

CODIFIED ORDINANCES OF SHINNSTON

PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

CHAPTER ONE - Street and Sidewalk Areas
Art. 905. Streets.

ARTICLE 905
Streets

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| 905.01 | Burning on streets prohibited; exceptions. | 905.04 | Excavations. |
| 905.02 | Damaging streets. | 905.05 | Permanent personal property, shrubbery and trees in the City rights-of-way. |
| 905.03 | Selling on streets without permit; exceptions. | 905.99 | Penalty. |

CROSS REFERENCES

- General power to regulate - see W. Va. Code 8-12-5(1)
- Special charges for street, cleaning, etc. - see W. Va. Code 8-13-13
- Connection to State road system - see W. Va. Code 17-4-26 et seq.
- Action for damages occasioned by defective streets, etc. - see W. Va. Code 17-10-17
- Street obstructions - see TRAF. 311.01

905.01 BURNING ON STREETS PROHIBITED; EXCEPTIONS.

No person shall burn or cause to be burned any papers, shavings or other combustible matter on any of the roads, streets or alleys of the City, except that workmen engaged in building may burn shavings, provided someone remains in such constant attendance until the fire is fully extinguished; and likewise waste paper may be burned in alleys if properly confined in iron or other metallic boxes so as to prevent escape of flames and flying combustible matter. (1958 Code Sec. 26-1)

905.02 DAMAGING STREETS.

No person shall draw or drag over any of the paved, concrete or asphalt streets, roads or alleys of the City any saw logs, stones, iron or other heavy or hard substance that may tend to loosen, displace or dislodge, crush or break any of the brick paving, concrete or asphalt covering of such roads, streets or alleys or sidewalks therealong, or haul, propel or move over any paved concrete or asphalt covered roads, streets or alleys any wagon, sled, drag or vehicle or traction engine or any other thing of such weight or load or having on its wheels such protuberances, corrugations or cogs, as to break, crush, crack, dislodge or displace such brick paving, or concrete or asphalt covering or the coverings of manholes, water or gas boxes or other appliances within the roads, streets or alleys without properly timbering such roads, streets or alleys so as to prevent injuries thereto. Nor shall anyone move, haul or propel over any of such roads, streets or alleys having brick, concrete or asphalt covering any iron tired vehicle bearing or carrying a load in excess of eighteen hundred pounds at a greater rate of speed than seven miles per hour. (1958 Code Sec. 26-2)

905.03 SELLING ON STREETS WITHOUT PERMIT; EXCEPTIONS.

No person shall sell, offer or expose for sale any goods, wares or merchandise or other thing upon any of the roads, streets or alleys or public grounds of the City without having first obtained a permit from the City Manager. Such permit shall only be granted after such person has obtained a license therefor from the City Clerk. This section shall not be applied to sales under exclusions, sales of household goods by persons disposing of personal effects or sales of decedent's estates, trust property, fiduciaries or bona fide farmers selling the products from their farms, or articles of own manufacture, this section being intended to apply to itinerants, hawkers, peddlers, etc. (1958 Code Sec. 26-3)

905.04 EXCAVATIONS.

(a) No person shall take up or remove any sidewalk, paving, concrete or asphalt, macadam or other covering of any of the improved roads, streets or alleys of the City without having first obtained a permit therefor as is hereinafter provided.

(b) Any person desiring such permit shall make application therefor in writing to the City Clerk, specifying the exact location at which the excavation is to be made and purpose therefor and shall make and deliver to the City Clerk a bond in a minimum penalty of fifteen dollars (\$15.00) and an additional fifteen dollars (\$15.00) for each rod or fraction thereof in excess of one rod with good personal security, payable to the City, conditioned for the proper replacing of the brick, concrete or macadam or asphalt covering and to repair and replace the same at any time within a period of one year from the date thereof in case the same should settle or become out of alignment and to indemnify and save harmless the City for a like period of one year against any suits or claim for damages anyone may sustain by reason thereof.

(c) No person shall leave open any excavation made in any of the roads streets or alleys of the City overnight without properly barricading the same and placing lighted red lanterns as a warning thereof.

(d) No person shall place upon any of the roads, streets, alleys or sidewalks of the City any substance, obstruction, material or thing of any kind that may cause personal injuries or injuries to property or that may cause or endanger life, limb, person or property.
(1958 Code Secs. 26-4 to 26-7)

**905.05 PERMANENT PERSONAL PROPERTY, SHRUBBERY AND TREES
IN THE CITY RIGHTS-OF-WAY.**

(a) No person, persons or other legal entity shall place any permanent personal property, shrubbery or trees within the right-of way for any City street, road, sidewalk, utility or alley.

(b) Whenever the City has reason to believe there has been a violation of any provision of this ordinance, the City, through its agent or designee, shall give notice to the person, persons or other legal entity failing to comply and order said person, persons or other legal entity to take corrective action or measures within ten days from the date of notification.

(c) If such person, persons or other legal entity fails to comply with the duly issued order, they shall be subject to enforcement consistent with Article 101.99 of the Codified Ordinances of the City of Shinnston, with each day that the person or party continues to be non-compliant with the ordinance shall constitute a separate offence.
(Passed 6-12-00)

905.99 PENALTY.

(EDITOR'S NOTE: See Section 101.99 for general Codified Ordinances penalty.)

