

CHAPTER 51: WATER AND SEWER SERVICE

Section

General Provisions

- 51.01 York County Water and Sewage Department created
- 51.02 Purposes and objectives of Department
- 51.03 Legislative findings
- 51.04 Definitions
- 51.05 Water and sewer rates and charges; terms and conditions of service

Connections and Extensions

- 51.15 Service connection and extension policies and procedures
- 51.16 Standard water service connections
- 51.17 Extension of basic water systems
- 51.18 Standard sewer service connections
- 51.19 Extensions of basic sewer system
- 51.20 Special provisions

Water and Sewer Service Franchises

- 51.30 Legislative findings
- 51.31 Definitions
- 51.32 County water/sewer service area
- 51.33 Franchises
- 51.34 Resolution of disputes and prior commitments
- 51.35 Grandfather clause

Water and Sewer Capacity or Impact Fees

- 51.45 Legislative findings
- 51.46 Imposition of capacity or impact fees for connections to county water and sewer utility system
- 51.47 Processing of applications; determination of applicable fee
- 51.48 Use of capacity or impact fees
- 51.49 Appeals; payment under protest; mediation
- 51.50 Deposit of revenues
- 51.51 Termination of water and sewer capacity or impact fees
- 51.52 Exemptions from capacity or impact fees

- 51.99 Penalty

GENERAL PROVISIONS

§ 51.01 YORK COUNTY WATER AND SEWAGE DEPARTMENT CREATED.

There is hereby created and established the York County Water and Sewage Department.
(‘77 Code, § 7-7) (Ord. 484, passed 5-7-84; Am. Ord. 5206, passed 12-18-06)

§ 51.02 PURPOSES AND OBJECTIVES OF DEPARTMENT.

The water and sewage department shall:

(A) Coordinate planning activities for the development, acquisition, construction, ownership, leasing and operation of county-wide water and sewage systems;

(B) Accept, on behalf of the county, grants, appropriations, gifts or donations from any public or private source for the

establishment, creation, acquisition, expansion, improvement or operation of county water and/or sewer systems;

(C) Devise ways and means to finance the establishment, creation, acquisition, expansion, improvement or operation of county-wide water and sewage systems;

(D) Operate and maintain water and sewage systems owned or leased by the county;

(E) With the approval of the County Council, enter into contracts or agreements for the provision of water and sewage services in the county (The County Council finds that the county has acquired water and sewage systems which it intends to own and operate through the water and sewage department.); and

(F) Provide other services as may be determined by the County Council, and perform other tasks as may be assigned by the county manager.

('77 Code, § 7-8) (Ord. 484, passed 5-7-84; Am. Ord. 5206, passed 12-18-06)

§ 51.03 LEGISLATIVE FINDINGS.

(A) The Council finds that the orderly administration of the county water and sewage systems requires that Council establish policies and procedures to regulate the use, operation, administration and extension of the county water and sewage systems.

(B) The Council finds that the policies and procedures established by this chapter will facilitate the management, use, administration and extension of the county water and sewage systems, and that the policies and procedures will promote and protect the health, safety, welfare and development of the county and its citizens.

('77 Code, § 7-50) (Ord. 1485, passed 10-7-85; Am Ord. 5206, passed 12-18-06)

§ 51.04 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AIR GAP. The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device, and the flood level rim of the receptacle.

CAPACITY OR IMPACT FEE. A fee paid by customers as a condition of development approval, to cover a proportionate share of the costs associated with the design, installation and upgrades of utility infrastructure necessary to meet increased demands of people utilizing improvements upon the infrastructure of the system. **UTILITY INFRASTRUCTURE** includes all water and sewer mains, interceptors, lift stations, pumping stations, elevated and ground storage facilities, booster station treatment capacity and other capital appurtenances necessary for the continued effective functioning of the county water and sewer systems. A "capacity fee" is often referred to as an "impact fee."

COMBINED UTILITY SYSTEM. The county water distribution and sanitary sewer collection systems.

EXTENSION. The lengthening of any potable water distribution system or sanitary sewer collection system piping required to connect a water service to the water distribution system, or a sewer service to the sanitary sewer collection system.

FEASIBLE PROJECT. A project in which (standard county service connection) fees collected will pay for the total cost of the extension requested.

METER SET FEE. A fee paid by customers designed to recuperate the costs for representatives of the York County Water and Sewer Department (YCWSD) to purchase a water meter, transport it to the project site, physically install it in the meter box, and restore or "turn on" water service to the customer's site. The **METER SET FEE** does not include providing and setting the meter box or mounting yoke. The **METER SET FEE** is typically charged to new developments, where the actual service connections, service lines and meter boxes, yokes and the like are installed and paid for by parties other than the YCWSD. The **METER SET FEE** may also be applicable if the service connections, lines, meter boxes and the like are installed and paid for by parties other than the county.

OUTFALL. Any sewer pipe eight inches or larger in diameter that has been installed to serve a drainage basin. **OUTFALL** sewers generally consist of piping eight inches in diameter or larger. **OUTFALL** piping must be located and sized to accommodate anticipated flows from the drainage basin being served. Anticipated flows shall be calculated for total build-out of the drainage basin, as determined by current zoning district boundaries and regulations (or as directed by the county engineer). **OUTFALL** piping must be sized, based on the following criteria (unless otherwise approved by the county engineer):

- For piping 12 inches in diameter and smaller, **OUTFALL** piping shall be designed to flow one-half full;
- For piping larger than 12 inches in diameter, **OUTFALL** piping shall be designed to flow three-quarters full.

REVENUE. All monies collected for the sale of water and/or sewer service charges.

SEWER SERVICE CONNECTION. The piping that connects the sanitary sewer outfall pipe to a customer's discharge pipe. The service connection (oftentimes called a "lateral") is typically recognized as the piping within the public rights-of-way or easement line.

TAP FEE. A charge assessed to applicants for water and sewer service connections performed by YCWSD, and designed to recover the cost incurred by the county for making the physical tie to the existing water or sewer piping. **WATER LINE TAPS** include installing the tapping saddle or sleeve, tapping valve or corporation stop, physically making the water service connection, providing and installing the service piping, providing and installing the meter box, yoke, and other necessary work and materials to the customer's property line (or easement line). The **WATER TAP FEE** does not include the setting of the meter or the cost of the meter set fee. As with the water tap fee, the **SEWER TAP FEE** covers the expenses incurred by the county to provide materials and labor necessary to make the physical tie to the existing sewer piping, whether it be a sanitary sewer force main or gravity sewer, and includes extending the service connection piping to the customer's property line (or easement line). A **SEPARATE TAP FEE** applies to connections to the water system piping, and connections to the sewer system piping, as provided in this section.

WATER MAIN. Any water distribution system piping that provides potable water service to a customer. Water mains are typically two inches in diameter or larger, and they do not include a customer's individual service piping. Water mains are to be sized and located so that additional service connections beyond the limits of any associated development can be made with the system, maintaining minimum residual pressures and flows as required by the SCDHEC. Water main extensions are to be sized with consideration of current zoning district boundaries and regulations (or as directed by the county engineer).

WATER SERVICE CONNECTION. The connection to a water main of a service line complete to the customer's property line, right-of-way, or easement line. The **WATER SERVICE CONNECTION** shall include service piping, a meter, meter yoke, meter box, meter stop and any other required appurtenances.

WATER SERVICE RECONNECTION. If water service has been discontinued for any reason, any customer desiring to reestablish water service to his or her property or structure shall be required to pay a reconnection fee, as established in the YCWSD rate schedule provided herein.

