

ARLINGTON COUNTY CODE

Chapter 26

UTILITIES*

* **Editors Note:** Ord. No. 22-02, adopted January 22nd, 2022, amended, reenacted, and recodified former Ch. 26, relative to utilities, striking former Article II relative to Wastewater Pretreatment, and amended to read as herein set out. The provisions of former Ch. 26 derived from Ordinance No. 21-07, adopted April 20th, 2021. Ord. No. 22-03, adopted January 22nd, 2022, re-enacted and recodified former Article II as Chapter 26.1, relative to Wastewater Pretreatment.

Ord. No. 24-10, adopted June 6th, 2024, amended, reenacted, and recodified Ch. 26 striking section 26-13, and enacting Article III, relative to a Stormwater Utility.

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§ 26-125. Stormwater Bill Disputes.**ARTICLE I.****GENERAL PROVISIONS****§ 26-1. Definitions.**

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

“Approved Backflow Prevention Device” means any device or method intended to prevent Backflow into the Public Water System which has been approved by the Inspection Services Division for compliance with the County Code.

“Authorized Agent” means the Person or agency of the County government designated by the County Board or the County Manager to act on their behalf in the enforcement of this chapter.

“Auxiliary Water System” means any water system from a source or available to a water user in Arlington County other than the Public Water System. These Auxiliary Water Systems may include water from sources such as wells, lakes, or streams, process fluids, or used water. They may be polluted or contaminated or objectionable, or constitute an unapproved water source or system over which the County does not have control.

“Backflow” means the flow of water or other liquids, mixtures, or substances into the Public Water System from any source or sources other than its intended source.

“County” means the County of Arlington, Virginia, or the County Board of Arlington County, or their Authorized Agent.

“County Manager” means the County Manager of Arlington County, Virginia, or his or her Authorized Agent.

“Cross-connection” means any connection or structural arrangement, direct or indirect, to the Public Water System whereby Backflow can occur.

“Customer” means any Person who connects to the Arlington County Public Water System or Sanitary Sewage System, or contributes Sewage to the County’s Sanitary Sewage System.

“Customer's Water System” means any water system located on the Customer's premises, supplied by or in any manner connected to the Public Water System.

“Inspection Services Division” means the Inspection Services Division of the Department of Community Planning, Housing and Development (DCPHD).

“Person” means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. This definition includes, without limitation, all federal, state or local government entities.

“Premises” means the land and buildings owned by a Person(s)

“Public Water System” means the publicly-owned system of mains or pipes, valves, hydrants, pumping stations, ground and elevated storage tanks and other structures for the storage, collection, purification, treatment, and distribution of potable water to premises within Arlington County and select premises outside the County. The Public Water System includes, but does not extend beyond, the water meter.

“Sanitary District” means the Arlington Sanitary District, as authorized under the provisions of Chapter 161, the Acts of Assembly of Virginia, 1926, for which an order was entered in the Circuit Court of the County on April 25, 1930, and the boundaries of which as co-extensive with the boundaries of the County.

“Sanitary Sewage System” means the publicly-owned system of mains or pipes, manholes, pumping stations, devices and systems, and wastewater treatment (water pollution control) facilities for the collection, storage, treatment, recycling, and reclamation of Sewage. Sewer service laterals are not part of the Sanitary Sewage System but are owned and maintained by the owner of the Premises served.

“Sewage” means the water-carried wastes from Premises together with any groundwater, surface water, or stormwater that may be present. Also referred to as “wastewater” or “sewerage.”

“Systems” means the Public Water System and/or the Sanitary Sewage System.

“Treatment Plant” means that portion of the Sanitary Sewage System which is designed to provide treatment (including recycling and reclamation) of Sewage. (Ord. No. 92-25, 6-16-92; Ord. No. 92-38, 8-8-92; Ord. No. 93-5, 5-20-93; Ord. No. 95-10, 4-29-95; Ord. No. 95-11, 4-29-95; Ord. No. 98-3, 2-7-98; Ord. No. 01-15, 7-28-01; Ord. No. 04-25, 10-2-04; Ord. No. 08-13, 6-17-08, Ord. No. 08-11, 4-19-08, effective 1-1-08; Ord. No. 22-02, 1-22-22, effective 2-1-22)

§ 26-2. Administration.

A. Except as otherwise provided herein, the provision of water and sewer service shall be governed by the Water Rules and Regulations Handbook. The County Manager, or his or her Authorized Agent, shall develop, modify, administer and enforce the provisions of the Handbook.

B. All construction activities performed by any Person affecting the Systems shall conform to the Arlington County Department of Environmental Services Construction Standards and Specifications and Arlington County Standard Details. (Ord. No. 93-11, 6-19-93; Ord. No. 07-03, 4-21-07; effective 7-1-07; Ord. No. 22-02, 1-22-22, effective 2-1-22)

§ 26-3. Inter-Jurisdictional.

A. Sewage from any privately-owned community, other jurisdiction, municipal or corporate treatment facility or private collection system may be discharged into the County’s Sanitary Sewage System only after the execution of an agreement between the County and the owner of such facility that provides for reimbursement to the County of the cost of conveyance and treatment of such Sewage. Any such discharge shall comply with all provisions of this Chapter.

