

MINUTES

BERRYVILLE TOWN COUNCIL

**Regular Meeting
March 10, 2026
7:00 p.m.**

A meeting of the Berryville Town Council was held on Tuesday, March 10, 2026, at 7:00 p.m. at the Berryville-Clarke County Government Center in Berryville.

Town Council

Present: Harry Lee Arnold, Jr., Mayor; Erecka L. Gibson, Vice Mayor; William Steinmetz; Grant Mazzarino; Ryan Tibbens.

Absent: Paul Perez

Staff

Present: Keith Dalton, Town Manager; Jean Petti, Deputy Town Manager; Brandel Kelsey, Town Clerk; Terry Russell, Community Development Director; Cindy Poulin, Treasurer; Chief Jason Winner, Berryville Police Department

Press Mickey Powell, Winchester Star

1. Call to Order

Mayor Harry Lee Arnold, Jr. called the meeting to order at 7:00 p.m.

2. Pledge of Allegiance

Mayor Arnold invited all those assembled to stand for the Pledge of Allegiance.

3. Approval of Agenda

Grant Mazzarino moved to approve the agenda as presented. The motion passed by voice vote.

4. Presentations, Awards, and Recognitions

Chief Jason Winner presented Amy Hernandez-Benavides to the Council in recognition of her graduation from the Police Academy. Council extended congratulations to Ms. Hernandez-Benavides.

5. Public Hearings

None.

6. Discussion of Public Hearing Items

None.

7. Citizens' Forum

Marianne Casey, of 10 West Fairfax Street, expressed concerns regarding the addition of sidewalk on W. Fairfax St. She requested that Community Development Director Terry Russell conduct a walkthrough of the project with residents.

8. Consent Agenda

Ryan Tibbens moved to approve the consent agenda as presented. The motion passed by voice vote.

9. Unfinished Business

Discussion: Proposed investment of reserve funds

Treasurer, Cindy Poulin, provided background on the Virginia Investment Pool (VIP). The Budget and Finance committee recommended that the Town consider joining the investment Pool in some capacity.

Mr. Steve Melroy, representing the VIP, participated via video conference to provide an overview. He explained that the VACo/VML VIP serves numerous cities, towns, and counties, and outlined three investment options: the Stable NAV Liquidity Pool, Stable NAV/Fixed Term Portfolios, and the 1–3 Year High Quality Bond Fund. Council was advised that adoption of an ordinance is required for participation.

Discussion: Proposed amended Reserve Specifics

Mrs. Poulin reviewed the proposed amendments to the Reserve Specifics. Vice Mayor Erecka Gibson confirmed that no changes had been made since the work session.

Vice Mayor Erecka Gibson moved that the Council of the Town of Berryville approve the attached Reserve Specifics document. The motion passed by voice vote.

Discussion: Proposed investment of reserve funds

Vice Mayor Gibson moved that the Council of the Town of Berryville approve and adopt the attached ordinance authorizing participation by the Town of Berryville, Virginia in the VACo/VML Virginia Investment Pool for the purpose of investing funds in accordance with Virginia Code §2.2-4501, et seq and Virginia Code §15.2-1300 and authorize the treasurer or town manager to sign the agreement and other related documents.

Discussion: Proposed repeal and re-adoption of Chapter 17 Berryville Code

Deputy Town Manager, Jean Petti discussed the proposed repeal and re-adoption of the Chapter 17 Berryville Town Code. Mrs. Petti explained the proposed changes to Article 2, 3, and 4 as attached. Mr. Dalton talked about the **attached** document Berryville Town Council Legislative Finding Required Connection to Town's Sewage Collection System. Council inquired about the number of affected properties and the duration of

existing conditions. Mr. Dalton indicated he would provide an inventory at a future meeting and consult with the Town Attorney. Mr. Mazzarino asked about potential grant assistance for residents; Mr. Dalton stated that he was not aware of any such grants, but staff would research the matter. Mr. Dalton will consult the attorney and present a draft finding to the Council.

10. New Business

Discussion: RFP for Financial Audit Services

Mrs. Poulin presented Request for Proposals (RFP) for financial audit services. Vice Mayor Gibson asked whether the matter would be discussed at a regular Budget and Finance Committee meeting; Mr. Dalton advised that a special meeting would be required to meet the review schedule. He noted that proposal review would occur in closed session.

Vice Mayor Gibson moved that the Council of the Town of Berryville approve the issuance of RFP#2026-01 and authorize the Town Manager to:

- **Award a contract to the best qualified responsive bidder after review by the audit RFP review working group, and**
- **Execute any documents related to this matter.**

The motion passed by voice vote.

Vice Mayor Gibson moved that the Council of the Town of Berryville appoint the Budget and Finance Committee and the Treasurer to review submissions submitted in response to RFP#2026-01 and rank the firms to determine which firm would best serve the needs of the Town. The motion passed by voice vote.

Discussion: IFB Wasterwater Treatment Plant Bar Screen

Mr. Dalton presented information and images explaining the function and necessity of bar screens. He stated the project would be ready for bidding upon Council approval, with final award determination by Council at a future meeting.

Public comment was received from Lonnie Grimes II regarding potential impacts on utility rates and operational costs. Mr. Dalton explained that the equipment would reduce costly maintenance and prevent costly damage to equipment. He confirmed that dumpster usage would remain consistent with current screening operations. Mr. Tibbens asked if this was already in the FY26 budget and Mr. Dalton said yes, and also in the proposed FY27 Budget as it appears much of the expense will come in the FY27.

William Steinmetz moved that the Council of the Town of Berryville authorize the Town Manager to issue an IFB for the purchase and installation of a bar screen for the wastewater treatment plant. The motion was passed by voice vote.

Discussion: IFB Water Treatment Plant Duct Bank

Mr. Dalton presented information regarding the duct bank project. He recommended advancing this portion of the Water Treatment Plant expansion project separately because of time constraints related to access to

easements. Once bids are received, they would be presented to Council for approval. Mr. Dalton noted that Casey Trees has been responsive and accommodating.

Mr. Mazzarino moved that the Council of the Town of Berryville authorize the Town Manager to issue an IFB for the construction of a portion of the duct bank that will serve an upgraded raw water pumping station and treatment plant. The motion passed by voice vote.

11. Council Member Reports

Vice Mayor Gibson said she had her first meeting with the Northern Shenandoah Valley Regional Commission and she had a link for a free Septic Pump out Program [NSVRC | Septic Pump-Out Program](https://www.nsvregion.org/programs-services/septic).
<https://www.nsvregion.org/programs-services/septic>.

Mr. Steinmetz noted the Planning Commission will meet regarding the Friant Properties on Tuesday, March 24, 2026.

12. Staff Reports

Chief Winner presented his Annual Report for the Police Department, which is also available on the Town website. Mr. Dalton thanked Chief Winner and Administrator Leslie Kelley for their hard work.

Mrs. Poulin requested Council set a public hearing for proposed tax rates for Tax Year 2026.

Vice Mayor Gibson moved that the Council of the Town of Berryville set a public hearing for 7:00 p.m., or as soon thereafter as this matter may be heard, on April 14, 2026 to review the proposed Tax Year 2026 tax rates on all real property, including real property and tangible personal property of public service corporations, and all other tangible personal property, including machinery and tools. The motion passed by voice vote.

Mrs. Poulin requested Council set a public hearing for proposed amendments to the Town's Schedule of Water and Sewer Fees and Charges. She reviewed primary elements of the schedule with the Council.

Mr. Tibbens moved that the Council of the Town of Berryville set a public hearing for 7:00 p.m., or as soon thereafter as this matter may be heard, on April 14, 2026 to review the attached draft Schedule of Water and Sewer Fees and Charges. The motion passed by voice vote.

Mrs. Petti requested Council set a public hearing for a proposed repeal and re-adoption of Appendix C of the Berryville Code- Erosion and Sediment Control. Mrs. Petti explained the proposal **attached**.

Mr. Mazzarino moved that the Council or the Town of Berryville set a public hearing for 7:00 p.m., or as soon thereafter as this matter may be heard, on April 14, 2026 to consider the repeal and readoption of Appendix C- Erosion and Sediment Control Ordinance. The motion passed by voice vote.

Mrs. Petti requested Council set a public hearing for proposed revisions to the Town's Regulations for Special Events and Demonstrations. Mrs. Petti explained the changes. Council discussed attendance estimates and enforcement limitations.

Mr. Steinmetz moved that the Council of the Town of Berryville set a public hearing for 7:00 p.m., or as soon thereafter as this matter may be heard, on April 14, 2026 to consider revisions to Regulations for Special Events and Demonstrations. The motion passed by voice vote.

Mrs. Petti would like the Council to set a public hearing for Construction Standards Manual, Sections 3 and 4.

Mr. Mazzarino moved that the Council or the Town of Berryville set a public hearing for 7:00 p.m., or as soon thereafter as this matter may be heard, on April 14, 2026 to consider revisions to the Construction Standards and Specifications Manual. The motion passed by voice vote.

Mrs. Petti requested Council set a public hearing for a proposed amendment of the Berryville Code Sections 10-49 Parking of Commercial vehicles in residential areas and 10-50 Parking and storage of travel trailers etc. in residential areas. Mrs. Petti advised the rate is too low to deter residents from parking their travel trailers in the Town limits. Mr. Tibbens said that the language should be changed in regards to size of the travel trailers, noting they are much larger now. No motion was made.

13. Committee Updates

Mayor Arnold recognized the chairs of the standing committees of the Town Council for updates.

Budget and Finance Committee

Community Development Committee & Streets and Utilities Committee

Mr. Tibbens said the Committee met and discussed the VCA grant and potential sidewalks, no formal updates at this time.

Personnel, Appointments, and Policy

Mayor Arnold noted a potential Tree Board candidate may be interviewed soon.

Public Safety

14. Closed Session

Discussion about renewal of a lease at 201 Tom Whitacre Circle

Motion to enter Closed Session

Vice Mayor Gibson moved that the Council of the Town of Berryville enter closed session in accordance with code of Virginia §2.2-3711.3, to discuss the renewal of a lease on and around the elevated water tower at 201 Tom Whitacre Circle. Motion passed by voice vote.

The Council returned to open session at 9:50 p.m.

Certification Motion and Resolution

Mr. Steinmetz moved that the Council of the Town of Berryville adopt the following resolution certifying it has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act:

WHEREAS, Section 2.2-3712.D of the Code of Virginia requires a certification by this Council that such closed meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.

Vote by roll call:

Mr. Steinmetz	Aye
Mr. Perez	Absent
Mr. Mazzarino	Aye
Mr. Tibbens	Aye
Ms. Gibson	Aye
Mr. Arnold	Aye

15. Adjourn

The Council adjourned at 9:51 p.m. on a motion by Vice Mayor Gibson.

Erecka L. Gibson, Vice Mayor

Brandel Kelsey, Town Clerk

Town of Berryville
Motion to Approve Reserve Specifics

Date: March 10, 2026

MOTION BY:

I move that the Council of the Town of Berryville approve the attached Reserve Specifics document.