WHEELING RATE. A transmission rate mechanism or charge for water transported through the county water system from a point of delivery meter of York County to another political subdivision of the state operating within York County. The rate will be applied following a rate study and the adoption of an intergovernmental agreement with the political subdivision receiving the transmitted water.

YORK COUNTY SEWER SYSTEM. The sanitary sewer collection system owned and maintained by the county. The sewer system includes lines, manholes, valves, lift stations, and other associated appurtenances used in the collection of sewage within the county utility service boundaries.

YORK COUNTY WATER SYSTEM. The water distribution system owned and maintained by the county. The water system includes lines, valves, hydrants, booster pump stations, and other associated appurtenances used in the distribution of potable water within the county utility service boundaries.

('77 Code, §7-51) (Ord. 1485, passed 10-7-85; Am. Ord. 6396, passed 12-16-96; Am. Ord. 5206, passed 12-18-06; Am. Ord. 3619, passed 9-3-19)

§ 51.05 WATER AND SEWER RATES AND CHARGES; TERMS AND CONDITIONS OF SERVICE.

(A) *Legislative findings.* As an incident to the enactment of this section, the County Council finds that the county has acquired and operates water and sewer systems as a part of the county's combined utility system. The Council finds that the previously adopted schedule of permanent rates, fees and charges for the orderly administration of the county's combined utility system, hereinafter referred to as the "county system," should be amended in order to provide sufficient revenues to retire revenue bonds issued for the county system; pay all costs and expenses incurred in the construction, operation and capital improvement of the county system and provide a reasonable return upon county investments in the county system. The Council finds that the schedule of rates and charges established by this section is reasonable, proper and appropriate in order to provide for the operation, administration, construction and maintenance of the county system.

(B) *Establishment of rates, fees and charges.* The following schedules of rates, fees and charges are hereby established and shall apply to water and/or sewer services provided by the county system, effective on December 18, 2006:

(1) *Account activation fee.* Upon application for service for water and/or sewer service, a nonrefundable account activation fee of \$30 will be charged.

(2) *Water rate schedule.* The water rate schedule for the county system, available to residential, commercial, industrial and wholesale customers, through a single meter at one delivery point is as follows:

Water Rate Schedule

<i>Description</i>	<i>Rates</i>
<i>Base charges, no flow (meter size in inches)</i>	
<i>Description</i>	<i>Rates</i>
<i>Base charges, no flow (meter size in inches)</i>	
3/4	\$9.53

1	\$15.92
1 ½	\$31.73
2	\$50.79
3	\$95.30
4	\$158.87
6	\$317.63
8	\$508.23
10	\$730.67
12	\$1,365.93
14 and greater	\$2,033.03
Consumption Cost/1,000 gallons	
Residential	\$5.15
Commercial	\$5.87
Wholesale	\$4.42

(3) *Water service deposit.* Any person applying for connection with the county system shall be required to make a deposit for that service. Deposits are refundable after two years if no late charges have been incurred. Water service deposits are based upon the following:

Tap Size (inches)	Deposit
3/4 (standard residential)	\$50
1	\$100

Water service deposits for meters larger than one inch are calculated and based on two months estimated water usage, utilizing the South Carolina Department of Health and Environmental Control Department's *Guidelines for Unit Contributory Loadings*. Water service deposits are not assessed for school and governmental entities.

(4) *Water tap fees.* The following water tap fees shall be applicable to residential and commercial water taps to the county's system distribution system that are installed by the county. Tap fees will be based upon the following, which include the cost of the meter:

Tap Size (inches)	Cost
3/4 (standard residential)	\$1,250
1	\$1,750
1-1/2	\$3,000
2	\$3,250
3 and greater	cost of materials (including meter) and labor

(5) *Water capacity or impact fees.* The following capacity or impact fees shall be applicable to new residential and commercial customers to the county's water distribution system, and to existing buildings and structures for which the use has changed to increase the number of single-family equivalents per service unit. Capacity or impact fees are applicable, whether the customer or the property is a retail customer of the county, or is located within an area desiring wholesale service from the county. Impact fees will be based upon the following:

Tap Size (inches)	Cost
3/4 (standard residential)	\$1,725.50
1	\$2,881
1-1/2	\$5,746

2	\$9,197
3	\$18,411
4	\$28,764
6	\$57,510
8	\$92,021
10	\$132,294

(6) *Water meter set fees.* The following meter set fees shall be applicable to residential and commercial water meters that are installed by the county. Meter set fees will be based upon the following:

Tap Size (inches)	Cost
3/4 (standard residential)	\$450
1	\$550
1-1/2	\$850
2	\$1,100
3 and greater	cost of materials (including meter) and labor

(7) *Irrigation taps.* Irrigation service taps are available to county customers who have existing water service or who have applied for water service. All taps for irrigation service will be made to the customer's service line, and include the installation of the irrigation water meter. All other fees are applicable except sewer use fees. The irrigation tap fees shall be based on the county's average cost of installing an irrigation service tap. The fees are to be adjusted from time to time by the county manager to reflect changing costs. In cases where the county does not incur expense in the installation of an irrigation service tap, no tap fee shall be charged by the county to the customer. The irrigation tap fees are as follows:

Tap Size (inches)	Fee
3/4 (standard residential)	\$550
1	\$750
1-1/2	\$1,000
2	\$1,250

(8) *Reconnection fee.* The fee for reconnection of water service shall be \$50.

(9) *Water service from fire hydrants; limitations.*

(a) Water may be used from county system fire hydrants for any purpose, after receiving approval in writing from the county water and sewer department, addressing the nature and character of special usage involved. Upon the approval, the county shall install a meter upon the hydrant from which the water is to be drawn for purposes of measurement. At the conclusion of required usage or in any event within ten days after any billing, the applicant shall pay to the county a charge established pursuant to the following schedule: for each 1,000 gallons, the standard commercial rate as defined herein. Water trucks/tanks shall incorporate an air gap to protect the system from back siphoning.

(b) The county requires a \$500 deposit and a nonrefundable connection fee of \$100 as a prerequisite to the granting of authorization for temporary fire hydrant service. Any use of water from county system fire hydrants without authorization, as required by division (9)(a) above, shall be unlawful and is prohibited.

(10) *Sewer rate schedule.* The sewer rate schedule for the county system, available to residential, commercial or industrial users and the charges therefor, which are based on consumption of water, shall be as set forth in the following schedule:

Sewer Rate Schedule

Description	Rates
	<i>*based on water meter size</i>
Description	Rates
	<i>*based on water meter size</i>
3/4	\$8.53

1	\$14.25
1 ½	\$28.40
2	\$45.46
3	\$85.30
4	\$142.20
6	\$284.30
8	\$454.90
10	\$654.00
12	\$1,222.60
14 and greater	\$1,819.70
Consumption Cost/1,000 gallons	
Residential	\$6.74
Commercial	\$7.43
Wholesale	\$5.43

(11) *Sewer service deposit.* Any person applying for a connection with the county system shall be required to make a deposit for that service. Residential sewer deposits for gravity sewer services four inches or less, and residential low pressure sewer force mains two inches or less are \$50 per service. All commercial and industrial sewer service deposits are calculated and based on two months estimated water usage, utilizing the South Carolina Department of Health and Environmental Control Department's *Guidelines for Unit Contributory Loadings*. Sewer service deposits are not assessed for school and governmental entities.

