

AN ORDINANCE NO. 22-38

To Amend Chapter 22, Water, Sewers and Sewage Disposal, Article II, Division 1, Section 22-47, Use of water system upon certain conditions, to include data center use of potable water for cooling.

PUBLIC HEARING: November 14, 2023

WHEREAS, staff has reviewed the code amendments and recommends approval as stated in the executive summary dated November 14, 2023; and

WHEREAS, the Spotsylvania Board of Supervisors held a public hearing, duly advertised in a local newspaper for a period of two weeks, on October 31, 2023 and November 7, 2023, and interested citizens were offered an opportunity to be heard; and

WHEREAS, the health, safety, and general welfare is served by approval of the code amendment.

NOW, THEREFORE, THE BOARD OF SUPERVISORS FOR THE COUNTY OF SPOTSYLVANIA HEREBY ORDAINS:

§ 1. That Chapter 22, Water, Sewers and Sewage Disposal, Article II, Division 1, Section 22-47, be and is hereby amended and reordained as follows:

Sec. 22-47. Use of water system upon certain conditions.

If the director of utilities determines that a proposed industrial, agricultural, commercial or domestic use of the county water system is reasonably likely to cause damage to or constitutes a hazard to the county water system, or negatively impacts build out of the County's primary settlement area, the director of utilities may impose reasonable conditions, designed to minimize impacts to the county water system, upon the applicant seeking water service. The conditions imposed may regulate quantity, type, and manner of use.

Any data center or similar user of Spotsylvania County water shall not use public potable source water for permanent cooling water purposes. Temporary, supplemental, or emergency use of public potable source water for cooling purposes may be approved by the director of utilities if the director determines that such temporary, supplemental, or emergency use is consistent with the sound management of the county's water system. The director of utilities may limit the public potable water source used for such purposes based on time, volume, flow, or other metric, to maintain adequate water system conditions. The director of utilities is authorized to terminate any such temporary, supplemental, or emergency use when, in the discretion of the director, such use is no longer consistent with the sound management of the county's water system.

Any applicant aggrieved by the decision of the director of public utilities may appeal the decision to the board of supervisors by filing a request for appeal with the department of utilities within 30 (thirty) days of the decision of the director of utilities.

(Code 1980, § 17-51, Ord. No. 22-28, 11-14-23)

State Law Reference – Code of Virginia § 15.2-2109 and § 15.2-2143

§ 2. This ordinance shall be in force and effect upon adoption.