CHAPTER THREE - Utilities

Chap. 921. Sewers.

Chap. 925. Water.

ARTICLE 921

Sewers

921.01	Definitions.	921.06	Protection from damage.
921.02	Use of public sewers required.	921.07	Powers and authority of inspectors.
921.03	Private sewage disposal.	921.08	Sewer Fund.
921.04	Building sewers and connections.	921.09	Schedule of rates.
921.05	Use of public sewers.	921.99	Penalty.

CROSS REFERENCES

Power to regulate utility systems - see W. Va. Code 8-12-5(32)

Sewer connections - see W. Va. Code 8-18-22

Power to collect charges - see W. Va. Code 8-12-5(32), 16-13-16

Review by Public Service Commissioner - see W. Va. Code 24-2-4(b)

Deposit limitations - see W. Va. Code 24-3-8

921.01 DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

- (a) "City" means the City of Shinnston.
- (b) "Council" means the Council of the City of Shinnston.
- (c) "Sewage" means a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.
- (d) "Sewer" means a pipe or conduit for carrying wastes and sewage.

- (e) "Public sewer" means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- (f) "Combined sewer" means a sewer receiving both surface runoff and sewage.
- (g) "Sanitary sewer" means a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.
- (h) "Storm sewer" or "storm drain" means a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.
- (i) "Industrial wastes" means the liquid wastes from industrial processes as distinct from sanitary sewage.
- (j) "Garbage" means solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- (k) "Natural outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
- (l) "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.
- (m) "Person" means any individual, firm, company, association, society, corporation or group.
- (n) "Shall" is mandatory; "may" is permissive.
(Passed 5-31-05.)

921.02 USE OF PUBLIC SEWERS REQUIRED.

(a) No person shall place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.

(b) No person shall discharge into any natural outlet within the City, or in any area under the jurisdiction of the City, any sanitary sewage, industrial wastes or other polluted waters, except the West Fork River without the consent of Council.

(c) Except as hereinafter provided, no person shall construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(d) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose, situated within the City and abutting on any street, alley or right of way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required at his own expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within ninety days after date of official notice to do so, provided that such public sewer is within 100 feet of the property line.
(Passed 5-31-05.)

921.03 PRIVATE SEWAGE DISPOSAL.

(a) Where a public sanitary or combined sewer is not available under the provisions of Section 921.03(d), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

(b) Before commencement of construction of a private sewage disposal system the owner shall first obtain a permit from Council. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary. A permit and inspection fee of five dollars (\$5.00) shall be paid to the City Clerk at the time the application is filed.

(c) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of Council. A committee or representative of the City shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the City Manager when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight hours of the receipt of the notice by the City Manager.

(d) The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the State Department of Public Health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 4,000 square feet. No septic tank or cesspool shall be permitted to discharge into any public sewer or natural outlet.

(e) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 921.02(d), a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(f) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

(g) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the State or County Health Department. (Passed 5-31-05.)

921.04 BUILDING SEWERS AND CONNECTIONS.

(a) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a permit from Council.

(b) There shall be two classes of sewer tap permit: for connections where the main sewer is laid and in operation on the date this article becomes effective; and where it becomes necessary to lay laterals from the property to the main sewer line. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit

application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of Council. A tap permit and inspection fee of twenty-five dollars (\$25.00) shall be made where the main sewer is laid and in operation at the time this article becomes effective and a tap permit and inspection fee of fifty dollars (\$50.00) shall be made where it becomes necessary to lay laterals from the property to the main sewer line.

(c) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(d) The applicant for the sewer tap permit shall notify the City Manager when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the City Manager or his representative.

(e) All 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 City.

(f) The City will not construct or maintain any sewer mains or lateral on private property and will not construct or maintain any sewer mains or laterals in a new subdivision or contemplated subdivision unless and until a plat is made of the subdivision showing the location of streets and dedicating them to public use and such dedication has been expressly accepted by the City. (Passed 5-31-05.)

921.05 USE OF PUBLIC SEWERS.

(a) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer or combined sewer.

(b) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or into a natural outlet approved by Council. Industrial cooling water or unpolluted process waters may be discharged, upon approval of Council, to a storm sewer or natural outlet.

(c) Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- (1) Any liquid or vapor having a temperature higher than 150° F.
- (2) Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease.
- (3) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

- (4) Any garbage, that has not been properly shredded.
- (5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
- (6) Any waters or wastes having corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the sewage system.
- (7) Any noxious or malodorous gas or substance capable of creating a public nuisance.

(d) Grease, oil and sand interceptors shall be provided when, in the opinion of Council, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by Council, and shall be located as to be readily and easily accessible for cleaning and inspection.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

(e) When installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.
(Passed 5-31-05.)

921.06 PROTECTION FROM DAMAGE.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.
(Passed 5-31-05.)

921.07 POWERS AND AUTHORITY OF INSPECTORS.

The duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this article.
(Passed 5-31-05.)