(12) *Sewer tap fees.* The following sewer tap fees shall be applicable to all sewer taps to the county's collection system, when the taps are completed by the county. Tap fees will be based upon the following:

Gravity Sewer Tap Size (inches)	Force Main Tap Size (inches)	Cost
4 or less	2 or less	\$1,500
6	3	\$2,000
8 or more	4 or more	cost of materials and labor

(13) *Sewer capacity or impact fees.* The following capacity or impact fees shall be applicable to new residential and commercial customers to the county's sewer collection system, and to existing buildings and structures for which the use has changed to increase the number of single-family equivalents (SFEs) per service unit. Capacity or impact fees are applicable whether the customer or the property is a retail customer of the county, or is located within an area desiring wholesale service from the county. Capacity or impact fees will be based upon the following:

Sewer Service		Capacity or Impact Fee	
Meter Size (inches)	SFEs Per Meter	Per SFE	Per Meter
Sewer Service		Capacity or Impact Fee	
Meter Size (inches)	SFEs Per Meter	Per SFE	Per Meter
3/4	1.00	\$2,000.00	\$2,000.00
1	1.67	\$2,000.00	\$3,340.00
1-1/2	3.33	\$2,000.00	\$6,660.00
2	5.33	\$2,000.00	\$10,660.00
3	10.67	\$2,000.00	\$21,340.00
4	16.67	\$2,000.00	\$33,340.00

6	33.33	\$2,000.00	\$66,660.00
8	53.33	\$2,000.00	\$106,660.00
10	76.67	\$2,000.00	\$153,340.00

(14) *Private fire services.* Any person applying for connection to the county water system for the purpose of a private fire service line shall be required to meet the following requirements:

(a) The customer shall install, at his or her expense, a complete fire service connection, including but not limited to, the tap, a double-check detector assembly, and the connection to his or her system. All construction, including the approval of materials, shall be coordinated with the county's water and sewer department. The double-check detector assembly shall be placed on the right-of-way, and county water and sewer personnel shall be given access for the purpose of reading the bypass meter;

(b) Tap fees for fire service lines shall be an administrative charge of \$500;

(c) The base rate for the private fire service shall be equivalent to the commercial/industrial base rate for the size of the bypass meter set on the double-check detector assembly. If flow is detected by the bypass meter for any reason, including maintenance or leakage, the owner shall be charged the standard commercial rate for water used. In the event of fire flow, the owner shall be charged the standard commercial rate, based upon the estimated amount of water used;

(d) Private fire service taps are available to county customers who have existing water service or who have applied for water service.

(15) *Utility service agreements.*

(a) The county manager may approve utility service agreements under which water tap fees, required by division (B) (4) above, and sewer tap fees, required by division (B)(12) above, are to be paid in no more than three equal annual installments; provided that the property to be served was developed at the time of construction of mains from which service is to be provided, and that public water and sewer service was therefore unavailable at the time of development.

(b) In order to approve the utility service agreements provided for payment of tap fees in installments, the county manager must ensure that the following conditions exist:

1. If both public water and sewer service are available, the applicant must agree to connect to both systems;

2. In the case of water service, the property must be served by a private well or wells at the time application for service is made, and the applicant must agree to disconnect all applicable plumbing fixtures of the property from the private system in a manner approved by the county and the South Carolina Department of Health and Environmental Control (SCDHEC);

3. A private well may continue to be operated for irrigation or similar purposes. In the case of sewer service, the property must be served by a septic tank or tanks or similar private treatment system at the time of application for public service is made, and the applicant must agree to disconnect all plumbing fixtures from the existing treatment system and abandon the system in a manner approved by the county and the SCDHEC;

4. A written agreement must be executed by both parties which specifies terms of initial and subsequent payments toward the required tap fee(s), and which further provides that amounts held in abeyance shall constitute a lien against real property served by the connection or connections and that the terms of the agreement are enforceable against the applicant's successors and assigns;

5. All other terms and conditions of this section shall apply to service provided under this chapter.

(16) *Wheeling rate agreements.*

(a) Upon request of a political subdivision operating within York County for the application of a wheeling rate, the Council shall undertake the conduction of a rate study; the payment of the study may be negotiated in advance with the requesting governmental entity.

(b) In evaluating the appropriate wheeling rate, the study, which may be re-evaluated and amended from time to time, shall consider such aspects as proportionate share of the annual depreciated expenses associated with the assets that provide service to the ultimate customers; rate of return to the county for investment in the assets; proportionate share of operating and maintenance expenses related to the assets; and such other aspects as may be germane to the specific request.

(c) Upon conclusion of the study, the county and requesting political subdivision shall endeavor to enter an intergovernmental agreement specifying the adoption of the study and the application and implementation of the rate.

('77 Code, § 7-9) (Ord. 484, passed 5-7-84; Am. Ord. 6296, passed 12-16-96; Am. Ord. 398, passed 1-5-98; Am. Ord. 1999, passed 3-1-99; Am. Ord. 4202, passed 10-21-02; Am. Ord. 5206, passed 12-18-06; Am. Ord. 6017, passed 12-4-17; Am. Ord. 3619, passed 9-3-19; Am. Ord. 6219, passed 12-16-19; Am. Ord. 2521, passed 6-7-21)

CONNECTIONS AND EXTENSIONS

§ 51.15 SERVICE CONNECTION AND EXTENSION POLICIES AND PROCEDURES.

(A) (1) The water and sewage department will provide water and/or sewage service solely for residential, commercial, industrial, manufacturing, institutional or other related purposes within the department's service area, as defined by the county, subject to the limitations and conditions established by the agreement between the City of Rock Hill and York County, and subject to the limitations and conditions established by the county for the administration, operation and extension of the county water and sewage systems. By allowing connection to or extension of its water and/or sewage systems, the water and sewage department does not warrant unlimited water and/or sewage service. No water is warranted by the water and sewage department for fire protection. By allowing connection to or extension of its water and sewage systems, the county assumes no liability for damage due to leaks, malfunctions or breaks in any portion of the county water or sewage systems.

(2) The water and sewage department reserves the right to refuse service to any applicant, if the county, at its sole discretion, finds that service to any applicant is uneconomical, the premises for which service is sought are not located contiguous to the county water and sewage systems, or service is not otherwise in the best interest of the water and sewage department.

(B) (1) Water and/or sewage service within the county's defined service area will be provided in the order in which applications for service are approved and connections or extensions of or to the county water and sewage systems are constructed. Service will be provided on a "first come-first served" basis.

(2) Service is subject to the capacity of the county water and/or sewage systems, and to the limitations and conditions contained in the water and sewage department connection and extension policies and procedures. The water and sewage department reserves the right to refuse service to any applicant, subject to the terms, conditions and limitations contained in the policies and procedures of the water and sewage department, and subject to the terms and conditions of the agreement between the municipal supplier and the county.

(3) Upon approval by the water and sewage department of an applicant's application for service, a commitment will be issued approving the requested service. If a building permit has not been obtained by the applicant from the building and codes department within 90 days from the issuance of a commitment by the county to provide water and/or sewage service, the commitment shall expire and become null and void, and the water and sewage department shall have no further obligation to provide water and/or sewage service. If for any reason, a building permit becomes invalid, the water and sewage department's commitment to provide water and sewage services becomes null and void. When service is introduced upon the applicant's premises, the applicant or any successor to the applicant shall be subject to all rules, regulations and limitations upon service, as established by the water and sewage department or the rules, regulations, policies or procedures of the county relating thereto.

(4) The county makes no representations or warranties relating to water and/or sewage services which extend beyond those expressly contained in writing in any agreement between the county and the applicant and/or ultimate user or consumer of county water and/or sewage services. The county makes no representations or warranties of merchantability or fitness for any particular purpose.

(5) No plumbing system which allows water and/or sewage service to be provided to real property located outside the county's defined service area, or to improvements to real property or to personal property located outside the county's service area, shall be connected to the county's utility systems, unless written consent is granted to the county to provide utilities within another jurisdictional area.

(6) No connection shall be made between the water and sewage department's water system and any unauthorized water source under any circumstances.

