

AN ORDINANCE AUTHORIZING THE PUMPING AND HAULING OF SEWAGE UNDER CERTAIN CIRCUMSTANCES

WHEREAS, certain existing business properties in the Town of Onley, Virginia are not able to obtain sewage disposal by septic system or by a central sewage system approved by the Town or by the Accomack County Health Department; and

WHEREAS, the Town Council of Onley, Virginia, is authorized by Virginia Sewage Handling and Disposal Regulations to obtain a general permit from the Virginia Department of Health for the purpose of allowing property owners within the Town to dispose of wastewater and sewage by means of a "Pump and Haul" system, and upon the issuance of such a general permit to the Town, to enter into contracts with the owners or tenants of such business properties providing for the pumping and hauling of sewage on a case by case basis;

WHEREAS, the Town Council of Onley, Virginia, is authorized by Section 15.2-1102 of the Code of Virginia to enact ordinances it deems expedient to secure and promote, safety, health, comfort, convenience, and commerce of the Town and the inhabitants of the Town of Onley; and

WHEREAS, the Town Council of Onley, Virginia, finds that the regulated pumping and hauling of sewage is conducive to the health, safety, and welfare of the employees and patrons of existing businesses of Onley, Virginia, where central sewage treatment is unavailable and a sanitary septic system cannot lawfully be installed.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF ONLEY:

ORDINANCE
ONLEY NO 99-01

SECTION 1. After review and approval on a case by case basis by the Town Council, the Mayor of the Town of Onley, Virginia is hereby authorized to enter into contracts and agreements containing such terms and conditions as he deems appropriate and to execute such other documents as may be necessary to permit the permanent pumping and hauling of sewage on a case by case basis by a private contractor holding a valid sewage hauling permit in the circumstances and under the conditions set out in Sections 2 through 5, below.

SECTION 2. No agreement or contract permitting the pumping and hauling of sewage shall be entered into by the Mayor except in connection with real property occupied and used for business purposes as of the effective date of this ordinance.

SECTION 3. No agreement or contract permitting the pumping and hauling of sewage shall be entered into by the Mayor except in connection with property which does not have practical access to a central sewage system, and cannot otherwise obtain an Accomack County Health Department permit for a septic system using a subsurface drainfield.

SECTION 4. No agreement or contract permitting the pumping and hauling of sewage shall be entered into by the Mayor except upon the execution of a bond in favor of the Town of Onley, by the owner or tenant of the property from which the sewage is to be pumped and hauled, in the amount of \$5,000.00 guaranteeing the payment of the private contractor, and indemnifying the Town of Onley for any liability it may incur in connection with or as a result of entering into the agreement or contract.

SECTION 5. Every agreement entered into by the Mayor pursuant to this ordinance shall provide that the agreement shall terminate upon willful violation of Health Department

regulations in connection with the pumping and hauling by the beneficiary of the permit, or upon failure to provide or renew the bond provided for in Section 4 of this ordinance, or in the event the property which is the subject of the agreement is continuously unoccupied for a full month or more, or upon central sewage treatment or a septic system using a subsurface drainfield becoming available.

SECTION 6. Every agreement entered into by the Mayor with the owner or tenant of a business property pursuant to this Ordinance shall terminate upon any change of ownership of the real property, or upon any change of ownership of the business. In the event of a change of ownership of a business, the new owner shall be required to renegotiate a new contract pursuant to the provisions of this Ordinance.

SECTION 7. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of such Ordinance shall not be affected thereby.

SECTION 8. This Ordinance shall be in effect from the date of its passage.

Adopted 3/1, 1999

John W. Kellam
Mayor

Attest: Janet A. Child
Town Clerk

CERTIFICATE

I certify that the foregoing is a true copy of an ordinance adopted on the 1st day of March, 1999 by the Onley Town Council.

Janet A. Child
Town Clerk