B. Customer discharges within the County to the Sanitary Sewage System which are tributary to another jurisdiction and/or Treatment Plant shall comply with all provisions of this Chapter and any applicable agreements with the receiving Treatment Plant. For all discharges to another Treatment Plant serving the County, the County has primary responsibility for the enforcement of this Chapter and the respective agreement(s) within the County service area. Where the receiving system or Treatment Plant has more stringent requirements, then the discharges within the service area tributary to the receiving system or Treatment Plant shall comply with the more stringent requirements and the County shall enforce those requirements. (Ord. No. 22-02, 1-22-22, effective 2-1-22)

§ 26-4. Prohibition of Interference.

A. It shall be unlawful for any Person or entity without prior authorization to operate, injure, disturb, connect to or disconnect from, or otherwise interfere with the Systems. (Ord. No. 22-02, 1-22-22, effective 2-1-22)

§ 26-5. Right of Entry.

A. The Authorized Agent may inspect the Premises of any Customers to ascertain whether the purposes of this Chapter are being met and all requirements are being complied with. Customers shall allow the Authorized Agent ready access at all reasonable times to those parts of the Premises necessary to inspect, observe, and test in accordance with the provisions of this Chapter.
(Ord. No. 22-02, 1-22-22, effective 2-1-22)

§ 26-6. Disconnection of Service.

A. The Authorized Agent may at any time shut off the supply of water to any Premises to address a public health and safety emergency as determined by the Authorized Agent in collaboration with the Arlington County Public Health officer.
(Ord. No. 22-02, 1-22-22, effective 2-1-22)

§ 26-7. Storm Sewer System.

A. It shall be unlawful for any Person not specifically authorized by the County Manager to remove a manhole cover or catch basin cover or grate inlet cover or to make any connections with, or any opening into, use, or in any way alter, disturb, or otherwise interfere with any manhole, catch basin, grate inlet, or other structure which is a part of the public storm sewer system.

B. It shall be unlawful for any Person to deposit into any open watercourse or gutter or pipe or other drainage structure any rocks, logs, dirt, paper, branches, leaves, grass, or any other material capable of causing a stoppage or disrupting the flow of storm or rain water or otherwise adversely affecting the hydraulic capacity of the watercourse or drainage structure.

C. It shall be unlawful for any Person to discharge directly or indirectly into the storm sewer system or state waters, any substance likely, in the opinion of the County Manager, to have an adverse effect on the storm sewer system or state waters. A discharge may be considered serious or moderate. A serious discharge is one that is determined to be an immediate threat to the environment, public health, or safety of the County's storm sewer system or state waters. Any other discharge under this subsection shall be considered moderate. To prevent such adverse effects, the County Manager may adopt rules and regulations governing direct or indirect discharges into the storm sewer system and state waters. Discharge of any substance directly to state waters must be authorized by a separate Virginia Pollutant Discharge Elimination System (VPDES) permit in accordance with 9 VAC 25-31-10 et seq., or its successor.
(Ord. No. 92-25, 6-16-92; Ord. No. 93-11, 6-19-93; Ord. No. 01-15, 7-28-01; Ord. No. 10-13, 6-12-10; Ord. No. 22-02, 1-22-22, effective 2-1-22)

§ 26-8. Water and/or Sewer Billing.

A. *Responsibility.* Water and/or sewer service may be provided to a property owner or their designated representative. Water and/or sewer service may only be provided to a lessee or tenant of a Premises upon provision of authorization from the property owner to obtain water and/or sewer service in the name of such lessee or tenant. A copy of the lease or rental agreement may be accepted in lieu of express written authorization.

B. *Billing.* All water and/or sewer accounts shall be billed not less than four (4) times each year. All accounts are due and payable when the bill is rendered.

C. *Delinquency.* Any rates, fees, or charges for water and/or sewer services are delinquent if they are not paid within thirty (30) days from the bill date. Late fees and charges are applied to delinquent balances. If delinquent balances remain outstanding, the County may disconnect the water-sewer service and initiate collection efforts to recover all delinquent rates, fees, or charges, with interest.

D. *Liens.* Any unpaid rates, fees, and/or charges for water and/or sewer services constitute a lien against the Premises being served and ranks on a parity with liens and unpaid taxes as provided by Virginia law.

E. *Collections.* The Treasurer of Arlington County is authorized to collect any and all utilities charges under this chapter.

F. *Customer Classes.* All accounts will be classified into one of the following customer classes and charged accordingly to those customer class rates: Residential; Multi-Family; Commercial. (Ord. No. 93-11, 6-19-93; Ord. No. 94-22, 8-6-94; Ord. No. 98-22, 7-11-98; Ord. No. 21-05, 1-1-22; Ord. No. 22-02, 1-22-22, effective 2-1-22)

§ 26-9. Water/Sewer Rates and Fees.

The charge for water/sewer service shall include a base charge and be based on the consumption of water as reflected by periodic readings of water meters servicing the property. The charge for water/sewer service shall also include base charge(s).

