On page 21, there were stipends that were not addressed in FY18 budget. \$12.50 per call was covered but Chief Rakes would like to see an increase in his officer stipends. The budget for FY18 does not fund those stipends. Of the positions in the Fire Department, Chief, Assistant Chief, Captain, 1st Lieutenant and 2nd

Lieutenant, for those people annually the stipends would be \$900.00 a month or \$10,800 per year. The first plan proposed would be an additional \$8,400 and the second plan would be an additional \$4,800.

Currently the Fire Department Monthly Stipends are:

- Chief \$400.00
- Assistant Chief \$200.00
- Captain \$150.00
- First Lieutenant \$75.00
- Second Lieutenant \$75.00

For a total of..... \$10,800 per year

Chief Rakes would like to see Monthly Stipends increased to:

- Chief \$600.00
- Assistant Chief \$300.00
- Captain \$200.00
- 1st Lieutenant \$100.00
- 2nd Lieutenant \$100.00

For a total of..... \$4,800 per year

Mr. Ervin stated that he had spoken with Chief Rakes and one possible solution might be to adjust the stipend annually as the stipend per call was adjusted. Calls have increased 5% from FY17 to FY18 which is about 200 more calls. There are 5 officer positions with the Fire Department.

Council Member Moyer asked how much assistance does the Town get from the county. Ms. Woody replied \$30,000 a year with expenses of \$175,000. Council Member Moyer suggested the Town ask the County for more money as the percentage of calls are approximately 70% - 30% with the number of calls answered in the county being the higher number. Vice-Mayor Walker and Council Member Cundiff agreed.

Fire Chief Rakes stated that the Fire Department needed a new fire truck and further explained that the trucks were on a 20 year rotation that after 20 years, the trucks should be retired but in FY17, the department did not get a new truck. Council Member Newbill suggested to move the election of the Town from May to November and that would save the Town \$2,900 easily that could be applied to the fire department. The consensus of Council was to fund the fire department and for Ms. Woody to locate the remaining dollars.

PUBLIC WORKS

Public Works: The Public Facilities Director's personnel costs would be split 34% Public

Works Administration, 33% Water Distribution and 33% Sewer Collection.

The Public Works Superintendent's personnel costs were split 70% Administration, 15% Water distribution and 15% Sewer Collection.

Council Member Cundiff spoke regarding the percentages and suggested making the personnel costs annual or possibly another alternative by way of not taking them through the water plant. Ms. Woody clarified that the Public Works Superintendent salary was split 70% Public Works, 15% Water and 15% Sewer for FY18. For FY17, it was 90% Public Works Administration, 5% Water and 5% Sewer.

Vice Mayor Walker asked if Council wanted to change the percentages on the Public Facilities Director and Council Member Cundiff further stated that the Water Plant Superintendent, Bob Deitrich and Waste Water Plant Superintendent, Tim Burton were doing a fine job and no one was needed for them to report to.

Council Member Newbill stated that he would like to see some information on how the director position would be offset by numbers and how helpful the position would be to the Town. The information would also be helpful in determining what kind of an engineer does the Town need to look for.

Public Works item #2011 on page 23, Council Member Cundiff asked why there were no figures for the first 3 years. Ms. Woody stated that was because there were no salaries budgeted for those years.

Parking and Traffic Control for the Floyd/Franklin Intersection (VDOT grant) has allotted \$600,000 if the Town gets the money from VDOT to spend on page 27.

Under Street Maintenance for Contractual Services (VDOT repayment) there was \$18,004 for Weaver Street on page 29.

Sidewalks, Curbs and Gutters had one change for sidewalk maintenance of \$40,000 for the second year of maintenance.

Refuse Collection was on page 35 for Medical/Dental Insurance of \$25,883. Council Member Cundiff asked why so much increase. Ms. Woody stated it was based on salary and their fringe benefits and on a historical trend of 17%.

Snow Removal was on page 37, for Chemicals and Materials of \$17,000. Materials and Supplies were listed for \$1,000 while Machinery and Equipment (calcium chloride) was listed for \$14,260 and machinery and Equipment (salt spreader) \$16,000.

BUILDING AND GROUNDS

Municipal Building Maintenance: On page 39, Land and Building (asphalt rejuvenation)

\$8,242 for the parking lot. The rejuvenation will blacken the parking lot and will come with a 4 year warranty.

The Mayor asked why there was a \$9,000 increase on contractual services. Ms. Woody stated that the Town was hoping to get a maintenance contract for the HVAC but the Town did not receive one in FY17.

Emergency Services Building Maintenance: On page 41, Land & Buildings for Asphalt Rejuvenation \$5,778 for North Main Street lot not Floyd Avenue.

Public Works Building Maintenance: On page 43, Asphalt Rejuvenation \$5,778.

Parks and Playgrounds: On page 47, Gilley's Park \$35,000 for restroom facilities and parking lot to allow cars a place to park off of the street.

COMMUNITY DEVELOPMENT

Economic and Community Development: There was a list of various contributions and sponsorships for special events on page 51. These were in line with last year except the Ferrum Express Bus Service for \$4,600 (based on ridership) and the Bud Commission of \$2,000.

Community and Economic Development: Branding will be funded with a lodging tax increase on page 52. Date Processing Equipment for \$3,000 because Community Development has a printer that needs replacing.

Economic Development Authority: On page 60, \$10,000 was allocated for purchase of land for development as it would be used as an anchor if future property became available.

Remediation of Blighted Structures: On page 62, proposed for FY18 was \$15,000.

Hospitality Center/Depot: On page 56, there was discussion about the Chamber of Commerce continuing to staff the Depot. Part-time Staff provided by the Town may decrease.

NON-DEPARTMENTAL (GF)

Contributions to the Towns outside agencies for FY18 would be \$16,500. This followed FY17 budget. Transfer to Performance Venue Fund-Operations for \$316,406 and a Contingency of \$50,000. Reserve for Council supplemental pay adjustments \$28,796 which would be for Christmas Bonuses. Also, a Reserve for Reimbursement to Fund Balance of \$11,536 to use with fire stipends.

CLOSED MEETING AND ACTION

Enter Closed Meeting

Motion: To go into closed session under the Virginia Code Section cited below

Time: 6:20 p.m.

Virginia Code Section:

Section 2.2-3711(A)(1) Discussion, consideration or interviews of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of any public body.

Motion By: Council Member Stockton

Second: Council Member Moyer

Motion Discussion: None

Ayes: Cundiff, Moyer, Snead, Stockton, Walker, Newbill

Nays: None

Action: To go into a closed meeting

Certificate of Closed Meeting Discussion:

Council certified unanimously that nothing was discussed in the closed meeting other than what was stated in the motion to enter the closed meeting. No action was taken during the closed meeting.

Whereas, the Rocky Mount Town Council has convened a closed meeting on Monday, March 14, 2016 pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Whereas, Section 2.2-3712 of the Code of Virginia (1950), as amended, requires certification by this Council that such closed meeting was conducted in conformity with Virginia law;

Now, Therefore, Be It Resolved that the Rocky Mount Town Council hereby certifies that, to the best of each members' knowledge: (1) only public business matters lawfully exempted from open meeting requirements under this chapter; and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered in the meeting by the public body.

Steven C. Angle, Mayor

ADJOURNMENT

Motion: To adjourn meeting

Time: 6:50 p.m.

Motion By: Council Member Moyer

Second: Vice-Mayor Walker

Motion Discussion: None

Ayes: Cundiff, Moyer, Newbill, Snead, Stockton, Walker

Nays: None

Action: Adjourned by a unanimous vote.

Steven C, Angle, Mayor

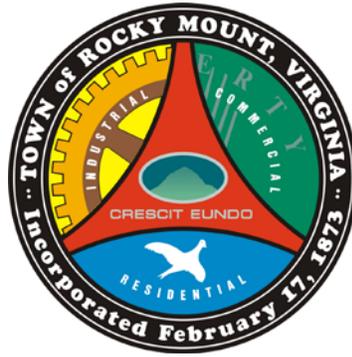
ATTEST:

Rebecca H. Dillon, Acting Town Clerk

TOWN OF ROCKY MOUNT
345 DONALD AVE.
ROCKY MOUNT, VIRGINIA 24151

540.483.7660
FAX : 540.483.8830

E-MAIL: MHANKINS@ROCKYMOUNTVA.ORG
WWW.ROCKYMOUNTVA.ORG



TOWN COUNCIL
STEVEN C. ANGLE, *MAYOR*
GREGORY B. WALKER, *VICE MAYOR*

BOBBY M. CUNDIFF BOBBY L. MOYER
MARK H. NEWBILL JON W. SNEAD
BILLIE W. STOCKTON

MATTHEW C. HANKINS
Assistant Town Manager
Director, Community Development

MEMORANDUM

To: Mayor Angle & Members of Town Council
C. James Ervin, Town Manager

From: Matthew C. Hankins, Assistant Town Manager

Date: October 5, 2017

Re: Summary of September meeting of the Public Facilities Committee

Members of Council:

The Public Facilities Committee met to consider whether to bid out Farmers Market management services. The Committee believes the Town's best interests are served by the present arrangement, and Mrs. Cundiff indicated to Mr. Moyer that she is satisfied with the current payment level. The Committee recommends no changes at this time.

ZONING PERMITS		TOTAL: 1					
Permit #	Applicant Name	Building Lot Address	TMPN	Proposed Use	CurrentZoning	Date Approved	NOTES
ZP17-014	Cooper Contractors Inc	The landmark Lot 32	2010103200	Residential	R-1	9/11/2017	Single Family Residence
ZONING LETTER		TOTAL: 0					
Permit #	Applicant Name	Building Lot Address	TMPN	Proposed Use	CurrentZoning	Letter Date	
MOBILE FOOD UNIT PERMITS		TOTAL: 1					
Permit #	Applicant Name	Locations		Approval Date			
MF17-001	Mama Crockett's Cider Donuts	Farmers Market		9/19/2017			

MONTHLY STAFF REPORT

DATE:	October 9, 2017
TO:	Rocky Mount Town Council
FROM:	Linda Woody, Finance Director
DEPARTMENT:	Finance Department
MONTH:	October meeting

This report contains the following monthly information for September 2017 activity:

New businesses obtaining a business license during the month

Investment portfolio from the latest bank statement

Revenue comparisons from this fiscal year to last fiscal year (shows accruals)

Meals tax collections chart

Local sales tax collections chart

Expenditure comparisons from this fiscal year to last fiscal year (shows accruals)

Available contingency funds status

Utility billing profiles on customers and consumption

Water Customer Cut-off's chart

Water accountability reconciliation of finished water gallons pumped vs. metered water gallons consumed

Utility profiles on water production and wastewater flow

Customer flow for the Finance Department:

568 walk-in transactions

1278 drive-thru transactions

795 mail transactions

**TOWN OF ROCKY MOUNT
NEW BUSINESS LICENSES
DURING SEPTEMBER 2017**

The following new businesses obtained their business licenses during the month:

RETAIL:

Mama Crockett's Cider Donuts, food truck

PROFESSIONAL:

Melissa P. Keen, PC, 115 East Court St., attorney

CONTRACTOR:

Cooper Contractors, Inc., job on Summitt Drive

Piedmont Mechanical Systems, Inc., Verizon Wireless building

Manley Service Co., job at Food Lion

REPAIRS / PERSONAL SERVICES:

Youth Connect of Virginia, 410 Tanyard Rd., youth services

Penske Truck Leasing Co., L.P., 433 North Main, truck leasing & rental

TOWN OF ROCKY MOUNT
Investment Portfolio
at August 31, 2017

<u>Security</u>	<u>Call Date</u>	<u>Maturity Date</u>	<u>Bond</u>	<u>Market Price</u>	<u>Market Value</u>	<u>Market Yield</u>	<u>Yield to Maturity</u>	<u>Cusip Number</u>	<u>Estimated Annual Interest</u>
Fixed Income / Bonds:									
FHLMC	12/29/2017	12/29/2021	500,000	100.072	500,360.00	2.19%	2.20%	3134GAC28	11,000.00
FHLMC	3/30/2016	12/30/2020	210,000	99.907	209,804.70	1.25%	2.00%	3134G8BH1	2,625.00
FNMA	7/27/2017	7/27/2017	493,000	99.980	492,901.40	1.65%	1.65%	3135GOS46	8,134.50
Bond Totals			<u>1,203,000</u>		<u>1,203,066.10</u>	1.70% avg. return			<u>21,759.50</u>
Certificates of Deposits:									
Am Express Fed Svgs Bk	8/29/2022	A	245,000	100.643	246,575.35	2.38%	2.40%	02587CFU9	5,880.00
Am Express Centurion	4/5/2022		245,000	101.037	247,540.65	2.42%	2.45%	02587DN38	6,002.50
Bank Deerfield WIS	2/26/2021		245,000	97.909	239,877.05	1.27%	1.25%	061785DM0	3,062.50
Barclays BK Del Retail	8/20/2019		225,000	100.596	226,341.00	2.08%	2.10%	06740LHV2	4,725.00
Capital One Nat'l McLean	12/29/2021		230,000	100.994	232,286.20	2.22%	2.25%	14042RFF3	5,175.00
Capital One BK Glen Aller	7/20/2021		245,000	98.391	241,057.95	1.52%	1.50%	140420ZW3	3,675.00
Discover Bk Greenwood L	7/22/2020		245,000	101.296	248,175.20	2.27%	2.30%	254671VH0	5,635.00
Everbank Jacksonville FL	3/29/2019		245,000	99.816	244,549.20	1.50%	1.48%	29976DW3	3,675.00
Goldman Sachs USA	1/13/2021		245,000	101.575	248,858.75	2.26%	2.30%	38148J5F4	5,635.00
HSBC BK McLean VA	3/10/2021		230,000	99.855	229,666.50	1.30%	1.30%	40434AP45	2,990.00
JP Morgan Chase, OH	11/30/2020		245,000	100.117	245,286.65	1.89%	1.90%	48126XNJ0	4,655.00
Finl BK Chicago Ill	12/10/2018		190,000	99.416	188,890.40	1.10%	1.10%	55266CSB3	2,090.00
State BK India NY NY	12/5/2019		245,000	101.040	247,548.00	2.37%	2.20%	8562843E2	5,880.00
CD Totals			<u>3,080,000</u>		<u>3,086,652.90</u>	1.89% avg. return			<u>59,080.00</u>
Total Investments			<u>4,283,000</u>		<u>4,289,719.00</u>	1.85% avg. return			<u>80,839.50</u>

Note A: This C.D. replaces a C.D. with a 1.98% return

<u>Month</u>	<u>LGIP Balance</u>	<u>Effective Yield</u>
Aug-16	1,745,568.10	0.54%
Sep-16	2,155,960.66	0.59%
Oct-16	2,173,045.06	0.61%
Nov-16	2,192,607.53	0.61%
Dec-16	2,592,286.69	0.67%
Jan-17	2,210,004.46	0.81%
Feb-17	2,228,269.83	0.84%
Mar-17	1,724,795.08	0.89%
Apr-17	1,741,606.06	0.98%
May-17	2,659,997.06	0.99%
Jun-17	3,054,217.68	1.05%
Jul-17	3,079,129.85	1.16%
Aug-17	2,656,125.66	0.12%

TOWN OF ROCKY MOUNT
REVENUE COMPARISONS
AS OF SEPTEMBER 30, 2017

REVENUE SOURCE	MONTH		YEAR TO DATE		BUDGET	% OF
	THIS YEAR	LAST YEAR	THIS YEAR	LAST YEAR	THIS YEAR	BUDGET
					THIS YEAR	THIS YEAR
GENERAL FUND - Local Revenues:						
Real Estate Tax	708	965	1,131	1,061	588,308	0.19%
Real Estate Tax - Delinquent	1,384	5,170	3,848	5,847	14,000	27.49%
Public Service Tax	-	-	-	-	28,474	0.00%
Personal Property Tax	1,777	269	3,949	362	232,980	1.69%
Personal Property Tax - Delinquent	1,987	149	5,873	850	5,000	117.47%
Machinery & Tools Tax	-	-	-	-	132,379	0.00%
Penalties on Tax	594	552	2,178	852	4,000	54.45%
Interest on Tax	692	1,437	1,593	1,563	1,700	93.71%
Local Sales Tax	15,631	15,351	15,631	15,351	188,064	8.31%
Meals Tax	119,236	119,407	223,812	230,566	1,489,112	15.03%
Utility Tax	27,260	28,818	55,718	57,040	325,033	17.14%
Communications Tax	14,720	15,292	14,720	30,575	186,119	7.91%
Bank Stock Tax	-	-	-	-	216,500	0.00%
Penalty-Meals Tax	12	22	742	3,308	2,000	37.09%
Interest-Meals Tax	1	4	245	25	700	34.99%
Lodging Tax	16,958	18,517	26,911	22,703	163,977	16.41%
Cigarette Tax	8,715	8,777	10,639	24,832	93,314	11.40%
BPOL-Retail	1,071	675	1,667	3,814	345,830	0.48%
BPOL-Professional	2,502	750	4,038	2,430	176,131	2.29%
BPOL-Contractor	1,029	-	2,239	153	15,923	14.06%
BPOL-Repairs/Services	2,603	20	5,893	3,908	132,319	4.45%
BPOL-Alcoholic Beverages	-	-	50	-	700	7.14%
BPOL-Penalty/Interest	151	201	1,109	1,182	3,000	36.97%
BPOL-Amusement	-	-	-	-	208	0.00%
BPOL-Utility	-	-	-	-	12,978	0.00%
BPOL-Miscellaneous	492	-	522	37	5,500	9.48%
Solicitor Permits	-	20	-	20	-	0.00%
Farmer's Market Fees	10	44	250	286	4,100	6.10%
Welcome Center Fees	-	790	1,180	1,920	4,000	29.50%
Farmers Mkt EBT's Deposits	-	-	11	-	-	0.00%
Planning/Zoning Fees	1,530	444	2,570	1,669	7,300	35.21%
Court Fines	3,027	3,405	5,934	7,736	52,500	11.30%
Parking Fines	-	-	15	70	100	15.00%
Garbage Violation Fines	110	-	340	120	100	340.00%
Interest Earnings	-	4,477	-	2,749	73,007	0.00%
Return Check Fees	233	20	367	190	400	91.86%
Rental of Property	-	-	-	-	420	0.00%
Bond Proceeds	-	-	-	-	345,154	0.00%
Mortgage Payments	406	(45)	1,044	512	3,073	33.98%
Loan Repayment - Paving	-	728	683	1,455	1,455	46.92%
Sale of Materials	-	-	-	-	-	0.00%
Sale of Property	-	-	-	-	-	0.00%
Grave Preparation	-	-	-	-	1,500	0.00%
Security Services	-	1,110	-	1,110	2,840	0.00%
Passport Service Fees	1,130	451	3,211	1,637	10,000	32.11%
Police Reports	111	70	311	216	1,100	28.27%
Fingerprint Service Fees	67	55	157	130	490	32.04%
CIT / PAC Room Staffing	1,400	1,400	2,450	2,100	8,400	29.17%
Garbage Collection Fees	7,929	7,817	14,106	13,871	90,792	15.54%
Truck Rental Program	70	10	150	70	300	50.00%
Credit Card Fees	272	122	855	404	1,919	44.55%
Weed Control Charges	-	-	186	-	150	124.23%
Administrative Charges for Services	989	45	1,039	45	300	346.30%

**TOWN OF ROCKY MOUNT
REVENUE COMPARISONS
AS OF SEPTEMBER 30, 2017**

REVENUE SOURCE	MONTH		YEAR TO DATE		BUDGET	% OF BUDGET
	THIS YEAR	LAST YEAR	THIS YEAR	LAST YEAR	THIS YEAR	THIS YEAR
Miscellaneous Services	-	-	25	-	-	0.00%
Donations	-	11	-	24	-	0.00%
Merchandise Sales	-	4	-	6	25	0.00%
Miscellaneous	-	1	-	2	300	0.00%
Curb & Gutter Recoveries	-	-	-	-	-	0.00%
Recoveries	407	-	781	488	-	0.00%
Unrealized Gain on Investments	-	328	(579)	1,867	-	0.00%
Appropriated Fund Balance	-	-	-	-	-	0.00%
Total Local Revenues	235,213	237,682	417,594	445,158	4,973,974	8.40%
GENERAL FUND - State Revenues:						
Rolling Stock Tax	-	-	3,308	3,324	3,250	101.80%
Litter Tax	-	-	-	-	2,475	0.00%
Other Categorical Aid	-	29	1,788	97	200	894.14%
Fire Programs	16,044	14,016	16,044	14,016	15,210	105.48%
PPTRA from the State	-	-	53,861	53,861	53,861	100.00%
DMV Grants	-	5,045	2,906	5,045	-	0.00%
VDOT Grant	-	-	-	-	600,000	0.00%
CDBG Grant	-	-	-	-	-	0.00%
Street Maintenance	352,507	346,716	352,507	346,716	1,421,537	24.80%
Volunteer Fire Dept.	-	7,500	-	7,500	30,000	0.00%
Law Enforcement-599 Funds	27,988	27,988	27,988	27,988	108,460	25.80%
Va. Commission of the Arts Grant	-	-	-	240	-	0.00%
Other Categorical Aid-Schools	-	-	-	-	29,632	0.00%
Total State Revenues	396,539	401,294	458,402	458,787	2,264,625	20.24%
TOTAL GENERAL FUND REVENUES	631,752	638,975	875,996	903,945	7,238,599	12.10%
UTILITY FUND REVENUES:						
Water Sales	112,561	105,373	184,383	173,098	1,185,669	15.55%
gallons billed	23,945,770	23,435,071	65,904,088	65,258,763		
Water Connections	15,889	-	23,439	4,275	17,825	131.50%
Reconnect Fees	1,050	400	2,126	725	2,750	77.30%
Penalties	2,639	2,162	7,719	7,971	28,440	27.14%
Bulk Water Purchases	100	368	1,082	368	1,000	108.15%
Sewer Collection Charges	67,906	68,788	114,357	116,198	750,958	15.23%
gallons billed	18,184,920	18,127,841	49,638,660	49,219,653		
Sewer Connections	1,000	-	2,000	1,000	8,000	25.00%
Cell Tower Rent	2,169	3,934	14,311	11,803	47,339	30.23%
Recoveries	-	-	20	-	-	0.00%
Appropriated Fund Balance	-	-	-	-	887,992	0.00%
TOTAL UTILITY FUND REVENUES	203,315	181,024	349,436	315,437	2,929,973	11.93%
CAPITAL PROJECTS REVENUES:						
Microenterprise Loan Payments	58	146	1,415	306	6,924	20.44%
Appropriated Fund Balance	-	-	-	-	-	0.00%
TOTAL CAPITAL PROJECTS REVENUES	58	146	1,415	306	6,924	0.00%

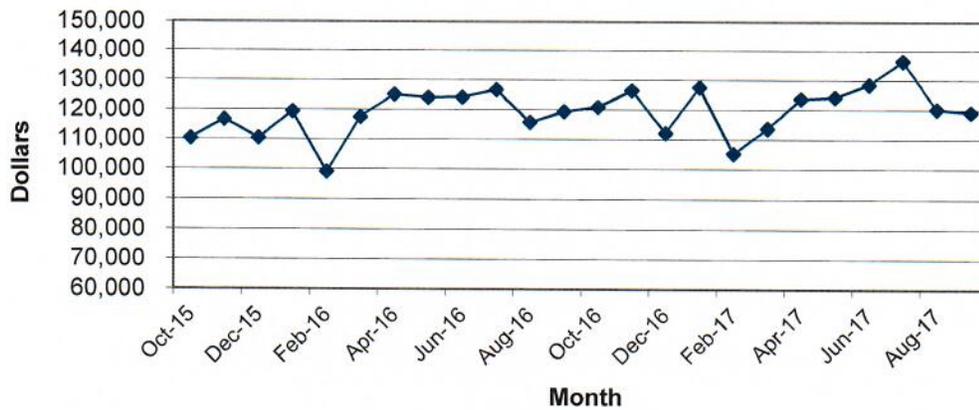
TOWN OF ROCKY MOUNT
REVENUE COMPARISONS
AS OF SEPTEMBER 30, 2017