(7) No connection to the water and sewage department's sewage system shall be made unless the applicant obtains all of its water from the county water system, except upon the written approval of the water and sewage department. Any water not obtained from the water and sewage department water system shall be accurately metered by the water and sewage department, and the amount of water so metered shall be reported regularly in order to calculate the applicant's sewage charges.

(8) Piping and stormwater runoff shall not be connected to the county's wastewater collection system.

(9) All applicants for county water and/or sewage services shall, prior to the extension of such services, enter into a written utility user's agreement with the county. The applicant, and all successors to the applicant, in consideration of the extension or provision of water and sewer services by the county, shall agree to save and hold harmless the county, the water and sewage department, and their respective successors, agents, employees and assigns, from and against all claims, demands, suits or liability for injury to persons or loss of, or damage to, property caused by, growing out of, or occurring in connection with, the construction, inspection, use or maintenance of the county water and/or sewage system.

('77 Code, § 7-52) (Ord. 1485, passed 10-7-85; Am. Ord. 5206, passed 12-18-06)

§ 51.16 STANDARD WATER SERVICE CONNECTIONS.

(A) Water service connections will be made available in the order in which applications for water service are approved by the county. Service shall be provided on a "first come-first served" service basis, subject to the capacity of the county water system, and the policies and procedures established by the county for the administration, operation and extension of the county water and sewage system.

(B) Subject to the limitations contained in this section, water service connections will be made to premises contiguous to

county water mains, upon application by the owner, lessee or their authorized agent of the property to be benefitted, upon compliance with all requirements imposed upon the service connection by the water and sewage department.

(C) Upon approval of the applicant's application for service, the applicant shall pay the standard service connection fee as established by the county. No service shall be provided until all fees relating to the service have been paid.

(D) Property owners who are either indigent or over the age of 65 years and in need of financial assistance, and whose existing well has failed, may, at the discretion of the water and sewage department, obtain a water service connection upon the following special terms and conditions:

(1) The property owner must be declared indigent, or be a resident of the county in the county's defined service area, over 65 years of age and in need of financial assistance, as determined by the department of social services;

(2) The well of the applicant must be condemned by the South Carolina Department of Health and Environmental Control;

(3) A water main must be directly available for service connections. No extensions of the county water system shall be made under this program;

(4) The size of the water service connection shall not exceed 3/4-inch;

(5) Private service lines from the county-installed meter to the residence to be served shall not qualify for service connections under this policy or program;

(6) The property owner(s) must make application for the water service connection and pay at least 10% of the fees normally charged by the water and sewage department for similar service connections. The balance of the usual and customary fee for the services shall be charged to a special account administered in connection with this special program;

(7) The water and sewage department will establish an accounts receivable, wherein the applicant will be billed monthly for a partial payment of the service connection and tapping privilege fees. The term over which the fees shall be payable shall not exceed a maximum of five years;

(8) Failure of the applicant to pay monthly partial payment promptly, and in no event more than 30 days after the same shall be due, shall result in termination of service. In order to secure the sums due for service connection under this program, the applicant shall be required to grant to the county a lien upon the property for which service is provided.

('77 Code, § 7-53) (Ord. 1485, passed 10-7-85; Am. Ord. 5206, passed 12-18-06)

§ 51.17 EXTENSION OF BASIC WATER SYSTEMS.

(A) All persons desiring water service to premises not contiguous to existing water and sewage department mains shall submit an application to the water and sewage department for approval of the requested extension of the county water system. The application shall be made by the owner, lessee or their duly authorized agent for the property to be benefitted. The county reserves the right, at its discretion, to refuse service to any application, or to prescribe the terms and conditions upon which the extension shall be approved. Upon compliance with all terms and conditions prescribed by the county or established by any ordinance, law, rule or regulation established by the county or the water and sewage department, the county may permit the requested extension. No extension shall be approved or permitted which does not comply with the terms and provisions of this chapter.

(B) All extensions of the county water system shall be made by the water and sewage department or licensed contractors approved by the county, and must be in compliance with SCDHEC rules and regulations. The applicant shall submit to the county detailed plans and specifications of the proposed extension and other information as may be required by the county, before the proposed extension of the county water system shall be considered.

(C) Any person, partnership, association, corporation, municipality or other entity which shall hereafter install, layout or commence the construction of any water main, water system or extension to any water main or system in the unincorporated area of the county shall install fire hydrants on the water main, water system or extension in the unincorporated area of the county, which meet minimum standards for fire hydrant construction, design and installation promulgated in NFPA standards, at intervals not to exceed 1,000 feet in residential areas, and 300 feet in commercial or industrial areas. Fire hydrants shall be installed so as to be accessible by fire apparatus at all intersections. Fire hydrants shall, at all times, be connected to a water supply so as to provide water for purposes of combating fire. Fire hydrants connected to non-potable water sources are to be painted purple and labeled as a non-potable water source.

(D) All water mains, water systems or extensions to any water main or system shall be designed to supply the demands of customers, while maintaining a residual pressure of 25 psi for maximum instantaneous demand, and 20 psi for fire flow or flushing flows in excess of peak hourly demands. If a private community water system which has been granted a water service franchise by the county cannot meet these requirements, the community water system may be excluded from the placement of fire hydrants on the water line, upon review by the county engineering department. The private community water system will be required to place stub-outs at intervals not to exceed 1,000/300 feet, in accordance with division (C) above, along public roadways accessible by fire apparatus positioned on the road right-of-way. The stub-out shall, at a minimum, consist of the following:

(1) One six-inch tee with thrust blocking;

(2) One six-inch gate valve with box;

- (3) One six-inch mechanical joint plug; and
- (4) Appropriate thrust blocking.

(E) Before the county will accept any private community water system into the county water system, the water line shall meet all county and SCDHEC standards, including but not limited to, the setting of fire hydrants on all stub-outs. If the water line does not meet county standards, it shall be upgraded, at the owner's expense, to meet the standards before it is accepted.

(F) The county manager is authorized to approve agreements and contracts for the extension of the county water system, provided the following criteria or provisions have been made:

- (1) The applicant is responsible for all costs associated with the extension, and no direct financial contribution is made by the county toward the cost of the extension;
 - (2) Reimbursement is not provided by the county to the applicant;
 - (3) All extensions of county water mains, pumping facilities, storage tanks, valves, fire hydrants and other facilities and appurtenances shall be constructed in accordance with the standards of the county and the SCDHEC;
 - (4) All improvements specified in division (F)(3) above shall be offered for dedication to the county in a turn-key manner, at the time that a permit to operate has been issued. The improvements shall be offered with appropriate easements and rights-of-way, in a form acceptable to the county;
 - (5) The applicant shall warrant the system to be free from defect for a minimum period of one year from the time of acceptance by the county;
 - (6) All properties owned or controlled by the applicant, to which service is being extended, shall be required to connect to the system at the time of development. In approving the arrangements, the county manager shall establish other conditions and criteria for extensions of the county system as he or she deems necessary and appropriate.
- ('77 Code, § 7-54) (Ord. 1485, passed 10-7-85; Am. Ord. 5795, passed 11-6-95; Am. Ord. 6396, passed 12-16-96; Am. Ord. 498, passed 1-5-98; Am. Ord. 2003, passed 7-21-03; Am. Ord. 5206, passed 12-18-06)

§ 51.18 STANDARD SEWER SERVICE CONNECTIONS.

(A) Sewer service connections will be made available in the order in which applications for sewer service are approved by the county. Service shall be provided on a "first come-first served" service basis, subject to the capacity of the county sewage system, the terms and conditions of the agreement between the municipality treating the wastewater and the county, and the policies and procedures established by the county for the administration, operation and extension of the county water and sewage systems.