BASE CHARGES:

A. **Water Base Charge:** Base Charges are hereby established and imposed in addition to the water volumetric charges:

Quarterly Base Charge per water meter	
(a) Residential	\$16.82
Monthly Base Charge per water meter	
(a) Multi-Family	\$12.01
(b) Commercial	\$12.01

B. **Sewer Base Charge:** Base Charges are hereby established and imposed in addition to the sewer volumetric charges:

Quarterly Base Charge per water meter	
(a) Residential	\$13.98
Monthly Base Charge per water meter	
(a) Multi-Family	\$9.93
(b) Commercial	\$9.93

RATES:

A. **Water Volumetric Charges:** The rates for metered water per Thousand Gallons (TG) are:

Residential	
(1) Residential Tier 1 (Up to 9 TG per quarter)	\$4.54
(2) Residential Tier 2 (Over 9 TG per quarter)	\$7.27
Multi-Family	\$5.40
Commercial	\$5.85

B. **Sewer Volumetric Charges:** The rates for sewer per Thousand Gallons (TG) are:

Residential Sewer Service Charge (\$/TG)	\$10.48
Multi-Family Sewer Service Charge (\$/TG)	\$10.48
Commercial Sewer Service Charge (\$/TG)	\$10.48

1. **Residential Sewer Charges:** Sewer charges for each 1,000 gallons of water, based on the lesser

of the metered consumption of water for the billing period or the Average Winter Quarter consumption, as specified in the County's Water Rules and Regulations Handbook.

C. The rate for the establishment of a late charge shall be six percent (6%) imposed on the outstanding balance of water/sewer and refuse accounts thirty (30) days after the bill date.

D. The rate for the establishment of new water service accounts shall be forty dollars (\$40.00) per account. The rate for reactivation of service following the customer's request for deactivations and those reactivations necessitated by occupant delinquency or repair shall be twenty-five dollars (\$25.00) per each request.

E. The charges for drainage fixture unit inspections shall be one hundred seventy-five dollars (\$175.00) for one (1) to twenty-four (24) fixtures, two hundred seventy-five dollars (\$275.00) for twenty-five plus fixtures.

F. The charge for fire flow tests shall be three hundred dollars (\$300.00).

G. The cost for a water meter test requested by the Customer shall be seventy-five dollars (\$75.00).

H. In addition to the charges provided for in this section, an extra-strength wastewater surcharge for the higher cost of treating abnormal industrial waste or pollutants may be assessed to Industrial Users per Chapter 26.1.

I. The charge for a fire hydrant permit shall be \$480.00 for three (3) months or any portion thereof.

The rates for water and sewer service become effective with water used on July 1, 2025. The rates for the late charge and the water service activation/reactivation became effective July 1, 1992. The rate for water service activation becomes effective July 1, 2025. The charges for drainage fixture unit inspections and fire flow tests became effective July 1, 2008.

(Ord. No. 93-11, 6-19-93; Ord. No. 94-11, 5-1-94; Ord. No. 94-22, 8-6-94; Ord. No. 95-10, 4-29-95; Ord. No. 95-11, 4-29-95; Ord. No. 96-4, 4-13-96; Ord. No. 98-22, 7-11-98; Ord. No. 00-09, 4-13-00; Ord. No. 01-06, 4-16-01; Ord. No. 02-09, 4-20-02; Ord. No. 03-09, 4-26-03; Ord. No. 04-07, 4-24-04; Ord. No. 05-04, 4-16-05, effective 5-1-05; Ord. No. 06-06, 4-22-06, effective 5-1-06; Ord. No. 07-04, 4-21-07, effective 5-1-07; Ord. No. 08-03, 4-19-08, effective 5-1-08; Ord. No. 08-04, 4-19-08, effective 7-1-08; Ord. No. 09-04, 4-28-09; Ord. No. 10-03, 4-24-10, effective 5-1-10; Ord. No. 12-05, 4-21-12, effective 5-1-12; Ord. No. 13-02, 4-20-13, effective 5-1-13; Ord. No. 14-03, 4-22-14, effective 5-1-14; Ord. No. 15-04, effective 5-1-15, Ord. No. 16-03, effective 5-1-16; Ord. No. 17-02, 4-22-17, effective 5-1-17; Ord. No. 18-02, 4-21-18, effective 7-1-2018; Ord. No. 19-05, 4-23-19, effective 7-1-19; Ord. No. 20-05, 4-30-2020, effective 7-1-20; Ord. No. 21-05, 4-20-21, effective 7-1-2021 and 1-1-2022; Ord. No. 22-02, 1-22-22, effective 2-1-22; Ord. No. 22-07, 4-26-22, effective 7-1-22; Ord. No. 23-04, 4-22-23, effective 7-1-23; Ord. No. 24-05, 4-20-2024, effective 7-1-2024; Ord. No. 25-03, 4-9-2025, effective 7-1-2025)

§ 26-10. Penalty.

A. Any Person who violates any provision of this article, except for §§ 26-7.B and 26-7.C, or any rule or regulation pursuant thereto shall be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00) for each violation. Each day of violation shall constitute a separate offense.

B. Any Person who violates § 26-7.B or 26-7.C, or any regulations adopted thereunder or who fails, neglects or refuses to comply with any order of the County Manager, shall be subject to a civil penalty not to exceed thirty-two thousand five hundred dollars (\$32,500.00) for each violation within the discretion of the Court. Each day of violation shall constitute a separate offense. The County Manager may issue a summons for collection of the civil penalty in the Arlington County Circuit Court. Such civil penalties shall be paid to the Treasurer of Arlington County and shall be used for the purpose of minimizing, preventing, managing, or mitigating pollution of the waters.