REVENUE SOURCE	MONTH		YEAR TO DATE		BUDGET	% OF
	THIS YEAR	LAST YEAR	THIS YEAR	LAST YEAR	THIS YEAR	BUDGET THIS YEAR
UTILITY CAPITAL REVENUES:						
Proceeds from Bond	-	-	-	-	-	0.00%
Capital Recovery Fees-Water	23,667	23,327	67,444	66,517	281,721	23.94%
Capital Recovery Fees-Sewer	19,395	18,968	50,827	49,936	229,383	22.16%
Capital Recovery Fees-Garbage	1,686	1,661	5,049	4,979	20,472	24.66%
Appropriated Fund Balance	-	-	-	-	606,973	0.00%
Transfer from Other Funds	-	-	-	-	-	0.00%
TOTAL UTILITY CAPITAL REVENUES	44,747	43,956	123,320	121,433	1,138,549	10.83%
PERFORMANCE VENUE REVENUES:						
Transfers from General Fund	-	-	-	-	354,682	0.00%
TOTAL PERFORMANCE VENUE REVENUES	-	-	-	-	354,682	0.00%
3 months of the 12 months of the fiscal year						25.00%

TOWN OF ROCKY MOUNT
MEALS TAX COLLECTIONS

Month	Collections
Oct-15	110,364
Nov-15	116,664
Dec-15	110,434
Jan-16	119,400
Feb-16	99,134
Mar-16	117,536
Apr-16	125,165
May-16	124,133
Jun-16	124,265
Jul-16	126,812
Aug-16	115,737
Sep-16	119,407
Oct-16	120,915
Nov-16	126,512
Dec-16	112,194
Jan-17	127,602
Feb-17	105,380
Mar-17	113,755
Apr-17	123,775
May-17	124,351
Jun-17	128,601
Jul-17	136,527
Aug-17	120,248
Sep-17	119,236

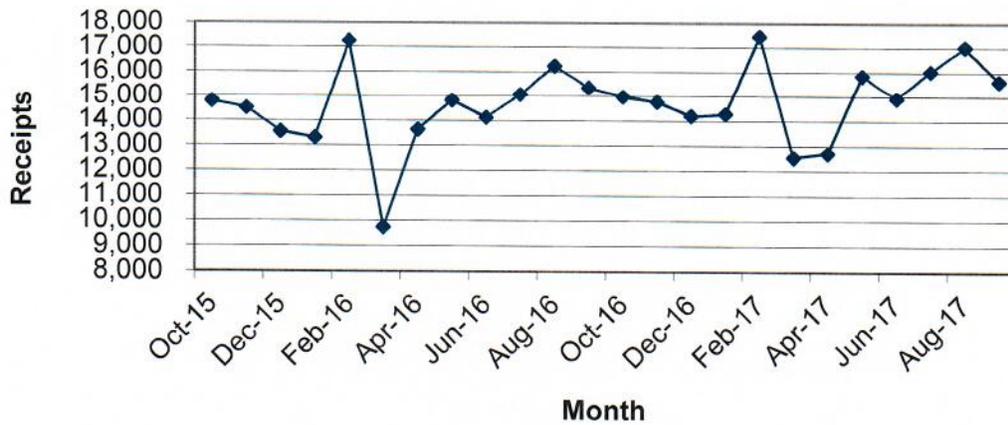
Meals Tax Collections



Town of Rocky Mount
Local Sales Tax

Oct-15	14,783
Nov-15	14,500
Dec-15	13,547
Jan-16	13,307
Feb-16	17,249
Mar-16	9,733
Apr-16	13,632
May-16	14,819
Jun-16	14,114
Jul-16	15,067
Aug-16	16,242
Sep-16	15,351
Oct-16	14,977
Nov-16	14,766
Dec-16	14,186
Jan-17	14,275
Feb-17	17,453
Mar-17	12,547
Apr-17	12,710
May-17	15,859
Jun-17	14,918
Jul-17	16,034
Aug-17	17,021
Sep-17	15,631

Local Sales Tax



TOWN OF ROCKY MOUNT
EXPENDITURE COMPARISONS
AS OF SEPTEMBER 30, 2017

ACTIVITY	MONTH		YEAR TO DATE		BUDGET	% OF
	THIS YEAR	LAST YEAR	THIS YEAR	LAST YEAR	THIS YEAR	BUDGET THIS YEAR
GENERAL FUND:						
Mayor & Council	3,683	3,826	19,482	23,738	78,832	24.71%
Town Manager	26,675	26,814	57,278	55,847	251,239	22.80%
Town Attorney	-	4,302	6,868	7,802	36,745	18.69%
Finance Department	29,796	30,610	96,340	97,632	353,287	27.27%
Electorial Board	-	-	-	-	2,900	0.00%
Police Department	201,562	177,460	479,753	436,365	2,100,267	22.84%
Volunteer Fire Dept.	16,260	5,570	43,700	28,127	179,871	24.30%
Public Works Admin.	11,564	18,790	30,401	34,660	111,722	27.21%
Street Lights	8,677	8,495	17,517	17,639	112,633	15.55%
Traffic Control & Parking	2,662	8,518	30,275	31,919	676,999	4.47%
Streets	56,465	48,424	311,148	115,106	1,133,515	27.45%
Sidewalks & Curbs	-	-	4,083	1,049	50,869	8.03%
Scuffling Hill Drainage	-	5,620	-	5,620	-	0.00%
Street Cleaning	320	161	1,699	1,046	19,388	8.76%
Refuse Collection	12,481	9,754	70,676	28,590	204,751	34.52%
Snow Removal	-	-	476	436	74,586	0.64%
Municipal Building	29,154	32,728	40,868	47,675	72,012	56.75%
Emergency Services Bldg.	4,399	2,447	24,285	7,617	62,412	38.91%
Public Works Building	2,799	1,700	7,894	3,649	28,305	27.89%
Cemetery	4,047	2,791	9,504	7,715	19,198	49.50%
Playgrounds	3,464	20,843	12,471	26,523	42,874	29.09%
Gilley's Park	11,070	-	11,070	-	35,000	31.63%
Impound Lot	17,611	-	35,676	-	-	0.00%
Veterans Memorial Park Erosion	51,473	1,744	51,473	1,744	-	0.00%
Planning & Zoning	10,713	13,106	22,834	28,739	140,372	16.27%
Community Development	17,427	17,034	42,370	41,990	288,223	14.70%
Citizen's Square	1,401	2,526	3,290	5,860	20,351	16.17%
Hospitality Center	3,909	3,793	7,070	6,801	31,013	22.80%
Passport Services Expenses	-	-	146	267	2,210	6.62%
Economic Development Authority	446	123	893	246	15,960	5.59%
Remediation of Blighted Structures	-	-	-	-	15,000	0.00%
Non-Departmental:						
Wages & Fringes	1,137	1,701	8,347	8,798	62,307	13.40%
Employee Wellness Program	-	-	-	-	3,900	0.00%
Employee Drug Testing	77	-	77	-	1,850	4.17%
Insurance	-	-	64,458	74,299	72,524	88.88%
Contributions to Others	-	-	15,450	15,450	16,500	93.64%
Debt Service-Principal	-	-	130,000	-	295,000	44.07%
Debt Service-Interest	-	-	23,435	61,359	59,644	39.29%
Transfer to Performance Operations	-	-	-	-	354,682	0.00%
Contingency - General Purposes	-	-	-	-	50,000	0.00%
Contingency - Supplemental Pay Adjustments	-	-	-	-	28,796	0.00%
Contingency - to reimburse fund balance	-	-	-	50,000	27,862	0.00%
TOTAL GENERAL FUND EXPENDITURES	529,270	448,879	1,681,304	1,274,305	7,133,599	23.57%

TOWN OF ROCKY MOUNT
EXPENDITURE COMPARISONS
AS OF SEPTEMBER 30, 2017

ACTIVITY	MONTH		YEAR TO DATE		BUDGET	% OF
	THIS YEAR	LAST YEAR	THIS YEAR	LAST YEAR	THIS YEAR	BUDGET THIS YEAR
WATER & SEWER FUND:						
Water System Operation	11,316	7,910	35,965	27,642	203,979	17.63%
Meter Reading	2,226	4,442	3,507	6,014	36,140	9.71%
Water Plant	64,912	53,858	110,446	105,376	642,777	17.18%
Wastewater System Operation	9,766	8,872	25,096	21,911	177,085	14.17%
Wastewater Treatment Plant	39,289	56,887	63,158	73,017	505,364	12.50%
Utility Billing & Administration	15,173	13,492	31,247	26,366	168,871	18.50%
Non-Departmental:						
Wages & Fringes	-	-	-	-	-	0.00%
Insurance	-	-	21,486	24,766	25,757	83.42%
Debt Service-Principal	-	-	105,500	104,000	292,500	36.07%
Debt Service-Interest	-	-	6,935	(36,217)	84,647	8.19%
Contingency - Utility Operating Purposes	-	-	-	-	10,000	0.00%
Contingency - Supplemental Pay Adjustments	-	-	-	-	7,266	0.00%
Depreciation	-	-	-	-	887,992	0.00%
TOTAL WATER & SEWER FUND EXPENSES	142,683	145,460	403,341	352,876	3,042,378	13.26%
CAPITAL IMPROVEMENTS FUND:						
Transfer to General Fund	-	-	-	-	-	0.00%
TOTAL CAPITAL PROJECTS EXPENDITURES	-	-	-	-	-	0.00%
UTILITY CAPITAL FUND:						
Public Works Utility Capital Items	-	-	-	-	150,000	0.00%
Water System Operation	-	-	-	-	112,405	0.00%
Water Distribution Utility Projects	-	7,200	-	7,200	20,000	0.00%
Meter Reading Capital Equipment	-	-	-	-	19,500	0.00%
Water Leak Detection	-	-	-	3,314	-	0.00%
WTP Boiler & HVAC Replacement	-	8,963	-	8,963	-	0.00%
WTP Parking Lot Repaving	-	-	10,770	-	10,700	100.65%
Diamond Ave Water Line Replacement	-	-	-	-	540,000	0.00%
Scuffling Hill Tank Aerator	-	-	-	-	70,000	0.00%
Grassy Hill Upper Pump Redo	-	-	-	-	15,000	0.00%
Eclips Sample Hydrants	-	-	-	-	12,000	0.00%
Streaming Current Monitor	193	-	6,764	-	9,452	71.57%
WTP Flucculator Motor Replacement	-	-	-	-	19,500	0.00%
WTP Upgrade Controls & Programming	-	-	-	-	10,000	0.00%
WTP Pressure Valve & Plumbing	-	-	-	-	10,205	0.00%
Wastewater Collection Utility Projects	-	-	-	-	-	0.00%
Sewer Portable Smoke Machine	-	-	-	2,380	-	0.00%
Sewer Pump Stations SCADA	382	-	18,247	-	20,000	91.23%
Wastewater Rapid Assessment Tool	-	-	-	-	27,000	0.00%
WWTP Main Pump Station Drive	-	750	-	17,966	-	0.00%
WWTP Parking Lot Repairs	-	-	12,787	-	12,787	100.00%
WWTP Replace Building Heaters	-	-	-	-	20,000	0.00%
Contingency	-	-	-	-	60,000	0.00%
TOTAL UTILITY CAPITAL EXPENDITURES	575	16,913	48,568	39,822	1,138,549	4.27%

TOWN OF ROCKY MOUNT
EXPENDITURE COMPARISONS
AS OF SEPTEMBER 30, 2017

ACTIVITY	MONTH		YEAR TO DATE		BUDGET	% OF
	THIS YEAR	LAST YEAR	THIS YEAR	LAST YEAR	THIS YEAR	BUDGET THIS YEAR
PERFORMANCE VENUE OPERATIONS:						
Performance Venue Operations:						
Wages - Full Time	18,331	17,791	26,027	24,965	158,045	16.47%
Wages - Part Time	-	-	-	2,582	40,584	0.00%
Wages - Security	795	915	2,490	3,240	21,000	11.86%
Fringes	7,115	6,680	16,366	12,739	70,984	23.06%
Contractual Services	6,258	295	9,682	380	17,500	55.32%
Custodial Services	-	-	-	-	-	0.00%
Repairs & Maintenance	-	-	-	-	4,500	0.00%
Advertising	475	-	475	-	-	0.00%
Printing & Binding	-	-	-	-	-	0.00%
Licenses & Permits	-	-	-	339	1,200	0.00%
Postage & Delivery Services	-	-	-	-	-	0.00%
Utilities	2,356	-	4,548	-	31,165	14.59%
Communications	1,078	195	2,705	520	9,704	27.87%
Stipends	-	-	-	-	-	0.00%
Office Supplies	152	-	152	-	-	0.00%
Janitorial Supplies	209	-	586	-	-	0.00%
Furniture & Fixtures	-	-	-	-	-	0.00%
Data Processing Equipment	-	-	-	810	-	0.00%
A/V Equipment	-	-	-	700	-	0.00%
TOTAL PERFORMANCE VENUE EXPENSES	36,770	25,876	63,032	46,275	354,682	17.77%
			3 months of the 12 month fiscal year			25.00%

TOWN OF ROCKY MOUNT
CONTINGENCY FUNDS
FISCAL YEAR 2018

	<u>GENERAL FUND</u>	<u>UTILITY FUND</u>	<u>UTILITY CAPITAL FUND</u>
BUDGETED CONTINGENCY - GENERAL PURPOSES COMMITTED:	50,000	10,000	60,000
AVAILABLE CONTINGENCY - GENERAL PURPOSES	<u>50,000</u>	<u>10,000</u>	<u>60,000</u>
<hr/>			
BUDGETED FOR SUPPLEMENTAL PAY ADJUSTMENTS COMMITTED:	28,796	7,266	
AVAILABLE FOR SUPPLEMENTAL PAY ADJUSTMENTS	<u>28,796</u>	<u>7,266</u>	
<hr/>			
BUDGETED FOR REIMBURSEMENT TO FUND BALANCE COMMITTED:	27,862		
AVAILABLE FOR REIMBURSEMENT TO FUND BALANCE	<u>27,862</u>		

TOWN OF ROCKY MOUNT
 UTILITY BILLING
 WATER CONSUMPTION PERCENTAGES
 FOR THE MONTH OF SEPTEMBER 2017

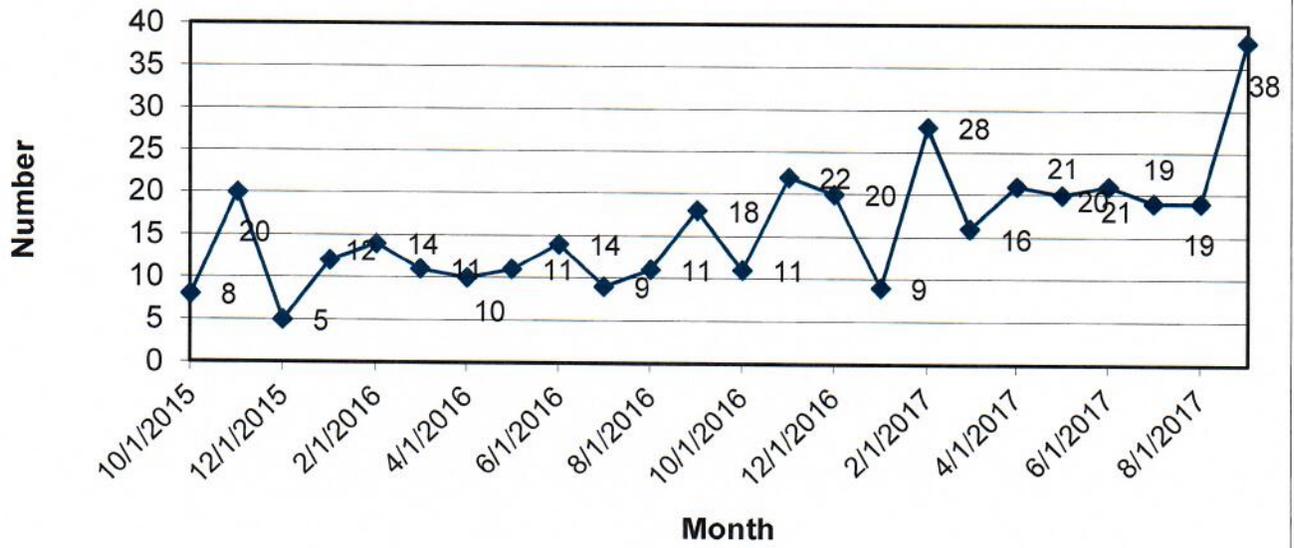
	TOTAL METERS	TOTAL GALLONS	TOTAL REVENUES	% METERS	% GALLONS	% REVENUES
IN-TOWN CUSTOMERS						
RESIDENTIAL	1,781	7,539,520	\$ 44,759	61%	31%	33%
COMMERCIAL	351	8,005,790	33,039	12%	33%	24%
INDUSTRIAL	49	4,611,340	\$ 15,735	2%	19%	12%
TOTAL	2,181	20,156,650	\$ 93,533	74%	84%	69%
OUT-OF-TOWN CUSTOMERS						
RESIDENTIAL	671	2,542,240	\$ 31,362	23%	11%	23%
COMMERCIAL	76	1,238,880	\$ 11,435	3%	5%	8%
INDUSTRIAL	2	8,000	\$ 102	0%	0%	0%
TOTAL	749	3,789,120	\$ 42,899	26%	16%	31%
				100%	100%	100%
GRAND TOTAL (ALL CUSTOMERS)						
RESIDENTIAL	2,452	10,081,760	\$ 76,121	84%	42%	56%
COMMERCIAL	427	9,244,670	\$ 44,474	15%	39%	33%
INDUSTRIAL	51	4,619,340	\$ 15,836	2%	19%	12%
TOTAL	2,930	23,945,770	\$ 136,431	100%	100%	100%

TOWN OF ROCKY MOUNT
 UTILITY BILLING
 PERCENT CONSUMPTION & PERCENT REVENUE
 PER CUSTOMER CLASS
 FISCAL YEAR 2018

Month	In Town								Out of Town							
	Residential		Commercial		Industrial		Total		Residential		Commercial		Industrial		Total	
	% Gal.	% Rev.	% Gal.	% Rev.	% Gal.	% Rev.	% Gal.	% Rev.	% Gal.	% Rev.	% Gal.	% Rev.	% Gal.	% Rev.	% Gal.	% Rev.
Jul-17	34%	34%	31%	23%	19%	11%	84%	68%	11%	24%	5%	8%	0%	0%	16%	32%
Aug-17	33%	35%	32%	23%	18%	10%	83%	67%	12%	25%	4%	7%	0%	0%	17%	33%
Sep-17	31%	33%	33%	24%	19%	12%	84%	69%	11%	23%	5%	8%	0%	0%	16%	31%
Oct-17																
Nov-17																
Dec-17																
Jan-18																
Feb-18																
Mar-18																
Apr-18																
May-18																
Jun-18																
Average	33%	34%	32%	23%	19%	11%	84%	68%	11%	24%	5%	8%	0%	0%	16%	32%

***NOTE: The above chart shows the breakdown of in-town customer gallons and revenues vs. out-of-town. It also breaks those gallons & revenues into residential, commercial, and industrial customers for FY 2018 (year ended 6/30/18).

Number of Water Cut-off's



TOWN OF ROCKY MOUNT
WATER ACCOUNTABILITY
August-17

Water Plant Finished Water Pumped (Aug 4 - Sept 6) (meters read 9/1 - 9/7)		<u>26,629,355</u>
Water Consumption Billed	23,945,770	
Water Plant Process	614,000	
Flushing Water Lines, Hydrants, Tanks	370,000	
Water Obtained from Water Plant (to bill)	8,000	
Water Obtained from Public Works Hydrant (to bill)	-	
Bulk Water Used at Public Works Shop	5,400	
Flow Meter Checks at Hydrants	-	
Meters Read and Not Billed	180,960	
Grand Total of Water Metered / Consumed / Tracked		<u>25,124,130</u>
Percent Finished Water Accounted		94.35%

Meters Read and Not Billed		
001-0122-10-01	Mary Bethune Park	1,500
001-0188-00-01	Impound Lot (old)	-
002-0317-20-01	Public Works Bldg	10
002-0317-30-01	Public Works Bldg-new bldg	2,000
004-1067-00-01	Veteran's Memorial Park	1,800
005-1300-00-01	Mary Elizabeth Park	400
005-1343-10-01	Harvester Performance Center	5,000
005-1384-00-01	Farmer's Market	2,500
005-1457-00-01	Municipal Bldg.	2,000
006-1710-00-01	Welcome Center / Depot	350
009-2523-50-01	Emergency Services Bldg.	9,000
009-2538-70-01	Impound Lot (new)	2,400
011-0050-90-01	Rt 122 Pump Station	-
041-0034-00-01	WasteWater Treatment Plant	154,000
TOTAL Meters Not Billed		<u>180,960</u>

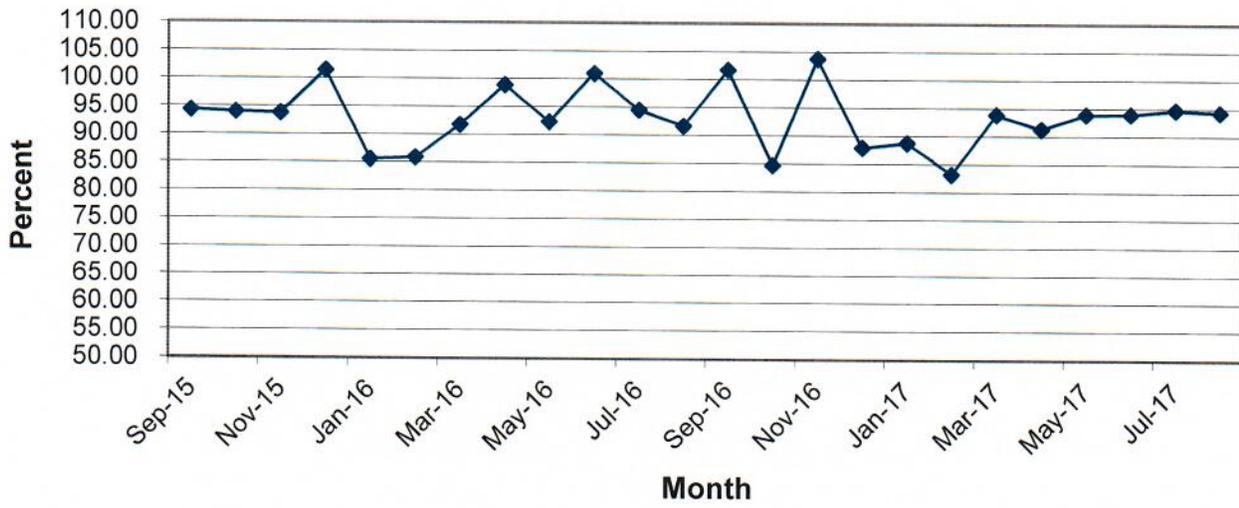
Water Line Repairs by Public Works during the month:
none

Sewer Line Repairs by Public Works during the month:
repaired one 4" sewer lateral
repaired 4 sewer mains or laterals

TOWN OF ROCKY MOUNT
WATER ACCOUNTABILITY
FISCAL YEAR 2018

<u>Month</u>	<u>Finished Water Treated</u>	<u>Total Water Gallons Accounted</u>	<u>Percent Accounted</u>	<u>Monthly Gallons Variance</u>	<u>Average Accounted Variance per Quarter</u>	<u>Average Monthly Variance per Quarter</u>
Jul-17	22,293,511	21,123,700	94.75%	1,169,811		
Aug-17	26,629,355	25,124,130	94.35%	1,505,225		
Sep-17				-	94.55%	1,337,518
Oct-17				-		
Nov-17				-		
Dec-17				-	0.00%	-
Jan-18				-		
Feb-18				-		
Mar-18				-	0.00%	-
Apr-18				-		
May-18				-		
Jun-18				-	0.00%	-
AVG.	24,461,433	23,123,915	94.55%	1,337,518	94.55%	1,337,518
TOTAL	48,922,866	46,247,830		2,675,036		
Monthly Avg. Percent Unaccounted =			5.45%			
Monthly Avg. Percent Accounted =			94.55%			
2 out of 2 months this fiscal year > 80% accountability						

Water Accountability %



**TOWN OF ROCKY MOUNT
UTILITY PROFILE
FISCAL YEAR 2018**

Month	Plant Hrs.	Raw Water Drawn	Monthly Avg. % of capacity	Finished water Treated	Monthly Avg. % of capacity	Total Water Gallons Accounted (A)(B)	Pct. Accounted	Connections	Wastewater Monthly Flow	Monthly Avg. % of Capacity	Total Sewer Gallons Billed	Pct. Accounted
Jul-17	306.90	25,710,000	41.47%	22,293,511	35.96%	21,123,700	94.75%	2,923	18,600,000	30.00%	14,777,950	79.45%
Aug-17	306.90	25,720,000	41.48%	26,629,355	42.95%	25,124,130	94.35%	2,930	18,817,000	30.35%	18,184,920	96.64%
Sep-17	291.00	24,540,000	40.90%		0.00%				19,410,000	32.35%		
Oct-17			0.00%		0.00%					0.00%		
Nov-17			0.00%		0.00%					0.00%		
Dec-17			0.00%		0.00%					0.00%		
Jan-18			0.00%		0.00%					0.00%		
Feb-18			0.00%		0.00%					0.00%		
Mar-18			0.00%		0.00%					0.00%		
Apr-18			0.00%		0.00%					0.00%		
May-18			0.00%		0.00%					0.00%		
Jun-18			0.00%		0.00%					0.00%		
AVG.	301.60	25,323,333	41.28%	24,461,433	39.45%	23,123,915	94.55%	2,927	18,942,333	30.90%	16,481,435	88.05%

NOTE (A): "Total Water Gallons Accounted" consists of gallons billed and gallons read but not billed plus bulk water sold at the Water Plant plus water used to flush lines or hydrants plus gallons used to fill water tanks.