921.08 SEWER FUND.

There is hereby created a special fund to be known as the "Sewer Fund" into which shall be paid all fees collected under the provisions of this article and the same shall be used only for sewer construction and maintenance.
(Passed 5-31-05.)

921.09 SCHEDULE OF RATES.

- (a) Applicability. Applicable in entire area served.
- (b) Availability of Service. Available for sanitary sewer service.
- (c) Rates. (Based upon metered amount of water supplied.)
First 2,000 gallons used per month - \$7.25 per 1,000 gallons
Next 5,000 gallons used per month - \$6.00 per 1,000 gallons
Over 7,000 gallons used per month - \$5.67 per 1,000 gallons
- (d) Minimum Monthly Charge. The minimum monthly charge to any user of sewerage system shall be \$14.50.
- (e) Delayed Payment Penalty. The above tariff is net. On all current usage billings not paid within twenty (20) days, ten percent (10%) will be added to the net current amount unpaid. This delayed payment penalty is not interest and is to be collected only once for each bill where it is appropriate.
- (f) Tap Fee. A tap fee of two hundred and fifty dollars (\$250.00) per tap shall be charged. (Passed 5-31-05)

921.99 PENALTY.

- (a) Any person found to be violating any provision of this article except Section 921.06 shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- (b) Any person who continues any violation beyond the time limit provided for in subsection (a) hereof, shall be fined in an amount not exceeding one hundred dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- (c) Any person violating any of the provisions of this article shall, in addition to the penalties herein provided, become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.
(Passed 5-31-05)

ARTICLE 925
Water

<p>925.01 Rates. 925.02 Minimum charge. 925.03 Rate for resale. 925.04 Delayed payment penalty. 925.05 Security deposit; discontinuance of service.</p>	<p>925.06 Private and public fire protection. 925.07 Tap fee. 925.08 Reconnection charge. 925.09 Special surcharge. 925.10 Returned checks. 925.11 Leak adjustment rate. 925.12 Backflow and cross-connections control.</p>
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CROSS REFERENCES

Power to regulate - see W. Va. Code 8-12-5(32)
Power to collect charges - see W. Va. Code 8-12-5(32); Art. 8-19
Discontinuance for nonpayment - see W. Va. Code 8-19-13
Review by Public Service Commission - see W. Va. Code 24-2-4(b)
Deposit limitations - see W. Va. Code 24-3-8

925.01 RATES.

(a) Applicability. Applicable in entire territory served.

(b) Availability of Service. Available for general domestic, public, commercial, industrial and wholesale water service.

(c) Monthly Service Rate.

First	2,000 gallons used per month	\$7.46 per 1,000 gallons
All over	2,000 gallons used per month	\$3.71 per 1,000 gallons

(Passed 2-9-04.)

925.02 MINIMUM CHARGE.

(a) No bill will be rendered for less than the following amounts, according to the size of the meter installed, to wit:

<u>Inch Meter</u>	<u>Per Month</u>
5/8	\$14.92
3/4	22.34
1	37.18
1-1/2	74.28
2	118.80
3	222.68
4	371.08
6	745.79

(Passed 2-9-04.)

925.03 RATES FOR RESALE.

Each 1,000 gallons used per month: \$2.75 per 1,000 gallons shall be charged.
(Passed 2-9-04.)

925.04 DELAYED PAYMENT PENALTY.

The above tariff is net. On all current usage billings not paid in full within twenty days, ten percent (10%) will be added to the net amount unpaid. This delayed payment penalty is not interest and is to be collected only once for each bill where it is appropriate.
(Passed 2-9-04.)

925.05 SECURITY DEPOSIT; DISCONTINUANCE OF SERVICE.

(a) The City shall require the applicant or customer to make a deposit with it initially, and from time to time, as a guarantee of the payment for water used. Such deposit shall not be more than one-twelfth (1/12) of the annual estimated charge for service to secure the utility from loss.

(b) If any bill is not paid within thirty days, after date, water service to the customer shall be discontinued after a twenty-four hour written notice. Water service will not be restored until all past due water bills have been paid in full and all accrued penalties plus a reconnection charge of twenty-five dollars (\$25.00) have been paid.
(Passed 6-7-93.)

(c) The City is hereby authorized to collect from any person owning property on which water taken from City mains is used or consumed the cost of water furnished to any occupant or tenant of such property and not paid for by the tenant or occupant; provided, that the owner shall not become liable for the cost of water to any tenant or occupant until the City Treasurer shall have diligently tried to induce such tenant or occupant to pay from same and until after at least sixty days from the date of billing.
(Unno. Ord.)

925.06 PRIVATE AND PUBLIC FIRE PROTECTION.

Fire hydrants \$25.00 per month
Fire sprinkler tap system \$12.50 per month.
(Passed 2-9-04.)

925.07 TAP FEE.

\$300.00 per tap.
(Passed 2-9-04.)

925.08 RECONNECTION CHARGE.

There shall be a twenty-five dollars (\$25.00) charge for the reconnection of service.
(Passed 2-9-04.)