(B) Subject to the limitations contained in this chapter, sewer service connections will be made to premises contiguous to county sewer mains, upon application by the owner, lessee or their authorized agent, of the property to be benefitted, upon compliance with all requirements imposed upon the service connection by the water and sewage department.

(C) Upon approval of the applicant's application for service, the applicant shall pay the standard service connection fee established by the county. No service shall be provided until all fees relating to the service have been paid.

(D) Property owners who are either indigent or over the age of 65 years and in need of financial assistance, and whose existing septic tank has failed, may, at the discretion of the water and sewage department, obtain a sewer service connection upon the following special terms and conditions:

- (1) The property owner must be declared indigent, or be a resident of the county in the county's defined service area, over 65 years of age and in need of financial assistance, as determined by the department of social services;
- (2) The septic tank of the applicant must be condemned by the South Carolina Department of Health and Environmental Control;
- (3) A sewer main must be directly available for service connections. No extensions of the county sewer system shall be made under this program;
- (4) The size of the sewer service connection shall not exceed four inches for individual gravity sewer service laterals, and two inches for individual force mains;
- (5) Private service lines from the county-installed lateral to the residence to be served shall not qualify as a part of this program;
- (6) The property owner(s) must make application for the sewer service connection and pay at least 10% of the fees normally charged by the water and sewage department for similar service connections. The balance of the usual and customary fee for the services shall be charged to a special account administered in connection with this special program;
- (7) The water and sewage department will establish an accounts receivable, wherein the applicant will be billed monthly for a partial payment of the service connection and tapping privilege fees. The term over which the fees shall be payable shall not exceed a maximum of five years;
- (8) Failure of the applicant to pay the monthly partial payment promptly, and in no event more than 30 days after the

same shall be due, shall result in termination of service. In order to secure the sums due for service connections under this program, the applicant shall be required to grant to the county a lien upon the property for which service is provided.

('77 Code, § 7-55) (Ord. 185, passed 10-7-85; Am. Ord. 5206, passed 12-18-06)

§ 51.19 EXTENSIONS OF BASIC SEWER SYSTEM.

(A) All persons desiring sewer service to premises not contiguous to existing sewer outfall mains shall submit an application to the water and sewage department for approval of the requested extension of the county sewage system. The application shall be made by the owner, the lessee or their duly authorized agent, for the property to be benefitted. The county reserves the right, at its discretion, to refuse service to any applicant, or to prescribe the terms and conditions upon which the extension shall be approved. Upon compliance with all terms and conditions prescribed by the county, or established by any ordinance, law, rule or regulation established by the county, or the water and sewage department, the county may permit the requested extension. No extension shall be approved or permitted which does not comply with the terms and provisions of this chapter.

(B) All extensions of the county sewage system shall be made by the water and sewage department or by licensed contractors approved by the county, and must be in compliance with SCDHEC rules and regulations. The applicant shall submit to the county detailed plans and specifications of the proposed extension and other information as may be required by the county, before the proposed extension of the county sewage system shall be considered.

(C) The county manager is authorized to approve agreements and contracts for the extension of the county sewer system, provided the following criteria or provisions have been made:

- (1) The applicant is responsible for all costs associated with the extension, and no direct financial contribution is made by the county toward the cost of the extension;
- (2) Reimbursement is not provided by the county to the applicant from tap fee revenue or any other source;
- (3) All extensions of county sewer mains, pumping facilities and other facilities and appurtenances shall be constructed in accordance with the standards of the county and the SCDHEC;
- (4) All improvements specified in division (C)(3) above shall be offered for dedication to the county in a turn-key manner, at the time that a permit to operate has been issued. The improvements shall be offered with appropriate easements and rights-of-way, in a form acceptable to the county;
- (5) The applicant shall warrant the system to be free from defect for a minimum period of one year from the time of acceptance by the county;
- (6) All properties owned or controlled by the applicant, to which service is being extended, shall be required to connect to the system at the time of development;
- (7) In approving the arrangements, the county manager shall establish other conditions and criteria for extensions of the county system as he or she deems necessary and appropriate.

('77 Code, § 7-56) (Ord. 1485, passed 10-7-85; Am. Ord. 6396, passed 12-16-96; Am. Ord. 498, passed 1-5-98; Am. Ord. 5206, passed 12-18-06)

§ 51.20 SPECIAL PROVISIONS.

(A) Proposed plans for industrial complexes, shopping centers, apartments, condominiums, public housing projects and other similar developments, which contain large areas not divided by public streets and are contiguous to existing water mains or sewer outfall lines, must be furnished to the water and sewage department before it will consider any commitment for service.

(1) All the projects as described in division (A) above will be financed wholly through the applicant's funds. Any large mains or outfalls required, which could be defined as part of the basic water and sewage department system, must be approved by the water and sewage department as to location and size prior to approval and construction. Approval for construction will be granted only if the large mains and outfalls are located in public streets or within easements or rights-of-way granted to the county by appropriate instruments in recordable form.

(2) The water and sewage department maintenance and operation will be provided only to those water and sewage projects which are built and located in public streets or within easements or rights-of-way granted to the county.

(B) In order to secure an extension of the county water and/or sanitary sewage systems, the applicant must:

- (1) Request a preliminary cost estimate from the water and sewage department, designating the specific properties to be served;
- (2) Make a cash deposit equal to 10% of the preliminary cost estimate, to secure a contract for preparation of the construction plans and specifications for the requested extension; and
- (3) After construction bids are received by the water and sewage department, pay upon request the total deposit required under the appropriate procedure for the construction of the requested extension. The failure of the applicant to make deposits necessary for construction authorization or approval within 30 days after request will result in forfeiture of all

engineering and administrative costs incurred, not to exceed the original 10% deposit referred to herein.

(C) Subdivisions developed solely by developer funds, and donated to the county without cost, shall not be subject to tap fees, but all costs incurred by the county in permitting taps to be made shall be paid by the developer.

(D) If necessary to comply with any obligation imposed upon the water and sewage department by law, or in cases of extreme emergency where it is found to be in the public interest or necessary for the protection of the public health, the water and sewage department may authorize extensions of the county water and sewage systems into specific locations within the area of its jurisdiction.

(E) All extensions, expansions and new facilities must be:

(1) Constructed:

- (a) In compliance with SCDHEC rules and regulations;
- (b) In accordance with the water and sewage department's engineering criteria, standards and specifications;
- (c) In conformity with any existing or future comprehensive development plans adopted by the county; and

(2) Economically feasible.

(F) The county will retain title to all facilities provided under this policy and will be responsible for their operation and maintenance.

(G) The developer will be responsible for any costs incurred for inspections, and any costs incurred to insure compliance with construction standards and specifications for all water and sewage systems funded by any applicant and donated to the county.

(H) Any customer of the county water and sewage systems, and any person controlling premises located inside the county and desiring to install a plumbing system, for the purpose of discharging industrial waste waters into the water and sewage department sanitary sewer system, must submit an application to the water and sewage department for approval, in accordance with the standards imposed by the federal national pollutant discharge elimination system and the code. Applications shall be approved only when evidence is submitted by the applicant that the discharge will comply with all regulations of the county and state and federal regulatory authorities. Customers receiving approval to discharge industrial waste waters into the sanitary sewer system of the county shall be assessed a monthly monitoring fee. Customers discharging industrial wastewater having a biochemical oxygen demand (BOD) in excess of 230 parts per million by weight, and/or suspended solids in excess of 200 parts per million by weight, shall be assessed a monthly surcharge covering the entire costs to the county for treating the excess wastes.