NOTE (B): For any given month, "total water gallons accounted" are for "finished water treated" that month. For example, for the month of July, "water gallons accounted" would be water consumed during the month of July by customers and read by the meter readers during the first week of August. Those gallons, however, would not be billed to customers until the end of August during that month's billing cycle. However, those gallons consumed are displayed on the July line to match usage with water plant production ("finished water treated").

MONTHLY STAFF REPORT

DATE:	October 9, 2017
TO:	Rocky Mount Town Council
FROM:	Jeff Rakes
DEPARTMENT:	Fire Department
MONTH:	August 2017

The Rocky Mount Fire Department had a total of 34 calls for the month of August 2017. There were 10 calls inside town limits and 24 calls outside town limits.

The Fire Department vehicles traveled a total of 1,493 miles answering all of these calls. A total of 78.8 gallons of gasoline and 67.9 gallons of diesel fuel were used.

Of the 34 calls there was 6 structure fires, 1 motor vehicle fire, 1 woods and grass fire, 12 motor vehicle accidents, 1 false alarm, 9 fire alarms, 2 smoke/odor removals, 1 debris in roadway, 1 assist rescue squad.

MONTHLY STAFF REPORT

DATE:	October 9, 2017
TO:	Rocky Mount Town Council
FROM:	Chief Ken E. Criner, Jr.
DEPARTMENT:	Police Department
MONTH:	September 2017

Shawn Richardson was promoted from “Officer to Sergeant” during the month of September. Congratulations on your new position Sgt. Richardson.



2017 Family Fun Day was a huge success. Thanks to our local community who came out and participated in this fun event.



Trevor Craig joined the Rocky Mount Police Department during the month of September as a Patrol Officer. Trevor came to us with experience from the Franklin County Sheriff's Office.

See attached report for more info on the month of September!

ROCKY MOUNT POLICE DEPARTMENT
MONTHLY REPORT TO COUNCIL

ADM #1

DATE: SEPTEMBER 2017

JULY

AUG.

SEPT.

	JULY	AUG.	SEPT.
UNIFORM TRAFFIC SUMMONS ISSUED	138	124	138
TRAFFIC STOPS	685	273	233
SPEEDING TICKETS ISSUED	40	31	50
DUI	2	1	2
COLLISIONS INVESTIGATED (TREDS)	15	14	18
MOTORIST AIDES	90	71	55
CRIMINAL ARRESTS "MISDEMEANOR"	50	39	35
CRIMINAL ARRESTS "FELONY"	14	53	8
INCIDENTS ADDRESSED	3994	2559	2663
INCIDENTS, OFFENSES REPORTABLE IN "RMS"	103	89	96
GRAND LARCENY WARRANTS	2	14	4
BREAKING & ENTERING REPORTS	2	1	1
BREAKING & ENTERING WARRANTS	0	0	0
BOLO'S (Be On Look Out)	107	106	74
FOLLOW-UP'S	143	87	104
BUSINESSES, RESIDENCES CHECKED "FOOT PATROLS"	2338	1389	1577
SCHOOL CHECKS	82	179	135
ALARM RESPONSES	30	27	12
OPEN DOORS, WINDOWS, ETC. UNSECURED	5	4	6
COURT HOURS	36	29.5	30.5
TRAINING HOURS:	260.5	243.75	186.5
SPECIAL ASSIGNMENT HOURS:	55.25	129.75	103.75
HARVESTER HOURS WORKED:	35	35	36.5
ECO/TDO	0	5	3
ECO/TDO HOURS:	0	30.75	7.75

TRAFFIC ENFORCEMENT:

- ◇ Moving and stationary radar: throughout the Town, Bernard Road, Greenview Drive, North & South Main Street, Grassy Hill Road, Tanyard Road, Pell Avenue, State Street, Old Franklin Turnpike, Scuffling Hill Road, Glenwood Drive, Green Meadow Lane and Windy Lane.
- ◇ There were 18 reportable accidents with 16 of the accidents on our public streets.

COMMUNITY OUTREACH:

- ◇ Residential Foot Patrols: Altice Mill Road, Anderson Street, Ann Sink Street, Avalon Street, Bernard Road, Bland Street, Booker T. Washington Highway, Brookshire Drive, Buckner Street, Bunny Lane, Byrd Lane, Candlewood Apartments, Cedar Street, Center Street, Circle Drive, Circle View Street, Claiborne Avenue, Cobb Street, Cornell Road, Cromwell Drive, Dent Street, Diamond Avenue, Donald Avenue, East Church Street, East Court Street, East Street, Edgemont Street, Fairlawn Drive, Friendly Street, Frontage Road, Glen Meadow Drive, Glenwood Drive, Goodview Street, Grayson Street, Grassy Hill Road, Green Meadow Lane, Greenview Avenue, Greer Lane, Hale Street, Harvey Street, Hatcher Street, Herbert Street, High Street, Highland Hills Road, Highview Terrace, Hillcrest Drive, Hilltop Drive, Jubal Pass, Knob Apartments, Knollwood Drive, Lakeview Drive, Law Street, Lawndale Drive, Leonor Street, Luke Street, Lynch Drive, Mamie Avenue, Maple Avenue, Mary Coger Lane, Maynor Street, Montview Avenue, Mountain View Drive, Musefield Road, Noel Street, Norris Street, North Main Street, Oak Street, Old Fort Road, Old Franklin Turnpike, Old Furnace Road, Orchard Avenue, Oxford Circle, Parker's Drive, Patterson Avenue, Pell Avenue, Pendleton Street, Perdue Lane, Randolph Street, Riverview Street, School Board Road, Scuffling Hill Road, Smithers Street, Spring Street, State Street, Summit Drive, Sycamore Street, Taliferro Street, Tanyard Village, Trail Drive, Walnut Street, Warren Street, West Church Street, West College Street, West Court Street, Whitten Street, Willow Avenue, Wilson Street, Windsor Drive, Windy Lane, Woodlawn Drive, Wrays Street and Wray's Chapel Road.
- ◇ Business Foot Patrols: Aaron's, ABC Store, Advance Auto, AEP, All American Car Wash, American National Bank, Ameristaff, Angle Hardware, Applebee's, Arby's, Arrington Sports Awards, Auto Zone, BB& T Bank, BFMS, Bojangles, Brookside Swim Club, Buddy's BBQ, Burger King, Burt's Dentistry, C-Mart, Carter Bank & Trust, CATCE Center, Catch A Tan, Center Stage Catering, Check Into Cash, China City, Christian Heritage Academy, Coast to Coast, Comfort Inn, Cook Out, Country Kids, Crooked Stitch, Curves, CVS, Dairy Queen, Davenport Gas, Davis Law Firm, Department of Social Services, DMV, Dollar General, Dollar Tree, Domino's, Eagle Cinema, Edward Johnson Investment, El Rio, El Rodeo, Empire Foods, Enterprise Rent-A-Car, Essig Center, Family Dollar, Family Pharmacy, Farmer's Market, Fast Stop, Fast Tan, FCHS, First Baptist Church, Fisher Auto Parts, Fleetwood Homes, Flora Funeral Home, Flowers By Jones, Foley's Automotive, Food Lion, Francis of Assisi, Franklin Auto Glass, Franklin Center, Franklin Community Bank, Franklin County Dialysis, Franklin County Health Department, Franklin County Library, Franklin Dental Associates, Franklin Health Care, Franklin Heating & Air, Franklin Heights Baptist Church, Franklin Memorial Hospital, Franklin Outdoors, Frank's Pizza, Free Clinic, Furnace Creek Baptist Church, Get Ur Fix, Goodwill, The Grainery, Gusler's Alignment, H & R Block, Hair Fashions, Hardee's, Harper's Plumbing, Harvester Center, Haywood's Jewelry, Hema's, Highlander Laundry, Hodgesville Penicostal Holiness Church, Holiday Inn Express, Hollywood Beauty Salon, Hub Restaurant, Hutchinson Insurance, Ideal Building Supply, Industrial Avenue, Ippys, J & J Fashions, Jackson Hewitt, Jammin Apparel, Kay's Corner, Kentucky Fried Chicken, Kim's Nails, Kroger, Kupkavery, Lee M. Waid, Lesley Wray Photography, Little Ceasers, Long & Foster Realty, Los Tres Amigos, Lowe's, Lynch Park, Mary Bethune Park, Mary Elizabeth Park, McDonalds, Member One, Mod-U-Kraf, Moose Lodge, NAPA, National Guard Armory, Newbold, Nice Nails, Ntelos, Oasis Salon, Old's Cool, Olympia Sports, Papa Johns, Peebles, Pell Animal Clinic, Pet Clinic, Piedmont Community Services, Pizza Hut, Pizza King, Plygem, Prillaman's Auto Sales, Probation & Parole, Quiznos', Real Estate Rentals, Rent-A-Center, Retail Merchants, Riverside Minute Market, Rocky Mount Auto Repair, Rocky Mount Bowling Center, Rocky Mount Christian Church, Rocky Mount Church of God, Rocky Mount Elementary, Rocky Mount Public Works, Rocky Mount Ready Mix, Rocky Mount Rehab, Rocky Mount United Methodist Church, Ron Ayers Motorworks, Roses, Schewel's, School Board Road, Sheetz, Shell Station, Shentel, Sherwin Williams, Shoe Show, State Farm, Step Inc., Subway, Sun Tan City, Sunoco, Suntrust Bank, Team Nurse, Trinity Packaging, Turner's Ready Mix, US Cellular, Union Bank, Valley Star Credit Union, Veteran's Park, Vintage Spa, Walgreens, Wal-Mart, Wendy's, Women's Shelter, Wood Grains, YMCA and The Zone.

MISCELLANEOUS:

- September 5th, 2017 - Open Door @ FCHS x2
- September 5th, 2017 - Open Door @ Rocky Mount United Methodist Church
- September 13th, 2017 - Spirit Ride TNT
- September 13th, 2017 - Open Door @ All American Auto Spa
- September 13th, 2017 - Open Door @ Rocky Mount Christian Church
- September 17th, 2017 - Open Door @ 392 Franklin Street
- September 19th, 2017 - Opening of B Sides Restaurant
- September 20th, 2017 - Coffee with a Cop @ Whole Bean
- September 21st, 2017 - FCHS Homecoming Parade
- September 23rd, 2017 - FCHS Homecoming Dance
- September 25th, 2017 - Family Fun Night at "The Farmer's Market"
- September 28th, 2017 - Parents Forum at FCHS
- September 29th, 2017 - RMPD personnel meeting ref: Breast Cancer Awareness/Group Photo

SPEEDING TICKETS ISSUED

North Main Street (x 11)

Frontage Road (x 8)

Booker T. Washington Highway (x 8)

Tanyard Road (x 5)

School Board Road (x 4)

Knollwood Drive (x 3)

Grassy Hill Road (x 3)

Bernard Road (x 2)

Franklin Street (x 2)

Cobb's Lane

Walnut Avenue

Scuffling Hill Road

Old Franklin Turnpike

CRIMINAL ARRESTS & LOCATIONS:

Possession of Meth	Old Franklin Turnpike
Possession of Schedule IV Drug	Old Franklin Turnpike
Possession of Marijuana	North Main Street
Possession of Marijuana	School Board Road
Possession of Marijuana	Old Franklin Turnpike
Possession of Drug Paraphernalia	Old Franklin Turnpike
Driving Under the Influence	School Service Road
Driving Under the Influence	Virgil H. Goode Highway
Drunk In Public	Old Franklin Turnpike
Drunk In Public	Middle School Road
Possession of Alcohol Underage	Tanyard Road
Refusal of Blood/Breath Test	Virgil H. Goode Highway
Attempted Sexual Battery	Tanyard Road
Assault on a Law Enforcement Officer	Floyd Avenue
Domestic Assault	Windy Lane
Domestic Assault	Sycamore Street
Domestic Assault	Goodview Avenue
Domestic Assault	Old Franklin Turnpike
Simple Assault	Tanyard Road (x 2)
Simple Assault	Dent Street
Felony Shoplifting	Old Franklin Turnpike (x 3)
Shoplifting	Old Franklin Turnpike (x 6)
Motor Vehicle Theft	Old Franklin Turnpike
Destruction of Property	Dent Street
Throw a Missile at an Occupied Vehicle	Dent Street

Disorderly Conduct	Floyd Avenue
Disorderly Conduct	Old Franklin Turnpike
Obstruction of Justice	Old Franklin Turnpike
Warrant Service (Detention Order)	Tanyard Road
Warrant Service (Capias)	Mamie Avenue
Warrant Service (Capias)	Edgemont Street
Warrant Service (Capias)	Green Meadow Lane
Warrant Service (PB-15)	Circle Drive
Warrant Service	Hatcher Street
Warrant Service	Diamond Avenue
Temporary Detention Order	Tanyard Road (x 2)
Temporary Detention Order	Floyd Avenue

MONTHLY STAFF REPORT

DATE:	October 9, 2017
TO:	Rocky Mount Town Council
FROM:	Brian Schofield, Public Works Superintendent
DEPARTMENT:	Public Works Department
MONTH:	September 2017

1. Read meters (5 days)
2. Installed five 5/8" meters
3. Meter repairs: replaced touch pads, trimmed bushes, gasket leaks, and cleanouts
4. Meter cutoffs: 38
5. Clean-up five days
6. Mowed streets, and parks
7. Swept streets
8. Cut trees along roads, sidewalks and parks
9. Repaired or unplugged two different sewer mains or laterals
10. Repaired two water mains or laterals.
11. Completed two water taps and ran water line to structures.
12. Dug a grave for the High Street Cemetery.
13. Repaired and replaced signs
14. Stripped all roads and are working on finishing arrows
15. Worked on the new impound lot
16. Worked and prepared Gilleys Park for new restroom and parking lots.
17. Preparing concrete pad for Anti-Ice system.

MONTHLY STAFF REPORT

DATE:	October 9, 2017
TO:	Rocky Mount Town Council
FROM:	Tim Burton
DEPARTMENT:	Waste Water Treatment Plant
MONTH:	September

Average Daily Flow	0.647 MGD
TSS Reduction	99.2 %
BOD Reduction	99.9 %
Leachate (F.C. Landfill)	54,000 gallons
VPDES Violations	None
Sludge (Land filled @ F.C.)	50.64 Tons
Rain Total 2.90 inches	Snow Total 0 inches

Staff continues to use the cameras and working with Public Works to find and fix sewer line problems.

The wastewater plant had one after hours alarm during the month of September.

The remaining pump stations were brought on line with the SCADA system in September. We now have radio communications with all of the pump stations.

Staff rebuilt one of the UV units due to the bulbs being worn out.

Staff worked on the 6 month maintenance and oil changes at the wastewater plant.

Respectfully Submitted,

Timothy Burton

MONTHLY STAFF REPORT

DATE:	October 9, 2017
TO:	Rocky Mount Town Council
FROM:	Bob Deitrich, Water Plant Superintendent
DEPARTMENT:	Water Department
MONTH:	September 2017

Operation and Production Summary:

The actual water production time (filtering of water) for the entire month averaged 9.7 hours per day which yielded approximately 770,000 gallons of water per day. Rainfall was 4 inches, as measured at the water treatment plant; however, there has been virtually no rain in the last two weeks. Blackwater River flow is down significantly.

Total Raw Water Pumped:	24.54 million gallons
Total Drinking Water Produced:	23.19 million gallons
Average Daily Production:	770,000 gallons per day
Ave Percent of Production Capacity:	38%
Flushing of Hydrants/Tanks/FD Use:	79,100 gallons +(12,000 gallons, Public Works Hydrant)
Plant Process Water:	575,000 gallons (finished water used by the plant)
Bulk Water Sold @ WTP:	8,000 gallons
Bulk Water used at PW Shop	5,400 gallons

Testing:

- All monthly routine bacteriological samples were free of bacteria. The Town continues to be in compliance with all drinking water in accordance with EPA requirements; we have begun testing our raw water again for fecal coliforms to be followed next year by cryptosporidium. Results of the two years of testing may necessitate the need for additional treatment processes or tighter operational standards.

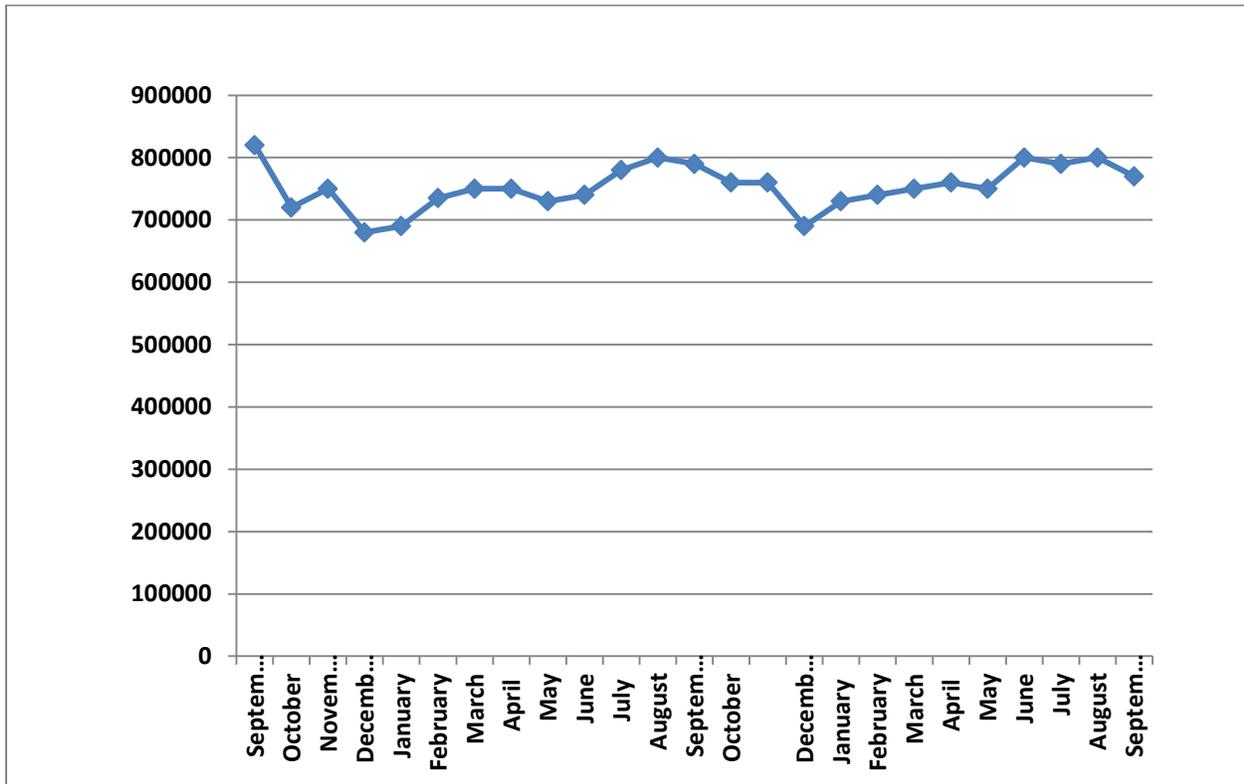
Activities / Maintenance / Improvements

- Scuffling Hill Water Tank aeration project is completed. The new aerator is online and the tank has been cleaned and placed back into service.
- Our two sediment basins were drained and cleaned by plant staff. The process which is done twice a year takes approximately 8 hours from start to finish.
- Hydrant reflectors were installed along Franklin Street and South Main Street after recent flow testing of the hydrants.

Upcoming

- Raw Intake Clean Out
- Disinfection byproducts testing
- Upper Pump Station Pump/Motor Rehab

Water Plant Production in Gallons Per Day (September 2015 to September 2017)



ITEM(S) TO BE CONSIDERED UNDER:

- Hearing of Citizens**
 Consent Item
 Old Business
 New Business
 Committee Report
 Public Hearing
 Other

FOR COUNCIL MEETING DATED:	October 9, 2017
----------------------------	-----------------

STAFF MAKING REQUEST:	C. James Ervin, Town Manager
BRIEF SUMMARY OF REQUEST:	<p>Chapter 58 of Town Code deals with utilities and the regulation of those connecting to our water and waste water services. The current code is decades old and fails to reflect current EPA and DEQ standards and minimum requirements for local code. Over the past year and a half Mr. Burton has been developing a rewrite of Chapter 58 with input from the Town Attorney, Town Manager and the Water Treatment Plant Superintendent. Your Town Attorney used this opportunity to fold in prior changes to Chapter 58 so that they could be codified prior to the issuance of a code supplement.</p> <p>Submitted for your consideration is the result of this review, a revised Chapter 58. The principle additions to the code are rules for industrial users and the formalization of a pre-treatment process. These rules are required by state and federal regulations, but are also essential as we attempt to recruit industrial utility users.</p>
ACTION NEEDED:	The Public Utilities Committee reviewed the new Chapter 58 with staff on September 27th and recommended Town Council adopts the proposed code revision.

Attachment(s):

<p>FOLLOW-UP ACTION: (To be completed by Town Clerk)</p>
--

IN THE COUNCIL OF THE TOWN OF ROCKY MOUNT

AN ORDINANCE of the Town of Rocky Mount amending and reenacting a new Chapter 58 of the Code of the Town of Rocky Mount, Virginia (2002), regulating public utilities and providing for amendments and changes to the regulations.

WHEREAS, the Town of Rocky Mount staff has completed a comprehensive review of the amendments to Chapter 58 of the Code of the Town of Rocky Mount, Virginia (2002); and

WHEREAS, the Town of Rocky Mount staff has recommended additional changes and amendments to Chapter 58 of the Code of the Town of Rocky Mount, Virginia (2002).

THEREFORE, BE IT ORDAINED by the Town Council of the Town of Rocky Mount that Chapter 58 of the Code of the Town of Rocky Mount, Virginia (2002), regulating public utilities be amended and reenacted according to the new Chapter 58 recommended by the Town of Rocky Mount staff, which is attached and incorporated by reference.

This updated ordinance will become effective immediately.

Adopted this ____ day of _____, 2017.

Ayes:
Nays:
Present:

APPROVED:

Mayor

ATTEST:

Clerk

Approved as to form:

Town Attorney

Chapter 58

UTILITIES*

* **Cross References:** Buildings and building regulations, ch. 14; public utility, § 18-132; environment, ch. 22; consumer tax on purchasers of utility services, § 30-51 et seq.; health and sanitation, ch. 38; pollution of water supply, § 38-5; zoning, app. A; subdivisions, app. B.

State Law References: Powers of the town pertaining to public utilities generally, Code of Virginia, § 15.2-2109 et seq

Article I. In General

- Sec. 58-1. Definitions.
- Sec. 58-2. Purpose of chapter.
- Sec. 58-3. Scope of chapter.
- Sec. 58-4. Responsibility for administration and enforcement.
- Sec. 58-5. Fees and charges generally.
- Sec. 58-5.1. Repealed.
- Sec. 58-6. Rates and charges.
- Sec. 58-7. Inspections.
- Sec. 58-8. Damaging or tampering with treatment works or waterworks.
- Sec. 58-9--58-25. Reserved.

Article II. Disposal of Wastewater Generally

- Sec. 58-26. Deposit of objectionable waste.
- Sec. 58-27. Discharge to natural outlet; discharge to treatment works.
- Sec. 58-28. Use of privies, septic tanks and similar facilities.
- Sec. 58-29. Connection to treatment works required.
- Sec. 58-30--58-45. Reserved.