VOTE:

Aye:

Nay:

Absent:

Abstain:

ATTEST

Erecka Gibson, Vice Mayor

**AN ORDINANCE TO AUTHORIZE PARTICIPATION BY THE TOWN OF
BERRYVILLE, VIRGINIA IN THE VACO/VML VIRGINIA INVESTMENT POOL FOR
THE PURPOSE OF INVESTING IN ACCORDANCE WITH SECTION
2.2-4501 *et seq.* AND 15.2-1300 OF THE VIRGINIA CODE.**

WHEREAS, Va. Code § 15.2-1500 provides, in part, that every locality shall provide for all the governmental functions of the locality, including without limitation, the organization of all departments, offices, boards, commissions and agencies of government, and the organizational structure thereof, which are necessary to carry out the functions of government; and

WHEREAS, the Investment of Public Funds Act (Va. Code §§ 2.2-4500 through 2.2-4519) lists the eligible categories of securities and investments in which municipal corporations, other political subdivisions and other public bodies are authorized to invest funds belonging to them or within their control; and

WHEREAS, Section 15.2-1300 of the Virginia Code provides that any power, privilege or authority exercised or capable of exercise by any political subdivision of the Commonwealth of Virginia may be exercised and enjoyed jointly with any other political subdivision having a similar power, privilege or authority pursuant to agreements with one another for joint action in accordance with the provisions of that Code section; and

WHEREAS, the City of Chesapeake, Virginia and the City of Roanoke, Virginia have jointly established and are participating in the Virginia Investment Pool Trust Fund (the "Trust Fund"), also known as the "VACo/VML Virginia Investment Pool," and have provided in their trust agreement for participation by other eligible governmental entities that execute a trust joinder agreement; and

WHEREAS, it appearing to the Town Council of the Town of Berryville, Virginia that it is in the best interests of the Town of Berryville, Virginia to become a Participating Political Subdivision in the Trust Fund; and

WHEREAS, the Treasurer of the Town of Berryville, Virginia, has the authority and responsibility under Virginia law to determine the manner in which public funds other than sinking funds under his/her control will be invested;

NOW, THEREFORE THE TOWN COUNCIL OF THE TOWN OF BERRYVILLE, VIRGINIA HEREBY ORDAINS:

§ 1 That, pursuant to Sections 2.2-4501 *et seq.* and 15.2-1300 of the Virginia Code, the Town Council of the Town of Berryville, Virginia hereby establishes a trust for the purpose of investing funds, other than sinking funds, determined to derive the most benefit from this investment strategy, in investments authorized under the Investment of Public Funds Act, jointly with other participating political subdivisions and public bodies in the Trust Fund. A copy of the Virginia Investment Pool Trust Fund Agreement (the "Trust Fund Agreement") is attached and incorporated in this ordinance as Exhibit A.

§ 2 That the Town of Berryville, Virginia agrees to become a "Participating Political Subdivision" in the Trust Fund, as further defined in the Agreement.

§ 3 That the Town Council of the Town of Berryville, Virginia does hereby designate the Treasurer of the Town of Berryville, Virginia to serve as the trustee of the Town of Berryville, Virginia with respect to the Trust Fund, and to determine what funds under his/her control shall be invested in the Trust Fund.

§ 4 That the Town Council of the Town of Berryville, Virginia hereby authorizes the Treasurer to execute and deliver the Trust Joinder Agreement for Participating Political Subdivisions under the Virginia Investment Pool Trust Fund ("Trust Joinder Agreement"), a copy of which is attached and incorporated in this ordinance as Exhibit B.

§ 5 This ordinance shall become effective upon its adoption.

Exhibits: Trust Fund Agreement ("Exhibit A")
Trust Joinder Agreement ("Exhibit B")

CERTIFICATION

I hereby certify that I am the Clerk of the Town of Berryville, Virginia, and that the foregoing is a true and correct copy of an ordinance duly adopted at a meeting of the Town Council of the Town of Berryville, Virginia held on March 10, 2026, at which a quorum was present. The Town Council voted as follows:

MEMBER:	ATTENDANCE:	VOTE:

Given under my hand and the seal of the Town of Berryville, Virginia this ____ day of _____, 2025:

[SEAL]

Brandel Kelsey, Town Clerk
Town of Berryville, Virginia

Fund Reserve Specifics

Adopted June 10, 2025

Proposed 2026 Revisions in RED

This document was adopted in accordance with the Town Council's Reserves Policy.

Reserve amounts reflect adjustment on January 21, 2026. Fund totals do not reflect expenditures in FY26.

General Fund

General Fund Reserve

This reserve was established in order to provide funding for unforeseen expenses and to supplement revenues as the Council deems necessary. General fund monies budgeted in a given year that are neither spent nor otherwise encumbered will be placed in this reserve. The interest income from all general fund reserves is placed in this reserve.

Reserve	$\$445,342.84 + 4,756.00 = 450,098.84$
Reserve goal	$\$445,000$ 519,335.00 50% of annual debt service + 10% of FY 25 GF operational expenses

Property Improvements and Maintenance Reserve

The Town owns several properties for which the cost of improvement and maintenance falls solely on the general fund. These properties include 23 East Main Street (includes Livery), Hogan's Alley, Crow Street Parking Lot, Rose Hill Park (including the John Rixey Moore Playground, Smithy Cottage but excluding the Barns of Rose Hill), Rixey Moore Parking Lot, and the old kennel located on the Wastewater Treatment Plant property.

The maintenance costs for the Public Works Facility and the Berryville-Clarke County Government Center are shared by all three funds. The Berryville-Clarke County Government Center is jointly owned with Clarke County; therefore, a separate fund is established for care of that property.

These funds may be made available for improvements to or maintenance of town properties.

Reserve	$\$1,250,000 + 472,000 = 1,722,000$
Reserve goal	\$1,250,000 2,000,000

Berryville-Clarke County Government Center Reserve

The Town and Clarke County constructed the Berryville-Clarke County Government Center in 2008. The facility is owned and maintained by both jurisdictions.

The facility's note holder requires that a maintenance reserve be established to provide savings to address unforeseen maintenance-related expenses. Both the Town and County agreed to self-encumber funds that would be available for expenses incurred while repairing, maintaining, or improving the property at 101 Chalmers Court.

These funds may be made available for repair, maintenance, or improvement of the Berryville-Clarke County Government Center facility.

Reserve	\$400,000
Reserve goal	\$400,000

Flood Plain/Stormwater Mitigation Reserve

Berryville contains three major drainage areas. Each of these drainage areas contains a perennial stream: Town Run (known as Dog Run in the rest of Clarke County), Craig's Run, and Buckmarsh Run. Each of these drainage areas contains smaller contributing sub-drainage areas.

The flood plain and floodway have been identified and mapped within the Town Run drainage area. Stormwater management concerns have been identified in several sub-drainage areas of the Town Run drainage area.

These funds would be available for use on flood plain/stormwater mitigation projects.

Reserve	\$750,000
Reserve goal	\$750,000

Downtown Improvement Reserve

In recognition of the economic benefits of an attractive business district, the Council recognizes that improvements to the downtown area will pay dividends to the entire town.

The Town created this reserve, in full or in part, projects to improve the general appearance of the downtown, enhance directional signage, improve parking, improve accessibility, establish and maintain crosswalks that exceed VDOT standards, establish and maintain trees and or planters, and the like.

Reserve	\$725,000
Reserve goal	\$725,000 750,000

Economic Development Reserve

This reserve was established to provide for savings that can be used to address economic development opportunities or needs that the Town Council determines should be funded.

Reserve	\$100,000
Reserve goal	\$100,000

Blight Abatement Reserve

The Berryville Code provides the Town Council and the Town Manager with authority to demolish/secure unsafe structures and abate blight. If the Town must address such problems, then the work is paid for with public funds and the cost billed to the property owner. If the property owner fails to pay for the work, then a tax lien is placed on the property. Generally, it takes several years for the Town to recoup any of the costs incurred addressing the unsafe conditions.

These funds would be available to pay for work required to secure or demolish unsafe structures and abate blight.

Reserve	\$100,000
Reserve goal	\$100,000

John H. Enders Vol. Fire Department Reserve

This reserve was established to provide savings that can be used to assist the John H. Enders Volunteer Fire Department and Rescue Squad, which the Town Council has declared to be an integral part of the official safety program of the Town, with capital projects.

Reserve	\$ 70,000 10,000
Reserve goal	\$100,000

Police Equipment Replacement Reserve

This reserve was established to fund new or replacement police department equipment.

Reserve	\$125,000 + 25,000 = 150,000
Reserve goal	\$125,000 150,000

Annexation Reserve

This reserve was established to provide savings that can be used to complete work required to affect annexations.

Reserve	\$100,000
Reserve goal	\$100,000 150,000

Town Street Reserve

This reserve was established to provide funds for maintenance of Town secondary streets that do not qualify for use of Virginia Secondary Street Reimbursement funds.

Reserve	\$150,000
Reserve Goal	\$150,000

Transportation Alternatives Program (TAP) Project Matching Funds Reserve

This reserve is established to provide required matching funds for TAP projects. These projects are administered by the Virginia Department of Transportation and require a 20% match from the Town.

The Town has three active TAP grant applications (two associated with a sidewalk project on Mosby Boulevard and one sidewalk/drainage project on East and West Fairfax Street) in process.

The Town also expects to apply for a TAP grant in 2027 that would help fund a sidewalk extension on the east side of North Buckmarsh along the frontage of 22 West Fairfax and 328 and 322 North Buckmarsh Street.

Along with required matching, reserve funds may be used for project costs not covered by TAP funds.

Reserve	\$ 894,000 + 846,000 = 1,740,000
Reserve Goal	\$1,500,000 2,000,000

Total General Fund Reserves = \$6,397,098.84

Water Fund

Water Fund Reserve

This reserve was established in order to provide funding for unforeseen expenses and to supplement revenues as the Council deems necessary.

Water fund monies budgeted in a given year that are neither spent nor otherwise encumbered will be placed in this reserve. The interest income from all water fund reserves is placed in this reserve.

Reserve	\$394,760 + 7,140 = 401,900*
Reserve goal	\$190,100.00* 189,000
	100% of annual debt service +
	15% of FY25 WF operational expenses

*Reserve amount significantly exceeds the reserve goal because the goal will increase significantly in the near future, because the water fund will have debt (Water Treatment Plant Upgrade) that has to be serviced.

Water Storage Tank Reserve

This reserve was established to provided funding for either planned or unforeseen expenses related to the Town’s water storage system.

The Town maintains three water tanks within its water distribution system. The Town has maintenance contracts for the three tanks, but given the importance of these improvements it is vital to provide a reserve to address unforeseen problems that may not be covered under the annual maintenance contract.

Reserve	\$ 750,000
Reserve goal	\$1,250,000 1,500,000

Water Treatment Plant Reserve

The reserve was established to assist with meeting funding needs for water treatment plant-related expenses.

Reserve	\$4,030,000 + 511,594 = 4,541,594
Reserve goal	\$5,000,000 7,000,000

Overview

The Town’s Water Treatment Plant, raw water intake, and raw water transmission main are slated to be upgraded within the next several years. This work is required because the plant and related raw water facilities, which were constructed in 1984, are approaching the end of their useful life.

The Town of Berryville Utility Rate Study, which was completed in 2019, identified expenses related to the replacement/improvement/repair of this facility and the pumping station at the Shenandoah River. According that study, the plant and pumping station should be

replaced/improved/repared by the end of FY27.

In August 2022 the Town issued an offering to secure professional engineering services required for the design and construction of the water treatment plant upgrade. In December 2022, the Town contracted with Pennoni to provide those required engineering services.

On September 12, 2023 the Town Council approved a preliminary engineering report in which it was recommended that the Town upgrade the water treatment plant with membrane filtration units. That report was reviewed by the Virginia Department of Health. A revised report, addressing Department of Health comments, will be resubmitted on March 1, 2025. The new report eliminates the planned pre-sedimentation basins and provides for the construction of vertical clarifiers. These clarifiers will treat the water through flocculation prior to filtration by the membrane system.