925.09 SPECIAL SURCHARGE.

The City has been authorized by the Public Service Commission of West Virginia to impose on all customers a twenty cents (\$.20) per thousand gallon surcharge for a limited period of time. This surcharge is for the sole purpose of providing the City with revenues to pay for some delinquent accounts payable. The surcharge will last a period of approximately two years after which all accounts payable are expected to be paid and the surcharge is required to be discontinued.

925.10 RETURNED CHECKS.

When a check has been returned unpaid by the bank for any reason, the customer will be charged a fee equal to the actual non-sufficient funds charge incurred by the Water Fund up to a maximum of fifteen dollars (\$15.00).
(Passed 2-9-04.)

925.11 LEAK ADJUSTMENT RATE.

A leak adjustment of eighty cents (\$0.80) per 1,000 gallons shall be made for consumption above the customer's historical average. This rate is to be used when the bill reflects unusual consumption which can be attributed to leakage on customer's side of the meter.
(Passed 2-9-04.)

925.12 BACKFLOW AND CROSS-CONNECTIONS CONTROL.**(a) Purpose.**

- (1) To protect the public water system served by the City of Shinnston from the possibility of contamination or pollution by isolating within its customers' internal distribution water system(s), such contaminants or pollutants that could backflow due to back-pressure or back-siphonage into the public water system.
- (2) To promote the elimination and/or control of cross-connections and backflow conditions, actual or potential, within a customer's internal distribution water system(s), non-potable systems, plumbing fixtures and processes; and
- (3) To provide for the maintenance of a continuing program of cross-connection and backflow prevention control which will effectively prevent the contamination or pollution of the public and/or customer's water system(s) from cross-connections and backflow conditions.

(b) Authority. By the Federal Safe Drinking Water Act of 1974 and 1996 amendment, and the Code of West Virginia Chapter 16, Article 1 and Public Health Laws, WV Bureau for Public Health Chapter 1, Article 5B, the Water Purveyor has the primary responsibility for preventing water from unapproved sources, or any other substances, from entering the public potable water system.

(c) Responsibility. The Water Purveyor shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to backflow from back-pressure or back-siphonage of contaminants or pollutants through the water service connection. If, in the judgment of the Water Purveyor, an approved backflow preventer assembly is required at the water service connection to any customer's premises, the Water Purveyor, or his delegated agent, shall give notice in writing to said customer to install an approved backflow preventer assembly at each service connection to his premises. The customer shall, within ninety (90) days, install such approved assembly, or assemblies, at his own expense, and failure or refusal, or inability on the part of the customer to install said assembly or assemblies within ninety (90) days, shall constitute a grounds for discontinuing water service to the premises until such assembly or assemblies have been properly installed.

(d) Definitions.

- (1) "Approved" means accepted by the Water Purveyor as meeting an applicable specification stated or cited in the WV Department of Health and Human Resources regulation, or as suitable for the proposed purpose.
- (2) "Assembly" means a backflow preventer usually of a combination of approved check valve components and additional instrumentation including approved shutoff valves and test cocks.
- (3) "Auxiliary Water Supply" means any water supply or water source, on or available, to a customer's premises other than the water purveyor's approved public water system.
- (4) "Backflow" means the undesirable reversal of water flow or introduction of other liquids, mixtures or substances, caused by a pressure differential in the distribution pipes of potable water system.
- (5) "Backflow Condition(s)" means any set of circumstances, actual or potential that could be construed to create a cross-connection allowing for backflow of a contaminant or pollutant to enter a potable water system.
- (6) "Backflow Preventer" means a device or assembly, or means designed to prevent backflow in a potable water system. Most commonly categorized as air gap, atmospheric vacuum breaker, barometric loop, double check with intermediate atmospheric vent, double check valve assembly, hose bibb vacuum breaker, pressure vacuum breaker, reduced pressure principle assembly, and residential dual check.
 - A. "Air Gap" means a physical separation sufficient to prevent backflow between the free-flowing discharge end of the potable water system and any other system. Physically defined as a distance equal to twice the diameter of the supply side pipe diameter but never less than one (1) inch.
 - B. "Atmospheric Vacuum Breaker" means a device which prevents backflow by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in a water system.
 - C. "Barometric Loop" means a fabricated piping arrangement rising at least thirty-five (35) feet at its topmost point above the highest fixture it supplies. It is utilized in water supply systems to protect against back-siphonage.