Article III. Building Sewers and Connections

- Sec. 58-46. Connection permit.
- Sec. 58-47. Connection costs.
- Sec. 58-48. Separate connection required for every building; exception.
- Sec. 58-49. Use of existing building sewers.
- Sec. 58-50. Building sewer design.
- Sec. 58-51. Building sewer elevation.
- Sec. 58-52. Conformance to applicable codes.
- Sec. 58-53. Inspection and testing of connection.
- Sec. 58-54. Excavation guards and property restoration.
- Sec. 58-55. Protection of capacity for existing users.
- Sec. 58-56--58-75. Reserved.

Article IV. Conditions for Use of Sewer System

- Sec. 58-76. Discharge of stormwater or groundwater to sanitary sewers.
- Sec. 58-77. Restricted discharges.
- Sec. 58-78. Grease, oil and sand separators.
- Sec. 58-79. Responsibility for costs of damage.
- Sec. 58-80. Categorical pretreatment standards.
- Sec. 58-81. Special agreements.
- Sec. 58-82. Water and energy conservation.
- Sec. 58-83. Accidental discharges.
- Sec. 58-84. Septage and hauled wastewater.
- Sec. 58-85--58-100. Reserved.

Article V. Industrial Dischargers to Treatment Works

- Sec. 58-101. Information requirements.
- Sec. 58-102. Wastewater discharge permit required.
- Sec. 58-103. Discharge permit for existing connections.
- Sec. 58-104. Discharge permit for new connections.
- Sec. 58-105. Contents of application for discharge permit.
- Sec. 58-106. Certification Statements and Signatories.
- Sec. 58-107. Issuance of discharge permit.

Sec. 58-108. Duration of discharge permit.
Sec. 58-109. Discharge permit conditions.
Sec. 58-110. Appeal of decision on discharge permit.
Sec. 58-111. Modification of discharge permit.
Sec. 58-112. Transfer of discharge permit.
Sec. 58-113. Renewal of discharge permit.
Sec. 58-114. Discharge Permit Revocation.
Sec. 58-115. Regulation of Waste Received from other Jurisdictions.
Sec. 58-116--58-130. Reserved.

Article VI. Reporting Requirements for Users of Treatment Works

Sec. 58-131. Baseline monitoring reports.
Sec. 58-132. Compliance schedule progress reports.
Sec. 58-133. Reports on compliance with categorical pretreatment standard deadline.
Sec. 58-134. Periodic compliance reports.
Sec. 58-135. Reports of changed conditions.
Sec. 58-136. Reports of potential problems.
Sec. 58-137. Notification of discharge of hazardous waste.
Sec. 58-138. Operating upsets.
Sec. 58-139. Reports from unpermitted users.
Sec. 58-140. Report of violations; repeat sampling and reporting.
Sec. 58-141. Analytical requirements.
Sec. 58-142. Sample collection.
Sec. 58-143. Submission date of written reports.
Sec. 58-144. Recordkeeping.
Sec. 58-145. Compliance monitoring.
Sec. 58-146. Publication of list of users in significant noncompliance.
Sec. 58-147--58-165. Reserved.

Article VII. Pretreatment of Wastewater

Sec. 58-166. Pretreatment facilities.
Sec. 58-167. Authority of manager to impose specific requirements.
Sec. 58-168. Compliance with pretreatment requirements.
Sec. 58-169. Bypass of treatment facilities.
Sec. 58-170. Monitoring requirements.
Sec. 58-171. Effect of federal law.
Sec. 58-172. Signing and certification of reports.
Sec. 58-173. Fees.
Sec. 58-174--58-190. Reserved.

Article VIII. Enforcement of Wastewater Discharge Regulations

Sec. 58-191. Suspension of treatment service or user permit.
Sec. 58-192. Revocation of user permit.
Sec. 58-193. Notice of violation.
Sec. 58-194. Consent orders.
Sec. 58-195. Show cause hearing.
Sec. 58-196. Compliance orders.
Sec. 58-197. Cease and desist orders.
Sec. 58-198. Injunctive relief.
Sec. 58-199. Legal action.
Sec. 58-200. Penalties.
Sec. 58-201. Cost recovery.
Sec. 58-202. Liability insurance.
Sec. 58-203. Discontinuance of water service.
Sec. 58-204. Falsifying information.
Sec. 58-205--58-220. Reserved.

Article IX. Extension of Sewer System by Developers

Sec. 58-221. Notification of proposed project.
Sec. 58-222. Review and approval of plans.
Sec. 58-223. Submission of cost estimate.
Sec. 58-224. Construction requirements; testing of system; conveyance of system to town.
Sec. 58-225. Operation of system by applicant.

Sec. 58-226. Nonpayment of charges.
Sec. 58-227--58-245. Reserved.

Article X. Water System Generally

Sec. 58-246. System records and map.
Sec. 58-247. Stopcocks and cutoff valves for individual services.
Sec. 58-248. Connection to public system required.
Sec. 58-249--58-265. Reserved.

Article XI. Water Connections

Sec. 58-266. Connection permit.
Sec. 58-267. Responsibility for costs of connection; indemnification of town.
Sec. 58-268. Separate connection required for every building; exception.
Sec. 58-269. Use of existing water service lines.
Sec. 58-270. Water service design.
Sec. 58-271. Water service elevation.
Sec. 58-272. Town not responsible for boilers connected to water system.
Sec. 58-273. Conformance to applicable codes.
Sec. 58-274--58-290. Reserved.

Article XII. Conditions for Use of Water System

Sec. 58-291. Water use restrictions during period of drought or emergency.
Sec. 58-292. Records of amount of water treated.
Sec. 58-293. Unlawful furnishing or taking of water.
Sec. 58-294. Temporary use of water from other premises.
Sec. 58-295. Repair of leaking fixtures.
Sec. 58-296. Water and energy conservation.
Sec. 58-297. Damaging or tampering with waterworks.
Sec. 58-298. Disconnection of service when customer vacates premises.
Sec. 58-299. Right of town to discontinue service to property outside town.
Sec. 58-300. Application for service; use of service without established account.
Sec. 58-301--58-320. Reserved.

Article XIII. Installation of Water Service Lines

Sec. 58-321. Installation by unauthorized persons prohibited.
Sec. 58-322. Breaking up street or sidewalk.
Sec. 58-323. Town to lay service line between main and property line.

Article XIV. Cross Connection Control

Sec. 58-324. Purpose of the Ordinance.
Sec. 58-325. Authority for Ordinance.
Sec. 58-326. Administration of the Ordinance.
Sec. 58-327. Enforcement of the Ordinance.
Sec. 58-328. Responsibilities of the Town of Rocky Mount, Town Manager, Director of Public Works, etc.
Sec. 58-329. Responsibilities of the Consumer's Water Supply System Owner.
Sec. 58-330. Preventative and Control Measures for Containment.
Sec. 38-331. Type of Protection Required.
Sec. 38-332. Backflow Prevention Devices and Backflow Prevention by Separation for Containment.
Sec. 38-333. Maintenance and Inspection Requirements.
Sec. 38-334. Definitions.

ARTICLE I.
IN GENERAL

Sec. 58-1. Definitions.

(a) 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:

- *Act* means the Federal Clean Water Act, 33 USC 1251 et seq.
- *Air gap separation* means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying pure water to a tank, plumbing fixture or other device, and the rim of the receptacle.
- *Approval authority* means the department of environmental quality, water division.
- *ASTM* means the American Society for Testing and Materials.
- *Authorized representative of industrial user* means:

(1) If the User is a corporation:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) A general partner or proprietor if the industrial user is a partnership or sole proprietorship respectively; or

(3) A duly authorized representative of the individual designated in subsection (1) or (2) of this definition, if such representative is responsible for the overall operation of the facility from which the discharge to the POTW originates. The authorization must be submitted to the manager prior to or together with any reports to be signed by the authorized representative.

(4) If the User is a Federal, State, or Local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

- *Auxiliary water system* means any water system on or available to the premise other than the waterworks. These auxiliary waters may include water from another purveyor's waterworks; or water from a source such as wells, lakes or streams; or process fluids; or used water. They may be polluted or contaminated or objectionable, or constitute a water source or system over which the water purveyor does not have control.
- *Backflow* means the flow of contaminants, pollutants, process fluids, used water, untreated waters, chemicals, gases or nonpotable waters into any part of the waterworks.
- *Backflow prevention device* means any approved device, method or type of construction intended to prevent backflow into the waterworks.
- *BOD*, denoting *biochemical oxygen demand*, means the quality of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.
- *BMP*, denoting *best management practices*, means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 58.77 [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- *Building sewer* means the extension from a building wastewater plumbing facility to the treatment works.
- *Categorical pretreatment standard* and *categorical standard* mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with sections 307(b) and 307(c) of the act, which apply to a specific category of industrial users, which appears in 40 CFR chapter I, subchapter N, parts 405–471.
- *CIU*, denoting *Categorical Industrial User*, means an Industrial User subject to a categorical Pretreatment Standard or categorical Standard.
- *CFR* means Code of Federal Regulations.
- *COD*, denoting *chemical oxygen demand*, means a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
- *Control authority* means the Town of Rocky Mount.
- *Combined sewer* means a sewer intended to receive both wastewater and stormwater or surface water.
- *Consumer* means the owner or person in control of any premises supplied by or in any manner connected to the town waterworks.
- *Consumer's water system* means any water system, pipes, lines, fixtures or appurtenances located on the consumer's premises, supplied by or in any manner connected to the town waterworks.

- *Contamination* means the introduction of microorganisms, wastes, wastewater or undesirable chemical gases into the pure potable water.
- *Cross connection* means any connection or structural arrangement, direct or indirect, to the waterworks whereby backflow can occur.
- *Day* means the 24-hour period beginning at 12:01 a.m.
- *Daily maximum* means the arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- *Daily maximum limit* means the maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- *Degree of hazard* means an evaluation of potential risk to health and the adverse effect upon the waterworks.
- *Discharger* means a person, firm, company, industry or other similar sources of wastewater who introduce such wastewater into the POTW.
- *Double gate, double checkvalve assembly* means an approved assembly composed of two single, independently acting checkvalves, including tightly closing shutoff valves located at each end of the assembly and petcocks and test gauges for testing the water tightness of each checkvalve.
- *Easement* means an acquired legal right for the specific use of land owned by others.
- *EPA* means the United States Environmental Protection Agency
- *Establishment* means any industrial establishment, mill, factory, tannery, paper or pulp mill, mine, coal mine, colliery, breaker or coal processing operations, quarry, oil refinery, boat or vessel, and each and every other industry or plant or works the operation of which produces industrial wastes or other wastes or which may otherwise alter the physical, chemical or biological properties of any states waters.
- *Existing source* means any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with section 307 of the act.
- *Garbage* means the solid animal and vegetable wastes resulting from the domestic or commercial handling, storage, dispensing, preparation, cooking and serving of foods.
- *gpd* means gallons per day.

- *Grab sample* means a sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- *Groundwater* means any water beneath the land surface in the zone of saturation.
- *Health hazard* means any condition, device or practice in a waterworks or its operation that creates, or may create, a danger to the health and well-being of the water consumer.
- *Indirect discharge* means the introduction of nondomestic pollutants into the POTW from any nondomestic source regulated under section 307(b), (c) or (d) of the act.
- *IU, industrial user, and significant discharger* mean a source of indirect discharge, or nondomestic discharge to a treatment works or a heavy user of water that may affect the water quality, quantity or pressure of the system.
- *Industrial wastes* means liquid or other wastes resulting from any process of industry, manufacture, trade or business, or from the development of any natural resources.
- *Instantaneous limit* means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- *Interchangeable connection* means an arrangement or device that will allow alternate but not simultaneous use of two sources of water.
- *Interference* means an inhibition or disruption of the POTW, its treatment processes or operations, or its sludge processes, which clearly causes, in whole or in part, a violation of any requirement of the POTW's VPDES permit, including those discharges that prevent the use or disposal of sludge by the POTW in accordance with any federal or state laws, regulations, permits or sludge management plans.
- *Local limit* means specific discharge limits developed and enforced by the Town of Rocky Mount upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
- *Manager* means the town manager or his authorized designee, who may be the town's superintendent of wastewater treatment, water treatment or public works director.
- *May; shall.* "May" is permissible; "shall" is mandatory.
- *Medical waste* means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- *mg/L* means milligrams per liter.

- *Monthly average* means the sum of all “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
- *Monthly average limit* means the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
- *Municipality* means a city, county, town, district association, authority or other public body created under the law and having jurisdiction over disposal of sewage, industrial or other wastes, and water supply.
- *Natural outlet*, means any outlet into a watercourse, pond, ditch, lake or any other body of surface water or groundwater.
- *New Source* means:
 - (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
 - (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
 - (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.
 - (2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
 - (3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
 - (a) Begun, or caused to begin, as part of a continuous onsite construction program
 - (i) Any placement, assembly, or installation of facilities or equipment; or
 - (ii) Significant site preparation work including clearing, excavation, or removal of existing building, structures, or facilities which is necessary for the placement, assembly, or installation of a new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not continue a contractual obligation under this paragraph.

- *Noncontact cooling water* means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- *Owner* means the town, or any appropriate created commission, board or utility established to regulate and operate the water supply system.
- *Pass-through* means the discharge of pollutants through a POTW into state waters in quantities or concentrations which are a cause in whole or in part of a violation of any requirement of the POTW's VPDES permit, including an increase in the magnitude or duration of a violation.
- *Person* means any individual, firm, company, association, society, partnership, corporation, governmental entity or other similar organization, agency or group.
- *pH* means a measure of acidity or alkalinity of a solution, expressed in standard units.
- *Pollutant* means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical waste, chemical waste, industrial waste, biological materials, radioactive material, heat wrecked or discarded equipment, rock, sand, cellar dirt, agriculture and industrial waste, and certain characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity or odor).
- *POTW* and *publicly owned treatment works* means a treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the Town of Rocky Mount. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.
- *ppb* means parts per billion.
- *Pretreatment* means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to discharge to the town treatment works. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.
- *Pretreatment requirement* means categorical standards, prohibited standards, local limits and any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than the pretreatment standard.

- *Pretreatment standard* means categorical standards, prohibited standards, local limits and any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the act, which applies to industrial users.
- *Process fluids* means any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted which would constitute a health, pollution or system hazard if introduced into the waterworks. This includes but is not limited to:
 - (1) Polluted or contaminated waters.
 - (2) Processing waters.
 - (3) Used waters originating from the waterworks which may have deteriorated in sanitary quality.
 - (4) Cooling waters.
 - (5) Contaminated natural waters taken from wells, lakes, streams or irrigation systems.
 - (6) Chemicals in solution or suspension.
 - (7) Oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes, or for the firefighting purposes.
- *Prohibited discharges* and *prohibited discharge standards* mean absolute prohibition against the discharge of certain substances. These prohibitions appear in article IV of this chapter.
- *Properly shredded garbage* means garbage that has been shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in the treatments works, with no particle greater than one-half inch in any direction.
- *Pure water, potable water and finished water* mean water fit for human consumption and use which is sanitary and normally free of minerals, organic substances and toxic agents in excess of reasonable amounts for domestic usage in the area served and normally adequate in supply for the minimum health requirements of the person served.
- *Residential user (class I)* means all premises used only for human residency and which are connected to the treatment works.
- *Sanitary wastewater* means wastewater discharged from the sanitary conveniences of dwellings, office buildings, industrial plants or institutions.
- *Septic Tank Waste* means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- *Service connection* means the terminal end of a service line from the waterworks. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.

- *Sewage* means human excrement and gray water (household showers, dishwashing operations, etc.).
- *SIC* means Standard Industrial Classification.
- *SIU*, denoting *Significant Industrial User*, means a user that is:
 - (1) An Industrial User subject to categorical Pretreatment Standards; or
 - (2) An Industrial User that:
 - (a) Has a process wastewater flow of 25,000 gallons or more per average workday (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - (b) Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW;
 - (c) Has significant impact, either singularly or in combination with other significant dischargers, on the treatment works or the quality of its effluent; or
 - (d) Is designated as such by the town on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
 - (3) The Town may determine that an Industrial User subject to Categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
 - (a) The Industrial User, prior to Town's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
 - (b) The Industrial User annually submits the certification statement required in Section 58-106 B [see 40 CFR 403.12(q)], together with any additional information necessary to support the certification; and
 - (c) The Industrial User never discharges any untreated concentrated wastewater.
 - (4) Upon a finding that a User meeting the criteria in Subsection 2 of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the Town may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.
- *Slug load* or *slug discharge* means any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standard in section 58-77 or any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit Conditions.
- *Standard Industrial Classification (SIC) Code* means the classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

- *Standard Methods* means the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, Water Pollution Control Federation and American Water Works Association.
- *State* means the Commonwealth of Virginia.
- *Storm sewer* means a sewer for conveying stormwater, surface water and other water, which is not intended to be transported to a treatment works.
- *Storm water* means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- *Superintendent* means the person designated by the Town of Rocky Mount to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance. The term also means a Duly Authorized Representative of the Town.
- *Surface water* means:
 - (1) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
 - (2) All interstate waters, including interstate wetlands;
 - (3) All other waters such as interstate or intrastate lakes, rivers, streams (including intermittent streams), mud flats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes or natural ponds, the use, degradation or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - (a) Which are or could be used by interstate or foreign travelers for recreational or other purposes;
 - (b) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - (c) Which are used or could be used for industrial purposes by industries in interstate commerce;
 - (4) All impoundments of waters otherwise defined as surface waters under this definition;
 - (5) Tributaries of waters identified in subsections (1) through (4) of this definition;
 - (6) The territorial sea; and
 - (7) Wetlands adjacent to waters, other than waters that are themselves wetlands, identified in subsections (1) through (6) of the definition.
- *System hazard* means any condition posing an actual danger or threat of damage to the physical properties of the waterworks or a consumer's water system.
- *TSS, Total suspended solids or suspended solids* means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering, as determined by Standard Methods.

- *Toxics* means any of the pollutants designated by Federal regulations pursuant to section 307(a)(1) of the act.
- *Treatment facility* means only those mechanical power-driven devices necessary for the transmission and treatment of pollutants (e.g., pump stations or unit treatment processes).
- *Treatment works* means any devices and systems used for the storage, treatment, recycling or reclamation of sewage or liquid industrial waste, or other waste, necessary to recycle or reuse water, including intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions or alterations; and any works, including land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; or any other method or system used for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined sewer water and sanitary sewer systems.
- *Used water* means any water supplied by a water purveyor from waterworks to a consumer's water system after it has passed through the service connection.
- *User* means a source of wastewater discharge into a POTW or a source withdrawing water from the waterworks.
- *User permit* means a document issued by the town to the user that permits the connection or introduction of wastes into the treatment works under the provisions of this chapter.
- *Virginia Water Works Regulations* means the state regulations contained within the regulatory manual prescribing the minimum requirements for public water systems, lines, appurtenances, treatment and service delivery.
- *VPDES* means Virginia Pollutant Discharge Elimination System permit program, as administered by the commonwealth.
- *Wastewater* means a combination of liquid and water-carried wastes from residences, commercial buildings, industries and institutions, together with any groundwater, surface water or stormwater that may be present.
- *Water purveyor* means an individual, group of individuals, partnership, firm, association, institution, corporation, municipal corporation, county or authority which supplies water to any person within the state from or by means of any waterworks.
- *Waterworks* means all structures and appurtenances used in connection with the collection, storage, purification and treatment of water for drinking or domestic use and the distribution thereof to the public or residential consumers as set forth in Code of Virginia, § 62.1-45a, as amended.
- *WPCF* means the Water Pollution Control Federation, now known as the WEF or Water Environment Federation.

(b) Unless the context of usage indicates otherwise, the meaning of terms used in this chapter and not defined in subsection (a) of this section shall be defined in Glossary: Water and Wastewater Control Engineering, prepared by Joint Editorial Board of the American Public Health Association, American Society of Civil Engineers, American Water Works Association, and Water Pollution Control Federation, copyright 1969. (Ord. of 7-11-94, art. II §§ 1,2)

Cross reference – Definitions and rules of construction generally, § 1-2.

Sec. 58-2. Purpose of chapter.

The purpose of this chapter is to provide for the maximum possible beneficial public use of the town treatment works through regulation of sewer and water construction, sewer use, water use, water withdrawals and wastewater discharges; to provide for equitable distribution of the costs of the treatment works and waterworks; and to provide procedures for complying with the requirements contained in this chapter. (Ord. of 7-11-94, art. I, § 1)

Sec. 58-3. Scope of chapter.

(a) The provisions of this chapter shall apply to the discharge of all wastewater to treatment works of the town and to the water system and the withdrawal of all water from the waterworks of the town. This chapter provides for use of the town’s treatment works, regulation of sewer construction, control of the quantity and quality discharge, wastewater pretreatment, equitable distribution of cost, assurance that existing customers’ capacity will not be preempted, approval of sewer construction plans, issuance of user permits, minimum sewer connection standards and conditions, and penalties and other procedures in cases of violation of this chapter. This chapter also provides for use of the town’s waterworks, regulation of water line and appurtenance construction, control of the quantity and quality of water produced, treatment, equitable distribution of costs, assurance that existing customers’ capacity will not be preempted, approval of water construction plans, issuance of user permits, minimum water connection standards and conditions, and penalties and other procedures in cases of violation in this chapter.

(b) The definitions of terms used in this chapter are found in section §58.1.

(c) This chapter shall apply to the town and to persons outside the town who are, by contract, permit or agreement with the town, users of the town’s treatment works or waterworks.

(d) This chapter sets forth uniform requirements for Users of the Publicly Owned Treatment Works for the Town of Rocky Mount and enables the Town of Rocky Mount to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the *Code of Federal Regulations* [CFR] Part 403). The objectives of this chapter are:

(1) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;

(2) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;

(3) To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

(4) To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;

(5) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and

(6) To enable the Town of Rocky Mount to comply with its Virginia Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

(e) This chapter shall apply to all Users of the Publicly Owned Treatment Works. The chapter authorizes the issuance of individual wastewater discharge permits [or general permit]; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(Ord. of 7-11-94, art. I, § 2)

Sec. 58-4. Responsibility for administration and enforcement.

Except as otherwise provided in this chapter, the town manager or his authorized designee, who may be the town's superintendent of water treatment or superintendent of wastewater treatment or superintendent of public works, shall administer, implement and enforce the provisions of this chapter.

(Ord. of 7-11-94, art. I, § 3)

Sec. 58-5. Fees and charges generally.

(a) All fees and charges payable under the provisions of this chapter shall be paid to the town. Such fees and charges shall be as set forth in this chapter or as established in the latest edition of the town's treatment works user charge ordinance. The town council is hereby empowered to amend the user charge ordinance at such times as necessary to continue to fund the operation of the treatment works. User rates and charges will be reviewed at least annually, as the annual budget and spending plan is developed. No rate or user charge will be increased without first advertising the proposed change once for two consecutive weeks.

(b) All fees and charges payable under the provisions of this chapter are due and payable upon the receipt of notice of charges. Unpaid charges shall become delinquent and shall be subject to penalty and interest charges as provided for in this chapter or in the latest edition of the town's treatment works user charge ordinance.

(Ord. of 7-11-94, art. I, § 4)

Sec. 58-5.1. Repealed.

(Ord. of 9-11-17)

Sec. 58-6. Rates and charges.

(a) The rates and charges for water and sewer users inside the corporate limits and outside the corporate limits, including water consumption rates, sewer collection rates, capital recovery rates, bulk sales for water, direct waterworks connections for fire suppression, deposits, water and sewer connections, utility impact fees for meter and service connections, industrial discharges, storm sewer connections, and any other charges incident to the operation of the town water system and sewer system shall be as provided and established by the town council. A rates and charges schedule shall then be published and used by town staff to determine customer billings. The schedule shall be recognized as continuing in full force and effect to the same extent as if fully set forth herein. Any special rates established in lawful agreements shall be approved by town council.

(b) The town manager shall be authorized to promulgate procedures, policies, rules, and regulations with respect to administering rates and charges, except that establishing and setting rates and charges shall be the responsibility of town council. The procedures, policies, rules, and regulations shall be intended to facilitate the orderly daily business of the utility fund and shall be enforceable as if fully set forth herein.
(Ord. of 12-10-12)

Sec. 58-7. Inspections.