The Virginia Department of Health approved the preliminary engineering report in February 2026. This approval enables the agency to review the construction plans and contract documents. Upon Virginia Department of Health approval of plans, specifications, and contract documents, the project may be bid.

Upgrade Project Schedule

<u>Task</u>	<u>Expected Completion</u>
Advertise for Bids	October 2026
Bid Opening	December 2026
Award/Notice of Proceed	January 2027
Substantial Completion	May 2028
Final Completion	June 2028

Funding

The Virginia Department of Health has issued two BIL (FY2024 Bipartisan Infrastructure Law) Initial Offers. The first loan offer, which was dated October 26, 2023 provided a funding package of \$6,385,000. The second loan offer, which was dated December 12, 2024 provided a funding package of \$6,000,000. Accordingly, the loan offer from the Department of Health totals \$12,385,000.

The terms of the loan (both offerings will close at the same time) are as follows:

Principal: \$12,385,000

Term: 20 years

Rate: 1.0% below market rate

Draws: Loan funds may be draw monthly during the project. Interest will begin accruing when funds are drawn. Accordingly, no construction loan(s) should be required to complete the project.

Upgrade Project Estimated Cost:

Construction Cost -	\$12,000,000
Non- Construction Costs -	\$ 3,300,000
Total -	\$15,300,000
Project Cost	\$15,300,000
VDH Loan	\$12,385,000
Expected Draw on Reserves for Upgrade	\$ 2,915,000

Use of Reserves During Upgrade Project

In accordance with current project budget estimates, it is expected that at approximately \$2,915,000 from this fund will be used for the upgrade.

Reserve funds will be available for unexpected cost overruns and to ensure positive cash flow during the upgrade project. It is also expected that these reserve funds will be used to fund lender-required maintenance/loan repayment reserves. Lastly, it is expected that reserve funds will be used to fund a membrane replacement reserve.

Use of Reserves After Upgrade Project is Completed

After the upgrade project has been completed, these funds will be available to pay for unforeseen costs associated with the water treatment plant and related improvements.

Water Distribution System Reserve

This reserve was established to provide funds for planned and unforeseen improvements and repairs to the Town's water distribution system.

The Town maintains a system of pipes through which water is distributed from the water plant and throughout the Town. This system includes improvements such as water mains, laterals, meters and related improvements, valves, pumps, and fire hydrants.

The Town of Berryville Utility Rate Study completed in 2019 identified expenses related to the replacement/upgrade of portions of the distribution system.

Reserve	$\$1,200,000 + 50,000 = 1,250,000$
Reserve goal	\$1,200,000 2,000,000

Total Water Fund Reserves = \$6,943,494.00

Sewer Fund

Sewer Fund Reserve

This reserve was established in order to provide funding for unforeseen expenses and to supplement revenues as the Council deems necessary.

Sewer fund monies budgeted in a given year that are neither spent nor otherwise encumbered will be placed in this reserve. The interest income from all sewer fund reserves is placed in this reserve.

Reserve	$\$701,223.29 - 466,844 = 234,379.29$
Reserve goal	$\$725,000 - 713,000$ 100% of annual debt service + 15% of FY25 SF operational expenses

Wastewater Treatment Plant Reserve

The reserve was established to assist with meeting funding needs for wastewater treatment plant-related expenses.

The Town's wastewater treatment plant became operational in 2012. The useful life of the plant is expected to be at least 25 years.

These funds may be made available to address unforeseen costs at the plant or begin a replacement/upgrade project.

Reserve	$\$2,825,000 + 477,324 = 3,302,324$
Reserve goal	$\$7,500,000$

Sewer Collection System Reserve

This reserve was established to provide funds for planned and unforeseen improvements and repairs to the Town's wastewater collection system.

The Town maintains a system of pipes and other improvements through which wastewater is collected from customers and transmitted to the wastewater treatment plant. This system includes improvements such as sewer mains, manholes, and pump stations.

The Town of Berryville Utility Rate Study completed in 2019 identified expenses related to the replacement/upgrade of portions of the collection system.

Reserve	$\$2,000,000$
Reserve goal	$\$2,500,000$

Membrane Replacement Reserve

This reserve was established to provide funds for planned and unforeseen projects related to the wastewater treatment plant's membranes.

The Town's wastewater treatment plant utilizes ultrafiltration membranes as a part of the treatment

process. These membranes have an expected useful life of eight to twelve years. The membranes were last replaced in 2023. These funds may be made available to address the cost of membrane maintenance and replacement.

Reserve	\$ 975,000 + 525,000 = 1,500,000
Reserve goal	\$1,500,000

Total Sewer Fund Reserves = \$7,036,703.29**

**This amount does not include the \$470,000 reserve required by the wastewater treatment plant loan terms. These funds must be reserved separately and will be used for the last payment on the loan. That payment will be made on February 1, 2037.

Town of Berryville
Motion to approve the Ordinance to participate in the
VACo/VML Virginia Investment Pool

Date: March 10, 2026

MOTION BY: Vice Mayor Erecka Gibson

I move that the Council of the Town of Berryville approve and adopt the attached ordinance authorizing participation by the Town of Berryville, Virginia in the VACo/VML Virginia Investment Pool for the purpose of investing funds in accordance with Virginia Code §2.2-4501, et seq and Virginia Code §15.2-1300 and authorize the treasurer or town manager to sign the agreement and other related documents.

VOTE:

Aye: ALL

Nay: 0

Absent: Paul Perez

Abstain: 0

ATTEST

Erecka Gibson, Vice Mayor

ARTICLE I. IN GENERAL

Sec. 17-1. Violation of chapter.

Unless otherwise specifically provided by Federal or Virginia law, a violation of any provision of this chapter shall constitute a Class 2 misdemeanor and any person who violates a provision of this chapter shall be subject to penalties as authorized by §15.2-1429 of the Code of Virginia and as provided in §1.11 of this Code. Nothing herein shall be construed to impose a penalty in excess of that permitted by general law.

Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a Class 2 misdemeanor.

Cross reference(s)—Penalty for Class 2 misdemeanor, § 1-11.

Sec. 17-1.1. Connections, charges, rates, and fees

- (a) *Fees and charges.* 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 herein or as established in the latest edition of the *Town of Berryville Schedule of Water and Sewer Fees and Charges*. All user fees, penalties and charges collected under this chapter shall be used for the sole purpose of constructing, operating or maintaining the treatment works and distribution and collection systems of the town, or the retirement of debt incurred for same and 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. For each connection made to the public water and/or sewer systems, there shall be a charge as set by the council. The council shall set these charges and fees only after a duly adopted resolution specifying charges for residential connections, commercial, institutional, and industrial establishments. Nothing in this Code or the ordinance adopting this Code shall affect any ordinance prescribing any charge, rate or fee referred to in this chapter and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.
- (b) *Mandatory connection.* Every building intended for human habitation or occupancy, or commercial or industrial use, abutting on any street, alley, or right-of-way in which there is or may be located a public water line and/or sewer, is required at the owner's expense to connect to public water and/or sewer, unless expressly excepted under the provisions of this chapter.
- (c) *Costs to be borne by owner.* The premise owner shall be responsible for the construction, maintenance, and repair of water service lines from the water meter to the building served and from the sewer main to the building served. The owner/occupant shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation, maintenance, or repair of such connection.

- (d) *Severability*. If any provision of these regulations, or the application of any provision of these regulations to any person or circumstances, is held invalid, the application of such provision to other persons or circumstances, and the remainder of the regulations, shall not be affected thereby.
- (e) Amendments of the chapter. Public notice shall be given in accordance with applicable provisions of the Town Charter, other town ordinances, state and federal law, prior to adoption of any amendments of this chapter.

Sec. 17-2. Responsibility of superintendent of public works as to water and sewer connections system.

- (a) The superintendent of public works or designee shall be responsible for the inspection and proper installation of all connections to the town's water and sewer systems and for recording extensions of and additions or repairs to the system, including the material, diameter, and approximate location of pipes, laterals, valves, hydrants, manholes, and other appurtenances.
- (b) No water supplied by the town shall be introduced into any premises, except under the supervision of the superintendent of public works. No wastewater shall be accepted to the town treatment works, except under supervision of the director of public utilities.
- (c) The superintendent of public works or designee shall have supervision over the water distribution and sewer collection systems.

Cross reference(s)—Department of public works, § 2-52 et seq. and department of public utilities, §2-62 et seq.

Sec. 17-3. Damaging, defacing, etc., water or sewer system property.

- (a) No unauthorized person shall break, injure, damage, deface, destroy, uncover, move, or tamper, or interfere with any water main or service pipe, water storage tank, water meter, public sewer, manhole, fireplug or any other appurtenance, fixture, equipment or structure which is a part of, or is connected to, the town's water system or sewer system.
- (b) A violation of this section shall constitute a Class 1 misdemeanor. No penalty imposed for such violation shall prevent the town or any property owner or other person from recovering any damages sustained by reason of such violation, by appropriate civil action or otherwise.

Cross reference(s)—Penalty for Class 1 misdemeanor, § 1-11; damaging property generally, § 13-22.

Sec. 17-4. Construction specifications and standard details.

All water and sewer mains, lines, valves, hydrants, manholes, appurtenances and other improvements required for connection to the Town of Berryville's water and sewer systems shall be constructed, installed

and/or extended in full compliance with the provisions and requirements of the document entitled "Town of Berryville Construction Standards and Specifications," as such document may be amended from time to time by the council of the Town of Berryville, and which document is set forth separately and apart from the Code of The Town of Berryville, but shall be incorporated by reference herein as a duly adopted section of the town council.

Sec. 17-5. Inspection and Administrative Orders Authority

The director of public works and the director of public utilities or their designees are authorized to enter the premises of any user at reasonable times for the purpose of inspection and sampling. Directors are also authorized to issue administrative compliance orders, cease and desist orders, and provide written notices of violation and directives for corrective action consistent with this chapter. The town may recover costs associated with sampling, monitoring, investigation, damage repair, and reasonable attorney's fees as permitted by general law or by order of a court of competent jurisdiction.

Sec. 17-6. Permission of council required for service outside town.

No water shall be supplied to nor wastewater accepted from any person or property outside the corporate limits of the town, except upon express permission granted by the council.

Secs. 17-7—17-13. Reserved.

ARTICLE II. WATER GENERALLY

Sec. 17-14. General powers and duties of superintendent of public works as to water system.

The superintendent of public works shall have supervision over the water distribution system and keep all elements thereof in good order and repair, and maintain maps and installation, maintenance, and repair records in accordance with the Library of Virginia Retention Schedule.

Cross reference(s)—Department of public works, § 2-52 et seq.

Sec. 17-15. Mandatory water connections; private wells prohibited.