1. A first violation under this subsection shall be subject to a civil penalty of five hundred dollars (\$500.00) for a serious violation or one hundred dollars (\$100.00) for a moderate violation.

2. A second violation under this subsection shall be subject to a civil penalty of one thousand dollars (\$1,000.00) for a serious violation or two hundred and fifty dollars (\$250.00) for a moderate violation.
 3. A third violation or thereafter under this subsection shall be subject to a civil penalty of two thousand five hundred dollars (\$2,500.00) for a serious violation or five hundred dollars (\$500.00) for a moderate violation.
- C. Any Person who willfully and knowingly violates any provision of §§ 26-7.B or 26-7.C shall be guilty of a Class 1 misdemeanor.
- D. Violations of §§ 26-7.B or 26-7.C may also be addressed in the following ways:
1. The County may apply to the Circuit Court of Arlington County for injunctive relief to enjoin a violation or threatened violation.
 2. In lieu of any appropriate civil penalty that could be imposed under subsection B, the County may, with the consent and agreement of any Person who has violated or failed, neglected or refused to obey with §§ 26-7.B or 26-7.C or any regulation thereunder, provide, in an order issued against such Person, for payment of civil charges for violations in specific sums, not to exceed thirty-two thousand five hundred dollars (\$32,500.00) for each violation. Any civil charges collected shall be paid to the Treasurer of Arlington County and shall be used for the purpose of minimizing, preventing, managing, or mitigating pollution of the waters.
- (Ord. No. 92-25, 6-16-92; Ord. No. 93-11, 6-19-93; Ord. No. 10-13, 6-12-10; Ord. No. 22-02, 1-22-22, effective 2-1-22)

§ 26-11. Infrastructure Availability Fees.

- A. It shall be unlawful for any Person to connect a structure to the Public Water System or to the Sanitary Sewage System without payment of an infrastructure availability fee.
- B. It shall be unlawful for any Person to install plumbing fixtures in a structure previously connected to the Public Water System or to the Sanitary Sewage System which results in an increase in the total drainage fixture units in that structure without payment of an infrastructure availability fee.
- C. Infrastructure availability fees shall be paid in full prior to issuance of a building permit, or a plumbing permit if no building permit is required or according to regulations pursuant to the Water Rules and Regulations Handbook. The infrastructure availability fee shall be in accordance with the rate schedule in force at the time of issuance of the permit.
- D. The infrastructure availability fee rate shall be two hundred and sixty dollars (\$260.00) per drainage fixture unit (DFU). For structures that are provided for water service only or sewer service only, the infrastructure availability fee shall be as follows:

Water Service only—one hundred and five dollars (\$105.00) per DFU

Sewer Service only—one hundred and fifty-five dollars (\$155.00) per DFU

(Ord. No. 92-25, 6-16-92; Ord. No. 93-11, 6-19-93; Ord. No. 97-8, 5-17-97; Ord. No. 07-03, 4-21-07, effective 7-1-07; Ord. No. 10-04, 4-24-10, effective 7-1-10; Ord. No. 13-02, 4-20-13, effective 7-1-13; Ord. No. 21-07, 4-20-21, effective 7-1-21; Ord. No. 22-02, 1-22-22, effective 2-1-22; Ord. No. 23-06, 4-22-23, effective 7-1-23)

§ 26-12. Service Connection Charges.

Water Connection Charges

Service Connection Size (inches)	Meter Size (inches)	Connection Charge
1	3/4	\$5,295
1 1/2	1 1/2	\$6,915
2	2	\$8,300
3	3	At Cost-Quote upon request
4	4	At Cost-Quote upon request
6	6	At Cost-Quote upon request
8	8	At Cost-Quote upon request

In addition to the Water Connection Charges above, the County shall charge an automation enhancement surcharge in the amount of ten percent of each Water Connection Charge.

Meter Installation Charges

Meter Size (inches)	Installation Charge
3/4	\$410
1-1/2	\$1,020
2	\$1,360
3	\$2,970
4	\$3,950
6	\$5,560
8	\$10,240

In addition to the Meter Installation Charges above, the County shall charge an automation enhancement surcharge in the amount of ten percent of each Meter Installation Charge.

Water Service Discontinuation Charge

The charge to disconnect and discontinue a water service shall be five hundred dollars (\$500.00).

Meter Box Relocation Charge:

The charge to relocate a meter box (for services two (2) inches and smaller) five (5) feet or less shall be one thousand dollars (\$1,000.00).

The charges for meter installation charges become effective July 1, 2025. The charges for water connections become effective July 1, 2025. The charges for water service discontinuations and meter box relocations became effective July 1, 2008.

(Ord. No. 93-11, 6-19-93; Ord. No. 94-22, 8-6-94; Ord. No. 08-04, 4-19-08, effective 7-1-08; Ord. No. 21-06, 4-20-21, effective 7-1-21; Ord. No. 22-02, 1-22-22, effective 2-1-22; Ord. No. 23-06, 4-22-23, effective 7-1-23; Ord. No. 25-03, 4-9-2025, effective 7-1-2025)

§ 26-13. Reserved.

(Ord. No. 08-11, 4-19-08, effective 1-1-08; Ord. No. 10-06, 4-24-10, effective 1-1-10; Ord. No. 21-03, 4-20-21, effective 7-1-21; Ord. No. 22-02, 1-22-22, effective 2-1-22)

§§ 26-14--26-107. Reserved.