(a) The manager, his designated agent or authorized state or federal officials, bearing the proper credentials and identification, shall be permitted to enter all premises where an effluent source or treatment system is located and all premises where a connection to the public water system is located, at any reasonable time, for the purposes of inspection, observation, measurement, sampling or copying records of the wastewater discharge or water use to ensure that discharge to the treatment works and water quality standards are in accordance with the provisions of this chapter.

(b) The manager, bearing proper credentials and identification, shall be permitted to enter all private property through which the town holds an easement for the purposes of inspection, observation, measurement, sampling, repair and maintenance of any of the town's treatment works or waterworks lying within the easement. All entry and any subsequent work on the easement shall be done in full accordance with the terms of the easement pertaining to the private property involved.

(c) While performing any necessary work on private properties referred to in subsections (a) and (b) of this section, the manager shall observe all safety and occupational rules established by the owner or occupant of the property and applicable to the premises.
(Ord. of 7-11-94, art. I, § 6)

Sec. 58-8. Damaging or tampering with treatment works or waterworks.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, cover over, deface or tamper with any structure, appurtenance or equipment which is a part of the town's treatment works or waterworks. This shall include all mains, meters, corporation stops, valves and fire hydrants. Any person who violates this section shall be guilty of a misdemeanor and, upon conviction, shall reimburse to the town the cost of damages and may be punished by a fine in an amount not to exceed \$250.00. Each day of violation may be considered a separate offense.
(Ord. of 7-11-94, art. I, § 7)

Secs. 58-9--58-25. Reserved.

ARTICLE II.

DISPOSAL OF WASTEWATER GENERALLY

Sec. 58-26. Deposit of objectionable waste.

It shall be unlawful for any person to place, deposit or permit to be deposited in any condition that may be considered as an unsanitary or unhygienic manner on public or private property within the town, or in any area under the jurisdiction of the town, any human or animal excrement, garbage or other objectionable waste. (Ord. of 7-11-94, art. III, § 1)

Sec. 58-27. Discharge to natural outlet; discharge to treatment works.

It shall be unlawful under state and federal law to discharge without a VPDES permit to any natural outlet within the town, or in any area under its jurisdiction. Wastewater discharges to the town's treatment works are not authorized unless permitted by the manager in accordance with provisions of this chapter. (Ord. of 7-11-94, art. III, § 2)

Sec. 58-28. Use of privies, septic tanks and similar facilities.

Except as provided in this chapter, 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. (Ord. of 7-11-94, art. III, § 3)

Sec. 58-29. Connection to treatment works required.

The owner of any house, building or property which is used for commercial, industrial and/or residential purposes, abutting on any street, alley, or rights-of-way in which there is or may be located a sewer connected to the treatment works of the town, is required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly to the proper sewer in accordance with the provisions of this section, within 60 days after notice that sewer is available within 150 feet of the property line. Any such owner failing to make such connection upon due notice shall be guilty of a class 4 misdemeanor for each day such connection is not made. (Ord. of 7-11-94, art. III, § 4; Ord. of 7-26-99, § 4)

Secs. 58-30--58-45. Reserved.

ARTICLE III.

BUILDING SEWERS AND CONNECTIONS

Sec. 58-46. Connection permit.

(a) No person shall uncover, make any connections with, use, alter or disturb any wastewater sewer or a storm sewer without first obtaining a written permit from the manager.

(b) Connections to a storm sewer shall be subject to a permit and inspection fee. If such connection is to take place within a dedicated public right-of-way or easement, the town may elect to perform such

connection. If the town performs the connection the owner shall pay the town a connection fee that shall represent the actual cost applied to a multiplier of 1.25 in addition to the permit and inspection fee. Such connections shall be subject to the provisions of this chapter and the approval of the manager.
(Ord. of 7-11-94, art. IV, § 1)

Sec. 58-47. Connection costs.

The costs and expenses incidental to the building sewer installation, the extension of a public sanitary sewer to meet the building sewer installation and the connection to the town's treatment works shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
(Ord. of 7-11-94, art. IV, § 2; Ord. of 7-26-99)

Sec. 58-48. Separate connection required for every building; exception.

A separate and independent building sewer shall be provided for every building, except, where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer serving the front building may be extended to the rear building and the whole considered as one building sewer. The town assumes no obligation or responsibility for damage caused by or resulting from any single building sewer which serves two buildings.
(Ord. of 7-11-94, art. IV, § 3)

Sec. 58-49. Use of existing building sewers.

Existing building sewers may be used for connection of new buildings only when they are found, on examination and testing by the manager, to meet the requirements of this chapter.
(Ord. of 7-11-94, art. IV, § 4)

Sec. 58-50. Building sewer design.

The size, slope, alignment, construction materials, trench excavation and backfill methods, pipe placement, jointing and testing methods used in the construction and installation of a building sewer shall conform to the building and plumbing code or other applicable requirements of the town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WEF shall apply.
(Ord. of 7-11-94, art. IV, § 5)

Sec. 58-51. Building sewer elevation.

The elevation for any sewer connection shall be approved in advance by the director of public works. It is the responsibility of the owner to ensure that sufficient fall is present to permit gravity flow of the new line. Whenever practicable, the building sewer shall be brought to a building at an elevation below the basement floor. In buildings in which any building drain is too low to permit gravity flow to the town's treatment works, wastewater carried by such building drain shall be lifted by an approved means and discharged to a building sewer draining to the town sewer.
(Ord. of 7-11-94, art. IV, § 6)

Sec. 58-52. Conformance to applicable codes.

The connection of a building sewer into the treatment works shall conform to the requirements of the building and plumbing code or other applicable requirements of the town, or the procedures set forth in appropriate specifications as prescribed by the Virginia Sewerage Regulations, the Uniform Building Code of Virginia, and the American Society for Testing and Materials. The connections shall be made gastight and watertight and verified by proper testing. Deviation from the prescribed procedures and materials must be approved in writing by the manager before installation.
(Ord. of 7-11-94, art. IV, § 8)

Sec. 58-53. Inspection and testing of connection.

The applicant for a building sewer or other drainage connection permit shall notify the manager when such sewer or drainage connection is ready for inspection prior to its connection to the town's treatment works. Such connection inspections and testing as deemed necessary by the manager shall be made by the manager.
(Ord. of 7-11-94, art. IV, § 9)

Sec. 58-54. Excavation guards and property restoration.

Excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.
(Ord. of 7-11-94, art. IV, § 10)

Sec. 58-55. Protection of capacity for existing users.

The manager shall not issue a permit for any class of connection to the town's treatment works or treatment facilities unless there is sufficient capacity, not legally committed to other users, in the treatment works and treatment facilities to convey and adequately treat the quantity of wastewater which the requested connection will add to the treatment works or treatment facility. The manager may permit such a connection if there are legally binding commitments to provide the needed capacity.
(Ord. of 7-11-94, art. IV, § 11)

Secs. 58-56--58-75. Reserved.

ARTICLE IV.

CONDITIONS FOR USE OF SEWER SYSTEM

Sec. 58-76. Discharge of stormwater or groundwater to sanitary sewers.

All discharges of stormwater, surface water, groundwater, roof runoff, subsurface drainage or other waters not intended to be treated in the treatment facility shall be made to storm sewers or natural outlets designed for such discharges. Any connection, drain or arrangement which will permit any such waters to enter any other sewer shall be deemed to be a violation of this section and this chapter.

(1) It shall be unlawful for the owner of any property to permit any rainwater, stormwater, irrigation water or other similar drainage from the roof of any structure or from any yard or grounds of such property to enter the sanitary sewer of the town, or to connect to the sanitary sewer system of the town any downspout, gutter or rainwater leader, catchbasin or other facility designed to catch or lead off any rainwater, stormwater, irrigation water or other similar drainage.

(2) Any downspout, gutter or rainwater drain, catchbasin or other facility designed to catch or lead off any rainwater, stormwater, irrigation water or other similar drainage which is presently connected with any sanitary sewer of the town or any pipe leading thereto shall be disconnected from such sanitary sewer or pipe.

(3) If the manager or his designee determines that a violation of this section exists, then the property owner shall be given written notice of the violation at the last known address by first class mail, postage prepaid. The notice shall state that a violation of this section exists and shall inform the property owner that he has 90 calendar days from the date of notice to cure the violation. If the manager determines that the violation has not been cured within the 90-day period, he may, for good cause shown, extend the period to cure the violation for an additional 30-day period which shall run consecutively to the initial 90-day period. If the manager determines that the violation has not been corrected within the initial 90-day period or the 30-day extension, if applicable, he shall obtain a summons requiring the property owner to appear before the district court. If such court, after hearing the evidence of the town and the property owner, shall find the property owner guilty of violating this section, the court may punish such property owner by a fine not to exceed \$100.00 per violation. Each day's continuance of such violation beyond the initial 90-day period or the 30-day extension period, if applicable, shall constitute a separate offense.

(4) In addition to the penalty provided in subsection (3) of this section, the district court shall further enter an order in such proceeding requiring that the property owner, within a time specified by the court, remove all such rainwater, stormwater, irrigation water or other similar drainage from the sanitary sewer system of the town. If such property owner shall fail to comply with the terms of such order within the time specified therein, the town may remove such rainwater, stormwater, irrigation water or similar drainage from the sanitary sewer, and the expense of such removal shall be charged to and paid by the owner of such property and may be collected by the town in the same manner as taxes and other levies are collected. Every such charge with which the owner of such property shall have been assessed, and which remains unpaid, shall constitute a lien against such property.

(5) If the manager shall determine that a violation of this section exists, but that the property owner is not a resident of the town and cannot be served with such summons therein, the manager shall file with the district court a petition naming the property owner as defendant setting forth the alleged violation of this section, and requesting the court to enter an order therein requiring the property owner, within the time specified by the court, to remove such rainwater, stormwater, irrigation water or other similar drainage connection from the sanitary sewer system of the town.

(6) The nonresident property owner shall be notified of the hearing on such petition by the publication of a notice in two successive issues of a newspaper of general circulation in the town setting forth the name of the owner of such property, describing the property on which such violation exists, and stating the time, place and date for the hearing before the district court, which date shall be at least ten days after the final publication of such notice. A copy of the notice shall be sent by registered or certified mail to such nonresident owner at his last known post office address, at least ten days prior to the date of such hearing.

(7) If the name of the owner of such property or his last post office address is unknown, and upon

affidavit of the manager having been filed with the judge for the district court, of the owner of such property and his last known post office address, without effect, the requirements for the mailing of such notice shall be disposed with; provided that a notice of hearing before the district court shall be published as set forth in subsection (6) of this section. Provided the provisions of this section with reference to the publication and notice to such nonresident property owner have been complied with, and upon a finding that a violation of this section exists, the district court shall, in the absence of the property owner, enter an order in such proceeding as provided for in subsection (4) of this section.

(Ord. of 7-11-94, art. V, § 1)

Sec. 58-77. Restricted discharges.

(a) *General prohibitions.* No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass-through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state or local pretreatment standards or requirements.

(b) *Specific prohibitions.* No user shall introduce or cause to be introduced into the POTW the following pollutants, substances or wastewater:

(1) Pollutants which create a fire or explosive hazard in the POTW, including but not limited to waste streams with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) using the test methods specified in 40 CFR 261.21;

(2) Wastewater having a pH less than 6.0 or more than 10, or otherwise causing corrosive structural damage or hazards to the POTW, equipment or personnel;

(3) Solid or viscous substances which may cause obstructions to the flow in sewers, or other interference with the operation of treatment facilities due to accumulation of materials;

(4) Pollutants, including oxygen-demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;

(5) Wastewater containing heat in amounts which are likely to accelerate the biodegradation of wastes, causing the formation of excessive amounts of hydrogen sulfide in the treatment works, or inhibit biological activity in the treatment facilities, but in no case shall the discharge of heat cause the temperature in the town sewer to exceed 65 degrees Celsius (150 degrees Fahrenheit) or the temperature of the influent to the treatment facilities to exceed 40 degrees Celsius (104 degrees Fahrenheit);

(6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass-through;

(7) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

(8) Trucked or hauled pollutants, except at designated discharge points;

(9) Noxious or malodorous liquids, gases, solids or other wastewater which, either singly or by interaction with other wastes, is sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

(10) Wastewater which imparts color which cannot be removed by the treatment process, such as but not limited to dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the Town of Rocky Mount's VPDES permit;

(11) Wastewater containing any radioactive wastes or isotopes except in compliance with all applicable state and/or federal regulations;

(12) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the manager;

(13) Sludges, screenings or other residues from the pretreatment of industrial wastes;

(14) Medical wastes, except as specifically authorized by the manager in a wastewater discharge permit;

(15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity tests;

(16) Detergents, surface-active agents or other substances which may cause excessive foaming in the POTW;

(17) Fats, oils, or greases of animal or vegetable origin except in compliance with the Fats, Oils, and Grease (FOG) Discharge Policy, which is attached as Appendix A and incorporated by reference; and

(18) Any wastewater containing garbage that has not been properly shredded.

Pollutants, substances or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

(c) *Local Limits.* The town shall establish pollutant limits to protect against pass-through and interference at the town's sewage treatment works. No person shall discharge wastewater containing in excess of the established allowable local discharge limits set forth in the local limits.

(1) The wastewater superintendent is authorized to establish Local Limits pursuant to 40 CFR 403.5(c). Local Limits will be reviewed upon each VPDES permit renewal and/or a new Industrial or Categorical discharger into the POTW.

(2) The wastewater superintendent is authorized to establish Local Limits to protect against Pass Through and Interference. No person shall discharge wastewater containing in excess of the limits. The limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metals unless indicated otherwise. It is at the discretion of the wastewater superintendent to impose mass limitations and/or concentration-based limitations.

- (3) The wastewater Superintendent may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement Local Limits and the requirements of Section 58.77 (b).

(d) *Dilution of Discharge.* No user shall ever increase the use of process water, or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any other pollutant-specific limitation developed by the town or state. The Superintendent may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements or in other cases when the imposition of mass limitations is appropriate.

(Ord. of 7-11-94, art. V, § 2)

(e) *Town's Right of Revision.* The Town of Rocky Mount reserves the right to establish, by ordinance or in individual wastewater discharge permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this ordinance.

(Ord. of 7-11-94, art. V, § 2)

Sec. 58-78. Grease, oil and sand separators.

Grease, oil and sand separators shall be provided when, in the opinion of the town or its duly authorized representative, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in section 58-77, or any flammable wastes, sand or other harmful ingredients; except that such separators shall not be required for private living quarters or dwelling units. All separators shall be of a type and capacity approved by the superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. The maintenance of these separators must be performed by currently licensed waste disposal firms.

(Ord. of 7-11-94, art. V, § 3)

Sec. 58-79. Responsibility for costs of damage.

If the drainage or discharge from any establishment causes a deposit, obstruction or damage to any of the town's treatment works or treatment facility, the manager shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired. The cost for such work, including materials, labor and supervision, shall be borne by the person causing such deposit, obstruction or damage.

(Ord. of 7-11-94, art. V, § 4)

Sec. 58-80. Categorical pretreatment standards.

(a) *Applicability.* No person shall discharge or cause to be discharged to any treatment works, wastewaters containing substances subject to an applicable categorical pretreatment standard promulgated by the EPA in excess of the quantity prescribed in such applicable pretreatment standards except as otherwise provided in this section. Compliance with such applicable pretreatment standards shall be within three years of the date the standard is promulgated; provided, however, compliance with a categorical pretreatment standard for new sources shall be required upon commencement of discharge to the treatment works.

(b) *Notification of users; compliance schedules.* The manager shall notify any industrial user affected by the provisions of this section and establish an enforceable compliance schedule for each. The timing or absence of notice shall in no way change the requirements of this section.

(c) *Adoption of standards.* The categorical pretreatment standards found at 40 CFR chapter I, subchapter N, parts 405--471, are hereby incorporated.
(Ord. of 7-11-94, art. V, § 5)

Sec. 58-81. Special agreements.

Nothing in this article shall be construed as preventing any agreement or arrangement between the town and any user of the treatment works and treatment facility whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to additional payments or user charges as may be applicable.
(Ord. of 7-11-94, art. V, § 6)

Sec. 58-82. Water and energy conservation.

The conservation of water and energy shall be encouraged by the manager. In establishing discharge restrictions upon users, the manager shall take into account already implemented or planned conservation steps revealed by the user. Upon request of the manager, each user will provide the manager with pertinent information showing that the quantities of substances or pollutants have not been and will not be increased as a result of the conservation steps. Upon such a showing to the satisfaction of the manager, he shall make adjustments to discharge restrictions, which have been based on concentrations to reflect the conservation steps.
(Ord. of 7-11-94, art. V, § 7)

Sec. 58-83. Accidental discharges.

(a) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the town for review, and shall be approved by the town before construction of the facility. No user who commences contribution to the POTW after the effective date of the ordinance from which this chapter is derived shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the town. An accidental discharge/slug control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including nonroutine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the POTW of any accidental or slug discharge; and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include but are not limited to inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and measures and equipment for emergency response.

Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(b) Within five days following an accidental discharge, the user shall submit to the manager a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the treatment works and treatment facility, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this chapter or other applicable law.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(Ord. of 7-11-94, art. V, § 8)

Sec. 58-84. Septage and hauled wastewater.

(a) No person shall discharge or cause to be discharged septage to any sewer.

(b) From time to time septage will be received at the wastewater treatment plant when, in the judgment of the superintendent, the wastewater treatment facility is capable of handling septage. The town reserves the right not to receive septage at any time, when in the judgment of the superintendent the treatment facility is not capable of handling septage.

(c) Any hauler desiring to discharge septage at the wastewater treatment plant must, prior to discharge, indicate, in writing or on a form, the following:

(1) Sources (locations) of the septage, and the name, address and telephone number of the producers of the septage.

(2) Volume of septage.

(d) Any hauler discharging at the wastewater treatment plant must comply with all instructions of the superintendent, including rate of discharge, location of discharge, time of discharge and any other requirements of the superintendent.

(e) Discharges of septage are prohibited except under the direct supervision of the town.

(f) Industrial sludges containing any of the prohibited substances listed in section 58-77 shall not be discharged at the wastewater treatment plant as septage. Any person violating this provision shall be subject to prosecution for destruction of public property, disorderly conduct or other such charges as may be appropriate under the law.

(g) The superintendent may require that the septage be tested prior to discharge whenever he suspects that the septage contains any of the prohibited substances listed in section 58-77. The hauler shall pay the cost of the testing.

(h) The manager shall require haulers of industrial waste to obtain wastewater discharge permits. The manager may require generators of hauled industrial waste to obtain wastewater discharge permits. The manager also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this chapter.

(i) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes. (Ord. of 7-11-94, art. V, § 9)

Secs. 58-85--58-100. Reserved.

ARTICLE V.

INDUSTRIAL DISCHARGERS TO TREATMENT WORKS

Sec. 58-101. Information requirements.

(a) *Generally.* All industrial dischargers shall file with the town wastewater information deemed necessary by the manager for determination of compliance with this chapter, the town's VPDES permit conditions, and state and federal law. Such information shall be provided by completion of a wastewater discharge permit application designed and supplied by the manager and by supplements thereto as may be necessary. Information requested in the wastewater discharge permit application and designated by the discharger as confidential is subject to the conditions of confidentiality as set out in subsection (c) of this section.

(b) *Users operating at more than one location.* Where a person owns, operates or occupies properties designated as an industrial discharger at more than one location, separate information submittals shall be made for each location as may be required by the manager.

(c) *Confidentiality of information.*

(1) Information and data on an industrial user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the town that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

(2) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the Virginia Pollutant Discharge Elimination System (VPDES) permit, the state disposal system permit or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state

agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(3) Information accepted by the town as confidential shall not be transmitted to any governmental agency or to the general public by the town until and unless a ten-day notification is given to the user.

(d) *Wastewater analysis.* When requested by the manager, a user must submit information on the nature and characteristics of its wastewater within 45 days of the request. The manager is authorized to prepare a form for this purpose and may periodically require users to update this information. All costs for the wastewater analysis are responsibility of the user.

(Ord. of 7-11-94, art. VI, § 1)

Sec. 58-102. Wastewater discharge permit required.

(a) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the manager, except that a significant industrial user that has filed a timely application pursuant to section 58-103 may continue to discharge for the time period specified therein.

(b) The manager may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this chapter.

(c) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set out in this chapter. Obtaining a wastewater discharge permit does not relieve the permittee of its obligation to comply with all federal, state and local pretreatment standards or requirements or with any other requirements of federal, state and local law.

(Ord. of 7-11-94, art. VI, § 2)

Sec. 58-103. Discharge permit for existing connections.

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of the ordinance from which this chapter is derived, and who wishes to continue such discharges in the future, shall, within 30 days after such date, apply to the manager for a wastewater discharge permit in accordance with section 58-105, and shall not cause or allow discharges to the POTW to continue after 90 days of such effective date except in accordance with a wastewater discharge permit issued by the manager. No permit application fee shall be required for existing connections.

(Ord. of 7-11-94, art. VI, § 3)

Sec. 58-104. Discharge permit for new connections.

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with section 58-105, must be filed at least 90 days prior to the date upon which any discharge will begin or recommence.

(Ord. of 7-11-94, art. VI, § 4)

Sec. 58-105. Contents of application for discharge permit.

(a) All users required to obtain a wastewater discharge permit must submit a permit application. The manager may require all users to submit as part of an application the following information:

- (1) Name, address and location (if different from the address), including the name of the operator and owner.
- (2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1987, as amended.
- (3) List of all environmental permits held by or for the facility.
- (4) Description of activities, facilities and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.
- (5) Number and type of employees, hours of operation, and proposed or actual hours of operation.
- (6) Each product produced, by type, amount, processes, and rate of production.
- (7) Type and amount of raw materials processed (average and maximum per day).
- (8) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains and appurtenances by size, location and elevation, and all points of discharge.
- (9) Time and duration of discharges.
- (10) Average daily and peak wastewater flow rates, including daily, monthly or seasonal variation, if any.
- (11) Wastewater constituents and characteristics, including but not limited to those mentioned in section 58-77, as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the act and contained in 40 CFR 136, as amended.
- (12) A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) or additional pretreatment is required to meet the pretreatment standards and requirements.
- (13) If additional pretreatment or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in section 58-132.

- (14) Any other information as may be deemed necessary by the manager to evaluate the wastewater discharge permit application.

All applications and reports must be signed and certified in accordance with section 58-106.

- (b) Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.
(Ord. of 7-11-94, art. VI, § 5)

Sec. 58-106. Certification Statements and Signatories.

(a) Certification Statements

(1) Certification of Permit Applications, User Reports and Initial Monitoring Waivers. The following certification statement is required to be signed and submitted by Users submitting permit applications, baseline monitoring reports under Section 58-131, [Note: See 40 CFR 403.12 (I)], reports on compliance with the categorical Pretreatment Standard deadlines under Section 58-133 [Note: See 40 CFR 403.12(d)], periodic compliance reports under Section 58-134 [Note: See 40 CFR 403.12(e) and (h)], and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 58-134B(4)[Note: See 40 CFR 403.12(e)(2)(iii)]. The following certification statement must be signed by an Authorized Representative as defined in Section 58-1.

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

(2) Annual Certification for Non-Significant Categorical Industrial Users. A facility determined to be a Non-Significant Categorical User by the Wastewater Superintendent pursuant to Section 58-1 [Significant Industrial User (3)] [Note: See 40 CFR 403.3(v)(2)] must annually submit the following certification statement signed in accordance with the signatory requirements in Section 58-1 [Authorized Representative] [Note: See 40 CFR 403.120(I)]:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR _____, I certify that, to the best of my knowledge and belief that during the period from _____ to _____ [months, days, years]:

(i) The facility described as [facility name] met the definition of a Non-Significant Categorical Industrial User as described in Section 58-1 (3); [Note: See 40 CFR 403.3(v)(2)]

(ii) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information.

(3) Certification of Pollutants Not Present. Users that have an approved monitoring waiver based on Section 58-134 must certify on each report with the following statement that there has been no increase in the pollutant in its waste stream due to activities of the User. [40 CFR 403.12(e)(2)(v)]:

“Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____[specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____[list pollutants] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 58-134.”

(b) Signatories

If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Wastewater Superintendent prior to or together with any reports to be signed by an Authorized Representative.

(Ord. of 7-11-94, art. VI, § 6)

Sec. 58-107. Issuance of discharge permit.

(a) The manager will evaluate the data furnished by the user under this article and may require additional information. Within 30 days of receipt of a complete wastewater discharge permit application, the manager will determine whether or not to issue a wastewater discharge permit. The manager may deny or condition any application for a wastewater discharge permit.