- D. “Double Check Valve Assembly” means an assembly of two (2) independently operating spring loaded check valves with tightly closing shut-off valves on each side of the check valves, and properly located test cocks for the testing of each check valve.
- E. “Double Check Valve with Intermediate Atmospheric Vent” means a device having two (2) spring loaded check valves separated by an atmospheric vent chamber.
- F. “Hose Bibb Vacuum Breaker” means a device attached to a hose bibb and which acts as an atmospheric vacuum breaker.
- G. “Pressure Vacuum Breaker” mean an assembly containing an independently operated spring loaded check valve and an independently operated spring loaded air inlet valve located on the discharge side of the check valve. The assembly includes tightly closing shut-off valves on each side of the valves and properly located test cocks for the testing of the check and air valve.
- H. “Reduced Pressure Principle Backflow Preventer” means an assembly consisting of two (2) independently operating approved check valves with an automatically operating differential relief valve located between the two (2) check valves, tightly closing shut-off valves on each side of the check valves plus properly located test cocks for the testing of the check valves and the relief valves.
- I. “Residential Dual Check” means a device consisting of two (2) spring loaded, independently operating check valves. Generally employed immediately downstream of the water meter to act as a fixture isolation device.
- (7) “Backpressure” means a condition in which the customer’s system pressure is greater than the water purveyor’s system pressure.
- (8) “Back-Siphonage” means the flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water system from any source other than the primary source caused by the sudden reduction of pressure or negative pressure in the potable water system.
- (9) “Community Water System” means a public water system that serves at least 25 residents year around or that has 15 service connections serving year around residents.
- (10) “Containment” (external protection) means a method of backflow prevention which requires a backflow preventer assembly be installed after the meter and prior to any water service entrance.
- (11) “Contaminant” means a substance that will impair the quality of potable water to a degree that it creates a serious health hazard to the public leading to poisoning or the spread of disease.
- (12) “Cross-connection” means any actual or potential, direct or indirect, connection between the public water system and an unapproved water supply or other source of contamination or pollution.
- (13) “Customer” is described as a billing unit or service connection to which drinking water is delivered by a public water system. A customer may also be identified as an owner.

- (14) “Degree of Hazard” means the potential risk of health and the potential adverse effects upon the public water system based on the probability of backflow occurring and the type or nature of the contaminant. A health hazard is any condition, device or practice which creates or may create a danger to health and well being of the water consumer. A severe health hazard is any health hazard (contaminant) that could be expected to result in significant morbidity or death. A non-health hazard (pollutant) is any condition that could degrade the quality or adversely affect the public water system.
 - (15) “Device” means a single body backflow preventer with one or two check valves that cannot be tested and does not have shut off valves or test cocks.
 - (16) “Fixture Isolation (internal isolation)” means a method of backflow prevention which a backflow preventer is located to control a cross-connection or potential source of contamination at an in-plant piece of equipment or process location other than at a water service entrance.
 - (17) “Owner” means any person who has legal title to, or license to operate, or resides in a property or facility which is supplied drinking water from a public water system. May also be referred to as a customer.
 - (18) “Person” means any individual, partnership, company, public or private corporation, political subdivision, agency of the State, agency or instrumentality of the United States, or any other legal entity.
 - (19) “Pollutant” means a foreign substance that, if permitted to enter the public water system, will degrade potable water quality so as to constitute a moderate hazard, or impair the usefulness of the water to a degree which does not create an actual hazard to the public health, but which does adversely and unreasonably affect (appearance or color, odor, taste, etc.) the water for domestic use.
 - (20) “Potable Water” means water that is safe for human consumption as described by the West Virginia Bureau for Public Health.
 - (21) “Public Water System” includes the works, auxiliaries, for the collection, treatment, storage and distribution of drinking water from the source of supply to a customer’s premises. May also be known as a water purveyor.
 - (22) “Water Purveyor” means the Municipal Water Department, Water Board, Public Service District or other administrative authority invested with the authority and responsibility for a public water system.
 - (23) “Water Service Entrance” means that point in the customer’s water system beyond the sanitary control of the public water system (water purveyor), generally considered to be the outlet end of the water meter and always before any unprotected branch water line.
 - (24) “West Virginia Bureau for Public Health (WVBPH)” means the State of West Virginia Bureau for Public Health.
- (e) Administration.
- (1) The Water Purveyor will establish, operate and promote a cross-connection and backflow prevention control program, to include the keeping of necessary records, which fulfills the requirements of the WVBPH Cross-Connection and Backflow Prevention Regulations.

- (2) The owner shall allow his property to be inspected for possible cross-connections and backflow conditions, and shall follow the provisions of the Water Purveyor's program and the WVBPH Cross-Connections and Backflow Prevention Regulations where a cross-connection is permitted.
 - (3) If the Water Purveyor requires that the public water system be protected by containment, the owner shall be responsible for the installation and maintenance of the required backflow preventer assembly(ies) and for water quality beyond the outlet end of the containment assembly(ies) and could utilize fixture isolation protection for that purpose. The owner may also seek local public health officials, or personnel from the Water Purveyor, or their designated representatives, or certified/licensed private sector personnel to assist him/her in the survey of their facility(ies) and to assist him/her in the selection of proper containment assemblies and/or fixture isolation devices, and the proper installation of these assemblies/devices.
- (f) Requirements.
- (1) Water Purveyor.
 - A. On new installations, the Water Purveyor will provide an on-site evaluation and/or inspection of plans in order to determine the type of backflow preventer assembly(ies), if any, that will be required based on actual or potential cross-connections and the degree of health hazards.
 - B. For premises existing prior to the start of this program, the Water Purveyor will perform evaluations and inspections of plans and/or premises for actual and potential cross-connections and backflow conditions and inform the owner by letter of any corrective action deemed necessary, the method of achieving the correction, and the time allowed for the correction to be made. Ordinarily, ninety (90) days will be allowed. However, this time period may be shortened depending upon the degree of hazard involved and the history of the device(s)/assembly(ies) already in place.
 - C. The Water Purveyor will not allow any actual or potential cross-connection to remain unless it is protected by an approved air gap or backflow preventer assembly(ies) and which must be regularly tested or inspected to insure satisfactory operation.
 - D. The Water Purveyor shall inform the owner by letter, of any failure to comply, prior to a re-inspection. The Water Purveyor will allow an additional fifteen (15) days for the correction(s). In the event the owner fails to comply with the necessary correction(s) by the time of a second re-inspection, the Water Purveyor will inform the owner by letter, that the water service to the owner's premises will be terminated within a period not to exceed five (5) days. In the event that the owner informs the Water Purveyor of extenuating circumstances as to why the correction(s) has not been made, a time extension may be granted by the Water Purveyor, but in no case will exceed an additional thirty (30) days.