* **Editors Note:** Ord. No. 22-02, adopted January 22nd, 2022, amended, reenacted, and recodified former Ch. 26, relative to utilities, striking former Article II relative to Wastewater Pretreatment. Ord. No. 22-03, adopted January 22nd, 2022 and effective February 1st, 2022 re-enacted and recodified former Article II as Chapter 26.1, relative to Wastewater Pretreatment.

ARTICLE II.

CROSS-CONNECTION CONTROL AND BACKFLOW PREVENTION

§ 26-108. General.

This article provides for the protection of the County's Public Water System from possible contamination caused by back pressure or back siphonage conditions, in accordance with the regulations of the Virginia Department of Health, Virginia Uniform Statewide Building Code, and Virginia Maintenance Code. As defined in this article, "premises" shall refer to property where there is a use or presence of a contaminant, as defined in this article, and the use of the contaminant on the premises may pose a risk to the waterworks through a Backflow occurrence. (Ord. No. 92-38, 8-8-92; Ord. No. 22-02, 1-22-22, effective 2-1-22)

§ 26-109. Administration and Enforcement.

A. The Inspection Services Division shall be responsible for the administrative, inspections, and record-keeping functions required by this article.

B. The Inspection Services Division shall notify the Authorized Agent of noncompliance with the Backflow prevention requirements by a Customer. The Authorized Agent may, as provided for in this article, deny water service to a Customer if the Backflow prevention requirements are not complied with. (Ord. No. 92-38, 8-8-92; Ord. No. 04-25, 10-2-04; Ord. No. 22-02, 1-22-22, effective 2-1-22)

§ 26-110. Cross-Connection.

A. No Person shall install or maintain a water service connection to any premises where Cross-connections to the Public Water System or a Customer's Water System may exist unless such Cross-connections are abated or controlled to the satisfaction of the County according to state law.

B. No Person shall install or maintain any connection to the Public Water System whereby water from an auxiliary water supply may enter the Public Water System or Customer's water supply unless the Auxiliary Water System and the method of connection and use of such system shall have been approved by the County. (Ord. No. 92-38, 8-8-92; Ord. No. 22-02, 1-22-22, effective 2-1-22)

§ 26-111. Where Protection is Required.

A. An Approved Backflow Prevention Device shall be installed on each service line from the Public Water System where required by the Virginia Plumbing Code. (Ord. No. 92-38, 8-8-92; Ord. No. 22-02, 1-22-22, effective 2-1-22)

§ 26-112. Installation and Maintenance of Devices.

A. Approval of Backflow prevention devices and the type of protection required shall be in accordance with the Virginia Plumbing Code.

B. Backflow prevention devices shall be maintained in accordance with the Virginia Maintenance Code. (Ord. No. 92-38, 8-8-92; Ord. No. 22-02, 1-22-22, effective 2-1-22)

§ 26-113. Testing and Inspection of Devices.

Inspection and testing of Backflow prevention devices shall be in accordance with the Virginia Plumbing Code and Virginia Maintenance Code.

(Ord. No. 92-38, 8-8-92; Ord. No. 22-02, 1-22-22, effective 2-1-22)

§ 26-114. Notice of Violation of Article.

If a violation of any provision of this article is found upon any inspection, the Customer shall be notified in writing of the violations and be given thirty (30) days to correct the violations. At the end of the thirty (30) day period another inspection shall be made. If the violations have not been remedied, a letter of violation will be issued to the Customer who must make repairs within ten (10) days, or further actions may be taken by the County.

(Ord. No. 92-38, 8-8-92; Ord. No. 22-02, 1-22-22, effective 2-1-22)

§ 26-115. Denial or Discontinuance of Service.

Upon finding a violation of any part of this article, the County may immediately disconnect a Customer's water service if the violation poses a substantial threat to life and health as determined by the Authorized Agent. Otherwise, water service to a Customer may be denied or discontinued upon continuation of any violation beyond the time limit provided in the letter of violation provided for in § 26-114.

(Ord. No. 92-38, 8-8-92; Ord. No. 22-02, 1-22-22, effective 2-1-22)

**ARTICLE III.
STORMWATER UTILITY**

Sec. 26-117 Authority.

The County is authorized by Virginia Code § 15.2-2114 to establish a utility or enact a system of service charges to support a local stormwater management program consistent with the Virginia Stormwater Management Act (Virginia Code § 62.1-44.15:24 et seq.) or any other state or federal regulation governing stormwater management. Notwithstanding, the County Manager is authorized to develop policies, procedures, and manuals necessary to implement this Article in accordance with Section 26-122 to accept applications for utility fee credits.

Sec. 26-118 Purpose and organization.

The County Board finds that an adequate, equitable, and sustainable source of revenue for stormwater management activities is necessary to protect the general health, safety, and welfare of the residents; to meet state and federal stormwater regulations; to address identified water quality and quantity management needs of the County; and to mitigate surface and subsurface flooding from precipitation events. Further, the County Board finds that impervious area contributes greater amounts of stormwater and pollutants to the stormwater management system, and that those owners of properties with impervious area should accordingly bear a proportionate burden of the costs.