('77 Code, § 7-57) (Ord. 1485, passed 10-7-85; Am. Ord. 5206, passed 12-18-06)

WATER AND SEWER SERVICE FRANCHISES

§ 51.30 LEGISLATIVE FINDINGS.

(A) *Water and sewer service areas.* The County Council hereby certifies that water and/or sewer service is now being provided in certain designated areas of the county, and that the unincorporated areas of the county constitute a designated service area within which the county is authorized to provide water and sewer services, within the meaning of S.C. Code § 5-7-60, as amended.

(B) *Franchise grants.* The County Council finds that it is necessary and proper to exercise its power to grant franchises for the provision of water and/or sewer services in the unincorporated area of the county, in order to provide for the orderly control of water and sewer services.

(C) *Standards for operation.* The County Council further finds that state and federal standards for the design, construction and operation of water and sewer systems should be applied within that portion of the county affected by this subchapter.

('77 Code, § 7-175) (Ord. 2590, passed 5-8-90; Am. Ord. 1591A, passed 6-10-91; Am. Ord. 5206, passed 12-18-06)

§ 51.31 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FRANCHISE. A grant by the county to a private entity of the right to provide water and/or sewer services within a specified portion of the unincorporated area of the county.

FRANCHISEE. A private entity that has a valid water and/or sewer service franchise granted by the county.

PRIVATE ENTITY. Any individual, group of individuals, company, partnership, corporation, association or private utility.

PUBLIC ENTITY. Any city, town, municipal corporation, political subdivision, special purpose district, special tax district or any other public body, including but not limited to, any agency, board or commission of public works created by law or ordinance.

SEWER SYSTEM. Any facility or facilities designed and/or operated for the purpose of collecting, treating or disposing of sewage from three or more consumers, and providing the sewer service for compensation.

WATER SYSTEM. Any facility or facilities designed and/or operated for the purpose of generating, treating, supplying and/or distributing potable water to three or more consumers, and providing the water services for compensation.

('77 Code, § 7-176) (Ord. 2590, passed 5-8-90; Am. Ord. 1591A, passed 6-10-91; Am. Ord. 5206, passed 12-18-06)

§ 51.32 COUNTY WATER/SEWER SERVICE AREA.

(A) *Designation of area.* The following areas are hereby designated as the county water/sewer service area:

(1) All unincorporated areas of Fort Mill Township of the county, except those areas located within the Town of Fort Mill, the City of Tega Cay or a portion of Riverview Fire District, as shown and described on a map of the areas incorporated into and made a part of this section by reference;

(2) The area encompassed within the Western Lake Wylie Tirzah-Newport water and sewer service area, as shown on a map of the county water and sewer service areas, which map is incorporated into and made a part of this section by reference; and

(3) All or any portion of the unincorporated area of the county not now located within a special purpose water or sewer district, a special tax district or an existing municipal water or sewer service area as the areas existed on December 31, 1996.

(B) *Right to provide services.* The county reserves the right to provide water and/or sewer services within all or any portion of the county water/sewer service area, or within any other unincorporated areas of the county that are not now located within a special purpose water and/or sewer district or special tax district, or within an existing municipal water and/or sewer service area on June 10, 1991.

(C) *Size of area.* The size of the county water/sewer service area may be decreased only by municipal annexation or by action of the County Council. The granting of nonexclusive water and sewer franchises by the County Council, or the provision of water and sewer services by municipalities outside their municipal limits by contract, shall not reduce the size of the county water/sewer service area or affect the right of the county to provide water and sewer services within its service area.

(D) *Franchisee required for private entity.* No private entity shall construct, extend or operate any water system or sewer system within the county water/sewer service area, without first obtaining a franchise therefor from the County Council in accordance with the terms of this subchapter.

(E) *Agreement and consent required for public entity.* No public entity shall construct or extend any water system or sewer system within the county water/sewer service area except by agreement and consent of the County Council, describing the area to be served and establishing the terms, conditions and limitations upon which the service may be provided.

('77 Code, § 7-177) (Ord. 2590, passed 5-8-90; Am. Ord. 1591A, passed 6-10-91; Am. Ord. 892, passed 2-17-92; Am. Ord. 1097, passed 3-17-97; Am. Ord. 5206, passed 12-18-06)

§ 51.33 FRANCHISES.

(A) *Application for franchise.* Any private entity desiring to construct and operate a water system and/or sewer system, or to extend any existing system within the county water/sewer service area, shall file a written franchise application with the county manager. The application shall include the applicant's name, a statement of the services to be furnished, a description of the specific area to be served, and a proposed service area map of sufficient clarity and detail to accurately show and delineate the specific area for which a franchise is requested. The applicant shall also furnish a current financial statement and any other information and data as may be determined necessary by the county manager.

(B) *Award of franchise.* The county manager, or his or her designee, shall evaluate the applications and make recommendations thereon to the County Council within 30 days of receipt of a completed application. The County Council may then award a franchise by enactment of a franchise ordinance, which shall not be inconsistent with the provisions of this subchapter. The terms and provisions of any franchise ordinance enacted by the County Council shall constitute a contract between the county and the franchisee, and every franchise ordinance shall include, as a minimum, the following:

(1) A written description of the franchised area, which shall specifically refer to a service map clearly showing and delineating the exact franchised area. The map shall constitute a part of the franchise ordinance;

(2) A provision establishing a construction schedule for completed construction of the system;

(3) A provision that the franchise is nonexclusive and is granted for a term of 10 to 25 years, as the County Council may determine; provided, however, the term of the franchise may be renewed and extended, from time to time, for one or more successive additional terms of not less than five years, provided that all provisions of the franchise agreement have been met. The franchisee shall notify the county manager in writing, not less than 90 days prior to the expiration of the franchise, of its intentions concerning renewal of the franchise; subject, however, to the provisions of this subchapter relating to the right of the county to purchase the franchise system;

(4) A provision that the franchise cannot be changed or transferred without the prior consent of the County Council,

which consent shall not be unreasonably withheld. Failure of the County Council to act on a request for transfer or change, within 60 days of receiving all information relevant to the proposed transfer or change, shall be deemed consent;

(5) A provision that the franchisee shall fully comply with all applicable standards and regulations for the design, construction and/or operation of water and/or sewer systems;

(6) A provision that the franchisee shall provide service to all customers within the franchised area on a fair and nondiscriminatory basis, on terms available to all other customers of the franchisee in a similar class;

(7) A provision that the franchisee shall not deny service to any customer within the franchised area because of the current or proposed use of the property;

(8) A provision that, if the franchisee rejects a request for service by a customer or potential customer within the franchise area who complies with the franchisee's applicable rules, regulations and reasonable service requirements, or fails to provide the service to a customer or potential customer who complies with the franchisee's applicable rules, regulations and reasonable service requirements within a period of one year of the request, the County Council may, by an amending ordinance, remove the area from the franchised area;

(9) A provision that the franchise may be revoked or the size of the franchise area reduced by the County Council for cause as set forth in division (C) below;

(10) A provision that the county shall have the right and option, at the end of the franchise term or any extension thereof, to purchase from the franchisee the water and/or sewer system within the franchised area at a fair and reasonable price;

(11) Other terms and provisions, consistent with the intent and purpose of this subchapter, as the County Council may deem necessary and proper.

(C) *Reduction of franchise area; revocation of franchise.*

(1) The County Council may, by ordinance, reduce the size of the franchised area or revoke a franchise by repeal of the franchise ordinance only for cause, which may include one of the following:

(a) The failure of the franchisee to comply with any term, provision or condition of this subchapter or its franchise ordinance; or

(b) A determination by the County Council that the action would be in the best interest of the health, safety or welfare of the citizens of the county.