- E. If the Water Purveyor determines at any time that a serious threat to the public health exists, water service will be terminated immediately.
 - F. The Water Purveyor will conduct initial and follow-up premises inspections to determine the nature of existing or potential hazards. The main focus will be on high hazard industries and commercial premises.
 - G. The Water Purveyor must report any backflow incident(s) occurring in the public water system as soon as possible but no later than twenty-four hours (24) after the incident to the WVBPH.
- (2) Owner.
- A. The owner shall be responsible for the elimination or protection of all actual or potential cross-connections and/or backflow conditions on his/her premises.
 - B. The owner, after having been informed by a letter from the Water Purveyor, shall at his expense, install, maintain, and test, or have tested, any and all backflow preventer assembly(ies) on his premises.
 - C. The owner shall correct within thirty (30) days any malfunction of an air gap or backflow preventer assembly(ies) which is revealed by periodic inspection or testing. This may also involve the removal and/or replacement of the backflow preventer assembly(ies).
 - D. The owner shall inform the Water Purveyor of any proposed or modified cross-connections and also any existing cross-connections of which the owner is aware, but have not been found by the Water Purveyor.
 - E. The owner shall not install a by-pass around any backflow preventer assembly unless there is a backflow preventer assembly of the same type on the bypass. Owners who cannot shut down operation for testing of the assembly(ies) must supply additional assemblies necessary to allow testing to take place.
 - F. The owner shall install only backflow preventer assemblies approved by the Water Purveyor or the WVBPH.
 - G. The owner shall install backflow preventer assemblies in a manner approved by the Water Purveyor and general industry standards.
 - H. Any owner having a private well or other auxiliary water source must have the approval of the Water Purveyor and the WVBPH if the well or source is cross-connected to the Water Purveyor's system. Permission to cross-connect may be denied. The owner may be required to install a backflow preventer assembly at the service entrance if a private water source is maintained, even if it is not cross-connected to the Water Purveyor's system.
 - I. In the event the owner installs plumbing to provide potable water for domestic purposes which is on the Water Purveyor's side of a backflow preventer assembly, such plumbing must have its own backflow preventer assembly installed.

- J. The owner shall be responsible for the payment of all fees for service, permits, periodic assembly testing, retesting in the case that a backflow preventer assembly fails to operate correctly, and follow-up re-inspections for non-compliance with Water Purveyor or WVBPH requirements.
- K. The owner must maintain for a minimum of three (3) years records of installation and removal, all testing, repair and maintenance for all assemblies/devices in the owner's water distribution system(s).
- L. The owner will report any backflow incident(s) occurring in their facility(ties) building(s) as soon as possible but no later than twenty-four hours (24) after the incident to the Water Purveyor and to the WVBPH. Also, the owner must maintain for a minimum of three (3) years all records and reports of all backflow incidents occurring in their facility(ties)/building(s). These records and reports are to be made available to the Water Purveyor and/or WVBPH upon request.

(g) Degree of Hazard. The Water Purveyor recognizes the threat to the public water system arising from cross-connections and backflow conditions. All threats will be classified by degree of hazard which will determine the requirements for the installation of approved backflow preventer assemblies.

(h) Existing In-Use Backflow Prevention Devices. Any existing backflow preventer assembly shall be allowed by the Water Purveyor or continue in service unless the degree of hazard is such as to supersede the effectiveness of the present backflow preventer assembly, or there is an unreasonable risk to the public health. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, any existing backflow preventer assemblies must be upgraded to a reduced pressure principle assembly, or a reduced pressure principle assembly must be installed in the event that no backflow preventer assembly is present.

(i) Periodic Testing.

- (1) Backflow preventer assemblies shall be tested and inspected at least annually.
- (2) Periodic testing shall be performed by a WVBPH certified tester. This testing will be done at the owner's expense.
- (3) Any backflow preventer assembly which fails during a periodic test will be repaired or replaced. When repairs are necessary, upon completion of the repair, the assembly will be retested at the owner's expense to insure correct operation. High hazard situations will not be allowed to continue unprotected if the backflow preventer assembly fails the periodic test and cannot be repaired immediately. In other situations, a compliance date of not more than thirty (30) days after the test date may be established. The owner is responsible for the costs of all testing, repair service, replacement parts, or a replacement assembly. Parallel installation of two (2) assemblies is an effective means of the owner insuring uninterrupted water service during testing or repair of one of the assemblies and is strongly recommended when the owner desires such continuity.