Therefore, the County Board determines that it is in the best interest of the public to enact a stormwater utility fee based on impervious area that allocates program costs equitably to all property owners based on impervious area. The stormwater utility shall be operated under the direction of the County Manager, who shall organize, direct, and manage the utility, including the development of necessary policies, procedures, and manuals as authorized by this Article.

Sec. 26-119 Definitions.

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

1. Billing unit: 2,400 square feet of impervious area equals one (1) Equivalent Residential Unit (ERU).
2. Director: The Director of Environmental Services or the director's authorized representative.

3. Homeowner Association Common Areas: Properties classified as PCC 540.
4. Impervious area: A surface composed of any material that significantly impedes, restricts, or prevents natural infiltration of water into the underlying soil. Impervious surfaces include, but are not limited to roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface.
5. Inspection: An onsite review of compliance with a County permit, the County's stormwater management program, and any applicable design criteria, or an onsite review to obtain information or conduct surveys or investigations necessary in the enforcement of this Article.
6. Maintenance agreement or Best Management Practice (BMP) maintenance agreement: A legally recorded document that acts as a property deed restriction, and which provides for the long-term maintenance of stormwater management practices.
7. Multi-use parcel: A parcel where more than one RPC is associated with the parcel.
8. Multi-Family Residential (MF) Customer Class: All residential records that are not SFD or SFA, such as apartment developments and condominiums, classified with a Property Class Code (PCC) between 300-399, 543, and/ or 600-699.
9. Non-Residential (NR) Customer Class: Any property that is not classified as SFD, SFA, or MF.
10. Owner or property owner: All persons or entities holding title to the real estate, commercial use structure, or structures thereon.
11. Real Property Code (RPC): Unique numeric code assigned to each real property parcel in Arlington County.
12. Property Class Code (PCC): Codes which designate the type and use of land as designated by the Arlington County Department of Real Estate Assessments.
13. Single Family Residential – Attached (SFA) Customer Class: Properties containing single-family residences that are attached to other structures, such as townhouses and side-by-side duplexes, with each property having its own owner and classified as PCC 512, 513, or 514.
14. Single Family Residential – Detached (SFD) Customer Class: Properties containing a single-family house or a duplex with a single owner for both units and classified as PCC 510, 511, 515, 518, 519, 541.
15. Stormwater best management practice (BMP): A schedule of activities, prohibitions of practices, maintenance procedures, and other management practices, including both structural and nonstructural practices, to prevent or reduce the pollution of surface water and groundwater systems.
16. Stormwater management facility: A structural control measure that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release, or the velocity of flow. A stormwater management facility is a type of stormwater best management practice.

(Ord. No. 25-16, 10-18-2025, Effective 10-18-2025)

Sec. 26-120 Stormwater utility fee.

- A. A stormwater utility fee is hereby imposed on every parcel of real property in the County that appears on the real property assessment rolls as of January 1 of each year. All stormwater utility

fees and other income from the fees shall be deposited into the Stormwater Management Fund for the sole purpose of funding the activities described in Section 26-123 or Virginia Code § 15.2-2114.

B. The utility fee rate per billing unit for calculating the stormwater utility fee shall be \$258 annually for the stormwater utility fee bill due and payable on or before June 15, 2025, and all bills thereafter consistent with Section 26-124.

C. Except as otherwise provided in this Article, the impervious surface of a parcel shall be determined by the County, including but not limited to, one or more of the following: aerial photography; as-built drawings; final approved site plans; building permits; field surveys; or other appropriate engineering and mapping analysis tools.

D. The stormwater utility shall be under the administration of the Director.

E. Notwithstanding subsection (a), and consistent with Virginia Code § 15.2-2114, the stormwater utility fee shall be waived in its entirety for the following:

1. A federal, state, or local government, or public entity, that holds a permit to discharge stormwater from a municipal separate storm sewer system in accordance with Code of Virginia; except that the waiver of charges shall apply only to property covered by any such permit;
2. Public roads and street rights-of-way that are owned and maintained by state or local agencies, including property rights-of-way acquired through the acquisition process; and
3. Property owned or operated by the County.
(Ord. No. 25-02, 4-9-2025, Effective 1-1-2025)

Sec. 26-121 Stormwater utility fee calculations.

A. Unless otherwise specified in this Article, the annual stormwater utility fee for Single Family Residential-Detached (SFD) properties will be a tiered structure based on the amount of impervious square footage on the parcel as follows:

1. Tier 1 SFD properties are defined as being between 300 and 1,600 square feet of impervious area will be charged 0.60 billing unit;
2. Tier 2 SFD properties are defined as being between 1,601 and 3,600 square feet of impervious area will be billed at a rate of 1.0 billing unit;
3. Tier 3 SFD properties are defined as being between 3,601 and 4,800 square feet of impervious area and will be billed at a rate of 1.7 billing units; and
4. Above the Cap SFD properties are defined as being 4,801 square feet of impervious area and over and are billed the same as non-residential properties as defined in (D) below.