(2) The franchisee shall have the right to appear and to be heard by the County Council, prior to final action being taken on any ordinance to revoke a franchise or reduce the size of the franchised area. Upon any revocation of a franchise or reduction in the size of any franchised area, the county may then provide water and/or sewer service within the area or may take other action as it deems appropriate to secure water and/or sewer service for the area as soon as may be practicable.

(D) *Provisions for granting of franchise to private entity.* The County Council shall not grant a private entity a water and/or sewer franchise for any unincorporated area of the county within an established municipal water and sewer service area, without the prior written consent of the affected public entity; provided, however, franchises may nevertheless be granted by the County Council without the consent of the affected public entity, after the County Council has made the findings set forth herein.

(E) *Right to purchase systems.* In the event the franchisee should at any time decide to sell all or any portion of its water and/or sewer system, the county shall have the right of first refusal to purchase the system, or any part thereof, at a fair and reasonable purchase price, within 90 days after receipt of written notice thereof, which shall be given to the county by the franchisee. The purchase of any water and/or sewer system by the county shall thereby eliminate or reduce the size of the franchised area.

('77 Code, § 7-178) (Ord. 2590, passed 5-8-90; Am. Ord. 692, passed 2-17-92; Am. Ord. 5206, passed 12-18-06)

§ 51.34 RESOLUTION OF DISPUTES AND PRIOR COMMITMENTS.

(A) *Boundary disputes.* The County Council shall hear and decide any boundary disputes between franchisees, between public entities, or between franchisees and public entities, which may arise out of this subchapter, including but not limited to, all disputes with regard to the right or obligation to serve a customer whose property may be located partially within the franchise area or service area of two or more franchisees or public entities. All decisions of this County Council shall be final and shall be binding upon all parties thereto.

(B) *Authority to make exceptions.* Notwithstanding any other section, term or provision of this subchapter, the County Council shall have the full authority, at any time and from time to time, to make exceptions with respect to terms of this subchapter, or any subsequent franchise ordinance granted pursuant to this subchapter, as may be necessary to authorize, honor, permit, accommodate or implement any existing commitments or agreements made by the County Council prior to the enactment of this subchapter, pertaining to the right to provide water and/or sewer service in specific service areas.

('77 Code, § 7-180) (Ord. 2590, passed 5-8-90; Am. Ord. 5206, passed 12-18-06)

§ 51.35 GRANDFATHER CLAUSE.

(A) Water and sewer systems operated by any private entity on the effective date of this subchapter may be continued, although the systems do not conform to the provisions of this subchapter; provided the private entity owning and/or operating water and/or sewer systems shall submit a written application for grandfather status to the county manager within six months of December 18, 2006, which application shall include, at a minimum, the following:

- (1) A map of the private entity's current water and/or sewer service area;
- (2) A copy of the private entity's operating permit;
- (3) A copy of the private entity's construction permit;
- (4) As-built drawings of the water and/or sewer system;
- (5) A certificate of public convenience and necessity or franchise from the South Carolina Public Service Commission, if required; and
- (6) Additional information as may be required to determine the eligibility of the water and/or sewer system for grandfather status.

(B) No water and/or sewer system granted grandfather status under the provisions of this subchapter may be enlarged, extended or expanded, except upon compliance with the provisions of this subchapter and the granting of an appropriate franchise by the county.

('77 Code, § 7-181) (Ord. 2590, passed 5-8-90; Am. Ord. 5206, passed 12-18-06)

WATER AND SEWER CAPACITY OR IMPACT FEES

§ 51.45 LEGISLATIVE FINDINGS.

(A) The county finds that each new connection to its combined water and sewer system requires increased treatment and transmission capacity; upgrades of utility infrastructure to meet increased demands upon the infrastructure of such system; increased capacity in water and sewer mains and interceptors, lift stations, pumping stations and elevated and ground storage facilities and booster stations; additional demands for increased capacity in water treatment plants and wastewater treatment plants; and other infrastructure and appurtenances required, necessary or appropriate in order to provide and distribute an adequate supply of potable water and provide adequate wastewater collection and treatment capacity to service new development within the county's combined water and sewer system service area, and the area within which the county provides wholesale service.

(B) The construction or installation of new buildings or structures, changes in the use of existing buildings and structures, and other circumstances and conditions of new development and construction create additional demands and needs for county public water and sewer facilities.

(C) The Council finds that the costs of such additional capacity, infrastructure, water and sewer mains, interceptors, lift stations, pumping stations, elevated and ground storage facilities, booster stations and other capital improvements and appurtenances, and the additional capacity required for the effective functioning of the county combined water and sewer utility systems should be paid by capacity fees or impact fees.

(1) A **CAPACITY OR IMPACT FEE** consists of a payment of money imposed as a condition of such development approval, requiring the developers or owners of new buildings and structures, and existing buildings and structures which are changed or altered, to pay a proportionate share of the costs of improvements to the county combined water and sewer utility system, needed to serve those utilizing such system and improvements that create additional demands and needs for county water and sewer facilities.

(2) Council finds that such capacity fees or impact fees should be imposed in addition to other county-imposed water and sewer rates, fees, charges, deposits, meter set fees, tap fees, reconnection fees and other applicable rates, fees and charges for connection to and use of the county's combined water and sewer utility system.

(Ord. 5206, passed 12-18-06)

§ 51.46 IMPOSITION OF CAPACITY OR IMPACT FEES FOR CONNECTIONS TO COUNTY WATER AND SEWER UTILITY SYSTEM.

(A) The following capacity or impact fees shall be imposed on all new connections to the county combined water and sewer utility system, and to existing buildings and structures for which the use has changed to increase the number of single-family equivalents (SFEs) per service unit:

(1) The following capacity or impact fees are imposed upon each new single-family equivalent connection or meter connected to the county combined water and sewer utility system, and to existing buildings and structures for which the use has changed to increase the number of single-family equivalents per service unit for water:

Water Service		Capacity or Impact Fee	
Meter Size (inches)	SFEs Per Meter	Per SFE	Per Meter

Water Service		Capacity or Impact Fee	
Meter Size (inches)	SFEs Per Meter	Per SFE	Per Meter
3/4	1.00	\$1,725.50	\$1,725.50
1	1.67	\$1,725.50	\$2,881.00
1-1/2	3.33	\$1,725.50	\$5,746.00
2	5.33	\$1,725.50	\$9,197.00
3	10.67	\$1,725.50	\$18,411.00
4	16.67	\$1,725.50	\$28,764.00
6	33.33	\$1,725.50	\$57,510.00
8	53.33	\$1,725.50	\$92,021.00
10	76.67	\$1,725.50	\$132,294.00

(2) The following capacity or impact fees are imposed upon each new single-family equivalent connection or meter connected to the county combined water and sewer utility system, and to existing buildings and structures for which the use has changed to increase the number of single-family equivalents per service unit for sewer:

Sewer Service		Capacity or Impact Fee	
Meter Size (inches)	SFEs Per Meter	Per SFE	Per Meter
3/4	1.00	\$2,000.00	\$2,000.00
1	1.67	\$2,000.00	\$3,340.00
1-1/2	3.33	\$2,000.00	\$6,660.00
2	5.33	\$2,000.00	\$10,660.00
3	10.67	\$2,000.00	\$21,340.00
4	16.67	\$2,000.00	\$33,340.00
6	33.33	\$2,000.00	\$66,660.00
8	53.33	\$2,000.00	\$106,660.00
10	76.67	\$2,000.00	\$153,340.00

(B) A single-family equivalent represents the water or sewer demand of a typical single-family connection.

(1) The number of service units associated with larger connections or meters is calculated, based on the relative hydraulic capacity of the meter compared to the smallest meter size.