(b) The manager may deny or condition any new or increased contributions to the system.
(Ord. of 7-11-94, art. VI, § 7)

Sec. 58-108. Duration of discharge permit.

A wastewater discharge permit shall be issued for a specified time period, not to exceed five years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five years, at the discretion of the manager. Each wastewater discharge permit will indicate a specific date upon which it will expire.

(Ord. of 7-11-94, art. VI, § 8)

Sec. 58-109. Discharge permit conditions.

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the manager to prevent pass-through or interference, protect the quality of the water body receiving the treatment

plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW. The permit shall contain the following conditions as applicable:

1. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years;
2. A statement that the wastewater discharge permit is nontransferable in accordance with section 58-112;
3. Effluent limits based on applicable pretreatment standards;
4. Self-monitoring, sampling, reporting, notification and recordkeeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency and sample type based on federal, state and local law;
5. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 58-134;
6. Any grant of the monitoring waiver by the Wastewater Superintendent must be included as a condition in the User's permit;
7. Compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state or local law;
8. Statement of applicable remedies, including penalties;
9. Limits on the average and maximum rate of discharge, or time of discharge, or requirements for in flow regulation and equalization;
10. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate or prevent the introduction of pollutants into the treatment works;
11. Requirements for submission of technical baseline monitoring reports;
12. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the town and affording the town access thereto;
13. Requirements for immediate notification of slug discharges;
14. Requirements for notification of the town of any new introduction of wastewater constituents or any substantial change in volume or character of the wastewater;
15. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
16. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

17. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and

18. Other conditions as deemed appropriate by the manager to ensure compliance with this chapter, and state and federal laws, rules and regulations.

(Ord. of 7-11-94, art. VI, § 9)

Sec. 58-110. Appeal of decision on discharge permit.

The manager shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the manager to reconsider the terms of a wastewater discharge permit within 30 days of notice of its issuance.

- (1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- (2) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- (3) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- (4) If the manager fails to act within 60 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- (5) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the county circuit court within the appropriate state statute of limitations.

(Ord. of 7-11-94, art. VI, § 10)

Sec. 58-111. Modification of discharge permit.

The manager may modify a wastewater discharge permit for good cause, including but not limited to the following reasons:

- (1) To incorporate any new or revised federal, state or local pretreatment standards or requirements.
- (2) To address significant alterations or additions to the user's operation, processes or wastewater volume or character since the time of wastewater discharge permit issuance.
- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- (4) Information indicating that the permitted discharge poses a threat to the town's POTW, town personnel or the receiving waters.

- (5) Violation of any terms or conditions of the wastewater discharge permit.
- (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting.
- (7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13.
- (8) To correct typographical or other errors in the wastewater discharge permit.

(Ord. of 7-11-94, art. VI, § 11)

Sec. 58-112. Transfer of discharge permit.

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 90 days advance notice to the Wastewater Superintendent and the Superintendent approves the wastewater discharge permit transfer. The notice to the Superintendent must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.

(Ord. of 7-11-94, art. VI, § 12)

Sec. 58-113. Renewal of discharge permit.

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with section 58-105, a minimum of 180 days prior to the expiration of the user's existing wastewater discharge permit.

(Ord. of 7-11-94, art. VI, § 13)

Sec. 58-114. Discharge Permit Revocation.

The Manager may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the Superintendent of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Superintendent of changed conditions pursuant to Section 58-135 of this ordinance;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

- D. Falsifying self-monitoring reports and certification statements;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the Superintendent timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this ordinance.

Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a User are void upon the issuance of a new individual wastewater discharge permit to that User.

Sec. 58-115. Regulation of Waste Received from other Jurisdictions.

(a) If another municipality, or User located within another municipality, contributes wastewater to the POTW, the Town shall enter into an intermunicipal agreement with the contributing municipality.

(b) Prior to entering into an agreement required by paragraph (a), the Town shall request the following information from the contributing municipality:

- (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
- (2) An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
- (3) Such other information as the Town may deem necessary.

(c) An intermunicipal agreement, as required by paragraph (a) above, shall contain the following conditions:

(1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and Local Limits, including required Baseline Monitoring Reports which are at least as stringent as those set out in Section 58-77 of this ordinance. The requirement shall specify that such

ordinance and limits must be revised as necessary to reflect changes made to the Town's ordinance or Local Limits;

(2) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;

(3) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Town; and which of these activities will be conducted jointly by the contributing municipality and the Town;

(4) A requirement for the contributing municipality to provide the wastewater Superintendent with access to all information that the contributing municipality obtains as part of its pretreatment activities;

(5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;

(6) Requirements for monitoring the contributing municipality's discharge;

(7) A provision ensuring wastewater Superintendent access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Superintendent; and

(8) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

(d) Where the contributing municipality has primary responsibility for permitting, compliance monitoring, or enforcement, the intermunicipal agreement should specify that the Town has the right to take action to enforce the terms of the contributing municipality's ordinance or to impose and enforce Pretreatment Standards and Requirements directly against dischargers in the event the contributing jurisdiction is unable or unwilling to take such action.

Secs. 58-116--58-130. Reserved.

ARTICLE VI.

REPORTING REQUIREMENTS FOR USERS OF TREATMENT WORKS

Sec. 58-131. Baseline monitoring reports.

(a) Within either ninety (90) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Wastewater Superintendent a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the Wastewater Superintendent a report which contains the information listed in paragraph B, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to discharge.

(Ord. of 7-11-94, art. VII, § 1)

(b) Users described above shall submit the information set forth below.

(1) All information required in Section 58-105 (1)-(4) as per 40 CFR 403.12(b)(1)-(7).

(2) Measurement of pollutants.

- a. The User shall provide the information required in Section 58-105 (10)-(11)
- b. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
- c. Samples should be taken immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.3(e) this adjusted limit along with supporting data shall be submitted to the Control Authority.
- d. Sampling and analysis shall be performed in accordance with Section 58-141.
- e. The Superintendent may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
- f. The baseline report shall indicate the time, date, and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

(3) Compliance Certification. A statement, reviewed by the User's Authorized Representative and certified by a qualified professional, indication whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

(4) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in 58-132 of this ordinance.

(5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 58-106 of this ordinance and signed by an Authorized Representative.
(Ord. of 7-11-94, art. VII, § 1)

Sec. 58-132. Compliance schedule progress reports.

The following conditions shall apply to the compliance schedule required by section 58-105(13):

- (1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards. Such events include but are not limited to hiring a professional engineering consultant, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation;
- (2) No increment referred to in subsection (1) of this section shall exceed nine months;

(3) The user shall submit a progress report to the manager no later than 14 days following each date in the schedule and the final date of compliance, including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

(4) In no event shall more than nine months elapse between such progress reports to the manager.
(Ord. of 7-11-94, art. VII, § 2)

Sec. 58-133. Reports on compliance with categorical pretreatment standard deadline.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the manager a report containing the information described in section 58-105. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's longterm production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation) this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with section 58-106.

(Ord. of 7-11-94, art. VII, § 3)

Sec. 58-134. Periodic compliance reports.

[Note: All SIUs are required to submit periodic compliance reports even if they have been designated a Non-Significant Categorical Industrial User under the provisions of Section 58-134 C.]

(a) Except as specified in Section 58-134 C, all Significant Industrial Users must, at a frequency determined by the Wastewater Superintendent submit no less than twice per year (June and December [or on dates specified]) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Superintendent or the Pretreatment Standard necessary to determine the compliance status of the User.

(b) The Town may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. [see 40 CFR 403.12(e)(2)] This authorization is subject to the following conditions:

(1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.

(2) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver can be granted for each subsequent individual wastewater discharge permit.

(3) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

(4) The request for a monitoring waiver must be signed by a Duly Authorized Representative of the User and include the certification statement in section 58-106. (40CFR403.6(a)(2)(ii))

(5) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(6) Any grant of the monitoring waiver by the Superintendent must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Superintendent for 3 years after expiration of the waiver.

(7) Upon approval of the monitoring waiver and revision of the User's permit by the Superintendent, the Industrial User must certify on each report with the statement in Section 58-134 C, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.

(8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of Section 58-134 A, or other more frequent monitoring requirements imposed by the Superintendent, and notify the Superintendent.

(9) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.

(c) The Town may reduce the requirement for periodic compliance reports [see Section 58-134 A (40CFR 403.12(e)(1))] to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the EPA or State, where the Industrial User's total categorical wastewater flow does not exceed any of the following:

(1) 0.01 percent of the design dry-weather hydraulic capacity of the POTW as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches;

(2) 0.01 percent of the design dry-weather organic treatment capacity of the POTW; and

(3) 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical Pretreatment Standard for which approved Local Limits were developed in accordance with Section 58-77 of this ordinance.

(4) Reduced reporting is not available to Industrial Users that have in the last two (2) years been in Significant Noncompliance of this ordinance. In addition, reduced reporting is not available to an Industrial User with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the Superintendent, decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

(d) All periodic compliance reports must be signed and certified in accordance with Section 58-106 A of this ordinance.

(e) All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

(f) If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Superintendent, using the procedures prescribed in

Section 58-142 of this ordinance, the results of this monitoring shall be included in the report. [Note: See 40 CFR 403.12(g)(6)]

(g) Users that send electronic (digital) documents to the Town to satisfy the requirements of this Section must satisfy the requirements of 40 CFR Part 3.

(h) The user shall be responsible for all costs for laboratory analysis and report preparation.
(Ord. of 7-11-94, Art. VII, § 4)

Sec. 58-135. Reports of changed conditions.

Each user must notify the manager of any planned significant changes to the user's operations or system which might alter the nature, quality or volume of its wastewater at least 60 days before the change.

- (1) The manager may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 58-105.
- (2) The manager may issue a wastewater discharge permit under section 58-107 or modify an existing wastewater discharge permit under section 58-111 in response to changed conditions or anticipated changed conditions.
- (3) For purposes of this section, significant changes include but are not limited to flow increases of 20 percent or greater, and the discharge of any previously unreported pollutants.

(Ord. of 7-11-94, art. VII, § 5)

Sec. 58-136. Reports of potential problems.

(a) In the case of any discharge, including but not limited to accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the manager of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(b) Within five days following such discharge, the user shall, unless waived by the manager, submit a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, damage to natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this chapter.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in subsection (a) of this section. Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.

(Ord. of 7-11-94, art. VII, § 6)

Sec. 58-137. Notification of discharge of hazardous waste.

(a) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA regional waste management division director and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, and the type of discharge (continuous, batch or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under section 58-135. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of sections 58-131, 58-133 and 58-134.

(b) Dischargers are exempt from the requirements of subsection (a) of this section during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(c) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the manager, the EPA regional waste management waste division director and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(d) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(e) This section does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued thereunder, or any applicable federal or state law.
(Ord. of 7-11-94, art. VII, § 7)

Sec. 58-138. Operating upsets.

(a) For the purposes of this section, the term "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) An upset shall constitute an affirmative defense to the actions brought for noncompliance with categorical pretreatment standards if the requirements of subsection (c) of this section are met.

(c) Any user who wishes to establish an affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs or other relevant evidence that:

- (1) An upset occurred and the user can identify the cause of the upset;
- (2) The facility at the time was being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and
- (3) The user has submitted the following information to the manager within 24 hours of becoming aware of the upset:
 - a. Description of the discharge upset, the cause thereof and the impact on the permittee's noncompliance status.
 - b. Duration of noncompliance, including exact dates and times of noncompliance, and, if the noncompliance continues, the time by which compliance is reasonably expected to occur.
 - c. All steps taken or to be taken to reduce, eliminate and prevent recurrence of such upset or other conditions of noncompliance.

(Ord. of 7-11-94, art. VII, § 8)

Sec. 58-139. Reports from unpermitted users.

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the manager as the manager may require.

(Ord. of 7-11-94, art. VII, § 9)

Sec. 58-140. Report of violations; repeat sampling and reporting.

If sampling performed by a user indicates a violation, the user must notify the manager within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the manager within 30 days after becoming aware of the violation. The user is not required to resample if the manager monitors at the user's facility at least once a month, or if the manager samples between the time of the user's initial sampling and the time when the user receives the results of this sampling.

(Ord. of 7-11-94, art. VII, § 10)

Sec. 58-141. Analytical requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.

(Ord. of 7-11-94, art. VII, § 11)

Sec. 58-142. Sample collection.

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(a) Except as indicated in Section B and C below, the User must collect wastewater samples using 24-hour flow proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Wastewater Superintendent. Where time-proportional composite sampling or grab sampling is authorized by the Town, the samples must be representative of the discharge. Using appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Town, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

(b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(c) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 58-131 and 58-133 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Superintendent may authorize a lower minimum. For the reports required by Section 58-134 [40 CFR 403.12(e) and 403.12(h)], the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.
(Ord. of 7-11-94, art. VII, § 13)

Sec. 58-143. Submission date of written reports.

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(Ord. of 7-11-94, art. VII, § 13)

Sec. 58-144. Recordkeeping.

Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method and time of sampling, and the name of the person taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least five years. This period shall be automatically extended for the duration of any litigation concerning the user or the town, or where the user has been specifically notified of a longer retention period by the manager.

(Ord. of 7-11-94, art. VII, § 14)

Sec. 58-145. Compliance monitoring.

The manager shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this chapter and any wastewater discharge permit or order issued under this chapter. Users shall allow the manager ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- (1) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the manager will be permitted to enter without delay for the purposes of performing specific responsibilities.
- (2) The manager shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and metering of the user's operations.
- (3) The manager may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user, at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.
- (4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected or sampled shall be promptly removed by the user at the written or verbal request of the manager and shall not be replaced. The costs of clearing such access shall be born by the user.
- (5) Unreasonable delays in allowing the manager access to the user's premises shall be a violation of this chapter.
- (6) When required by the manager, the owner of any property serviced by a building sewer carrying class II wastewater discharges shall provide suitable access and such necessary meters and other devices in the building sewer to facilitate observation, sampling and measurement of the wastewater. Such access shall be in a readily and safely accessible location and shall be provided in accordance with plans approved by the manager. The access shall be provided and maintained at the owner's expense so as to be safe and accessible at reasonable times.
- (7) The manager shall consider such factors as the volume and strength of discharge, rate of discharge, quantities of toxic materials in the discharge, treatment facility removal capabilities, and cost effectiveness in determining whether or not access and equipment for monitoring class II wastewater discharges shall be required.
- (8) Where the manager determines access and equipment for monitoring or measuring class II wastewater discharges is not practicable, reliable or cost effective, the manager may specify alternative methods of determining the characteristics of the wastewater discharge which will, in the manager's judgment, provide a reasonably reliable measurement of such characteristics.
- (9) Measurements, tests and analyses of the characteristics of wastewater required by this chapter shall conform to 40 CFR 136 and be performed by a qualified laboratory. When such analyses are required of a discharger, the discharger may make arrangement with any qualified laboratory, including that of the discharger, to perform such analyses.

- (10) Costs of analyses performed by an independent laboratory at the option of discharger shall be borne directly by the discharger.
- (11) The town shall bill the discharger the direct costs of analyses by an independent laboratory for any samples collected by the town's wastewater treatment personnel which are required in the discharger's monitoring program. The discharger shall pay the town in accordance with the provisions of article I of this chapter.

(Ord. of 7-11-94, art. VII, § 15)

Sec. 58-146. Publication of list of users in significant noncompliance.

The manager shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. For purposes of this section, the term "significant noncompliance" shall mean:

- (1) Chronic violations of wastewater discharge limits, defined for purposes of this section as those in which 66 percent or more of wastewater measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
- (2) Technical review criteria (TRC) violations, defined for purposes of this section as those in which 33 percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (3) Any other discharge violation that the manager believes has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of POTW personnel or the general public;
- (4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the manager's exercise of his emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation which the manager determines will adversely affect the operation or implementation of the local pretreatment program.

(Ord. of 7-11-94, art. VII, § 16)

Secs. 58-147--58-165. Reserved.

ARTICLE VII.

PRETREATMENT OF WASTEWATER

Sec. 58-166. Pretreatment facilities.

Users shall provide wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in this chapter within the time limitations specified by the EPA, the state or the manager, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the manager for review, and shall be acceptable to the manager before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the town under the provisions of this chapter.

(Ord. of 7-11-94, art. VIII, § 1)

Sec. 58-167. Authority of manager to impose specific requirements.

(a) While the manager should initially rely upon the federal categorical pretreatment standards to protect wastewater facilities or receiving waters, if any wastewater which contains substances or possesses characteristics shown to have deleterious effect upon the treatment works or treatment facilities, processes, equipment or receiving waters, or which constitutes a public nuisance or hazard, is discharged or is proposed for discharge to the wastewater sewers, the manager may require any or all of the following:

- (1) Pretreatment by the user or discharger to a condition acceptable for discharge to the treatment works;
- (2) Control over the quantities and rates of discharge;
- (3) Restriction of discharges during peak flow periods;
- (4) Designation that certain wastewater be discharged only into specific sewers;
- (5) Relocation or consolidation of points of discharge;
- (6) Separation of sewage waste streams from industrial waste streams;
- (7) Installation and maintenance of suitable storage and flow control facilities to ensure equalization of flow;
- (8) The development of compliance schedules to meet any applicable pretreatment requirements;
- (9) The submission of reports necessary to ensure compliance with applicable pretreatment requirements;

- (10) Carrying out all inspection, surveillance and monitoring necessary to determine compliance with applicable pretreatment requirements;
- (11) Obtaining remedies for noncompliance by any user. Such remedies may include injunctive relief, the civil penalties specified in article VIII of this chapter, or appropriate criminal penalties; or
- (12) Rejecting the wastewater if evidence discloses that the discharge will create unreasonable hazards or have unreasonable deleterious effects on the treatment works or treatment facilities.

(b) When considering the alternatives listed in subsection (a) of this section, the manager shall ensure that conditions of the town's permit are met. The manager shall also take into consideration cost effectiveness, the economic impact of the alternatives, and the willful noncompliance of the discharger. If the manager allows the pretreatment or equalization of wastewater flows, the installation of the necessary facilities shall be subject to review. The manager shall review and recommend any appropriate changes to the program within 30 days of submittal.

(c) Where pretreatment or flow equalizing facilities are provided or required for any wastewater, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner.
(Ord. of 7-11-94, art. VIII, § 2)

Sec. 58-168. Compliance with pretreatment requirements.

Persons required to pretreat wastewater in accordance with section 58-166 shall provide a statement, reviewed by an authorized representative of the user and certified by such representative, indicating whether applicable pretreatment requirements are being met on a consistent basis, and, if not, describing the additional operation and maintenance or additional pretreatment required for the user to meet the pretreatment requirements. If additional pretreatment or operation and maintenance will be required to meet the pretreatment requirements, the user shall submit a plan (including schedules) to the manager as described in section 58-132. The plan (including schedules) shall be consistent with applicable conditions of the town's permit or other local, state or federal laws.
(Ord. of 7-11-94, art. VIII, § 3)

Sec. 58-169. Bypass of treatment facilities.

(a) *Generally.* A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are subject to the provisions of subsections (b) and (c) of this section.

(b) *Notice to manager.*

- (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the manager, at least ten days before the date of the bypass, if possible.
- (2) A user shall submit oral notice to the manager of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the

duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The manager may waive the written report on case-by-case basis if the oral report has been received within 24 hours.

(c) *Conditions.* Bypass is prohibited, and the manager may take an enforcement action against a user for a bypass, unless:

- (1) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
- (2) There were no feasible alternative to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- (3) The user submitted notices as required under subsection (b) of this section.

(d) *Approval by manager.* The manager may approve an anticipated bypass, after considering its adverse effects, if the manager determines that it will meet the conditions listed in subsection (c) of this section. (Ord. of 7-11-94, art. VIII, § 4)

Sec. 58-170. Monitoring requirements.

Discharges of wastewater to the town's treatment works from the facilities of any user shall be monitored in accordance with the provisions of the user's permit. (Ord. of 7-11-94, art. VIII, § 5)

Sec. 58-171. Effect of federal law.

If the federal government promulgates a regulation for a given new or existing user in a specific industrial subcategory that establishes pretreatment standards or establishes that such user is exempt from pretreatment standards, such federal regulations shall immediately supersede the requirements imposed under section 58-167(a) if they are more stringent. (Ord. of 7-11-94, art. VIII, § 6)

Sec. 58-172. Signing and certification of reports.

All reports required for pretreatment facility compliance must be signed by the industrial user's authorized representative in accordance with section 58-106 and must be certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance or additional pretreatment is required to meet the pretreatment standards and requirements. (Ord. of 7-11-94, art. VIII, § 7)

Sec. 58-173. Fees.

The town may adopt reasonable fees for reimbursement of costs of setting up and operating the town's pretreatment program, which may include:

- (1) Fees for wastewater discharge permit applications, including the cost of processing such applications;
- (2) Fees for monitoring, inspection and surveillance procedures, including the cost of collection and analyzing a user's discharge and reviewing monitoring reports submitted by users;
- (3) Fees for reviewing and responding to accidental discharge procedures and construction;
- (4) Fees for filing appeals; and
- (5) Other fees as the town may deem necessary to carry out the requirements contained in this chapter. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines and penalties chargeable by the town.

(Ord. of 7-11-94, art. VIII, § 8)

Secs. 58-174--58-190. Reserved.

ARTICLE VIII.

ENFORCEMENT OF WASTEWATER DISCHARGE REGULATIONS

Sec. 58-191. Suspension of treatment service or user permit.

(a) The town may suspend the wastewater treatment service or a user permit when such suspension is necessary, in the opinion of the town, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment or causes interference with the treatment facilities or causes the town to violate any condition of its VPDES permit.

(b) Any person notified of a suspension of the wastewater treatment service or the user permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the town shall take such steps as deemed necessary, including immediate severance of the sewer connection and the seeking of legal and equitable relief in the circuit court, to prevent or minimize damage to the wastewater treatment facilities or endangerment to any individuals. The town shall reinstate the user permit and the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the town within 15 days of the date of occurrence.

(Ord. of 7-11-94, art. IX, § 1)

Sec. 58-192. Revocation of user permit.

(a) Any user who violates the following conditions of this chapter, or applicable state and federal regulations, is subject to having his permit revoked:

- (1) Failure to notify the manager of significant changes to the wastewater prior to the changed discharge;
- (2) Failure to provide prior notification to the manager of changed conditions pursuant to section 58-135;
- (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (4) Falsifying self-monitoring reports;
- (5) Tampering with monitoring equipment;
- (6) Refusing to allow the manager timely access to the facility premises and records;
- (7) Failure to meet effluent limitations;
- (8) Failure to pay fines;
- (9) Failure to pay sewer charges;
- (10) Failure to meet compliance schedules;
- (11) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (12) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this chapter.

(b) Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

(Ord. of 7-11-94, art. IX, § 2)

Sec. 58-193. Notice of violation.

(a) Whenever the town finds that any user has violated or is violating this chapter, a user permit, or any prohibition, limitation or requirements contained therein, the town may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the town by the user.

(b) Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the manager to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(Ord. of 7-11-94, art. IX, § 3)

Sec. 58-194. Consent orders.

The manager may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to sections 58-196 and 58-197 and shall be judicially enforceable.

(Ord. of 7-11-94, art. IX, § 4)

Sec. 58-195. Show cause hearing.

(a) The town may order any user who causes or allows an unauthorized discharge to show cause why the proposed enforcement action should not be taken. Such hearings shall be preceded by a notice being served on the user specifying the time and place of the hearing, the reasons why the action is to be taken, and the proposed enforcement action, and directing the user to show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, at least ten days before the hearing. Service may be made on any agent or officer of a corporation.

(b) The manager may conduct the hearing and take the evidence, or may designate any officer or employee of the assigned department to:

- (1) Issue in the name of the manager notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.
- (2) Take the evidence.
- (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations, to the manager for action thereon.

(c) At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the transcript costs.

(d) After the manager has reviewed the evidence, he may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, and devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

(Ord. of 7-11-94, art. IX, § 5)

Sec. 58-196. Compliance orders.

When the manager finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued under this chapter, or any other pretreatment standard or requirement, the manager may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(Ord. of 7-11-94, art. IX, § 6)

Sec. 58-197. Cease and desist orders.

When the manager finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued under this chapter, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the manager may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- (1) Immediately comply with all requirements; and
- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(Ord. of 7-11-94, art. IX, § 7)

Sec. 58-198. Injunctive relief.