B. Unless otherwise specified in this Article, the annual stormwater utility fee for Single Family Residential- Attached (SFA) properties will be billed at a rate of 0.60 billing unit;

C. Unless otherwise specified in this Article, the annual stormwater utility fee for Multi-Family Residential (MF) properties will be billed at a rate of 0.18 billing unit per residential unit;

D. Unless otherwise specified in this Article, the annual stormwater utility fee for Non-Residential (NR) properties will be calculated in the following manner:

1. Determine the impervious area of the property in square feet;
2. Divide the impervious area of the property by the number of square feet in one billing unit, as defined in Section 26-119;
3. Round the resulting calculation to the next highest whole number to determine the number of billing units; and
4. Multiply the number of billing units determined in subsection (3) by the rate established in Section 26-120 to obtain the stormwater utility fee for the property.

E. Unless otherwise specified in this Article, the annual stormwater utility fee for properties associated with a multi-use parcel will be calculated in the following manner:

1. Determine the impervious area of the property in square feet;
2. Determine the total number of commercial and residential units on the RPCs associated with the property;
3. Divide the impervious area among the RPCs according to the total number of commercial and residential units associated with each RPC;
4. Apply the calculation methodology corresponding to each RPC's customer class according to subsections (A)-(D) above. For NR properties, round the resulting calculation to the next highest hundredths place to determine the number of billing units.
5. Multiply the number of billing units determined in subsection (4) by the rate established in Section 26-120 to obtain the stormwater utility fee for the property.

6. The County may deviate from the above methodology based on a duly signed and executed agreement between all owners of a multi-use parcel on a form provided by the County.

Sec. 26-122 Stormwater utility fee credits.

A. The County shall implement a system of credits in accordance with Virginia Code § 15.2-2114(D) that provides full or partial waivers of charges to any person who installs, operates, and maintains a stormwater management facility that achieves a permanent reduction in stormwater flow or pollutant loadings. The amount of the waiver shall be based in part on the percentage reduction in stormwater flow or pollutant loadings, or both, from pre-installation to post-installation of the facility. The system of credits may also, in accordance with Virginia Code § 15.2-2114(E), provide for full or partial waivers of charges to public or private entities that implement or participate in strategies, techniques, or programs that reduce stormwater flow or pollutant loadings, or decrease the cost of maintaining or operating the public stormwater management system.

B. The County hereby adopts the following system of credits as applied to the utility fee for applicable properties:

1. Mandatory Credits:

- i. Land Disturbing Activity (LDA) permitted properties in compliance with all permit requirements set forth in Chapter 61 of the Arlington County Code prior to the June 2014 update or Chapter 60 of the Arlington County Code adopted in June 2014, respectively.

a. Pre-2014 LDA permit criteria = Five percent (5%) credit

b. Post-2014 LDA permit criteria

I. Less than 1 acre of land disturbance = Ten percent (10%) credit

II. One (1) acre or more of land disturbance = Fifteen percent (15%) credit

III. Alternative compliance option for single family homes = Fifteen percent (15%) credit

2. Voluntary Credits:

- i. Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit (MSGP) holders may apply for a full credit of their fees based on Virginia Code § 15.2-2114(E). Credits shall be granted for a period of no more than 5 years and application will be required every time the permit is renewed or re-issued.

- ii. Single Family Residential Attached and Detached property credits are available for the following voluntary actions if they meet the requirements and regulations as laid out in the credit manual, up to a total of no more than thirty-five percent (35%) credit off the utility fee per property encompassing the voluntary action.

a. Conservation Landscaping = Five percent (5%) credit

b. Tree planting = Five percent (5%) credit

c. Rainwater collection and/ or redirection = Five percent (5%) credit

d. Rain garden = Ten percent (10%) credit

- e. Permeable driveway, patios and/ or other surfaces = Ten percent (10%) credit
- iii. Multi-Family Residential and Non-Residential property credits are available for the following voluntary actions if they meet certain requirements and regulations as laid out in the credit manual, up to a total of no more than thirty-five percent (35%) credit off the utility fee per property encompassing the voluntary action.
 - a. Conservation Landscaping = Five percent (5%) credit
 - b. Tree planting = Five percent (5%) credit
 - c. Stormwater Education Event = Five percent (5%) credit
 - d. Storm Drain Marking Volunteer Event = Five percent (5%) credit
 - e. Rain garden = Ten percent (10%) credit
 - f. Permeable parking lot and/ or driveway = Ten percent (10%) credit
 - g. Adopt-A-Street Volunteer event = Ten percent (10%) credit
 - h. Stream Clean-up Volunteer Event = Ten percent (10%) credit
 - i. Invasive Plant Clean-up Volunteer Event = Ten percent (10%) credit
 - j. Parking lot and/ or private street sweeping = Ten percent (10%) credit
- iv. Single Family Residential Attached and Detached property credits are available for the following voluntary actions implemented on Homeowner Association Common Areas if the voluntary actions meet the requirements and regulations outlined in the credit manual and the Single Family Residential Attached or Detached property is associated with the entity owning the Homeowner Association Common Area, up to a total of no more than thirty-five percent (35%) credit off the utility fee per property encompassing the voluntary action.
 - a. Conservation Landscaping = Five percent (5%) credit
 - b. Tree planting = Five percent (5%) credit
 - c. Rainwater redirection = Five percent (5%) credit
 - d. Rain garden = Ten percent (10%) credit

C. The Director, or designee, will develop, modify, administer and enforce the written credit manual and policies to implement the above system of credits.

D. The property owner shall complete a credit application form in a format approved by the Director and submit for review during the credit application period. The Department of Environmental Services may require an inspection to verify the basis of the credit application form.