- (4) Backflow preventer assemblies will be tested more frequently than specified in subsection (i)(1) above in cases where there is a history of test failures and the Water Purveyor feels that due to the degree of hazard involved, additional testing is warranted. Cost of the additional tests will be born by the owner.
- (j) Records.
- (1) The Water Purveyor will initiate and maintain (update) the following:
- A. Master files on customer evaluations and/or inspections of cross-connections and backflow conditions.
 - B. Master files on all customer backflow preventer assemblies.
 - C. Master files on customer backflow preventer tests, repairs and replacements. Records for replaced backflow preventer shall be maintained for a period of one (1) year after date of removal from service.
 - D. Records and reports of any backflow incident(s) occurring in the public or consumer water systems shall be maintained for at least three (3) years after the date of the incident.
 - E. Copies of any of the above and other records and/or reports supplied to the WVBPH. This material shall be maintained for at least three (3) years after submission.
- (2) Upon request, the Water Purveyor will submit records of inspection and non-compliance, surveys, tests results and/or corrective actions, and backflow incident reports to the West Virginia Bureau for Public Health. (Passed 10-11-04.)

CHAPTER FIVE - Other Public Services
Art. 951. Refuse Disposal.

ARTICLE 951
Refuse Disposal

951.01	Definitions.	951.05	Charges.
951.02	Collection by City exclusively.	951.06	Unlawful activities.
951.03	Separate dwelling and commercial units require separate payments.	951.07	Containers to be accessible.
951.04	Sanitation Department.	951.99	Penalty.

CROSS REFERENCES

Power to regulate - see W. Va. Code 8-12-5(10) et seq.
Placing material in streets - see TRAF. 311.01
Loads dropping or leaking - see TRAF. 347.04

951.01 DEFINITIONS.

The following definitions shall be used in interpreting this article:

- (a) "Refuse" means all sweepings, cleanings, trash, rubbish, litter, garbage, industrial or domestic wastes, organic wastes or residue of animals sold as meat, fruit or other vegetable matter from kitchens, dining rooms, markets or places dealing in or handling meats, fowl, fruits, grain or vegetables; offal, animal excreta, the carcasses of animals, accumulated waste materials or substances which may become nuisances, some of which are more particularly classified as follows:
- (1) "Prepared garbage" means waste material from kitchens, dining rooms and similar places, from which liquids have been drained and solid matter wrapped in paper.
 - (2) "Raw garbage" means swill not prepared as in subsection (a)(1) hereof.

- (3) "Trash" means waste material containing no putrid matter or organic waste.
- (4) "Ashes" means residue resulting from the combustion of coal, coke, or wood, in domestic, industrial or commercial stoves, furnaces or boilers.
- (5) "Debris" means trees, or shrub trimmings, grass clippings, dirt, wood alternation, or construction of buildings or structures.
- (b) "Refuse collections" means the gathering of refuse containers and their contents from the premises of improved property and loading contents into removal vehicles, and returning containers to the place where found after contents have been emptied for which a charge is made.
- (c) "Refuse removal" means the hauling and transportation of refuse from point of collection to point of disposal.
- (d) "Refuse disposal" means the disposition of refuse in accordance with rules and regulations promulgated by the City Manager with the approval of Council.
- (e) "Refuse containers" shall meet the following specifications:
 - (1) Dry refuse containers shall be such as to accommodate the waste materials contained therein without causing litter, and so constructed to be readily removed by one collector.
 - (2) Garbage containers shall be substantially constructed of nonabsorbent material, shall be watertight, leak proof, fly tight, shall be equipped with adequate carrying bail and tight fitting metal cover, and shall be of such size that it may be conveniently handled by one collector.
- (f) "Private scavenger" means one who for hire, collects, removes or disposes of refuse.
- (g) "Person" means any individual, partnership, firm or corporation.
(Passed 4-1-58.)

951.02 COLLECTION BY CITY EXCLUSIVELY.

(a) No person shall engage in or conduct the business of collection, removal or disposal of refuse, ashes, raw garbage or prepared garbage within the City. Private scavengers, push cart operators and private garbage collectors are hereby prohibited from engaging in the business of transporting or disposing of raw or prepared garbage or refuse containing organic wastes, putrid matter and waste or excreta subject to putrification.

(b) All residents, business houses, firms or corporations residing in or doing business within the City shall be required to subscribe to, take and pay for the service provided by the Sanitation Department of the City as provided herein. No resident, person, firm or corporation shall neglect or refuse to subscribe to such service and pay for such service.
(Passed 4-1-58.)

(c) Council and the City Manager in their discretion after considering which method would be the most feasible, efficient and economical to the City, may resolve that collection, removal and disposal of solid waste and recyclables generated within the corporate limits of the City be done by City forces or be performed by an independent contractor with such independent contractor having either exclusive rights or non-exclusive rights to collect, remove and dispose of solid waste and recyclables within the City, or that such independent contractor

have exclusive or non-exclusive rights to collect, remove or dispose of solid waste and recyclables in certain areas or districts or certain classifications of occupants or owners and to recommend withholding those rights as to other classifications of occupants or owners. The final determination to use City forces or an independent contractor shall be made by Council and the City Manager through resolution.