- (a) Every building intended for human habitation or occupancy on premises abutting on a street in which there is a public water line shall have a connection with such water line. The town manager may waive this requirement for parcels of ten (10) acres or larger in size where such connection is deemed to be a hardship. Any hardship waiver shall be based upon written findings that connection is physically impracticable or would require extraordinary construction costs disproportionate to the benefit received, and the property owner demonstrates that an alternative potable water source complies with all applicable Virginia Department of Health regulations. A waiver granted under this section may be revoked in writing by the town manager if public water service is extended in a manner that alleviates the hardship of connection to the public system.
- (b) Unless otherwise permitted by this section, it shall be unlawful for the owner of any house or other building intended for human habitation or occupancy to occupy, rent, or lease the same for occupancy by any person, or for any person to occupy the same, unless such house or other building is provided with a supply of water meeting the requirements of this section. If any landlord shall fail to supply any such house or other building with such a supply of water, the tenant shall supply the same in conformity with the orders of the health officer and may deduct the cost thereof from any sum due the landlord for rent.
- (c) Connections to the public water service shall be separate for each building. The town manager may waive this requirement where such separate connection is deemed to be a hardship.
- (d) The water supply, as provided by the town, shall be neither connected with unsafe water supplies nor cross-connected, through plumbing fixtures, to the drainage system. The director of utilities shall establish standards for cross-connection control installation and maintenance in accordance with Virginia Department of Health Waterworks Regulations.
- (e) It shall be unlawful for any person to drill, own, keep, use, or maintain a private well within the town where public water service is available and connection is required pursuant to subsection (a) with the intent to circumvent the requirements of this section. In no instance may a well be drilled on any residentially zoned parcel that is less than ten (10) acres in size.

Sec. 17-16. Application for service.

Whenever any person owning property in the town along the line of any water main shall desire the introduction of water into such premises, the property owner shall make written application therefor to the town manager. Such application shall set forth the name of the applicant, the location of the property into which the water is to be introduced, the purposes for which the water is to be used, and the name of the licensed plumber who will be responsible for the work. Such application shall also contain a provision which, upon acceptance of the application by the town manager and subsequent connection of the service pipe with the main, will obligate the owner of the premises to pay for all water furnished pursuant to such application. The town manager shall not cause water to be furnished at any water connection until the owner of the premises has agreed to pay for all water furnished and owner has paid connection and availability fees.

Sec. 17-17, 17-18. Repealed.**Sec. 17-19. Installation, inspection, etc., of meters.**

- (a) Each meter installed for the measurement of water supplied by the town shall be installed by the town, or its appointed agent, at a location approved by the town or its agent. All meters so installed shall be the property of the town. For each such meter installed there shall be paid to the town, as a meter fee, such sum as is prescribed from time to time, by the council, to be collected prior to the meter being placed into use.
- (b) Each meter installed for the measurement of water supplied by the town shall at all times be subject to control and inspection by the town or its agent, and where any meter is located on private property, the town shall have the right to enter at any reasonable hour for the purpose of inspecting, repairing, replacing or removing such meter or to take meter readings.

Sec. 17-20. Property owner or occupant responsible for expense of renewing replacing or repairing meter negligently damaged.

Any water meter damaged for any cause, directly or indirectly attributable to the negligence of the owner or occupant of the property served by such meter, shall be renewed replaced or repaired at the expense of such owner or occupant.

Sec. 17-21. By whom cutoffs made.

Water cutoffs shall be made by the superintendent of public works or designee.

Sec. 17-22. Charge for cutoff at request of customer.

A charge, in such amount as is, from time to time, prescribed by the council, shall be made for having water service to a particular premises turned off at the request of the customer.

Sec. 17-23. Unauthorized use of water.

No person shall use water from the town's water system without having obtained the right to do so.

Sec. 17-24. Reserved.

Sec. 17-25. Drought response ordinance.

- (a) Drought supply situations. The Town of Berryville acknowledges that there may be situations where the water supply to the town's water system is reduced by a variety of factors. In recognition of this, the town intends to apply educational, and ultimately enforcement actions, to achieve water conservation measures of varying degrees. This plan should enable appropriate water usage by appropriate water users at reduced consumption levels during these periods as declared by the town council.
- (b) Drought water supply response plan. The town council adopts by reference the current version of the Northern Shenandoah Valley Regional Commission (NSVRC) Drought Response Plan. The adoption of this plan, or a substitution plan authorized by the town council, is pursuant to, and authorized by, applicable sections of 9VAC 25-780-120, § 15.2-923(ii) of the Code of Virginia - Local Water-Saving Ordinances, and § 15.2-924 - Water Supply Emergency Ordinances.
- (c) Construction site stabilization during drought conditions. To stabilize construction sites during drought conditions, strict adherence to the Virginia Erosion and Stormwater Management Regulations 9VAC25-875, Virginia Erosion and Stormwater Management Program (VESMP), and Virginia Runoff Reduction Method Version 4.1 is required.
- (d) Decisions/declarations and data sources.
 - (1) The town council reserves the right to interpret local water system data and have sole control over the declaration of a drought/low water supply watch, warning, or emergency. Likewise, the town council reserves the right to reduce, rescind, or eliminate any such declaration. The mayor and town manager may make the following declarations in accordance with provisions of this section.

WATCH— When a ten-percent reduction or more in available water supply is observed, the following voluntary measures are sought:

- a. Voluntary water conservation.

i. Residents/businesses are asked to review their water usage and be aware of and limit high water use including but not limited to overwatering lawns, washing sidewalks and driveways.

ii. Residents/businesses are asked to only water lawns and landscaping on even or odd days based on their address. If their address is an even number, water on even numbered days, if their address is an odd number, water on odd numbered days.

WARNING— When a fifteen percent reduction or more in available water supply is observed, the following voluntary measures are sought:

a. Voluntary water conservation.

i. Residents/businesses are asked to review their water usage and be aware of and limit high water use.

b. Mandatory water restrictions.

i. Residents shall only water lawns and landscaping on even or odd days based on their address as specified above.

ii. Where possible, non-vegetative erosion and sediment control methods shall be employed on construction sites. A Drought bond in an amount designated by the community development director may be established.

iii. Car washing or outdoor washing is prohibited. Commercial carwashes utilizing public water will be permitted to operate if they can demonstrate that at least fifty (50) percent of the water used is recycled during the car washing process. Commercial carwashes where well water is used may operate as usual but shall post signs at the business indicating such water source.

iv. Washing of streets, driveways, parking lots, service station aprons, office buildings, exteriors of homes or apartments or other outdoor surfaces is prohibited.

v. Operation of any outdoor fountain or other structure making a similar use of water is prohibited.

vi. Filling of swimming and/or wading pools is prohibited. Topping off of pools is permitted.

vii. Use of water from fire hydrants for any purpose other than fire suppression, water distribution system flushing, or other public emergency, is prohibited.

EMERGENCY— When a twenty-percent reduction or more in available water supply is observed, the following are mandatory restrictions

a. Mandatory water restrictions.

i. Residents/businesses are required to conserve. Penalties/sanctions are enforceable pursuant to town ordinance for failure to comply with restrictions as listed.

ii. Public notification will be posted of "Mandatory water restrictions in effect."

iii. All mandatory restrictions listed under the warning level shall be enforced, unless modified in this section.

iv. High water users (those consistently using more than one thousand (1,000) gal/day) shall have prepared curtailment plans demonstrating how they shall respond to emergency situations and shall implement such.

v. Car washing or outdoor washing is prohibited. Commercial carwashes will be permitted to operate if they can demonstrate that at least fifty (50) percent of the water used is recycled during the car washing process. Commercial carwashes where well water is used may operate as usual but shall post signs at the business indicating such water source.

vi. Lawn and landscape watering is prohibited, except the use of gray water for plants, shrubs, and gardens in accordance with Virginia Department of Health and Virginia Department of Environmental Quality standards. Grey water is clean waste water, such as from kitchen, bathroom (including water from bathtubs, showers, and sinks, but not from toilets), and clothes washers. This water can be reused or recycled with little or no treatment for landscape irrigation and other nonpotable uses.

vii. Filling or "topping off" of swimming and/or wading pools is prohibited.

(2) The town council shall choose their local data sources, establish their local trigger points for the varying declarations, and evaluate various information sources prior to enabling or rescinding any noted declaration.

(3) Should the NSVRC drought response plan become unsuitable to the Town of Berryville, the council reserves the right to substitute its own drought/low water supply response plan, as approved by the commonwealth.

(4) Should the water usage reduction measures implemented by the town, either voluntary or mandatory, prove inadequate, the town council shall have the authority to impose additional measures to achieve the water usage reduction goals.

(e) Enforcement.

(1) Violations of this section shall constitute an offense as outlined herein. The Berryville Police Department shall be charged with enforcing this section.

(2) During a watch declaration:

a. Verbal reminder for any noted issues.

(3) During a warning declaration enforcement for mandatory restrictions:

- a. First offense: Verbal warning
- b. Second offense: Written warning notice
- c. Third offense, not less than 72 hours after first offense: Disconnection of service and initiation of legal action

(4) During an emergency declaration enforcement for mandatory restrictions:

- a. First offense: Written warning notice
- b. Second offense, not less than 72 hours after first offense: Disconnection of service
- c. Third offense : Disconnection of service and initiation of legal action

(5) Immediate termination may occur when continued usage presents a threat to public health, safety, or system integrity.

(6) Reconnect fees shall apply to any customer whose service was disconnected under in response to a violation of the emergency declaration.

(7) Town manager may, in accordance with this chapter, initiate legal action against flagrant and/or repeat offenders of any declaration.

(f) Enforcement actions. Any person who shall violate any of the provisions of this section, or of any of the conservation regulations promulgated by the mayor and town manager pursuant thereto, shall upon conviction thereof, be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), be guilty of a Class 2 misdemeanor, or be subject to such civil penalty as may be authorized by general law in accordance with §15.2-1429 of the Code of Virginia. Each act or each day's continuation of the violation shall be considered a separate offense to the extent permitted by general law. In addition to the foregoing, the town manager may suspend water service to any person continuing to violate the provisions of this section or the regulations promulgated hereunder. If such water service is terminated, the person shall pay a reconnection fee as established by town council before service will be restored.

(g) Appeal process.

(1) If a customer wishes to appeal any decision by the town manager, they may present their case before the town council. To initiate appeal, the customer shall file a written notice of appeal with the town clerk within ten (10) calendar days of the decision. The town council shall hear the matter at their next regularly scheduled meeting, subject to open meeting and notice requirements of VA § 2.2-3707.

(2) If a customer wishes to appeal any decision by the town council, they may present their case before the circuit court. Any person aggrieved by a final decision of the town council may seek judicial review in a court of competent jurisdiction as provided by Virginia law.

(h) Notification.

(1) The mayor and town manager, upon rendering a decision pursuant to this chapter, may make such decision known to the public by a variety of media sources such as newspaper, local television access channel, written notices, and/or town website.

Secs. 17-26—17-33. Reserved.

ARTICLE III. SEWERS AND SEWAGE DISPOSAL

Sec. 17-34. General provisions.

(a) The provisions of this chapter shall apply to the discharge of all wastewater to treatment works of the Town of Berryville. This chapter provides for regulation of sewer construction, control of the quantity and quality of wastewater discharged, wastewater pretreatment, fair and reasonable distribution of costs, assurance that existing customers' capacity will not be preempted, issuance of user permits, minimum sewer connection standards and conditions, and penalties and other procedures in cases of violation of this chapter.

(b) This chapter shall apply to the Town of Berryville and to persons outside the town who are, by contract, permit or agreement with the town, users of the town's treatment works.

(c) Except as otherwise provided herein, the director of public utilities and director of public works shall administer, implement, and enforce the provisions of this chapter. No person shall uncover, make any connections with, use, alter, or disturb any wastewater sewer or storm sewer without first obtaining a written permit from the director of public works.

(d) It shall be unlawful for any person to place, deposit, or permit to be deposited any human or animal excrement, garbage, or other objectionable waste in any condition that may be considered as an unsanitary or unhygienic manner on public or private property within or in any area under the jurisdiction of the Town of Berryville

(e) It shall be unlawful under VA Code §62.1-44.5 and 9VAC25-31 to discharge without a Virginia Pollutant Discharge Elimination System (VPDES) permit to any natural outlet within the Town of Berryville or in any area under its jurisdiction. Wastewater discharges to the town's treatment works are not authorized unless permitted by director in accordance with provisions of this chapter.

