

VIRGINIA ACTS OF ASSEMBLY -- 2004 SESSION

CHAPTER 24

An Act to amend and reenact §§ 15.2-2110 and 15.2-2118 of the Code of Virginia, relating to water and sewage systems.

[H 737]

Approved March 2, 2004

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-2110 and 15.2-2118 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-2110. Mandatory connection to water and sewage systems in certain counties.

A. Botetourt, Cumberland, *Franklin*, Halifax, and Nelson Counties, and any county with a population between 8,700 and 8,800, may require connection to their water and sewage systems by owners of property that may be served by such systems; however, those persons having a domestic supply or source of potable water and a system for the disposal of sewage adequate to prevent the contraction or spread of infectious, contagious, and dangerous diseases shall not be required to discontinue use of the same, but may be required to pay a connection fee, a front footage fee, and a monthly nonuser service charge that shall not be more than that proportion of a minimum monthly user charge as debt service compares to the total operating and debt service costs.

B. Bland County, Goochland County, Rockingham County and Wythe County may require connection to their water and sewer systems by owners of property that can be served by the systems if the property, at the time of installation of such public system, or at a future time, does not have a then-existing, correctable, or replaceable domestic supply or source of potable water and a then-existing, correctable, or replaceable system for the disposal of sewage adequate to prevent the contraction or spread of infectious, contagious and dangerous diseases. Such counties may not charge a fee for connection to its water and sewer systems until such time as connection is required. However, Bland County, in assuming the obligations of a public service authority, may assume such obligations under the same terms and conditions as applicable to the public service authority.

The provisions of this subsection as they apply to Goochland County shall become effective on July 1, 2002.

C. Buckingham County may require connection to its water and sewer systems by owners of property that can be served by the systems if the property, at the time of installation of such public system, or at a future time, does not have a then-existing or correctable domestic supply or source of potable water and a then-existing or correctable system for the disposal of sewage adequate to prevent the contraction or spread of infectious, contagious and dangerous diseases. Such county may not charge a fee for connection to its water and sewer systems until such time as connection is required.

§ 15.2-2118. Lien for water and sewer charges and taxes imposed by localities.

The governing body of any county adjoining a city lying wholly within the Commonwealth and which has a population of more than 75,000 according to the 1970 or any subsequent census and any county having a density of population of more than 600 per square mile according to the 1960 or any subsequent census, Botetourt, Culpeper, *Franklin*, Gloucester, Goochland, Hanover, Orange and any town located therein, Rockingham, Spotsylvania, Stafford, and York Counties and the Cities of Fairfax, Newport News, Petersburg, Richmond, and Roanoke may by ordinance provide that taxes or charges hereafter made, imposed or incurred for water or sewers or use thereof within or outside such county or city shall be a lien on the real estate served by such waterline or sewer. Where residential rental real estate is involved, no lien shall attach (i) unless the user of the water or sewer services is also the owner of the real estate or (ii) unless the owner of the real estate negotiated or executed the agreement by which such water or sewer services were provided to the property.