When the manager finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit, or order issued under this chapter, or any other pretreatment standard or requirement, the manager may petition the circuit court of the county, through the town's attorney, for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order or other requirement imposed by this chapter on activities of the user. The manager may also seek such other action as is appropriate for legal or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(Ord. of 7-11-94, art. IX, § 8)

Sec. 58-199. Legal action.

If any person discharges sewage, industrial wastes or other wastes into the town's treatment works contrary to the provisions of this chapter, applicable federal or state pretreatment requirements, or any order of

the town, or if any industrial user refuses access to the manager or his designee for purposes of inspection, the town attorney may commence an action for appropriate legal or equitable relief in the circuit court.
(Ord. of 7-11-94, art. IX, § 9)

Sec. 58-200. Penalties.

The manager shall have the authority to assess on any user who is found to have violated an order of the manager or who failed to comply with any provision of this chapter and the orders, rules, regulations and permits issued under this chapter a penalty of \$1,000.00 per day per violation. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.
(Ord. of 7-11-94, art. IX, § 10)

Sec. 58-201. Cost recovery.

In addition to the penalties provided in this chapter, the town may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the user found to have violated this chapter or the orders, rules, regulations and permits issued under this chapter.
(Ord. of 7-11-94, art. IX, § 11)

Sec. 58-202. Liability insurance.

The manager may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this chapter, a previous wastewater discharge permit, or an order issued under this chapter, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.
(Ord. of 7-11-94, art. IX, § 12)

Sec. 58-203. Discontinuance of water service.

Whenever a user has violated or continues to violate any provision of this chapter, a wastewater discharge permit, or an order issued under this chapter, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.
(Ord. of 7-11-94, art. IX, § 13)

Sec. 58-204. Falsifying information.

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or user permit, or who falsifies any monitoring device or method required under this chapter, shall upon conviction, be guilty of a class 1 misdemeanor.
(Ord. of 7-11-94, art. IX, § 14)

Secs. 58-205--58-220. Reserved.

ARTICLE IX.

EXTENSION OF SEWER SYSTEM BY DEVELOPERS

Sec. 58-221. Notification of proposed project.

The person (applicant) desiring to construct any prospective real estate improvement, such as a subdivision, or building or group of buildings for residences, institutions, or commercial, governmental or industrial purposes, or for any other use requiring a sanitary sewer system, shall advise the town of his desires, prior to any physical work being done on the project.

(Ord. of 7-11-94, art. X, § 1)

Sec. 58-222. Review and approval of plans.

The procedure to follow in developing a project as described in section 58-221 is as follows:

- (1) Any engineering regarding the waste disposal system shall be performed by a professional engineer licensed to practice in the state. The proposed system shall be engineered in accordance with, meet the requirements of and be approved by:
 - a. The state department of health;
 - b. The town; and
 - c. The state department of environmental quality.
- (2) Plans and profiles of the proposed system shall include the plan of the building sewers and shall be initially submitted to the town for review and approval. The cost of the review by the town shall be at the expense of the applicant. The town may, at its option, have the plans reviewed by its consulting engineer, with the cost of such review to be at the applicant's expense.
- (3) The approved plans must then be submitted to the following agencies for review and approval:
 - a. The state department of health; and
 - b. The state department of environmental quality.

(Ord. of 7-11-94, art. X, § 2)

Sec. 58-223. Submission of cost estimate.

(a) Upon the town's receipt of a copy of the permit or approval issued by the applicable state agencies as required by this article, a complete cost estimate for the installation of the proposed project, including but not limited to costs of construction, engineering, lands, legal expenses and whatever else is reasonably necessary to properly and legally complete the installation of the project, must be furnished to the town.

(b) Included in such cost estimate shall be the estimated cost of an inspector who will inspect the installation of the facility on behalf of the town. The town will select the inspector. The cost of the inspector shall be a part of the project estimate and will be borne by the applicant.

(Ord. of 7-11-94, art. X, § 3)

Sec. 58-224. Construction requirements; testing of system; conveyance of system to town.

(a) A competent and experienced contractor or builder shall be employed to construct a facility approved under this article. The contractor or builder shall be approved in writing by the town or its duly authorized representative.

(b) The system shall be built as per approved plans. Any changes therefrom shall be approved by the town before actual construction.

(c) Actual connection of the new facility to the existing sanitary system will be made only after the entire new system has been tested in accordance with the town's specifications and is approved as satisfactory by the manager.

(d) No service connection shall be made to the new facility until such time as the entire system has been tested and approved by the manager.

(e) A one-year maintenance bond covering all workmanship, materials and equipment shall be provided.

(f) Upon completion of the project and written acceptance of construction from the town or the duly authorized representative, the town will own, operate and maintain the system, provided the applicant, at his expense, shall furnish the following:

- (1) A complete set of certified as-constructed plans and specifications.
- (2) All involved rights-of-way, easements and properties.
- (3) Any specialized equipment necessary.
- (4) Operation and maintenance manuals for all equipment.

A factory-trained manufacturer's representative shall instruct the town's personnel in the operation and maintenance of all equipment.

(Ord. of 7-11-94, art. X, § 4)

Sec. 58-225. Operation of system by applicant.

If the applicant does not meet all the requirements set out in section 58-224, the ownership, operation and maintenance of the system shall be the applicant's responsibility. The town will bill the applicant in accordance with established rates and charges, rules, regulations and ordinances, local, state and federal.

(Ord. of 7-11-94, art. X, § 5)

Sec. 58-226. Nonpayment of charges.

Nonpayment of charges rendered by the town to an applicant under this article shall constitute a violation of this chapter and the town shall institute legal action against the applicant.
(Ord. of 7-11-94, art. X, § 6)

Secs. 58-227--58-245. Reserved.

ARTICLE X.

WATER SYSTEM GENERALLY

Sec. 58-246. System records and map.

The director of public works, unless otherwise designated by the town manager, shall preserve a map of the town water system. The map will contain a general location of water mains, including the course, size and length of pipe used. The map will also indicate the location of pressure zones, gate valves, pressure regulators, pump stations and other system appurtenances. To the greatest extent possible, the map shall show the location of service taps.
(Ord. of 7-11-94, art. XI, § 1)

Sec. 58-247. Stopcocks and cutoff valves for individual services.

(a) All water services must be provided with stopcocks on the owner's premises so that, when necessary, water may be stopped without operating the stop box in the street or sidewalk.

(b) All water closets, urinals or other like fixtures connected to the town's water system must have an approved self-closing cock.

(c) Any person desiring to use the town water service shall first have the premises where the service is to be used or supplied equipped with an underground cutoff and waste cock for the protection of pipes and fixtures in freezing weather, and no water shall be supplied to any premises not so equipped.
(Ord. of 7-11-94, art. XI, § 2)

Sec. 58-248. Connection to water works required.

The owner of any house, building or property which is used for commercial, industrial and/or residential purposes, abutting on any street, alley, or rights-of-way in which there is or may be located a water main served by the water works of the town, is required at the owner's expense to install suitable facilities therein, and to connect such facilities directly to the proper water service in accordance with the provision of this section, within 60 days after notice that water is available within 150 feet of the property line. Any such owner failing to make such connection upon due notice shall be guilty of a class 4 misdemeanor for each day such connection is not made.
(Ord. of 7-11-94, art. XI, § 3; Ord. of 7-26-99, § 3)

Secs. 58-249--58-265. Reserved.

ARTICLE XI.

WATER CONNECTIONS

Sec. 58-266. Connection permit.

No person shall uncover, make any connections with, use, alter or disturb any water main without first obtaining a written permit from the manager. All water connection fees for installations made within the town shall be charged as follows: The connection fee shall be paid to the town at the time the application is made. In all cases, the owner shall make application for a permit to connect to the town's waterworks on a form furnished by the town. The permit application shall be supplemented by water use information required to administer this chapter.

(Ord. of 7-11-94, art. XII, § 1)

Sec. 58-267. Responsibility for costs of connection; indemnification of town.

The costs and expenses incidental to the water service installation and connection to the town's treatment works shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the water service.

(Ord. of 7-11-94, art. XII, § 2)

Sec. 58-268. Separate connection required for every building; exception.

(a) A separate and independent water service shall be provided for every building, except, where one building stands at the rear of another on an interior lot and no private water is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the water service serving the front building may be extended to the rear building and the whole considered as one water connection. The town assumes no obligation or responsibility for damage caused by or resulting from any single building water service which serves two buildings.

(b) No town water shall be introduced upon any premises except through the service pipe and there shall be a separate service pipe for each house or tenement upon the lot.

(Ord. of 7-11-94, art. XII, § 3)

Sec. 58-269. Use of existing water service lines.

Existing water service lines may be used for connection of new buildings only when they are found on examination and testing by the manager to meet the requirements of this chapter.

(Ord. of 7-11-94, art. XII, § 4)

Sec. 58-270. Water service design.

The size, slope, alignment, construction materials, trench excavation and backfill methods, pipe placement, jointing and testing methods used in the construction and installation of a water line shall conform to the building and plumbing code or other applicable requirements of the town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WEF shall apply.

(Ord. of 7-11-94, art. XII, § 5)

Sec. 58-271. Water service elevation.

In any water service installation, due precaution shall be taken to lessen the chance of freezing or accidental damage from the operation of construction equipment.

(Ord. of 7-11-94, art. XII, § 6)

Sec. 58-272. Town not responsible for boilers connected to water system.

Steam boilers which take a supply of water directly from the service pipe and depend upon the pressure in the pipe system in the waterworks for supplying such boiler under working pressure and boiler feed pumps that are connected directly with the service pipes without any intervening vessel into the boilers shall be used at the risk of the parties making such attachments, as the town will not be responsible for the damages for any accidents to which such devices are frequently subject. Any such connection shall be so constructed to eliminate the potential of cross connection. Any such connection shall also meet the requirements of the plumbing and fire safety codes. House boilers for domestic use must, in all cases, be provided with vacuum valves to prevent collapsing when the water is cut off from the distribution pipes. The town will not be responsible for accident resulting from the imperfect action of any such valves or from insecure boilers or water backs, or from variation in the water pressure which may cause water backs of cooling ranges and stoves to be alternately filled with water and steam partly superheated.

(Ord. of 7-11-94, art. XII, § 7)

Sec. 58-273. Conformance to applicable codes.

The connection of a water service into any user's premises shall conform to the requirements of the building and plumbing code or other applicable requirements of the town, or the procedures set forth in appropriate specifications as prescribed by the Virginia Water Works Regulations, the Uniform Building Code of Virginia, and the American Society for Testing and Materials. The connections shall be made watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved in writing by the manager before installation.

(Ord. of 7-11-94, art. XII, § 8)

Secs. 58-274--58-290. Reserved.

ARTICLE XII.

CONDITIONS FOR USE OF WATER SYSTEM

Sec. 58-291. Water use restrictions during period of drought or emergency.

(a) Authority to declare water emergencies. During the continued existence of climatic, hydrological and other extraordinary conditions the protection of the health, safety and welfare of the residents of the Town of Rocky Mount may require that certain uses of water, not essential to public health, safety and welfare, be reduced, restricted or curtailed. As the shortage of raw or potable water becomes increasingly more critical, conservation measures to reduce consumption or curtail nonessential water use may be necessary. The definitions, water emergency criteria, and water use restrictions referenced in this ordinance are presented in greater detail in the Town of Rocky Mount Drought Response and Contingency Plan, which is incorporated herein by reference. The Town Manager or his designee is authorized to declare a water emergency in the

Town restricting the use of water in any area of the Town. All water stages are built upon and require compliance with previous water stages. For example when a Drought Emergency is declared all provisions of a Drought Warning are in effect. Also the Town Manager or his designee may declare any of the three stages; they do not have to be declared sequentially.

(b) Publication of declaration. Upon the declaration of a water emergency, the Town Manager or his designee shall immediately post a written notice of the emergency at the front door of the town municipal building and shall place a notice in a newspaper of general circulation in the town.

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

(d) Limitation of restrictions. The provisions of this article shall not apply to any governmental activity, institution, business or industry which shall be declared by the Town Manager or his designee, upon a proper showing, to be necessary for the public health, safety and welfare or the prevention of severe economic hardship or the substantial loss of employment. Any activity, institution, business or industry aggrieved by the finding of the Town Manager or his designee may appeal that decision to the Town Council.

(e) Water conservation measures. Upon a determination by the Town Manager or his designee of the existence of the following conditions, the Town Manager or his designee shall take the following actions that shall apply to all water users in the Town:

(i) Stage 1 – Routine Conservation, Monitoring and Water Watch: Under normal conditions, the Town continues to communicate to and educate the public by increasing public conservation awareness through the local news media, providing periodic direct mailings to water customers to offer water conservation ideas, and include conservation reminders on the Town’s website and television channel. Additional routine conservation measures are described in more detail in the Town’s Drought Response and Water Emergency Plan (Appendix J).

(ii) Stage 2 - Water Concern and Voluntary Conservation: During a Stage 2 - Water Concern and Voluntary Conservation, the following water conservation actions will be implemented:

Extend voluntary conservation efforts:

Limit plant/lawn watering during daylight hours and encourage use of handwatering.

Limit pool filling, car washing, pressure washing and similar wholesale uses of water.

Involve commercial and industrial interests:

Notify largest water users that the Town is entering water concern stage, and ask for their help in reducing water consumption in non-critical business and industrial processes.

Communications & Public Education Efforts:

Conduct weekly media releases on conservation steps.

Provide tips on measures necessary to save water.

Explain potential consequences of an extended drought, including price increases.

Appearances on local media outlets by town staff to explain the water situation and offer suggestions for limiting water consumption.

(iii) Stage 3 – Water Shortage and Mandatory Conservation: During a Stage 3 – Water Shortage and Mandatory Conservation, the following water conservation actions will be implemented:

Water Abuse Hotline: Implement a reporting system via both e-mail and phone to allow residents to report water abusers.

Notification: Print and mail mandatory conservation notice postcards to all town utility customers detailing prohibited activities, encouraging conservation and notifying them that water prices will increase without conservation.

Notify Franklin County of the impending emergency to enlist available assistance and engage cooperative efforts to develop additional water resources.

Water Recyclers: Encourage use of water recyclers (rain barrels, gray water, etc.) through sponsorship of workshops, wholesale barrel re-sales and school events.

Prohibit bulk water use and sales: Encourage use of non-potable water sources for construction activities and other bulk water uses.

Bottled Water: Encourage use of bottled water for drinking.

Prohibit water glasses at restaurants unless requested by the customer.

Local Emergency: Declaration of local emergency, forwarded with a request for a Governor's Declaration of Emergency to the Town's representative in the Virginia House of Delegates and the Virginia Senate and the Office of the Governor of Virginia, with a copy to Franklin County.

Industrial and Commercial Users: Issue notice to industrial and commercial users to minimize the use of water in essential industrial and commercial processes.

Communications & Public Education Efforts: Provide tips on measures necessary to save water, and explain potential consequences of an extended drought, including price increases through weekly media releases.

Appearances on local media outlets by town staff to explain the water situation and offer suggestions for limiting water consumption.

Workshops on water conservation, in concert with Franklin County, Franklin County Public Schools, Virginia Department of Health and other assistance agencies.

(iv) Stage 4 – Water Emergency: During a Stage 4 – Water Emergency the following actions will be implemented:

Emergency Status: If emergency status has not been granted, request emergency declaration by the Governor according to Virginia Code §44-146.19.

Emergency Pricing For Water: Increase rates by 200 percent to provide economic incentive to reduce water usage and cover costs of increased enforcement measures.

Increase Enforcement Measures: Pay overtime to police officers to enforce water use prohibitions and to catch abusers.

Issue fines for repeated offenses.

Increase Meter Reading Frequency: Read meters weekly. Issue warning letters to excessive water users (those customers using 110 percent of the town's average per capita residential use for the past three years).

Continue measures implemented in first four stages: As water scarcity increases, conservation efforts and public education measure become more critical to the Town's ability to provide safe drinking water to the community.

Communications & Public Education Efforts: Paid advertising in local media outlets encouraging the conservation of water. Town staff should make frequent appearances on local media outlets to explain the water situation and offer suggestions for limiting water consumption. Workshops on water conservation, in concert with Franklin County, Franklin County Public Schools, Virginia Department of Health and other assistance agencies.

(v) Stage 5 – Extreme Water Emergency: During a Stage 5 – Extreme Water Emergency, the following actions will be implemented:

Water Rationing: Cutoffs for excessive use.

New Taps: No activation of new water taps for the duration of the emergency. Prohibit issuance of certificates of occupancy for new construction for duration of emergency.

Limit Fire Response: The Fire Department will limit its use of water during responses to situations where use of water is necessary to save lives. The department shall use foam in combination with water to minimize amount of water needed for fireground operations. The Fire Chief shall determine based on available water whether to limit operations to external protective suppression.

Emergency Water Pricing: Continue emergency water pricing. Consider additional premium above a set limit of water consumption.

Communications & Public Education Efforts: Continue paid advertising in local media outlets encouraging the conservation of water. Town staff should make frequent appearances on local media outlets to explain the water situation and offer suggestions for limiting water consumption.

(f) Penalty and enforcement. Any person who violates any provision of this ordinance shall be subject to the following civil penalties:

(i) For the first offense, violators shall receive a written warning delivered in person or posted by a representative of the Town.

(ii) For the second offense, violators shall be fined fifty dollars (\$50.00), the fine to be imposed on the violator's next water bill, or in the case of violators not on the public water system, in a written notice.

(iii) For the third and each subsequent offense, violators shall be fined one hundred dollars (\$100.00) for each offense, the fine to be imposed on the violator's next water bill, or in the case of violators not on the public water system, in a written notice.

(iv) Each violation by a person shall be counted as a separate violation by that person, irrespective of the location at which the violation occurs.

(v) Persons who have been assessed a penalty shall have the right to challenge the assessment by providing a written notice to the Town Manager within ten (10) days of the date of the assessment of the penalty. The Town Manager or his designee shall determine whether or not the penalty was properly assessed and notify the complaining person in writing of the determination.

(vi) The Town Manager or his designee may waive the penalty if they determine that the violation occurred due to no fault of the person.

(g) Notification of end of water emergency. The Town Manager or his designee shall notify the Town Council when, in his opinion, the water emergency situation no longer exists. Upon concurrence of the Town Council, the water emergency shall be declared to have ended. When this declaration is made, the information shall be conveyed to the general public through the news media.

(Ord. of 10-10-11)

Sec. 58-292. Records of amount of water treated.

The manager shall cause to be kept an accurate daily record showing the number of gallons of water treated by the municipal water supply. The manager shall also see that any regulations of the state department of health regarding the operation of a municipal public water supply are met by the town.

(Ord. of 7-11-94, art. XIII, § 2)

Sec. 58-293. Unlawful furnishing or taking of water.

(a) It shall be unlawful for any occupant of a lot or tenement on which there has been placed a hydrant, cock or other fixture for the purpose of supplying town water to permit such water to be used, taken or received by any person other than himself, a member of his family or a visitor without the permission of the town manager.

(b) The person taking, using or receiving the water shall be guilty of a misdemeanor. In such case, the manager shall direct that the water be cut off from such lot or tenement and the water shall not be turned on until such satisfactory security is given that use, taking or receipt will not recur.

(Ord. of 7-11-94, art. XIII, § 3)

Sec. 58-294. Temporary use of water from other premises.

Nothing in this article shall be construed to prevent the occupant of a lot or tenement supplied with town water, when his hydrant or pipe is out of order and when he is not in arrears in the payment of charges for water, from having the use of water from another lot or tenement with the consent of the occupant or owner thereof.

(Ord. of 7-11-94, art. XIII, § 4)

Sec. 58-295. Repair of leaking fixtures.

(a) If a water connection, hydrant or cock or other plumbing fixture is found leaking on any premises, and the owner of such premises, after notification by the manager or his agent, refuses or fails to have the necessary repairs made, the manager shall cut off the water from such premises, and any person who shall then turn on the water before such repairs are made shall be guilty of a misdemeanor, punishable by a fine of not more than \$250.00.

(b) In addition to any fine as provided under subsection (a) of this section, the owner shall pay the cost of restoration of service as provided in this chapter or the town treatment works user charge ordinance.
(Ord. of 7-11-94, art. XIII, § 5)

Sec. 58-296. Water and energy conservation.

The conservation of water and energy shall be encouraged by the manager. To the greatest extent possible, the manager shall encourage the conservation of water and energy needed to operate the municipal water system. The manager shall promote the conservation of water and energy at all municipal buildings and grounds. Where practical, water meters will be installed at municipal facilities to enable the monitoring and use of water.

(Ord. of 7-11-94, art. XIII, § 6)

Sec. 58-297. Damaging or tampering with waterworks.

It shall be unlawful for any person to tamper with, change, alter or manipulate any water meter, water box or any other fixtures or appurtenance connected with the water meters placed by the town upon any property using town water.

(Ord. of 7-11-94, art. XIII, § 7)

Sec. 58-298. Disconnection of service when customer vacates premises.

(a) Before any person who uses town water at a house or other structure or premises moves therefrom, he shall, or before the date of such removal, notify the town finance director. The finance director shall see that account balance is cleared.

(b) The finance director shall report the vacancy date to the water department. The water department shall cause the water service to the vacated structure to be disconnected.

(Ord. of 7-11-94, art. XIII, § 8)

Sec. 58-299. Right of town to discontinue service to property outside town.

The town, in supplying water to any person occupying property outside the corporate limits of the town, reserves to itself the right to discontinue supplying water unless otherwise provided by contract or agreement.

(Ord. of 7-11-94, art. XIII, § 9)

Sec. 58-300. Application for service; use of service without established account.

(a) It shall be the affirmative duty of any person who shall occupy any dwelling within the town or who otherwise shall use town water, sewer or solid waste services to apply to the town finance director for an account, prior to use of such services. Occupancy in a dwelling shall be prima facie proof of usage of services.

(b) Any violation of this section shall be punished as a misdemeanor, and each day that the violation continues shall be a separate offense.

(c) In addition, the manager shall take all necessary steps to collect past due water charges from any user, on behalf of the town, for services used prior to a proper account being established.

(Ord. of 7-11-94, art. XIII, § 10)

Secs. 58-301--58-320. Reserved.

ARTICLE XIII.

INSTALLATION OF WATER SERVICE LINES

Sec. 58-321. Installation by unauthorized persons prohibited.

It shall be unlawful for any person, other than the manager or his agent, to introduce water from the town pipes into any lot or tenement or to construct or lay down, or have constructed or laid down, any pipes or other works for the purpose of introducing town water from town pipes into a lot or tenement.

(Ord. of 7-11-94, art. XIV, § 1)

Sec. 58-322. Breaking up street or sidewalk.

It shall be unlawful for any person, other than the manager or his agent, to break up town streets, alleys, lanes, roads or sidewalks for the purpose of constructing or laying down pipes or other works for the purpose of introducing town water from town pipes into a lot or tenement.

(Ord. of 7-11-94, art. XIV, § 2)

Sec. 58-323. Town to lay service line between main and property line.

The water service line shall be laid by the town between the main in the public street or right-of-way to the property line.

(Ord. of 7-11-94, art. XIV, § 3)

ARTICLE XIV.

CROSS CONNECTION CONTROL

Sec. 58-324. Purpose of the Ordinance.

The purpose of this ordinance is to abate or control actual or potential cross connections and protect the public health. This ordinance provides for establishment and enforcement of a program of cross connection control

and backflow prevention according to the Virginia Board of Health, *Waterworks Regulations* (1995), as amended.
THIS ORDINANCE IS DIRECTED AT SERVICE LINE PROTECTION AND CONTAINMENT.

Sec. 58-325. Authority for Ordinance.

Commonwealth of Virginia, Department of Health
Waterworks Regulations, Part II, Article 3:
Cross Connection Control and Backflow Prevention in Waterworks

Sec. 58-326. Administration of the Ordinance.

(a) The Town Manager shall administer and enforce the provisions of this ordinance under the direction of the Mayor and Town Council.

(b) It shall be the duty of the Town Manager to cause assessment to be made of properties served by the waterworks where cross connection with the waterworks is deemed possible. The method of determining potential cross connection with the waterworks and the administrative procedures shall be established by the Town Manager in a Cross Connection Control Program (Program) approved by the Commonwealth of Virginia, Department of Health, Office of Drinking Water .

(c) The responsibility to carry out the Program lies jointly with the Water Treatment Plant Superintendent and the Director of Public Works, referred to hereafter as "Town".

Sec. 58-327. Enforcement of the Ordinance.