(f) 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.

(g) The owner of any house, building, or property which is used for residential, commercial, and/or industrial 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 to the proper sewer in accordance with the provisions of this chapter, within one hundred eighty (180) days after notice that sewer is available within two hundred fifty (250) feet of the property line. This section shall not apply to any person served by a privately constructed, owned, operated, and maintained sewer and treatment facility which discharges directly to a natural outlet in accordance with the provisions of this chapter and applicable state and federal laws.

(h) Inspections.

(1) The director of public utilities 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 at any reasonable time for the purposes of inspection, observation,

measurement, sampling and/or copying records of the wastewater discharge to ensure that discharge to the treatment works is in accordance with the provisions of this chapter.

(2) The director of public works or designee, 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 lying within the easement. All entry, and any subsequent work on the easement, shall be done in final accordance with the terms of the easement pertaining to the private property involved.

(3) While performing any necessary work on private properties referred to in subsections above, the director shall observe all safety and occupational rules established by the owner or occupant of the property and applicable to the premises.

Sec. 17-35. Definitions.

- (a) General definitions. Unless the context of usage indicates otherwise, the meaning of terms in this chapter and not defined in subsection (a) above, shall be as defined in the *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 Environment Federation, Copyright 1969*.
- (b) Specific definitions. Unless the context of usage indicates otherwise, the meaning of specific terms in this chapter shall be as provided in 40 CFR Part 403 and as follows:

Act shall mean the Federal Clean Water Act, 33. U.S.C. 1251 et seq.

BOD (denoting biochemical oxygen demand) shall mean the quantity of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius, expressed in milligrams per liter.

Building sewer shall mean the extension of the lateral (service) line from a building wastewater plumbing facility to the sewer main or manhole of the treatment works.

Categorical pretreatment standard or categorical standard shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 of the Act, which apply to specific categories of industrial users.

Day shall mean the 24-hour period beginning at 12:01 a.m.

Director shall mean the town director of public utilities, the director of public works, or authorized designee.

Discharger shall mean person or persons, firm, company, industry or other similar sources of wastewater who introduce such into the POTW.

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

EPA shall mean the United States Environmental Protection Agency.

Establishment shall mean each and every industry, 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 state waters.

Existing source shall mean 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 shall mean fats, oils, greases, and the solid animal and vegetable wastes resulting from the domestic or commercial handling, storage, dispensing, preparation, cooking, and serving of foods.

Indirect discharge shall mean the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307 of the Act.

Industrial user or *significant discharger* means a source of indirect discharge, or a nondomestic discharge to a treatment works.

Industrial wastes shall mean liquid or other wastes resulting from any process of industry, manufacture, trade or business, or from the development of any natural resources.

Interference shall mean 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.

May is permissible; *Shall* is mandatory.

Natural outlet shall mean any outlet into a watercourse, pond, ditch, lake, or any other body of surface or ground water.

New source shall have the same meaning as provided in 40 CFR Part 403.3(k), as amended.

VPDES shall mean Virginia Pollutant Discharge Elimination System permit program

pH shall mean the logarithm of the reciprocal of the hydrogen ion concentration expressed in grams per liter of solution as determined by standard methods.

Pollutant shall mean any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical waste, chemical waste, industrial waste, biological materials, radioactive material, heat wrecked or discarded equipment, rock, sand, dirt, municipal, agricultural and industrial waste, fats, oils, greases, and certain characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, odor).

POTW, publicly owned treatment works shall mean the Town of Berryville Wastewater Treatment Works. Sewers, pipes, or other conveyances are included in this definition if they convey wastewater to a POTW providing treatment.

Pretreatment shall mean the reduction of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to discharge to the Town of Berryville treatment works.

Pretreatment requirements shall mean any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.

Pretreatment standard shall mean 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.

Properly shredded garbage shall mean garbage that has been shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in the treatment works, with no particle greater than one-half-inch in any dimension.

Residential user (Class 1) shall mean all premises used only for human residency and which are is connected to the treatment works.

Sanitary wastewater shall mean wastewater discharged from the sanitary conveniences of dwellings, office buildings, industrial plants, or institutions.

Significant industrial user shall be defined as follows:

- (1) Has a process wastewater flow, excluding sanitary, noncontact cooling and boiler blowdown wastewater, of twenty-five thousand (25,000) gallons or more per average work day, and/or
- (2) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW, and/or
- (3) Is subject to categorical pretreatment standards, and/or
- (4) Has significant impact, either singularly or in combination with other significant dischargers, to adversely affect treatment works or the quality of its effluent.

Significant Noncompliance shall have the meaning set forth in 40 CFR 403.8(f)(2)(viii)

Slug Control Plan A plan of facilities or operating procedures, provided and maintained at the owner or user's own cost and expense, to prevent accidental discharge of prohibited materials ("slug load"). Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the town for review.

Slug load shall mean any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standard of this chapter or any discharge of a nonroutine, episodic nature, including but not limited to, an accidental spill or a noncustomary batch discharge.

Standard methods shall mean 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 shall mean the Commonwealth of Virginia.

Storm sewer shall mean a sewer for conveying storm, surface, and other waters.

Surface water shall mean state waters under VA Code §62.1-44.3.

Suspended solids shall mean the total suspended matter that either floats on the surface of, or is in suspension in, water or wastewater as determined by standard methods.

Treatment facility shall mean only those mechanical power-driven devices necessary for the transmission and treatment of pollutants (e.g., pump stations, unit treatment processes).

Treatment works shall mean any devices and systems used for the storage, treatment, recycling and/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.

User shall mean a source of wastewater discharge into a POTW.

User permit shall mean a document issued by the POTW to the user that permits the connection and/or introduction of wastes into the treatment works under the provisions of this chapter.

Wastewater shall mean 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.

Sec. 17-36. Repealed

Sec. 17-37. Building sewers and connections.

(a) Cost for building sewer installation, connection, maintenance, and repair. All costs and expenses incident to the installation, connection, maintenance and repair of the building sewer shall be borne by the owner or occupant. The owner/occupant shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation, maintenance and /or repair of the building sewer.

(b) The owner of a residential establishment (CLASS I) or industrial establishment (CLASS II) shall make application for a permit to connect to the town's treatment works on a form furnished by the town. The permit application shall be supplemented by wastewater information and inspection(s) as required, and payment of inspection and permit fees. Connection fees, as identified in the latest edition of the Town of Berryville Schedule of Water and Sewer Fees and Charges, shall be paid at time of application.

(c) Connections to a storm sewer shall also be subject to a connection permit and inspection fee. Connection permit and inspection fees, as identified in the latest edition of the Town of Berryville Schedule of Water and Sewer Fees and Charges, shall be paid at time of application. Such connections shall be subject to the provisions of this chapter, Berryville Construction Standards and Specifications Manual, and the approval of the directors of public works.

(d) 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, or when the town manager determines that it is in the best interest of the town to permit a shared building sewer. When this occurs, 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 and may require the property owners utilizing the shared building sewer to enter into a shared maintenance agreement for the building sewer and that such agreement be recorded in the land records of the clerk of the Circuit Court of Clarke County, Virginia.

(e) Existing building sewers may be used for connection of new buildings only when they are found, on examination and testing by the director of public works, to meet the requirements of this chapter.

(f) 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. The cost of said lifting shall be borne by the property owner. The property owner shall be responsible for maintaining all equipment and improvements required to lift the discharge.

(g) No person shall connect roof, foundation, areaway, parking lot, roadway, or other surface runoff or groundwater drains to any sewer which is connected to a treatment works. These drains shall discharge to natural outlets or storm sewers.

(h) The connection of a building sewer into a 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 of the *Commonwealth of Virginia Sewerage Regulations*, *Uniform Building Code of Virginia*, and *American Society of Testing Materials*. The connections shall be made gas-tight and water-tight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved in writing by the director of public works before installation.

(i) The applicant for a building sewer or other drainage connection permit shall notify the director when such sewer or drainage connection is ready for inspection prior to its connection to the town's treatment works. Such connection inspection(s) and testing as deemed necessary by the director shall be made by the director of public works or designee.

(j) Excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, and other public property may not be disturbed in the course of the work prior to the issuance of a land use permit by the town and shall be restored in a manner satisfactory to the Town of Berryville.

(k) The director 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 director may permit such a connection if there are legally binding commitments to provide the needed capacity.

Sec. 17-38. Conditions to use the town's treatment works.

(a) No user shall introduce any pollutants into the town's treatment works which will pass through the plant to the detriment of receiving water or interfere with the operation or performance of the treatment facilities. No person shall discharge or cause to be discharged to any of the town's treatment works any substances, materials, waters, or wastes in such quantities or concentrations which do or are likely to:

- (1) Create a fire or explosion hazard, contain including, but not limited to, gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas, or produce a waste stream with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Centigrade using test methods specified in 40 CFR 261.21;
- (2) Cause corrosive damage or hazard to structures, equipment, or personnel of the wastewater facilities., but in no case discharges with the following properties:
 - (3) have a pH lower than 5 or higher than 12;
 - (4) Cause obstruction to the flow in sewers, or other interference with the operation of treatment facilities due to accumulation of solid or viscous materials;
 - (5) Constitute a rate of discharge or substantial deviation from normal rates of discharge, ("slug load") sufficient to cause interference in the operation and performance of the treatment facilities;
 - (6) Contain 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 wastewater sewer to exceed 65 degrees Celsius or the temperature of the influent to the treatment facilities to exceed 40 degrees Celsius;
 - (7) Contain floatable oils, fat, or grease;
 - (8) Contain noxious gases, vapors or fumes, malodorous gas or substance in quantities that may cause a public nuisance or cause acute human or safety problems;
 - (9) Contain radioactive wastes in harmful quantities as defined by applicable state and federal regulations;
 - (10) Contain any garbage that has not been properly shredded;
 - (11) Contain any odor or color producing substances exceeding concentration limits which may be established by the director for purposes of meeting the town's VPDES permit;
 - (12) Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through;

(13) Any trucked or hauled pollutants except at designated discharge points.

(b) If, in establishing discharge restrictions, discharge limits, or pretreatment standards pursuant to the article, the director establishes concentration limits to be met by a user, the director in lieu of concentration limits, may establish mass limits of comparable stringency for an individual user at the request of such user, subject to Department of Environmental Quality (DEQ) oversight and as provided under 40CFR403.5(c).

(c) The town's technically derived local limits shall be developed through a technical evaluation and be subject to Department of Environmental Quality review and approval. Once approved and adopted, these local limits shall constitute enforceable pretreatment standards. The director shall periodically review and update such limits to ensure protection of the treatment works and compliance with the town's VPDES permit. In the event that the federal government federal or state law 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 this section if they are more stringent.

(d) 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 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 (3) 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. The director shall notify any industrial user affected by the provisions of this section and establish an enforceable compliance schedule for each.

(e) No person shall discharge trucked hazardous wastes to the town's treatment works.

(f) 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 (only in terms of BOD and/or suspended solids) is accepted into the system and specially treated subject to additional payments or user charges as may be applicable.

(g) In establishing discharge restrictions upon users, the director shall take into account already implemented or planned water and energy conservation steps revealed by the user. Upon request of the director, each user will provide the director 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 director, adjustments may be made to discharge restrictions, based on concentrations to reflect the conservation steps.

