

SECTION 2. CONNECTION REQUIRED

The following regulations shall be observed to determine who shall be required to connect to the facilities of the Authority.

- A. Service to existing structures. An owner or tenant of property adjacent to a right-of-way or easement within which there is located a public water main or public wastewater line or both shall connect each existing structure or manufactured home situated thereon to the facilities of the Authority or (at the option of the Authority) to HRSD; provided, however, an owner or tenant of property shall not be required to connect an existing structure or manufactured home situated thereon to a public water main or to a public wastewater line when the following conditions apply:
1. Comprehensive Plan: The existing structure or manufactured home is prohibited from connection to a water or sewer line by zoning, special use permit, or proffer conditions and is served by a domestic supply or source of potable water and/or a private septic or domestic sewage system which meets the standards established by the Virginia Department of Health.
 2. Water: the existing structure or manufactured home is used principally for residential or commercial purposes and is served by an existing functional domestic supply or source of potable water which meets the standards established by the Virginia Department of Health. Once connected to the JCSA water system, reversion to an alternate water supply is prohibited.
 3. Sewer: the existing structure or manufactured home is used principally for residential or commercial purposes and is served by a private septic system or domestic sewage system which:
 - (a) has absorption trenches that are functioning properly. The Virginia Department of Health shall determine whether absorption trenches are functioning properly, or
 - (b) can be made to function properly by replacing or repairing one of the following: building sewer; septic tank or any of its parts; pump or pump chamber; conveyance lines: distribution box. Additionally, a one time remedial repair may be made to correct a failing drainfield that would not require excavation or replacement of any portion of the drainfield such as a chemical treatment, flushing, or root removal. Minor excavations to access the drainfield lines will be allowed, or
 - (c) has zoning, special use permit, or proffer conditions that do not permit a connection to a sewer line, private septic systems or domestic sewage systems

may be repaired or replaced subject to Virginia Department of Health approval and appropriate County department approval.

- B. Time to connect. The owner or tenant of an existing structure shall comply with this connection regulation within one (1) year after receiving from the Authority written notice that utility service is available.
- C. Plumbing facilities. An existing structure required by these Regulations to connect to a utility service of the Authority but equipped with plumbing facilities required by the Virginia Uniform Statewide Building Code shall be so equipped and connected to the available utility service.
- D. Service to future structure, new development. An owner of property shall be required to connect to the facilities of the Authority when each development or each future structure not part of a development when such development or future structure shall be situated on property adjacent to a right-of-way or easement within which there is located a public water main or wastewater line; provided however, that connection to said facilities shall not be required nor permitted if connection is not permitted by zoning, special use permit or proffer conditions. A replacement structure that is required due to a natural disaster or fire is not considered a future structure or new development.

The Board of Directors of the James City Service Authority may grant a waiver for a period not to exceed three years for commercial/industrial properties to the requirement to connect to public sewer under the following terms and conditions:

- 1. The applicant submits in writing a substantial justification for such a waiver; and
- 2. The applicant has Department of Health approval for alternative sewage system; and
- 3. The applicant enters into an agreement with the Authority with a letter of credit in favor of the Authority in an amount that will cover the cost of such service connection, the amount to be set by the Authority and to be based on the cost of such connection at the expiration of the waiver period; and
- 4. The applicant agrees to pay 33% of the connection fee for the period of the waiver prior to the approval of the waiver by the Authority; and
- 5. The applicant agrees that the balance of the connection fee due at the end of the waiver period shall be calculated on the then existing rate; and
- 6. The applicant agrees to pay the balance due and any other applicable service charges prior to service being provided.

- E. Access. The connection of development or an existing or future structure to a utility service of the Authority shall not be required when access to the affected property requires the crossing of property of another owner, provided Authority property and property of the Virginia Department of Transportation shall be excepted.
- F. Application required. The owner or tenant, when required by these Regulations to connect to a utility service, shall make "Application for Service and Contract" in accordance with Section 3 below.
- G. If connection is required for existing structures, the Authority shall provide a domestic water and/or sewer connection to the property line upon payment of all applicable fees and charges. On request of a residential customer who desires to replace a well or septic system by connecting to the JCSA water or sewer system, the Authority may finance up to 75% of the connection costs. Prior to the Authority extending credit, the residential customer must: 1) pay 25% of the connection costs to the Authority; 2) execute a note for the remaining principal balance with interest thereon at the rate of 8% and equal monthly payments for a term not exceeding 48 months; 3) execute a deed of trust on the subject property and all other closing documents; and 4) pay all closing costs including attorney's fees. The Authority shall provide the appropriate connection(s) after all financing documents are signed. Financial assistance under this paragraph is in addition to Section 4, Low Income Payment Plan.
- H. If development in Section 2 (D) above consists of office and/or retail facilities the lot or parcel shall be given a one-time exemption, as it was identified as of December 31, 1984, from Authority connection requirements if the following conditions apply:
1. The lot or parcel is located more than 500 feet from Utility facilities and said property was not subdivided after December 31, 1984; or,
 2. The total floor area does not exceed 2,500 feet.
- I. Service Termination. The owner or tenant of an existing structure who has connected to public water and/or sewer facilities in accordance with Section 2 (A) through (H) above may not revert to a private water and/or sewer system unless approved, in writing, by the General Manager or his designee.