

ADOPTED

DEC 12 2023

Board of Supervisors
James City County, VA

ORDINANCE NO. 14A-4

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 17, SEWERS AND SEWAGE, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING AND RENAMING ARTICLE I, RESERVED, SECTION 17-1 - 17.7, RESERVED TO ARTICLE I, ALTERNATIVE DISCHARGING SEWER SYSTEM, SECTION 17-1, DEFINITIONS, SECTION 17-2, LIMITATIONS ON THE USE OF ALTERNATIVE DISCHARGING SEWER SYSTEMS, SECTION 17-3, JAMES CITY COUNTY ALTERNATIVE DISCHARGING SEWAGE SYSTEM PERMIT, SECTION 17-4, ALTERNATIVE DISCHARGING SEWAGE SYSTEM MAINTENANCE AND TESTING, SECTION 17-5, AVAILABILITY OF SANITARY OR OTHER SEWER; DISCONTINUANCE OF ALTERNATIVE DISCHARGING SEWAGE SYSTEM, AND SECTIONS 17-6 - 17.7, RESERVED.

BE IT ORDAINED, by the Board of Supervisors of the County of James City, Virginia, that Chapter 17, Sewers and Sewage is hereby amended and reordained by renaming Article I, Alternative Discharging Sewer System, Section 17-1, Definitions, Section 17-2, Limitations on the use of alternative discharging sewer systems, Section 17-3, James City County alternative discharging sewage system permit, Section 17-4, Alternative discharging sewage system maintenance and testing, Section 17-5, Availability of sanitary or other sewer; discontinuance of alternative discharging sewage system, and Sections 17-6 - 17.7, Reserved.

ARTICLE I. ALTERNATIVE DISCHARGING SEWER SYSTEM

Sec. 17-1. Definitions.

For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them by this subsection:

“Alternative onsite sewage system” shall mean a treatment works that is not a conventional onsite sewage system or an alternative discharging sewage system.

“Alternative discharging sewage system” or (“ADSS”) shall mean any device or system which results in a point source discharge of treated sewage for which the State Board of Health may issue a permit authorizing construction and operation when such system is regulated by the State Water Control Board pursuant to a general Virginia Pollutant Discharge Elimination System permit issued for an individual single-family dwelling with flows less than or equal to 1,000 gallons per day.

“Authority” or “JCSA” shall mean the James City Service Authority.

“Conventional onsite sewage system” shall mean a treatment works consisting of one or more septic tanks with gravity, pumped, or siphoned conveyance to a gravity distributed subsurface drainfield.

“Health Department” or “VDH” shall mean the James City County-Williamsburg Health Department or its successor.

“Board of Health” shall mean the Virginia Board of Health.

Sec. 17-2. Limitations on the use of alternative discharging sewage systems.

No ADSS shall be permitted unless each of the following occurs:

- 1. The Health Department determines in writing that an existing alternative onsite sewage system serving an existing, occupied structure has failed and cannot be repaired or replaced and that the only available means of providing sewage disposal to such dwelling other than pump-and-haul is by an alternative discharging sewage system.*
- 2. The Board of Supervisors issues an ADSS operating permit.*

Sec. 17-3. James City County ADSS Permit.

- 1. Application. An application to obtain a permit to operate an ADSS in James City County shall be submitted in writing to the County Administrator and shall include, at a minimum, the following:*
 - a. A copy of the application form and material(s) submitted to the VDH; and*
 - b. Written documentation from VDH that all other methods of sewage disposal permitted in the Commonwealth of Virginia have been investigated and that the alternative discharging sewage system is the only remaining alternative for this previously improved property; and*
 - c. A written narrative from the property owner.*
- 2. Consideration.*
 - a. Within four (4) months of receipt of the application or as soon thereafter as they are reasonably able, the County Administrator shall place the application on a Board of Supervisors agenda for its consideration as a Board Discussion item.*
 - b. The Board shall determine if the application materials are complete and whether issuance of the permit will be in the best interests of the public’s health, safety, and welfare.*
 - c. The Board may approve, approve with conditions, deny, or defer any application before it.*

Sec. 17-4. Alternative discharging sewage system maintenance and testing.

In addition to all state-mandated testing and maintenance requirements, the property owner is required to comply with the following responsibilities:


- 1. File with the General Manager of the Authority a copy of the results of all state-mandated testing and inspections no later than one week after the results are submitted to the Health Department, and to repair or replace such system, as necessary, to correct any deficiencies*

- identified in any inspection report in compliance with the applicable regulations of the Board of Health.*
2. *Provide yearly testing results to the Authority in such form and with such information deemed necessary by the Authority.*
 3. *Permit the Health Department and Authority staff to enter the property to inspect such system and to determine whether such system is installed, operated, and maintained in accordance with this section, any conditions associated with the County-issued permit, and the regulations of the Board of Health.*
 4. *Failure to conduct mandatory monitoring or to report monitoring results as required in 12VAC5-640-490 and 12VAC5-640-510 may constitute a violation of county code and may also result in the revocation of the ADSS permit granted pursuant to this section.*


Sec. 17-5. Availability of sanitary or other sewer; discontinuance of alternative discharging sewage system.

If sanitary or other sewer system owned or operated by James City County or the Authority becomes available within two hundred (200) linear feet from the boundary of any parcel served by an alternative discharging sewage system, the owner of said property shall be required to connect to the sanitary or other sewer system within one (1) year of the date of availability or when necessary or desired work to the alternative discharging sewage system equals or exceeds 50% of its then-current replacement cost, whichever comes first.

Secs. 17-6.-17-7. Reserved.


 Michael J. Hipple
 Chairman, Board of Supervisors

ATTEST:


 Teresa J. Saeed
 Deputy Clerk to the Board

	VOTES			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICENHOUR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MCGLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of December, 2023.