

MANDATORY CONNECTION

Section 1. PURPOSE

In order to meet bond covenants, to ensure that debt service can be covered, and to provide revenue for repair and replacement funding, the Bedford Regional Water Authority (“Authority”) shall utilize the rights granted to the Authority by the State of Virginia and by Bedford County. The applicable Code of Virginia is listed herein.

Section 2. POLICY

- A. The owner, tenant, or occupant of each lot or parcel of land where any new residential, commercial, or industrial construction abuts upon or adjoins a public or private street or other public way or easement containing a waterline and/or a sewer line shall be compelled to connect to said utility and pay all appropriate fees.

Section 3. EXEMPTIONS

- A. Exemptions for Private Facilities: Parcels subdivided from parent tracts are not subject to the exemptions contained herein, unless the subdivision a) contains no internal road right of ways, b) has internal road right of way(s) with a width of twenty feet (20’) or less, c) does not include the construction of public roads.
 1. Existing sources and disposals:
 - a. Water: When new waterlines are installed by the Authority, all adjacent properties that have a proper and adequate existing private water source are not required to connect to the Authority’s water system, nor will the property owner, tenant, or occupant be required to pay any connection or user fees. If that private source should fail, the property must then be connected to the Authority’s water system and cannot develop or utilize an alternate source.
 - b. Sewer: When new sewer lines are installed by the Authority, all properties that have a proper and adequate method for private sewage disposal will not be required to connect to the Authority’s sewer system, nor will the property owner, tenant, or occupant be required to pay any connection or user fees. Should those private sewer facilities fail, the property must then be connected to the Authority’s sewer system and an alternative method for disposal cannot be developed or utilized.
 2. Proposed sources and disposals: All exemptions related to developing new water sources or new sewer disposal facilities under the terms of this policy shall be approved by the Executive Director of the Authority. Exemptions that may be approved include, but are not limited to, the following:
 - a. Water: A private water source may be developed on property that is adjacent to the Authority’s water system in the following situations:
 - i. When the use is for agricultural purposes
 - ii. Properties where the nearest structure requiring service is greater than five hundred feet (500’) from the point where the water meter would be located by the Authority.
 - iii. For potential customers that can document that they have a specific water characteristic need that makes the use of the private source preferable over public service from the Authority’s system.

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- b. Sewer: A private sewer system may be developed on property that is adjacent to the Authority's sewer system in the following situations:
 - i. Properties where the nearest structure requiring sewer service is greater than five hundred feet (500') from the point where the private connection to the public sewer system would be made.
 - ii. Properties that would require pumps, external to the structure, to access the non-pressure (gravity) sewer system.
 - iii. Properties where the actual cost to install the connection cleanout is greater than twice (200%) the published rate for the fixed connection costs.

Section 4. CODE OF VIRGINIA: WATER AND SEWER CONNECTIONS

The following is an excerpt copied verbatim from the Code of Virginia "§ 15.2-5137. Water and Sewer Connections: Exceptions" which was in effect at the time this policy was adopted. Any changes to the Code of Virginia shall take precedence over this policy.

1. Upon or after 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.
2. 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 85 percent of the minimum Monthly User Charge imposed by the Authority, whichever is greater.
3. 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

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- 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.
4. 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 Section 1.A.3, to the same extent as the exemption from or deferral of taxation pursuant to such ordinance.
 5. 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.

Section 5. CONCURRENCE

- A. As detailed in the Articles of Incorporation, the Authority was created by the City of Bedford (“City”) and Bedford County (“County”). For this reason, the Authority requested that both entities adopt resolutions supporting this policy.

Section 6. REVISIONS

- A. This policy was approved and adopted by the Authority’s Board of Directors on March 26, 2013, effective July 1, 2013.
- B. This policy was modified as follows:
 1. Approved March 18, 2014, effective March 19, 2014:
 - a. The exemptions were moved to a new Section 3.
 - b. A third exemption was added to allow private water sources to be developed for users that have specific water characteristic needs.
- C. This policy was modified as follows:
 1. Approved May 19, 2020, effective May 20, 2020:
 - a. An exemption was added for sewer connections under Section 3.