E. With the exception of properties granted a full credit for their fees per subsection (B), if a property meets the requirements and regulations as laid out in the credit manual, it is eligible to receive a bill credit up to a total of no more than thirty-five percent (35%) credit off the utility fee per property encompassing the mandatory and/ or voluntary actions.

F. Nothing shall prevent the County Board from modifying the adopted system of credits, and such modifications may apply to holders of existing credits.
(Ord. No. 24-16, 12-14-2024, Effective 12-15-2024; Ord. No. 25-16, 10-18-2025, Effective 10-18-2025;)

Sec. 26-123 Expenditure of Stormwater Utility Fees.

A. The County hereby establishes a dedicated, separate fund for the sole purpose of recovering costs for the following:

1. The acquisition, as permitted in Virginia Code § 15.2-1800, of real and personal property, and interest therein, necessary to construct, operate, and maintain stormwater control facilities;
2. The cost of administration of such programs;
3. Planning, design, engineering, construction, and debt retirement for new facilities and enlargement or improvement of existing facilities, including the enlargement or improvement of dams, levees, floodwalls, and pump stations, whether publicly or privately owned, that serve to control stormwater;
4. Facility operation and maintenance, including the maintenance of dams, levees, floodwalls, and pump stations, whether publicly or privately owned, that serve to control stormwater;
5. Monitoring of stormwater control devices and ambient water quality monitoring;
6. Contracts related to stormwater management, including contracts for the financing, construction, operation, or maintenance of stormwater management facilities, regardless of whether such facilities are located on public or private property and, in the case of private property locations, whether the contract is entered into pursuant to a stormwater management private property program under Virginia Code § 15.2-2114(J) or otherwise; and
7. Other activities consistent with the state or federal regulations or permits governing stormwater management, including, but not limited to, public education, watershed planning, inspection and enforcement activities, and pollution prevention planning and implementation.

Sec. 26-124 Billing, payment, and penalties.

A. A stormwater utility fee shall be billed twice annually so that half the annual fee is billed two times per year to the record owner of each property subject to the fee. Such bills or statements shall be included on and payable with the property's real estate tax bill. For properties that do not receive a real estate tax bill, a separate bill for the stormwater utility fee shall be issued. Any fee not paid in full by the respective due date of the real estate property tax bill shall be considered delinquent. Any payments received from such bills shall be applied as follows:

1. Stormwater utility fee;
2. Real Estate taxes.

B. A delinquent stormwater utility fee, in accordance with Virginia Code § 15.2-2114(G), shall be subject to a penalty and interest. Such penalty shall be five (5) percent or five dollars (\$5.00), whichever shall be greater, and, if any fee installment remains unpaid in whole or in part thirty (30) days after the due date, shall incur an additional penalty of five (5) percent or five dollars (\$5.00), but not to exceed the amount of the fee, which shall be added to the amount of fees due from such person billed. Interest shall accrue at the rate prescribed in § 1-7.1. Such penalties and interest shall be applied to late payments of the stormwater utility fee at the same time and in the same manner as such penalties and interest would be applied to a late payment of the real property tax.

C. A delinquent stormwater utility fee, along with cumulative penalties and interest, shall constitute a lien on the property ranking on parity with liens for unpaid taxes and shall be collected in the same manner as provided for the collection of unpaid taxes.

Sec. 26-125 Stormwater Bill Disputes.

A. Any property owner subject to the stormwater utility fee may request an adjustment to the fee by submitting a dispute application to the Stormwater Utility administration office no later than June 30 for the bill due on June 15 and no later than October 20 for the bill due October 5. The County Manager, or designee, may extend such deadline whenever good cause exists. Grounds for adjustment of the stormwater utility fee are limited to the following:

1. An error was made regarding the square footage of impervious area
2. An error was made regarding the number of units for Multi-Family Residential (MF) property;
3. An error was made regarding customer class;
4. Fee for property should be waived based on Section 26-120; or
5. An approved voluntary credit was incorrectly applied.

B. The property owner shall complete a dispute application form in a format approved by the Director.

1. The applicant shall submit any photos, aerial images, GIS imagery, or appropriate documentation that supports their dispute.
2. The County may request a meeting with the applicant, if needed.
3. The County may require an inspection in order to adjudicate a dispute application. Denial of access for such inspection may result in denial of the property owner's dispute application for lack of supporting evidence.

C. The Stormwater Utility Program Manager shall make a determination within 45 calendar days of receipt of a complete submittal for the request for adjustment. In the event that the Stormwater Utility Program Manager finds that the submittal is deficient or incomplete, the Stormwater Utility Program Manager will notify the applicant with an offer of 10 calendar days to supply the missing information. The 45-calendar day timeline for a decision will begin at such time as the requested information is provided. If the information requested is not provided to the County within 10 calendar days of the original request, the petition will be deemed withdrawn.

D. A decision by the Stormwater Utility Program Manager on the dispute application is a final decision. On dispute applications related to subsection (A) (1) and (3), an aggrieved party may appeal to the Department of Environmental Services Budget and Finance Division Chief for further determination.

E. The decision on a Stormwater Bill Appeal made by Department of Environmental Services Budget and Finance Division Chief is a final decision from which the aggrieved party may appeal to the Circuit Court of Arlington, Virginia.
(Ord. No. 24-10, 6-6-2024)