

**ORDINANCE TO AMEND "THE CODE OF THE COUNTY OF PRINCE
GEORGE, VIRGINIA", 2005, AS AMENDED, BY AMENDING §§ 82-41,
82-42, 82-361, 82-362 AND REPEALING §§ 82-77 AND 82-397 TO
ADDRESS RESERVATION AND REVOCATION OF WATER AND
WASTEWATER CAPACITY**

BE IT ORDAINED by the Board of Supervisors of Prince George County:

(1) That the Code of the County of Prince George, Virginia is amended by amending §§ 82-41, 82-42, 82-361, 82-362 and Repealing §§ 82-77 and 82-397 as follows:

Article II. Water Service

DIVISION 1. GENERALLY

Sec. 82-41. - Application and contracts for utility service.

(a) Water may be supplied to any premises connected to a county utility system, upon proper application to the director. Applications shall be made on forms supplied by the director and shall be accompanied by all required fees, charges and deposits.

(b) Before commencement of construction of any water system or the extension, alteration, or enlargement of any existing water system to serve additional development, the property owner shall enter into a Water Agreement with the county setting forth the terms and conditions under which the construction shall be performed and that the system will be conveyed to the county for operation and maintenance. ~~For all proposed water line extensions the developer shall be required to enter into a contract with the county before water service is extended to the property. Such contract shall include~~ the terms and conditions to reserve water capacity for the development, the revocation of water capacity, procedures for inspection of internal water distribution lines, specifications for the construction of internal lines, procedures for the payment of connection charges, procedures for the billing of water use charges and other matters not otherwise covered by this article and by the rules and regulations of the department. ~~Such contract shall be subject to approval by the board of supervisors.~~ The Director is authorized to execute such Water Agreements subject to the review and approval of the County Attorney. The provisions of this section shall not apply to the construction of internal distribution system facilities serving and maintained by mobile home parks, industrial and commercial complexes, apartment complexes and other similar uses.

(c) For newly constructed or newly connected premises, service shall be provided in accordance with the provisions of section 82-110.

(Code 1988, § 16-11)

Sec. 82-42. - Conditions of utility service.

(a) The supply of water service to any person shall be on the condition of his agreeing to comply with all sections of this article and to pay for such service at the rate then existing or which may subsequently be placed into effect.

(b) The use of the county water system by any person, or the filing of an application for the use thereof, shall be evidence of his acceptance of these conditions.

(c) After written notice to the property owner, the Director is authorized to revoke reserved or permitted water capacity for any development or parcel for which a County-issued building permit has expired, or does not utilize the permitted capacity as provided in the Water Agreement between the County and property owner. Any development or parcel for which water capacity is revoked will be issued a refund of the applicable connection fees. The following situations are subject to revocation of capacity:

1. County-issued building permit has expired, and water service has not been established. All capacity shall be revoked, and the development must submit required documents, as applicable, to obtain the required permits to establish service in the future.

2. The development or parcel has not used the capacity within the timeframe established in approved Water Agreement with the County. The development or parcel shall retain the maximum capacity previously utilized as determined by the previous billed consumption.

(d) The Director shall notify the County Administrator and each member of the Board of Supervisors in writing upon the revocation of water capacity of any development or parcel.

(Code 1988, § 16-12)

Sec. 82-77. - ~~Contract required.~~ Reserved

~~Before commencement of construction of any water system or the extension, alteration, or enlargement of any existing water system to serve additional development, the owner of the system shall enter into a contract with the county setting forth the terms and conditions under which the construction shall be performed and the system conveyed to the county for operation and maintenance. The provisions of this section shall not apply to construction of internal distribution system facilities serving mobile home parks, industrial and commercial complexes, apartment complexes and similar uses.~~

(Code 1988, § 16-43)

Article III. Wastewater Service

DIVISION 1. GENERALLY

Sec. 82-361. - Application and contracts for utility service.

(a) Wastewater may be collected and removed from any premises connected to the county utility system, upon proper application to the director. Applications shall be made on forms supplied by the director, and shall be accompanied by all required fees, charges and deposits.

(b) Before commencement of construction of any wastewater system or the extension, alteration, or enlargement of any existing wastewater system to serve additional development, the property owner shall enter into a Wastewater Agreement with the county setting forth the terms and conditions under which the construction shall be performed and that the system will be conveyed to the county for operation and maintenance. For all proposed wastewater line extensions, the

developer shall be required to enter into a contract with the county before wastewater service is extended to the property. Such contract shall include **the terms and conditions to reserve wastewater capacity for the development, the revocation of wastewater capacity,** procedures for inspection or **of internal wastewater collection and conveyance** facilities, specifications for the construction of internal lines, procedures for the payment of connection charges, procedures for the billing of user charges and other matters not otherwise covered by this article and by the rules and regulations of the department. ~~Such contracts shall be subject to approval by the board of supervisors.~~ **The Director is authorized to execute such Wastewater Agreements subject to the review and approval of the County Attorney. The provisions of this section shall not apply to the construction of internal distribution system facilities serving and maintained by mobile home parks, industrial and commercial complexes, apartment complexes and other similar uses.**

(c) For newly constructed or newly connected premises, service shall be provided in accordance with the provisions of section 82-429.

(Code 1988, § 15-11)

Sec. 82-362. - Conditions of utility service.

(a) The supply of wastewater service to any person shall be on the condition of his agreeing to comply with all sections of this article and to pay for such service at the rate then existing or which may subsequently be placed into effect.

(b) The use of the county wastewater system by any person, or the filing of an application for the use thereof, shall be evidence of his acceptance of these conditions.

(c) After written notice to the and the property owner, the Director is authorized to revoke reserved or permitted wastewater capacity for any development or parcel for which a County-issued building permit has expired, or does not utilize the permitted capacity as provided in the Wastewater Agreement between the County and property owner. Any development or parcel for which the wastewater capacity is revoked will be issued a refund of the applicable connection fees. The following situations are subject to revocation of capacity:

1. County-issued building permit has expired, and wastewater service has not been established. All capacity shall be revoked, and the development must submit required documents, as applicable, to obtain the required permits to establish service in the future.

2. The development or parcel has not used the capacity within the timeframe established in approved Wastewater Agreement with the County. The development or parcel shall retain the maximum capacity previously utilized as determined by the previous billed consumption.

(d) The Director shall notify the County Administrator and each member of the Board of Supervisors in writing upon the revocation of wastewater capacity of any development or parcel.

(Code 1988, § 15-12)

Sec. 82-397.- ~~Contract required.~~Reserved

~~Before commencement of construction of any wastewater system or the extension, alteration or enlargement of any existing wastewater system to serve additional development, the owner of the system shall enter into a contract with the county setting forth the terms and conditions under which the construction shall be performed and the system conveyed to the county for operation and maintenance. The provisions of this section shall not apply to construction of internal collection system facilities serving mobile home parks, industrial and commercial complexes, apartment complexes and similar uses.~~

~~(Code 1988, § 15-44)~~

(2) Adopted on October 24, 2023 and becoming effective immediately.