(h) Excessive 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.

(i) Director may require monitoring, reporting, or control of emerging contaminants or pollutants of concern, including but not limited to per-and polyfluoroalkyl substances (PFAS), where necessary to protect the treatment works or comply with state or federal regulations.

(h) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. The director shall evaluate each Significant Industrial User at least once every two (2) years to determine whether a Slug Control Plan is required. Where required, such plan shall contain, at minimum, procedures for spill prevention, notification, and emergency response.

(1) Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner 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 ("slug control plan"), and shall be approved by the town before connection to sewer. In the case of an accidental discharge, it is the responsibility of the user to immediately notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(2) Within five (5) days following an accidental discharge, the user shall submit to the director 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 article or other applicable law.

(3) A notice shall be permanently posted in a prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

Sec. 17-39. Industrial dischargers.

(a) All industrial dischargers shall file with the town wastewater information deemed necessary by the director 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 questionnaire designed and supplied by the director and by supplements thereto as may be necessary.

(b) Where a person owns, operates or occupies properties designated as an industrial discharger at more than one (1) location, separate information submittals shall be made for each location as may be required by the director.

(c) Information and data on an industrial user obtained from reports, questionnaires, permit applications, permits, monitoring programs, and inspections shall be available to the public or other governmental agency without restriction, as required under 40CF403.14 and Virginia Code §2.2-3700, 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. 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, state disposal system permit and/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. Effluent data will not be recognized as confidential.

(d) User permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the town. Permits shall contain the following:

- (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
- (2) Limits on the average and maximum wastewater constituents and characteristics;
- (3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (4) Requirements for installation and maintenance of inspection and sampling facilities;
- (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (6) Compliance schedules;
- (7) Requirements for submission of technical reports or discharge reports;
- (8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the town, and affording the town access thereto;
- (9) Requirements for notification of the town for any new introduction of wastewater constituents or any substantial change in volume or character of the wastewater constituents being introduced into the treatment works;
- (10) Requirements for immediate notification of slug discharges;
- (11) Other conditions as deemed appropriate by the town to ensure compliance with this chapter; and
- (12) Statement of applicable remedies.

(e) Applicants for significant industrial user permits shall pay a fee, as identified in the latest edition of the Town of Berryville Schedule of Water and Sewer Fees and Charges, at time of application. Significant industrial users shall apply at least ninety (90) days prior to connecting to or contributing to the treatment works. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, address, and location, (if different from address);
- (2) North American Industry Classification System (NAICS) code;
- (3) Wastewater constituents and characteristics including, but not limited to, those mentioned in section 17-38 of this chapter as determined by a reliable analytical laboratory, sampling and analysis

of which shall be performed in accordance with procedures established by the EPA pursuant to Section 304 of the Act and contained in 40 CFR, Part 136, as amended;

(4) Time and duration of contribution;

(5) Average daily and peak wastewater flow rates, including daily, monthly and seasonal variations, if any;

(6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by their size, location and elevation;

(7) Description of activities, facilities, and plant processes on the premises including all materials which are or could be discharged;

(8) The nature and concentration of any pollutants in the discharge. A statement identifying the applicable pretreatment standards and requirements, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operational and management practices and/or additional pretreatment is required for the user to meet applicable pretreatment standards;

(9) If additional pretreatment and/or operational and management practices will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The schedule shall contain increments of progress in the form of dates for the commencement and completion. No increment referred to in this schedule shall exceed one (1) year.

Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress; the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than one (1) year elapse between such progress reports to the director.

(10) Each product produced by type, amount, process or processes and rate of production;

(11) Type and amount of raw materials processed (average and maximum per day);

(12) Number of type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

(13) Any other information as may be deemed by the town to be necessary to evaluate the user permit application.

The Town of Berryville will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the town may issue a user permit subject to terms and conditions provided herein. All reports must be signed by the permit holder.

(f) Within one hundred eighty 180 days of the promulgation of a *National Categorical Pretreatment Standard*, the user permit of users subject to such standards shall be revised to require compliance with such standard if they are more restrictive than the local limits developed by the POTW. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a user permit as required under this section, the user shall apply for a user permit within one hundred eighty (180) days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the user with an existing user permit shall submit to the town within one hundred eighty (180) days after the promulgation of an applicable federal categorical pretreatment standard, the information required by the revision.

(g) User permits shall be issued for a specified time period, not to exceed five (5) years. The user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the permit. The terms and conditions of the permit may be subject to modification by the town during the term of the permit if just cause exists. The user shall be informed of any proposed changes in the permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(h) User permits are issued to a specific user for a specific operation. A user permit shall not be reassigned, transferred, or sold by the user to a new owner, new user, different premises, or a new or changed operation without the approval of the town. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit in the interim prior to the issuance of the respective new permit.

(i) All monitoring records, reports, and documentation shall be retained for a minimum of three (3) years, or longer if enforcement action is pending.

(j) Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the wastewater treatment facilities, any user subject to pretreatment standards and requirements shall submit to the director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility . The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operational practices and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. In addition, the report shall contain the results of any required sampling and analysis of the discharge.

(k) Any user subject to a pretreatment standard shall submit to the director during the months of June and December, unless required more frequently in the pretreatment standard or by the director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported. At the discretion of the director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the director may agree to alter the months during which the above reports are to be submitted.

(l) The director may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. The frequency of monitoring shall be prescribed in the permit. All analysis shall be performed

in accordance with procedures established by the Environmental Protection Agency and Virginia Department of Environmental Quality, pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto.

(m) When required by the director, 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 director. The access shall be provided and maintained at the owner's expense. Where the director determines access and equipment for monitoring or measuring Class II wastewater discharges is not practicable, reliable, or cost effective, alternative methods of determining the characteristics of the wastewaters discharge may be established.

(n) Measurements, tests, and analyses of the characteristics of wastewater required by this chapter shall conform to 40 CFR, Part 136 and be performed by a qualified laboratory. Costs of analyses performed by an independent laboratory at the option of discharger shall be borne directly by the discharger.

(o) Fees for any given measurement, test, or analysis of wastewater performed by the town shall be the same for all classes of dischargers, regardless of the quantity or quality of the discharge and shall reflect only direct cost.

(p) 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 director 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.

(q) The town shall annually publish, in a newspaper of general circulation, a list of Industrial Users that were in Significant Noncompliance during the previous twelve (12) months, in accordance with federal pretreatment regulations.

Sec. 17-40. Pretreatment.

(a) While the director 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 constitutes a public nuisance or hazard, is discharged or is proposed for discharge to the wastewater sewers, the director 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) The development of compliance schedules to meet any applicable pretreatment requirements;

- (4) The submission of reports necessary to assure compliance with applicable pretreatment requirements;
- (5) Inspection, surveillance, and monitoring necessary to determine compliance with applicable pretreatment requirements;
- (6) Remedies for noncompliance by any user. Such remedies may include injunctive relief, the civil penalties specified in subsection 17-42(f) of this chapter, or appropriate criminal penalties; or
- (7) Rejection of the wastewater if evidence discloses that discharge will create unreasonable hazards or have unreasonable deleterious effects on the treatment works or treatment facilities or receiving waters.

(b) When considering the above alternatives, the director shall assure that conditions of the town's permit are met. The director shall also take into consideration cost effectiveness, economic impact of the alternatives, and willful noncompliance of the discharger. If the director allows the pretreatment or equalization of wastewater flows, the installation of the necessary facilities shall be subject to review. The director shall review and recommend any appropriate changes to the program within thirty (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.

(d) Persons required to pretreat wastewater in accordance with this section shall provide a statement 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 director as described herein. The plan (including schedules) shall be consistent with applicable conditions of the town's permit or other local, state or federal laws.

Sec. 17-41. Wastewater service charges.

(a) Charges and fees for the use of the public treatment works and treatment facility shall be based upon the actual use of such system, or contractual obligations for a level of use in excess of current actual use.

Property value may be used to collect the amount due as permitted by law.

(b) Where measurement and analysis is considered not feasible, determination of each user's use of the treatment works and treatment facilities shall be based upon the quantity of water used whether purchased from a public water utility or obtained from a private source.

(c) The director, when determining actual use of the town's treatment works and treatment facilities based on water use, shall consider consumptive, evaporative, or other use of water which results in a significant difference between a discharger's water use and wastewater discharge. Where appropriate, such consumptive water use may be metered to aid in determining actual use of the treatment works and treatment facilities. The meters used to measure such water uses shall be of a type and installed in a manner approved by the director.

(d) The actual average water use by each residential user (Class I) during the three (3) months of (January, February, and March) shall be used as the measure of each respective residential user's actual use of the sewer system throughout the year.

Sec. 17-42. Enforcement.

(a) The town may suspend the wastewater treatment service and/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 humans, to the environment, causes interference to the treatment facilities, or causes the town to violate any condition of its VPDES permit.

Any person notified of a suspension of the wastewater treatment service and/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 after notice has been given, the town shall take such steps as the town deems necessary, including immediate severance of the sewer connection and/or the seeking of legal and equitable relief in the circuit court. The town shall reinstate the user permit and/or 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 fifteen (15) days of the date of occurrence.

(b) Any user who violates the conditions of this ordinance, or applicable state and federal regulations, is subject to having their permit revoked, in accordance with the procedures of this chapter, for:

- (1) Failure of a user to promptly and factually report the wastewater constituents and characteristics;
- (2) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring;
or
- (3) Violation of other conditions of the permit.

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

(d) *Show cause hearing.* 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, 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 (10) days before the hearing. Service may be made on any agent or officer of a corporation. The director may conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the public utilities department to:

- (1) request 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;
- (4) At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded.

After the director has reviewed the evidence, the director 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 have been installed and existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(e) *Appeals.* A permit holder may appeal a decision of the director to the town council by filing a written appeal request with the town clerk within ten (10) calendar days of the decision. The town council shall hear the matter at their next regularly scheduled meeting, subject to open meeting and notice requirements of VA § 2.2-3707.

(f) *Legal action.* If any person discharges sewage, industrial wastes or other wastes into the city'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 director or designee for purposes of inspection, the town attorney may commence an action for appropriate legal and/or equitable relief in the circuit court.

(g) *Penalties.* Any person or user that violates the provisions of this chapter or a user/discharge permit hereunder shall be subject to a penalty of five thousand dollars (\$5,000.00)) per day or as provided in Va Code §15.2-1429 and Va Code §62.1-44.23 et seq., per violation per day, and/or shall, upon conviction, be guilty of a Class II misdemeanor for each day the violation continues. Each day, or portion thereof, a violation continues shall constitute a separate violation.

(h) *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 ordinance, shall upon conviction, be guilty of a Class I misdemeanor.

Sec. 17-43. Private sewage disposal.

(a) Where a public sanitary sewer is not available under the provisions of this section, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article and Virginia Department of Health requirements under 12VAC5-610. The owner shall operate and maintain his private sewage disposal facilities in a safe, sanitary manner, at no expense to the town, and with no nuisance whatsoever to others.

(b) The type, capacities, location and layout of a private sewage disposal system shall comply with all requirements of the state and local departments of health. No septic tank or cesspool shall be permitted to discharge to any public sewer, or natural inlet, or abutting public or private property.

Sec. 17-44. Special provisions.

Where water from the town water system is used for cooling, manufacturing, farming, horticultural, or poultry operations and such water is not being returned to the public sewer system, the user may install a separate water meter to avoid payment of a sewer usage fee for such operations. Such meters shall be subject to a separate minimum water fee. Costs for installing the meters shall be borne by the user.