(Passed 4-12-93.)

951.03 SEPARATE DWELLING AND COMMERCIAL UNITS REQUIRE SEPARATE PAYMENTS.

(a) In buildings where there are more than one dwelling unit, or more than one apartment, each dwelling unit or apartment shall be considered as a separate unit with respect to service rendered under the terms hereof, and with the duty of subscribing for service and paying for service to the respective unit or apartment.

(b) In buildings in which there are more than one commercial business unit, firm or corporation, each unit or business unit, firm or corporation shall be considered as a separate unit with respect to service rendered under the terms hereof, and with the duty of subscribing for service and paying for service to the respective commercial unit.

(Passed 11-1-93.)

951.04 SANITATION DEPARTMENT.

(a) On and after the date when this article becomes operative there shall be a Sanitation Department within the office and under the supervision and direction of the City Manager. The City Manager or other duly authorized officer, with the approval of Council, shall be adequately equipped and applied with personnel and equipment to properly and satisfactorily carry out the essential public service of collecting, removing and disposing of refuse produced in the household and places of business of City residents. The City Manager or other duly authorized officer, with the approval of Council shall publish, promulgate and enforce any and all reasonable rules and regulations deemed by him necessary or proper, consistent with this article, to carry out the objects and purposes thereof and for the safety and health of City residents in respect to the collection, removal and disposal of the refuse as herein defined.

(b) Police officers at the request of the City Manager and under the direction of the Chief of Police may inspect the premises of any person, firm or corporation in the City relative to the enforcement of this article.

(Passed 4-1-58.)

951.05 CHARGES.

(a) The monthly charge for the collection of solid waste containers, cans or bags and recyclables not exceeding forty gallons in capacity and not exceeding forty pounds per bag or can in weight, for each single family unit, whether the same is a single family house, apartment unit, condominium or one unit of a duplex, shall hereafter be ten dollars and five cents (\$10.05) per month.

(b) The monthly charge for commercial establishments and multiple family or individual dwelling units where the owner or landlord agrees to be responsible for the payment of solid waste and recyclable collection fees shall hereafter be:

- (1) Any commercial customer requiring the collection of refuse from a dumpster leased from the City's contractor shall be charged a fee not to exceed the fee listed in the approved bid document submitted to the City.
- (2) Any commercial establishment requiring the collection of bags or containers shall be charged a fee per month, negotiated between the customer and the City's contractor, based on the customer's necessity of pickup times and the estimate of the expected weight of the customer's solid waste and recyclable generated.
- (3) The City Council shall serve as a board of appeals for any commercial customer who feels that the price negotiated for hand pick up is unfair based upon charges for other commercial customers with similar trash volume and pickup requirements.

(c) The City's contractor shall be responsible for the billing and collection of all City refuse disposal customers.

- (1) The City's contractor shall make all customers aware of the billing and collection schedule. The City's contractor shall also make all customers aware of all delinquent fees and interest that are to be charged past due accounts. (Passed 12-13-99)

951.06 UNLAWFUL ACTIVITIES.

(a) Accumulation of Refuse. No person shall cause or permit the accumulation of refuse in, about or upon premises owned, occupied or used by them, except in the containers and in the manner prescribed herein.

(b) Delivery of Refuse. No person shall deliver refuse to or upon private property within the City.

(c) Scattering of Rubbish, Trash, Etc. No person shall throw, bury, place or scatter any garbage, rubbish, trash, ashes or other refuse over or upon any premises, street, or alley, either public or private or adjacent thereto and either with or without the intent to later remove or burn the same; or to suffer or permit from the accumulation of refuse, any premises owned, unsanitary, unsightly or unsafe to the public health, or hazardous from fire.

(d) Keeping Garbage Not Prepared. No person shall deposit or store garbage in refuse containers unless such garbage has been prepared for collection, removal and disposal, and complies with the definition of “prepared garbage”.

(e) Disposal of Refuse in Streets, Alleys, Private Property. No person within the City shall bury, throw out, dispose of or place any garbage, offal, dead animals, rubbish, slops or refuse matter, either vegetable or animal upon any street, alley or private property, whether owned by such person or not, or dispose of the same anywhere within the City, except in a vessel, can or tank, which is watertight and kept in such condition, and also fitted with covers so closely fitted that no odor can escape therefrom. Such covers shall not be removed except to put garbage into the vessel, can or tank, and such can shall be immediately closed after each of such operations.

(f) Burning Trash. No person within the City shall burn any form of trash, paper boxes or any articles defined in Section 951.01. Except that under special circumstances permission may be granted by the City Manager or Fire Chief for the burning of articles on private property. (Passed 4-1-58.)

951.07 CONTAINERS TO BE ACCESSIBLE.

Every tenant, lessee or occupant of each building, or other person in charge of the same, shall make proper arrangements for the removal of refuse, ashes and garbage from the premises, and place the containers at a point on the premises or elsewhere where they may be readily accessible to the collector.

951.99 PENALTY.

(EDITOR’S NOTE: See Section 101.99 for general Code penalty.)