

DATE: November 6, 1981, Revised May 22, 2007

TO: Office of Drinking Water Technical Staff

THROUGH: J. Wesley Kleene, Ph.D., P.E., Director
Office of Drinking Water

FROM: Daniel B. Horne, P.E., Engineering Field Director
Southeast Virginia Field Office

SUBJECT: Policy – Requirements to Connect to Water and Sewage Systems

The *Virginia Water and Sewer Authorities Act* (now known as the *Virginia Water and Waste Authorities Act*) gave localities the authority to adopt ordinances requiring a private property owner to connect to public water or sewerage systems if available. The Act was subsequently amended to allow exceptions, giving a private property owner the choice to either continue the use of the private well or connect to a public water supply (with continued use of the private well acceptable only if it is not physically connected to a public water supply). Cross connections between a private well (an auxiliary water system) and a waterworks are prohibited pursuant to 12 VAC 5-590-590B of the *Waterworks Regulations* and the Uniform Statewide Building Code. Private property owners choosing not to connect to a public water supply may still be required to pay a fee as defined in §15.2-5137.]

A copy of the current statute (§15.2-5137) is attached for reference.

END OF MEMO

§ 15.2-5137. Water and sewer connections; exceptions.

A. Upon the acquisition or construction of any water system or sewer system under the provisions of this chapter, the owner, tenant, or occupant of each lot or parcel of land (i) which abuts a street or other public right of way which contains, or is adjacent to an easement containing, a water main or a water system, or a sanitary sewer which is a part of or which is or may be served by such sewer system and (ii) upon which a building has been constructed for residential, commercial or industrial use, shall, if so required by the rules and regulations or a resolution of the authority, with concurrence of the locality in which the land is located, connect the building with the water main or sanitary sewer, and shall cease to use any other source of water supply for domestic use or any other method for the disposal of sewage, sewage waste or other polluting matter. All such connections shall be made in accordance with rules and regulations adopted by the authority, which may provide for a reasonable charge for making such a connection. A private water company which purchases water from a regional authority for sale or delivery to or within a municipality may impose a charge for connection to the water company's system in the same manner, and subject to the same restrictions, as an authority may impose for connection to its water system, subject to the approval of the State Corporation Commission.

B. Notwithstanding any other provision of this chapter, those persons having a domestic supply or source of potable water shall not be required to discontinue the use of such water. However, persons not served by a water supply system, as defined in § 15.2-2149, producing potable water meeting the standards established by the Virginia Department of Health may be required to pay a connection fee, a front footage fee, and a monthly nonuser service charge, which charge shall not be more than that proportion of the minimum monthly user charge, imposed by the authority, as debt service bears to the total operating and debt service costs, or any combination of such fees and charges. In York County and James City County, the monthly nonuser fee may be as provided by general law or not more than eighty-five percent of the minimum monthly user charge imposed by the authority, whichever is greater.

C. Notwithstanding any other provision of this chapter, those persons having a private septic system or domestic sewage system meeting applicable standards established by the Virginia Department of Health shall not be required under this chapter to discontinue the use of such system. However, such persons may be required to pay a connection fee, a front footage fee, and a monthly nonuser service charge, which charge shall not be more than that proportion of the minimum monthly user charge, imposed by the authority, as debt service bears to the total operating and debt service costs, or any combination of such fees and charges.

D. Persons who have obtained exemption from or deferral of taxation pursuant to an ordinance authorized by § 58.1-3210 may be exempted or deferred by the authority from paying any charges and fees authorized by subsection C, to the same extent as the exemption from or deferral of taxation pursuant to such ordinance.

E. Water and sewer connection fees established by any authority shall be fair and reasonable. Such fees shall be reviewed by the authority periodically and shall be adjusted, if necessary, to assure that they continue to be fair and reasonable. Nothing herein shall affect existing contracts with bondholders which are in conflict with any of the foregoing provisions.

(Code 1950, § 15-764.23; 1950, p. 1326; 1962, c. 623, § 15.1-1261; 1970, c. 617; 1980, c. 603; 1982, cc. 562, 567; 1984, c. 552; 1987, c. 75; 1997, cc. 12, 587.)