Sec. 17-45. Extension of sanitary sewer lines within the town limits.

(a) Sewer main extensions from existing sewer mains within the town limits shall be made in accordance with the *Subdivision Ordinance* and the *Construction Standards and Specifications Manual* of the Town of Berryville, or if not covered by such ordinance, may be made by the town subject to the availability of funds and the concurrence of the town council. All such construction shall conform to all applicable ordinances and standards and, upon final inspection by the superintendent and acceptance in writing by the town, shall immediately become the property of the Town of Berryville.

(b) When any sewer in any street or other right of way is completed and ready for use, the owner of every abutting lot containing an active building whereon sewer is supplied for any human use shall cause such building to be connected with such sewer main.

(c) No connection shall be made to any sewer lateral except after the written application therefor has been approved by the town manager or designee and the superintendent of public works or designee, and the required permit has been obtained.

Sec. 17-46. Extension of sanitary sewer lines outside the town limits.

(a) Extension of existing public sewer lines to areas outside the town limits may be made only after special written application by the developers or users and approval by the town council.

(b) The total cost of such extensions shall be paid by the developers and user(s) in addition to the appropriate connection fees. The town shall not be made a party to any such agreements for reimbursement or sharing of costs for the extension. Such agreements shall be solely between the requesting person and any future or present landowners.

(c) Any easements required for extensions under this article shall be obtained and paid for by the person(s) desiring the extension. Such easements shall be recorded in the name of the Town of Berryville.

(d) Construction of all such extensions shall conform to all applicable ordinances and standards, and upon final inspection by the director of public works or designee and acceptance in writing by the town, all extensions shall immediately become the property of the Town of Berryville.

(e) Whenever extension approval is granted, and before a permit is issued, the town shall require the applicant(s) to enter into an agreement thereby agreeing to be governed by the ordinances and laws of the town concerning the sewage works and any special regulations that the town council may, from time to time, adopt and direct.

Secs. 17-47, 17-48. Reserved.

ARTICLE IV. WATER AND SEWER SERVICE CHARGES

Sec. 17-49. Rates—For water service.

The charges for water furnished by the town shall be based on one hundred percent of the water passing through the meter, whether such water is used or wasted, and shall be at such rates as are prescribed, from time to time, by the council.

Sec. 17-50. Rates—For sewer service.

Charges for sewer services rendered by the town shall be based upon one hundred percent of the amount of water passing through the water meter to the premises in question, and shall be at such rates as are prescribed, from time to time, by the council.

Sec. 17-51. Deposit to assure payment.

To assure payment of charges provided for in this article, any customer who receives water for residential property which they do not own shall be required to make a cash deposit with the town, in such amount as is prescribed, from time to time, by the council. Such deposit may be required of other customers, if deemed necessary by the town manager.

Sec. 17-52. Estimated charges in case of defective meter.

If at any time it is found that a meter installed for the measurement of water supplied by the town has been tampered with or for any reason fails to register or shall be found defective in registering since the previous reading, the water consumption for such period shall be estimated from other similar readings and the average taken of such readings for the same period, or from past readings or from a like installation, and the charges provided for in this article shall be based on such estimate.

Sec. 17-53. Responsibility for payment in case of multiple occupants served by same service line and meter.

When water is supplied by the town through a single service line on which there is only one (1) meter and such water is used by more than one (1) segregated unit in the building, the owner of the building shall be responsible for the payment of the charges provided for in this article.

Sec. 17-54. Statements generally.

All statements for town water and sewer service shall be computed by the treasurer on the basis of the rates prescribed by the council and shall be on a monthly basis. Such statements shall be rendered to the property owner, occupant, or user as soon as practicable after monthly meter readings. Such statements shall be considered the correct assessment, unless a correction is requested of the town manager within fifteen (15) days after the date of the statement.

Sec. 17-55. Billing when tenants change between periods.

Water and sewer charges for any billing period in which there has been a change in tenants between the time meters are read for one (1) period and read for the following period shall be billed to the owner of the property.

Sec. 17-56. Complaints as to charges; overassessments.

Any user of water or of sewer service having a complaint in connection with the assessment of charges under this article shall report the same to the town manager, within fifteen (15) days after the date of the statement rendered for such charges. The town manager shall investigate such complaint and, if warranted by the facts, shall adjust the assessment. Any user who feels that they have been over-assessed may have the meter tested by the town, by payment of such fee as is prescribed, from time to time, by the council. If the meter is found to over-register, the fee shall be returned, but if the meter is correct or under registering, the fee shall be retained by the town to cover the cost of the test.

Sec. 17-57. When due and payable.

Statements for charges due under this article shall be due and payable upon presentation and will be considered delinquent, if not paid on or before the due date represented on the statement.

Sec. 17-58. Service charge and discontinuing service for delinquencies.

If the statement for water and sewer service is not paid within sixty (60) days of its due date, a service charge, in such amount as is prescribed, from time to time, by the council, will be added and service will be discontinued in accordance with Virginia Code §15.2-2121.2 until such statement and service charge shall have been paid in full. Service shall be restored when all statements and service charges have been brought to date and a reconnection fee, in such amount as is prescribed, from time to time, by the council, is paid to the town.

Berryville Town Council
Legislative Finding
Required Connection to Town's Sewage Collection System

The Council of the Town of Berryville hereby makes the following findings:

- The Berryville Code requires that all properties which are two hundred and fifty feet or closer to the Town's sewer collection system to connect to said system at their expense.
- Twenty-seven active septic systems have been identified as being in service within the current corporate limits of the Town of Berryville.
- No new septic systems have been authorized within the current corporate limits of the Town of Berryville since 1988.
- The expected useful life of septic systems in Berryville is not expected to exceed fifty years. After such time such systems may endanger public health.
- By the year 2039, all septic systems in the Town of Berryville will have exceeded their expected useful life.
- No major repairs to existing septic systems will be permitted within the corporate limits of the Town.
- No replacement septic systems will be permitted to be installed within the Town of Berryville.
- To safeguard public health, all properties being served by a septic system within the Town of Berryville will be required to connect to the Town's sewer collection system no later than January 1, 2039.
- The owners of properties who abandon septic systems in Town must:
 - o Pay required availability and related fees to the Town.
 - o Open a sewer billing account with the Town.
 - o Connect to the sewage collection system at the owner's cost.
 - o Abandon the septic system in accordance with Virginia Department of Health requirements.

These findings were made by a vote of the majority of the Town Council assembled in a public meeting on _____. This finding shall be made a part of and attached to the minutes of the meeting at which they were approved.

ATTEST:

Erecka L. Gibson, Vice Mayor

Town of Berryville
Motion to approve the issuance of RFP#2026-01

Date: March 10, 2026

MOTION BY: Vice Mayor Erecka Gibson

I move that the Council of the Town of Berryville approve the issuance of RFP#2026-01 and authorize the Town Manager to:

- Award a contract to the best qualified responsive bidder after review by the audit RFP review working group, and
- Execute any documents related to this matter.

VOTE:

Aye: ALL

Nay: 0

Absent: Paul Perez

Abstain: 0

ATTEST

Erecka Gibson, Vice Mayor

Town of Berryville
Motion to approve the Ordinance to participate in the
VACo/VML Virginia Investment Pool

Date: March 10, 2026

MOTION BY: Vice Mayor Erecka Gibson

I move that the Council of the Town of Berryville approve and adopt the attached ordinance authorizing participation by the Town of Berryville, Virginia in the VACo/VML Virginia Investment Pool for the purpose of investing funds in accordance with Virginia Code §2.2-4501, et seq and Virginia Code §15.2-1300 and authorize the treasurer or town manager to sign the agreement and other related documents.

VOTE:

Aye: ALL

Nay: 0

Absent: Paul Perez

Abstain: 0

ATTEST

Erecka Gibson, Vice Mayor

Town of Berryville

Motion to purchase and install bar screen for the wastewater treatment plant

Date: March 10, 2026

MOTION BY: William Steinmetz

I move that the Council of the Town of Berryville authorize the Town Manager to issue an IFB for the purchase and installation of a bar screen for the wastewater treatment plant.

VOTE:

Aye: ALL

Nay: 0

Absent: Paul Perez

Abstain: 0

ATTEST

Erecka Gibson, Vice Mayor

Town of Berryville

Motion to authorize issue of an IFB for the construction of a portion of the duct bank

Date: March 10, 2026

MOTION BY: Grant Mazzarino

I move that the Council of the Town of Berryville authorize the Town Manager to issue an IFB for the construction of a portion of the duct bank that will serve an upgraded raw water pumping station and treatment plant.

VOTE:

Aye: ALL

Nay: 0

Absent: Paul Perez

Abstain: 0

ATTEST

Erecka Gibson, Vice Mayor

Town of Berryville
Motion to Set a Public Hearing

Date: March 10, 2026

MOTION BY: Vice Mayor Erecka Gibson

I move that the Council of the Town of Berryville set a public hearing for 7:00 p.m., or as soon thereafter as the matter may be heard, on April 14, 2026 to review the proposed Tax Year 2026 tax rates on all real property, including real property and tangible personal property of public service corporations, and all other tangible personal property, including machinery and tools.

VOTE:

Aye: ALL

Nay: 0

Absent: Paul Perez

Abstain: 0

ATTEST

Erecka Gibson, Vice Mayor

Town of Berryville
Motion to Set a Public Hearing

Date: March 10, 2026

MOTION BY: Ryan Tibbens

I move that the Council of the Town of Berryville set a public hearing for 7:00 p.m., or as soon thereafter as the matter may be heard, on April 14, 2026 to review the attached draft schedule of Water and Sewer Fees and Charges.

VOTE:

Aye: ALL

Nay: 0

Absent: Paul Perez

Abstain: 0

ATTEST

Erecka Gibson, Vice Mayor

TOWN OF BERRYVILLE

SCHEDULE OF WATER AND SEWER FEES AND CHARGES

Draft 3/10/26

I. USER FEES

A. WATER

1. Within corporate limits or the limits of an approved annexation area: ~~\$10.30~~ **\$11.62** per 1,000 gallons of usage. Minimum charge ~~\$5.00~~ **\$8.72** per month for usage under 1,000 gallons during billing period.
2. Other: ~~\$12.87~~ **\$14.53** per 1,000 gallons of usage. Minimum charge ~~\$6.25~~ **\$10.90** per month for usage under 1,000 gallons during billing period.

B. SEWER

1. Within corporate limits or the limits of an approved annexation area: ~~\$17.78~~ **\$18.31** per 1,000 gallons of usage. Minimum charge ~~\$15.00~~ **\$13.73** per month for usage under 1,000 gallons during billing period.
2. Other: ~~\$22.22~~ **\$22.89** per 1,000 gallons of usage. Minimum charge ~~\$18.75~~ **\$17.17** per month for usage under 1,000 gallons during billing period.

II. ADMINISTRATIVE AND FACILITIES FEES AND DEPOSITS

A. ADMINISTRATIVE AND FACILITIES FEES

Monthly Administrative and Facilities Fees, charged with usage:

Water \$24.35

Sewer \$12.18

Late Fee: 10% of bill amount

Service Disconnection/Reconnection Fee: \$50

Returned Check/ACH Fee: \$50

B. DEPOSITS

Residential: individually metered single-family units, town homes, and duplexes: ~~\$300~~ **\$315**

Residential: multi-family with master meter: ~~\$245~~ **\$260** per unit

Business/Commercial excluding restaurants and laundries: ~~\$300~~ **\$315**

Restaurant: ~~\$895*~~ **\$910***

Laundry: ~~\$4,620*~~ **\$4,635***

Institutional: ~~\$1,640*~~ **\$1,655***

Industrial: ~~\$5,660~~* **\$5,675***

*Town Manager may increase or decrease on the basis of actual usage.