(a) For purposes of this ordinance, the Town designates the Water Treatment Plant Superintendent as the Cross Connection Officer. The Cross Connection Officer shall furnish the Town Manager a report January 1st of each year, outlining the monitoring and enforcement actions taken during the prior calendar year under this ordinance and the associated program.

(b) Upon request, the owner or occupants of property served shall furnish to the Town pertinent information regarding the consumer's water supply system or systems on such property for the purpose of assessing the consumer's water supply system for cross connection hazards and determining the degree of hazard, if any. The refusal of such information, when requested, shall be deemed evidence of the presence of a high degree of hazard cross connection.

(c) Notice of Violation: Any consumer's water supply system owner found to be in violation of any provision of this ordinance shall be served a written notice of violation sent certified mail to the consumer's water supply system owner's last known address, stating the nature of the violation, corrective action required and providing a reasonable time limit, not to exceed 30 days, from the date of receipt of the notice of violation, to bring the consumer's water supply system into compliance with this ordinance or have water service terminated.

(d) Penalties: Any owner of properties served by a connection to the waterworks found guilty of violating any of the provisions of this ordinance, or any written order of the Mayor in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than **\$50.00** or more than **\$200.00** for each violation. Each day upon which a violation of the provisions of this act shall occur shall be deemed a separate and additional violation for the purposes of this ordinance.

Sec. 58-328. Responsibilities of the Town of Rocky Mount, Town Manager, Director of Public Works, and Water Treatment Plant Superintendent.

Effective cross connection control and backflow prevention requires the cooperation of the Town of Rocky Mount, Town Manager, Director of Public Works, Water Treatment Plant Superintendent, the owner(s) of the property served, the Local Building Official and the backflow prevention device tester.

(a) The Program shall be carried out in accordance with the Commonwealth of Virginia, State Board of Health, *Waterworks Regulations* and shall as a minimum provide containment of potential contaminants at the consumer's service connection.

(b) The Town of Rocky Mount has full responsibility for water quality and for the construction, maintenance and operation of the waterworks beginning at the water source and ending at the service connection.

(c) The owner of the property served and the Town Manager have shared responsibility for water quality and for the construction, maintenance, and operation of the consumer's water supply system from the service connection to the free flowing outlet.

(d) The Town shall, to the extent of their jurisdiction, provide continuing identification and evaluation of all cross connection hazards. This shall include an assessment of each consumer's water supply system for cross connections to be followed by the requirement, if necessary, of installation of a backflow prevention device or separation.

(e) In the event of the backflow of pollution or contamination into the waterworks, the Town shall promptly take or cause corrective action to confine and eliminate the pollution or contamination. The Town shall report to the appropriate Commonwealth of Virginia, Department of Health, Office of Drinking Water Field Office in the most expeditious manner (usually by telephone) when backflow occurs and shall submit a written report by the 10th day of the month following the month during which backflow occurred addressing the incident, its causes, effects, and preventative or control measures required or taken.

(f) The Town shall take positive action to ensure that the waterworks is adequately protected from cross connections and backflow at all times. If a cross connection exists or backflow occurs into a consumer's water supply system or into the waterworks or if the consumer's water supply system causes the pressure in the waterworks to be lowered below 10 psi gauge, the Town may discontinue the water service to the consumer and water service shall not be restored until the deficiencies have been corrected or eliminated to the satisfaction of the Town.

(g) In order to protect the occupants of a premises, the Town should inform the consumer's water supply system owner(s) of any cross connection beyond the service connection that should be abated or controlled by application of an appropriate backflow prevention device or separation. Appropriate backflow prevention device or separation should be applied at each point-of-use and/or applied to the consumer's water supply system, isolating an area which may be a health or pollution hazard to the consumer's water supply system or to the waterworks.

(h) Records of backflow prevention devices, separations, and consumer's water supply systems, including inspection records, records of backflow incidents, and records of device tests shall be maintained by the Town for ten years.

Sec. 58-329. Responsibilities of the Consumer's Water Supply System Owner.

(a) The consumer's water supply system owner(s), at their own expense, shall install, operate, test, and maintain required backflow prevention devices or backflow prevention by separations.

(b) The consumer's water supply system owner(s) shall provide copies of test results, maintenance records and overhaul records to the Town within 30 days of completion of testing or work. Such testing or work shall have been performed by device testers which have obtained a certificate of completion of a course recognized by the American Water Works Association, the Virginia Department of Health or the Virginia Cross Connection Control Association for cross connection control and backflow prevention inspection, maintenance and testing or otherwise be certified by a Commonwealth of Virginia tradesman certification program.

(c) All new residential service connections shall be fitted with a residential dual check (ASSE #1024).

(d) When meters are replaced or serviced, residential service connections shall be fitted with a residential dual check (ASSE #1024) if not already installed.

Sec. 58-330. Preventative and Control Measures for Containment.

(a) Service Line Protection: Backflow prevention device or separation shall be installed at the service connection to a consumer's water supply system where, in the judgment of the Town a health or pollution hazard to the consumer's water supply system or to the waterworks exists or may exist unless such hazards are abated or controlled to the satisfaction of the Town Manager.

(b) Special Conditions

(1) When, as a matter of practicality, the backflow prevention device or separation cannot be installed at the service connection, the device or separation may be located downstream of the service connection but prior to any unprotected takeoffs.

(2) Where all actual or potential cross connections can be easily correctable at each point-of-use and where the consumer's water supply system is not intricate or complex, point-of-use isolation protection by application of an appropriate backflow prevention device or backflow prevention by separation may be used at each point-of-use in lieu of installing a containment device at the service connection.

(c) A backflow prevention device or backflow prevention by separation shall be installed at each service connection to a consumer's water supply system serving premises where the following conditions exist:

(1) Premises on which any substance is handled in such a manner as to create an actual or potential hazard to a waterworks (this shall include premises having auxiliary water systems or having sources or systems containing process fluids or waters originating from a waterworks which are no longer under the control of the waterworks owner).

(2) Premises having internal cross connections that, in the judgment of the Town may not be easily correctable or intricate plumbing arrangements which make it impracticable to determine whether or not cross connections exist.

(3) Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make an evaluation of all cross connection hazards.

(4) Premises having a repeated history of cross connections being established or reestablished.

(5) Other premises specified by the Town where cause can be shown that a potential cross connection hazard not enumerated above exists.

(d) Premises having booster pumps or fire pumps connected to the waterworks shall have the pumps equipped with a pressure sensing device to shut off or regulate the flow from the booster pump when the pressure in the waterworks drops to a minimum of 10 psi gauge at the service connection.

(e) An approved backflow prevention device or backflow prevention by separation shall be installed at each service connection to a consumer's water supply system or installed under Special Conditions, Section VII.B. serving, but not necessarily limited to, the following types of facilities:

- (1) Hospitals, mortuaries, clinics, veterinary establishments, nursing homes, dental offices and medical buildings;
- (2) Laboratories;
- (3) Piers, docks, waterfront facilities;
- (4) Sewage treatment plants, sewage pumping stations, or storm water pumping stations;
- (5) Food and beverage processing plants;
- (6) Chemical plants, dyeing plants and pharmaceutical plants;
- (7) Metal plating industries;
- (8) Petroleum or natural gas processing or storage plants;
- (9) Radioactive materials processing plants or nuclear reactors;
- (10) Car washes and laundries;
- (11) Lawn sprinkler systems, irrigation systems;
- (12) Fire service systems;
- (13) Slaughter houses and poultry processing plants;
- (14) Farms where the water is used for other than household purposes;
- (15) Commercial greenhouses and nurseries;
- (16) Health clubs with swimming pools, therapeutic baths, hot tubs or saunas;
- (17) Paper and paper products plants and printing plants;

- (18) Pesticide or exterminating companies and their vehicles with storage or mixing tanks;
- (19) Schools or colleges with laboratory facilities;
- (20) Highrise buildings (4 or more stories);
- (21) Multiuse commercial, office, or warehouse facilities;
- (22) Others specified by the Town Manager when reasonable cause can be shown for a potential backflow or cross connection hazard.

(f) Where lawn sprinkler systems, irrigation systems or fire service systems are connected directly to the waterworks with a separate service connection, a backflow prevention device or backflow prevention by separation shall will be installed at the service connection or installed under Special Conditions, Section VII.B.1.

Sec. 38-331. Type of Protection Required.

The type of protection required shall depend on the degree of hazard which exists or may exist.

The degree of hazard, either high, moderate, or low, is based on the nature of the contaminant; the potential health hazard; the probability of the backflow occurrence; the method of backflow either by backpressure or by backsiphonage; and the potential effect on waterworks structures, equipment, and appurtenances used in the storage, collection, purification, treatment, and distribution of pure water.

Table 1 shall be used as a guide to determine the degree of hazard for any situation.

(a) An air gap or physical disconnection gives the highest degree of protection and shall be used whenever practical to do so in high hazard situations subject to backpressure.

(b) An air gap, physical disconnection and a reduced pressure principle backflow prevention device will protect against backpressure when operating properly.

(c) Pressure vacuum breakers will not protect against backpressure, but will protect against backsiphonage when operating properly. Pressure vacuum breakers may be used in low, moderate or high hazard situations subject to backsiphonage only.

(d) A double gate - double check valve assembly shall not be used in high hazard situations.

(e) Barometric loops are not acceptable.

(f) Interchangeable connections or change-over devices are not acceptable.

Sec. 38-332. Backflow Prevention Devices and Backflow Prevention by Separation for Containment.

(a) Backflow prevention devices for containment include the reduced pressure principle backflow prevention assembly, the double gate - double check valve assembly, and the pressure vacuum breaker assembly.

(b) Backflow prevention by separation shall be an air gap or physical disconnection. The minimum air gap shall be twice the effective opening of a potable water outlet unless the outlet is a distance less than three times

the effective opening away from a wall or similar vertical surface, in which case the minimum air gap shall be three times the effective opening of the outlet. In no case shall the minimum air gap be less than one inch.

(c) Backflow prevention devices shall be of the approved type and shall comply with the most recent American Water Works Association Standards and shall be approved for containment by the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research.

(d) Backflow prevention devices shall be installed in a manner approved by the Town Manager and in accordance with the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research recommendations and the manufacturer's installation instructions. Vertical or horizontal positioning shall be as approved by the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research.

(e) Existing backflow prevention devices approved by the Town Manager prior to the effective date of this ordinance shall, except for inspection, testing, and maintenance requirements, be excluded from the requirements of Section X. C. and D. if the Town Manager is assured that the devices will protect the waterworks.

(f) For the purpose of application to Special Conditions, Section VII.B.2., point-of-use isolation devices or separations shall be as specified by the Town Manager where reasonable assurance can be shown that the device or separation will protect the waterworks. As a minimum, point-of-use devices should bear an appropriate American Society of Sanitary Engineering Standard Number. See the Cross Connection Control Program, Appendix A, for Isolation Device Application.

(g) Backflow prevention devices with openings, outlets, or vents that are designed to operate or open during backflow prevention shall not be installed in pits or areas subject to flooding.

Sec. 38-333. Maintenance and Inspection Requirements.

(a) It shall be the responsibility of the consumer's water supply system owner(s) to maintain all backflow prevention devices or separations in good working order and to make no piping or other arrangements for the purpose of bypassing or defeating backflow prevention devices or separations.

(b) Operational testing and inspection schedules shall be established by the Town as outlined in the Cross Connection Control Program for all backflow prevention devices and separations which are installed at the service connection or installed under Special Conditions, Section VII. The interval between testing and inspection of each device shall be established in accordance with the age and condition of the device and the device manufacturer's recommendations.

(c) Backflow prevention device overhaul procedures and replacement parts shall be in accordance with the manufacturer's recommendations.

(d) Backflow prevention device testing procedures shall be in accordance with the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research, Backflow Prevention Assembly Field Test Procedure and the manufacturer's instructions.

(e) All records relating to testing and implementation shall be maintained by the Water Treatment Plant Superintendent.

Sec. 38-334. Definitions.

Air Gap — means the unobstructed vertical distance through the free atmosphere between the lowest point of the potable water outlet and the rim of the receiving vessel.

Auxiliary Water System — means any water system on or available to the premises other than the waterworks. These auxiliary waters may include water from a source such as wells, lakes, or streams; or process fluids; or used water. They may be polluted or contaminated or objectionable, or constitute an unapproved water source or system over which the water purveyor does not have control.

Backflow — means the flow of water or other liquids, mixtures, or substances into a waterworks from any source or sources other than its intended source.

Backflow Prevention by Separation ("Separation") — means preventing backflow by either an air gap or by physical disconnection of a waterworks by the removal or absence of pipes, fittings, or fixtures that connect a waterworks directly or indirectly to a non-potable system or one of questionable quality.

Backflow Prevention Device ("Device") — means any approved device intended to prevent backflow into a waterworks.

Backpressure Backflow — means backflow caused by pressure in the downstream piping which is superior to the supply pressure at the point of consideration.

Backsiphonage Backflow — means backflow caused by a reduction in pressure which causes a partial vacuum creating a siphon effect.

Consumer — means person who drinks water from a waterworks.

Consumer's Water Supply System ("Consumer's System") — means the water service pipe, water distributing pipes, and necessary connecting pipes, fittings, control valves, and all appurtenances in or adjacent to the building or premises.

Containment — means the prevention of backflow into a waterworks from a consumer's water supply system by a backflow prevention device or by backflow prevention by separation at the service connection.

Contaminant — means any objectionable or hazardous physical, chemical, biological, or radiological substance or matter in water.

Cross Connection — means any connection or structural arrangement, direct or indirect, to the waterworks whereby backflow can occur.

Degree of Hazard — means either a high, moderate or low hazard based on the nature of the contaminant; the potential health hazard; the probability of the backflow occurrence; the method of backflow either by

backpressure or by backsiphonage; and the potential effect on waterworks structures, equipment, and appurtenances used in the storage, collection, purification, treatment, and distribution of pure water.

Distribution Main — means a water main whose primary purpose is to provide treated water to service connections.

Division — means the Commonwealth of Virginia, Virginia Department of Health, Office of Drinking Water.

Domestic Use or Usage — means normal family or household use, including drinking, laundering, bathing, cooking, heating, cleaning and flushing toilets (see Appendix A for Title 32.1, Article 2, *Code of Virginia*, 1950, as amended).

Double Gate-Double Check Valve Assembly — means an approved assembly designed to prevent backsiphonage or backpressure backflow and used for moderate or low hazard situations, composed of two independently operating, spring-loaded check valves, tightly closing shutoff valves located at each end of the assembly and fitted with properly located test cocks.

Entry Point — means the place where water from the source is delivered to the distribution system.

Health Hazard — means any condition, device, or practice in a waterworks or its operation that creates, or may create, a danger to the health and wellbeing of the water consumer.

Isolation — means the prevention of backflow into a waterworks from a consumer's water supply system by a backflow prevention device or by backflow prevention by separation at the sources of potential contamination in the consumer's water supply system. This is also called point-of-use isolation. Isolation of an area or zone within a consumer's water supply system confines the potential source of contamination to a specific area or zone. This is called area or zone isolation.

Maximum Contaminant Level — means the maximum permissible level of a contaminant in water which is delivered to the free flowing outlet of the ultimate user of a waterworks, except in the cases of turbidity and VOCs, where the maximum permissible level is measured at each entry point to the distribution system. Contaminants added to the water under circumstances controlled by the user, except those resulting from corrosion of piping and plumbing caused by water quality, are excluded from this definition. Maximum contaminant levels may be either "primary" (PMCL) meaning based on health considerations or "secondary" (SMCL) meaning based on aesthetic considerations.

Plumbing Fixture — means a receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water therefrom; or discharges used water, waste materials, or sewage either directly or indirectly to the drainage system of the premises; or requires both a water supply connection and a discharge to the drainage system of the premises.

Pollution — means the presence of any foreign substance (chemical, physical, radiological, or biological) in water that tends to degrade its quality so as to constitute an unnecessary risk or impair the usefulness of the water.

Pollution Hazard — means a condition through which an aesthetically objectionable or degrading material may enter the waterworks or a consumer's water system.

Premises — means a piece of real estate; house or building and its land.

Pressure Vacuum Breaker — means an approved assembly designed to prevent backsiphonage backflow and used for high, moderate, or low hazard situations, composed of one or two independently operating, spring-loaded check valves; an independently operating, spring-loaded air-inlet valve; tightly closing shutoff valves located at each end of the assembly; and fitted with properly located test cocks.

Process Fluids — means any kind of fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted which would constitute a health, pollution, or system hazard if introduced into the waterworks. This includes, but is not limited to:

- (1) Polluted or contaminated water,
- (2) Process waters,
- (3) Used water, originating from the waterworks, which may have deteriorated in sanitary quality,
- (4) Cooling waters,
- (5) Contaminated natural waters taken from wells, lakes, streams, or irrigation systems,
- (6) Chemicals in solution or suspension, and
- (7) Oils, gases, acids, alkalis, and other liquid and gaseous fluid used in industrial or other processes, or for fire fighting purposes.

Pure Water or Potable Water — means water fit for human consumption and domestic use which is sanitary and normally free of minerals, organic substances, and toxic agents in excess of reasonable amounts for domestic usage in the area served and normally adequate in quantity and quality for the minimum health requirements of the persons served.

Reduced Pressure Principle Backflow Prevention Device (RPZ device) — means an approved assembly designed to prevent backsiphonage or backpressure backflow used for high, moderate, or low hazard situations, composed of a minimum of two independently operating, spring-loaded check valves together with an independent, hydraulically operating pressure differential relief valve located between the two check valves. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the assembly and be fitted with properly located test cocks.

Service Connection — means the point of delivery of water to a customer's building service line as follows:

- (1) If a meter is installed, the service connection is the downstream side of the meter;
- (2) If a meter is not installed, the service connection is the point of connection to the waterworks;

- (3) When the water purveyor is also the building owner, the service connection is the entry point to the building.

System Hazard — means a condition posing a threat of or actually causing damage to the physical properties of the waterworks or a consumer's water supply system.

Used Water — means water supplied from the waterworks to a consumer's water supply system after it has passed through the service connection.

Water Supply — means the water that shall have been taken into a waterworks from all wells, streams, springs, lakes, and other bodies of surface water (natural or impounded), and the tributaries thereto, and all impounded groundwater, but the term "water supply" shall not include any waters above the point of intake of such waterworks.

Waterworks — means a system that serves piped water for drinking or domestic use to (1) the public, (2) at least 15 connections, or (3) an average of 25 individuals for at least 60 days out of the year. The term "waterworks" shall include all structures, equipment, and appurtenances used in the storage, collection, purification, treatment, and distribution of pure water except the piping and fixtures inside the building where such water is delivered (see Title 32.1, Article 2, *Code of Virginia*, 1950, as amended).

Waterworks Owner — means an individual, group of individuals, partnership, firm, association, institution, corporation, government entity, or the Federal Government which supplies or proposes to supply water to any person within this State from or by means of any waterworks (see Title 32.1, Article 2, *Code of Virginia*, 1950, as amended).

(Ord. of 12-12-11)

TABLE 1

DETERMINATION OF DEGREE OF HAZARD

Premises with the following conditions shall will be rated at the corresponding degree of hazard.

High Hazard	The contaminant is toxic, poisonous, noxious or unhealthy
	In the event of backflow of the contaminant, a health hazard would exist
	A high probability exists of a backflow occurrence either by backpressure or by backsiphonage
	The contaminant would disrupt the service of piped water for drinking or domestic use
	Examples — Sewage, used water, non potable water, auxiliary water systems and toxic or hazardous chemicals

Moderate Hazard	The contaminant would only degrade the quality of the water aesthetically or impair the usefulness of the water
	In the event of backflow of the contaminant, a health hazard would not exist
	A moderate probability exists of a backflow occurrence either by backpressure or by backsiphonage
	The contaminant would not seriously disrupt service of piped water for drinking or domestic use
	Examples — Food stuff, nontoxic chemicals and non-hazardous chemicals

Low Hazard	The contaminant would only degrade the quality of the water aesthetically
	In the event of backflow of the contaminant, a health hazard would not exist
	A low probability exists of the occurrence of backflow
	Backflow would only occur by backsiphonage
	The contaminant would not disrupt service of piped water
	Examples — Food stuff, nontoxic chemicals and non-hazardous chemicals

ITEM(S) TO BE CONSIDERED UNDER:

- Hearing of Citizens**
 Consent Item
 Old Business
 New Business
 Committee Report
 Public Hearing
 Other

FOR COUNCIL MEETING DATED:	October 9, 2017
----------------------------	-----------------

STAFF MAKING REQUEST:	C. James Ervin, Town Manager
BRIEF SUMMARY OF REQUEST:	<p>Nelson Automotive has announced another weekend event at Walmart. Some members of Council have asked about the amount of Business, Professional and Occupational Licenses fees they pay for these events. They perform them under an annual Itinerant Merchant license for a fee of \$500.</p> <p>Council considered this when they first started these events and elected to not change the BPOL rules as there is no new car dealer in Town that they are competing with. Additionally § 58.1-3734 provides that automotive dealers subject to a BPOL tax may itemize that tax on the sale of a vehicle.</p> <p>There is flexibility in addressing this, ranging from creating a maximum allowed gross sales under the Itinerant Merchant license. However, such a change could simply result in an itemized charge to the purchaser.</p>
ACTION NEEDED:	<p>Given that Council has raised concerns over this issue, staff seeks guidance from Council as to if this issue should be addressed or if it is still the consensus of Council that no additional BPOL fees should be applied to these transactions until such time as there is a dealer in Rocky Mount that would be placed at a competitive disadvantage by competing with a seller that did not have normal BPOL fees collected from their transactions.</p>

Attachment(s):

<p>FOLLOW-UP ACTION: (To be completed by Town Clerk)</p>
--

Code of Virginia
Title 58.1. Taxation
Chapter 37. License Taxes

§ 58.1-3734. License tax on motor vehicle dealers.

A. Notwithstanding the provisions of § 58.1-605, whenever any locality imposes a license tax applicable to motor vehicle dealers measured by the gross receipts of such dealer, the dealer may separately state the amount of tax applicable to each sale of a motor vehicle and add such tax to the sales price of the motor vehicle. It shall be unlawful for a motor vehicle dealer to collect an amount stated separately as such if such dealer knows the amount to be greater than the tax applicable to such sale. The failure of such merchant to recover the tax from the purchaser shall not relieve such merchant from the obligation to pay the tax to the locality. Any locality may provide by ordinance for the quarterly collection of the gross receipt taxes on such dealers who separately state during the year such receipts are earned.

B. A motor vehicle dealer who collects excess business license tax shall exercise due diligence to refund such tax, in excess of one dollar, to the purchaser within 120 days of discovering such overpayment, and such dealer shall produce evidence of such refund to the commissioner of the revenue or other local assessing officer upon the request of either. Any amounts that are not refunded to purchasers shall be remitted to the commissioner of the revenue or other local assessing officer. During a three-year period after receipt of such amounts, the commissioner of the revenue or other local assessing officer and the treasurer, as that term is defined in § 58.1-3123, shall refund such amounts as appropriate to purchasers who produce documentation verifying such overpayment. At the expiration of this period, the commissioner of the revenue or other local assessing officer shall consider these funds as additional business license tax. The locality may recover from the motor vehicle dealer its costs of mailing, printing, and other reasonably necessary administrative costs related to refunding such amounts to purchasers.

Code 1950, § 58-266.1; 1950, p. 155; 1956, c. 242; 1964, c. 424; 1968, c. 619; 1970, cc. 231, 547; 1974, cc. 196, 438; 1975, cc. 23, 621; 1976, cc. 521, 719; 1977, c. 320; 1978, cc. 772, 799, 817; 1979, cc. 565, 568, 570; 1980, cc. 318, 736; 1981, cc. 419, 636; 1982, cc. 348, 548, 552, 554, 558, 633; 1983, c. 554; 1984, cc. 247, 675, 695; 1999, cc. 862, 957.

ITEM(S) TO BE CONSIDERED UNDER:

- Hearing of Citizens** **Consent Item** **Old Business** **New Business**
 Committee Report **Public Hearing** **Other**

FOR COUNCIL MEETING DATED:	October 9, 2017
----------------------------	-----------------

STAFF MAKING REQUEST:	C. James Ervin, Town Manager
BRIEF SUMMARY OF REQUEST:	The Public Utilities Committee met on September 27, 2017 to consider a revision to Chapter 58 of Town Code. This item was considered under new business.
ACTION NEEDED:	None

Attachment(s):

<p>FOLLOW-UP ACTION: (To be completed by Town Clerk)</p>
--