Note: Town Manager may establish reasonable deposit amounts for use types not anticipated by this schedule.

III. AVAILABILITY FEES

A. WATER

Meter Size (Inches)	Demand Ratio	Avail. Fee (Corp. Limits or Annex. Area)	Avail. Fee (Other)	Meter Cost
5/8	1	\$17,200 \$17,750	\$21,500 \$22,188	Meter Fee
3/4	1.5	\$25,800 \$26,625	\$32,249 \$33,282	Meter Fee
1	2.5	\$42,999 \$44,375	\$53,749 \$55,470	Meter Fee
1.5	4.375	\$75,248 \$77,656	\$94,062 \$97,073	Meter Fee
2	8	\$137,596 \$142,000	\$172,000 \$177,504	Meter Fee
3	16	\$275,193 \$284,000	\$344,000 \$355,008	Meter Fee
4	25	\$429,894 \$443,750	\$537,500 \$554,700	Meter Fee
6	50	\$859,978 \$887,500	\$1,074,999 \$1,109,400	Meter Fee

Greater than 6", Demand Ratio (AWWA M22) multiplied by fee for Demand Ratio 1.

Notes:

(a) Multi-family residences are defined as any master-metered group of apartment, townhouse, condominium, or other residential units with each unit having separate kitchen facilities.

(b) In cases in which a master meter serves multi-family residences or a combination of multi-family and commercial units, the applicant will pay a fee based on the higher of A) an amount derived by multiplying .8 by the applicable water availability fee for demand ratio 1 times the total number of residential and commercial units to be served by a single meter, or B) an amount based on the meter size as specified above.

(c) Meter fee is calculated by adding the cost of the meter and a 30% (of meter cost) handling fee.

B. SEWER

Meter Size (Inches)	Demand Ratio	Avail. Fee (Corp. Limits or Annex. Area)	Avail. Fee (Other)
5/8	1	\$18,468 \$19,059	\$23,085 \$23,824
3/4	1.5	\$27,702 \$28,589	\$34,628 \$35,736
1	2.5	\$46,170 \$47,648	\$57,714 \$59,560
1.5	4.375	\$80,800 \$83,383	\$97,820 \$104,230
2	8	\$147,747 \$152,472	\$184,686 \$190,592
3	16	\$295,494 \$304,944	\$369,372 \$381,184
4	25	\$461,710 \$476,475	\$577,144 \$595,600
6	50	\$923,419 \$952,950	\$1,154,287 \$1,191,200

Greater than 6", Demand Ratio (AWWA M22) multiplied by fee for Demand Ratio 1.

IV. LATERAL OR CONNECTION FEES

Connection to the Town's water distribution and/or sewer collection system may be completed only if the following conditions are met:

- Party applying to connect to the system agrees to assume all costs associated with connection to the systems, including excavation, taps, vaults, traffic control, restoration (including pavement), testing, inspections, etc.
- Contractor responsible for completing work has been vetted and approved by the Town.
- Plans for the work, including restoration, have been approved by the Town.
- Required surety has been approved and provided to the Town.
- Required insurance coverage is in place and documentation thereof provided to the Town.
- Required permits have been issued by the Town, Virginia Department of Transportation, or another applicable agency.

V. INSPECTIONS

A. Sanitary Sewer Camera Service and Storm Sewer Camera Inspection Service **

1. Mains and Laterals Over 4 Inches in Diameter

Mobilization Fee: \$350

Camera Fee: \$3.00 per linear foot

2. 4-Inch Laterals

Laterals Under 50 Feet in Length: \$200

Laterals 50 Feet in Length or Greater: \$200 plus \$3.00 per linear foot

**** Service offered as workforce and equipment availability permits.**

B. Inspections

Town staff: \$75 per hour (1 hour minimum for any inspection then billed at ½ hr. increments thereafter) ***

***** Service offered as workforce availability permits.**

Licensed professional engineer or approved third-party inspector: Cost

C. Hydrant Flow Tests

\$75 per hour (1 hour minimum for any test then billed at ½ hr. increments thereafter) plus cost of water (includes water and sewer charges)

Notes:

Cleaning of lines will be required prior to camera use: Line cleaning is the responsibility of the applicant. If lines are not clean and camera crew must remobilize later to perform the inspection, a second mobilization fee will be charged.

Hydrant flow tests: Hydrant flow tests must be scheduled with the Director of Public Works no less than three work days in advance of test. Contractor will supply gauges and will be responsible for recording results. Town personnel will operate hydrant.

VI. SIGNIFICANT INDUSTRIAL USER FEES

Sewer system discharge permit: \$500

VII. WATER METER TESTING

5/8" meter: \$125

All other meters: \$125 + cost

Note: Fee is refunded if meter is found to be over-registering.

VIII. HYDRANT METERS

Nonrefundable account establishment fee: \$50

Meter deposit: **\$1,500 Current cost to purchase meter + 30%**
(deposit refunded upon return of undamaged meter)

Note: Usage metered through hydrant meters will be billed for both water and sewer user fees.

IX. UNAUTHORIZED USE OF SERVICE

For unauthorized water withdrawals from fire hydrants or any other part of the Town water system, or when a customer willfully takes steps to reactivate service after service has been disconnected by the Town because of nonpayment of any charge owed to the Town, and the Town must take action to discontinue service again by removal of the meter or by any other necessary measures, a \$250 charge for unauthorized use of services will be imposed. This charge will be in addition to any other charge for water and sewer services owed to the Town, and in addition to any legal remedies the Town may pursue for unauthorized use of service.

Approved by Town Council ~~May 13, 2025~~ _____

Proposed effective date June 18, 2026

APPENDIX C

EROSION AND SEDIMENT CONTROL ORDINANCE

Sec. 1. Purpose and Authority.

This ordinance is adopted pursuant to Code of Virginia §62.1-44.15:51 et seq. and the Virginia Erosion and Stormwater Management Regulations (9VAC25-875). The purpose of this ordinance is to prevent erosion, protect water quality, and ensure compliance with the Virginia Erosion and Stormwater Management Program (VESMP).

Sec. 2. Adoption of State Standards

The Town adopts and incorporates by reference the Virginia Erosion and Stormwater Management Regulations (9VAC25-875). The *Virginia Stormwater Management Handbook* is adopted as technical guidance; enforceable standards remain statutory and regulatory.

Sec. 3. Applicability and Exemptions

This ordinance applies to all land-disturbing activities unless exempted under §62.1-44.15:34 and 9VAC25-875-40, including agricultural, silvicultural, small disturbance, and emergency exemptions.

Sec. 4. Definitions

Terms used in this ordinance shall have meanings assigned in §62.1-44.15:51 and 9VAC25-875-10, including 'land-disturbing activity', 'responsible party', and 'agreement in lieu of a plan'.

Sec. 5. Program Authority and Administration

The Town is designated as a Virginia Erosion and Sediment Control Program (VESCP) Authority. The Program Administrator, acting on behalf of the Town, is authorized to approve plans, issue permits, inspect sites, enforce compliance, issue stop-work orders, and pursue legal remedies.

Sec. 6. Plan Submission and Approval

No land-disturbing activity may begin without approved erosion and sediment control plans or an agreement in lieu of a plan, as required by 9VAC25-875-60.

Sec. 7. Land-disturbing Permit Requirement

A Land-Disturbing Permit must be issued prior to clearing, grading, or excavation. Financial guarantees, proof of responsibility, and fees may be required.

Sec. 8. Fees

Fees shall be assessed pursuant to § 62.1-44.15:56 and shall recover reasonable administrative costs. A fee schedule shall be adopted by Town Council resolution.

Sec. 9. Inspections and Compliance Monitoring

The Erosion and Sediment Control Inspector (Inspector) or designee shall conduct inspections before, during, and after land disturbance. The responsible party shall allow site access and maintain inspection records.

Sec. 10. Enforcement Authority

The Program Administrator or Inspector, or designee, may issue violation notices, stop-work orders, require corrective action, perform work in default, and pursue civil penalties and injunctive relief.

Sec. 11. Civil Penalties

Civil penalties may be assessed pursuant to §62.1-44.15:63, including fines per violation per day and recovery of enforcement costs.

Sec. 12. Stop-Work Orders

Stop-work orders may be issued for permit violations, failed controls, or threats to water quality or public safety.

Sec.13. Appeals and Due Process

Appeals may be filed within 30 days of a decision, and reviewed by Town Council at their next regularly scheduled meeting, with rights to judicial review in Circuit Court.

Sec. 14. Financial Guarantees

The Program Administrator may require bonds or other financial security to ensure stabilization and compliance.

Sec. 15. Program Evaluation and Reporting

The Program Administrator shall maintain the program and submit required reports.

Sec. 16. Severability

If any provision of this ordinance is invalid, remaining provisions shall remain in effect.

Sec. 17. Effective Date

This ordinance shall take effect upon adoption by Town Council.

Town of Berryville
Motion to Set a Public Hearing

Date: March 10, 2026

MOTION BY: Grant Mazzarino

I move that the Council of the Town of Berryville set a public hearing for 7:00 p.m., or as soon thereafter as the matter may be heard, on April 14, 2026 to consider the repeal and readoption of Appendix C- Erosion and Sediment Control Ordinance.

VOTE:

Aye: ALL

Nay: 0

Absent: Paul Perez

Abstain: 0

ATTEST

Erecka Gibson, Vice Mayor

Town of Berryville
Motion to Set a Public Hearing

Date: March 10, 2026

MOTION BY: William Steinmetz

I move that the Council of the Town of Berryville set a public hearing for 7:00 p.m., or as soon thereafter as the matter may be heard, on April 14, 2026 to consider revisions to Regulations for Special Events and Demonstrations.

VOTE:

Aye: ALL

Nay: 0

Absent: Paul Perez

Abstain: 0

ATTEST

Erecka Gibson, Vice Mayor

Town of Berryville
Motion to Set a Public Hearing

Date: March 10, 2026

MOTION BY: Grant Mazzarino

I move that the Council of the Town of Berryville set a public hearing for 7:00 p.m., or as soon thereafter as the matter may be heard, on April 14, 2026 to consider revisions to the Construction Standards and Specifications Manual.

VOTE:

Aye: ALL

Nay: 0

Absent: Paul Perez

Abstain: 0

ATTEST

Erecka Gibson, Vice Mayor

Town of Berryville
Town Council
MOTION TO ENTER CLOSED SESSION

Date: March 10, 2026

MOTION BY:

I move that the Council of the Town of Berryville enter closed session in accordance with Code of Virginia §2.2-3711.3, to discuss the renewal of a lease on and around the elevated water tower at 201 Tom Whitacre Circle.

VOTE:

Aye:

Nay:

Absent:

Abstain:

ATTEST

Erecka Gibson, Vice Mayor

Town Council
Motion
CLOSED SESSION RESOLUTION

DATE: March 10, 2026

MOTION BY:

I move that the Council of the Town of Berryville adopt the following resolution certifying it has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act:

Resolution

WHEREAS, Section 2.2-3712.D of the Code of Virginia requires a certification by this Council that such closed meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.

VOTE:

AYE:

NAY:

ABSENT:

ABSTAIN:

ATTEST:

Erecka Gibson, Vice Mayor