(2) The single-family equivalent service units number associated with each meter size is multiplied by the net capital cost per single-family equivalent service unit, which gives the net cost per water meter for water meters of various sizes, and the net cost for sewer connections of various sizes.

(3) In determining water capacity or impact fees, the net cost per single-family equivalent service unit as calculated above is multiplied by the service units associated with each meter size.

(a) As determined by the impact fee study for water and sewer system developed by independent financial advisors for the county, the net capital cost per single-family equivalent service unit is \$3,451.00 per water system.

(b) The capacity or impact fee imposed on each single-family equivalent service unit is approximately 50% of the maximum water system net capital cost per single-family equivalent service unit.

(4) In determining sewer capacity or impact fees, the net capital cost per single-family equivalent service unit as calculated above is multiplied by the service units applicable to each meter size.

(a) As determined by the impact fee study for water and sewer system developed by independent financial advisors for county, the net capital cost single-family equivalent service unit is \$5,179.00 per sewer system.

(b) The capacity or impact fee imposed pursuant to this section is approximately 50% of the sewer system net capital cost per single-family equivalent service unit.

(Ord. 5206, passed 12-18-06)

§ 51.47 PROCESSING OF APPLICATIONS; DETERMINATION OF APPLICABLE FEE.

(A) Each developer, individual, corporation, partnership or other entity undertaking development within the county's retail or wholesale service area shall submit an application for a connection to the county water and sewer combined utility system to the public works department, which shall, at a minimum, include:

- (1) The name, address, telephone number, and taxpayer identification number of the applicant;
- (2) A description of the size and nature of the connection or meter required to adequately provide water and/or sewer service to the proposed development or service unit;
- (3) An estimate of when the connection to the county water or sewer system will be made;
- (4) The name and address of the contractor, engineer, person or entity making the requested connection or requesting the meter;
- (5) If requested by the county engineer, or his or her designee, plans and specifications for the connection; and
- (6) The number of single-family equivalent service units to be served by the connection or meter.

(B) (1) The developer, individual, corporation, partnership or other entity undertaking development shall pay the applicable capacity or impact fees imposed by this code, according to the fee schedules established herein, upon approval of the application, and no later than the final inspection of such development by appropriate county codes officials.

(2) In no event shall a certificate of occupancy be issued until all applicable water and sewer capacity or impact fees, meter set fees, tap fees, service deposits, private service fees, utility service agreement and related rates, fees and charges have been paid to the county and other applicable political subdivisions or entities.

(Ord. 5206, passed 12-18-06)

§ 51.48 USE OF CAPACITY OR IMPACT FEES.

(A) All water and sewer capacity or impact fees shall be used and applied to costs and expenses incurred or to be incurred by the county to increase the facilities or capacity of the county, or parties contracting with the county, for water treatment, storage and transmission facilities, or wastewater collection, treatment and disposal facilities; upgrades of utility infrastructure to meet increased demands upon the infrastructure of the county's combined water and sewer utility systems; increased capacity in water and sewer mains and interceptors, lift stations, pumping stations and elevated and ground storage facilities and booster stations; acquiring increased capacity in water treatment plants and wastewater treatment plants to meet additional demands on the county's combined water and sewer utility system for increased capacity and water treatment plants and wastewater treatment plants and other infrastructure and appurtenances required, necessary or appropriate, in order to provide and distribute an adequate supply of potable water, and to provide adequate wastewater collection and treatment capacity, to serve new development within the county's combined water and sewer system service area and the area in which the county provides wholesale service. **SYSTEM IMPROVEMENT COSTS FOR IMPROVEMENTS TO THE COUNTY'S WATER AND SEWER COMBINED UTILITY SYSTEM** shall mean costs incurred for construction or reconstruction of system improvements, including design, acquisition, engineering and other costs attributable to the improvements, and the costs of providing additional public facilities needed to serve new growth and development; but shall not include the operation or maintenance of existing or new capital improvements.

(B) Any developer, individual, corporation, partnership or other entity undertaking development shall pay the capacity or impact fees established herein, according to the capacity or impact fee schedules adopted herein, as full and complete payment of the developer's proportionate share of county water and sewer combined utility system improvement costs; provided, however, that the affected developer, individual, corporation, partnership or other entity undertaking development may negotiate for other improvements to the county's combined water and sewer utility system, which the county may, at its sole discretion, approve.

(Ord. 5206, passed 12-18-06)

§ 51.49 APPEALS; PAYMENT UNDER PROTEST; MEDIATION.

(A) Any developer, individual, corporation, partnership or other entity required to pay a water or sewer capacity or impact fee may appeal any decision relating to the imposition of such fee by filing a written notice of such appeal with the county manager, or his or her designee, within 15 days of receipt of a decision of any county official relating to the imposition of the water or sewer capacity or impact fee, setting forth the grounds for such appeal and the alleged error of the official rendering the decision from which the appeal is taken.

(B) (1) Any developer, individual, corporation, partnership or other entity may pay a water or sewer capacity or impact fee under protest, and is not estopped from exercising the right of appeal provided herein, nor is the fee payor estopped from receiving a refund of an amount considered to have been illegally collected.

(2) Instead of making a payment of a capacity or impact fee under protest, a fee payor, at his, her or its option, may post a bond or submit an irrevocable letter of credit for the amount of the capacity or impact fee due, pending the outcome of an appeal.

(C) The county manager, or his or her designee or designees, shall hold a conference or hearing, after due notice to all parties in interest, within 30 days of the receipt of such appeal, and render a decision to all parties in interest within 30 days after such conference or hearing.

(D) (1) Upon voluntary agreement by both the fee payor and the county, mediation may be pursued as an alternate dispute resolution medium.

(2) In such event, such mediation shall be conducted substantially in compliance with the alternate dispute resolution/mediation rules promulgated by the South Carolina Supreme Court for Circuit Court Alternate Dispute Resolution, as such rules may be amended from time to time.

(Ord. 5206, passed 12-18-06)

§ 51.50 DEPOSIT OF REVENUES.

The county treasurer shall deposit all revenues received from the imposition of county water and sewer capacity or impact fees in a separate interest-bearing account, the proceeds of which shall be paid solely for the purposes and uses defined herein.

(Ord. 5206, passed 12-18-06)

§ 51.51 TERMINATION OF WATER AND SEWER CAPACITY OR IMPACT FEES.

The water and sewer capacity or impact fees established and collected pursuant to this subchapter shall terminate 20 years from the adoption of Ordinance 5206, unless terminated sooner.

(Ord. 5206, passed 12-18-06)

§ 51.52 EXEMPTIONS FROM CAPACITY OR IMPACT FEES.

The following activities are exempt from capacity or impact fees:

- (A) Rebuilding the same amount of floor space of a structure that was destroyed by fire or other catastrophe;
- (B) Remodeling or repairing a structure that does not result in an increase in the number of service units;
- (C) Replacing a residential unit, including a manufactured home, with another residential unit on the same lot, if the number of service units does not increase;
- (D) Placing a construction trailer or office on a lot during the period of construction on the lot;
- (E) Constructing an addition on a residential structure which does not increase the number of service units;
- (F) Adding uses that are typically accessory to residential uses, such as a tennis court or a clubhouse, unless it is demonstrated clearly that the use creates a significant impact on the system's capacity; and
- (G) All or part of a particular project if:
 - (1) The project is determined to create affordable housing; and
 - (2) The exempt development's proportionate share of system improvements is funded through a revenue source other than development capacity or impact fees.

(Ord. 5206, passed 12-18-06)

§ 51.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is provided shall be subject to §10.99.

(B) Any person or private entity found to be in violation of any provision of §§51.30 through 51.35 shall be guilty of a summary offense and, upon conviction thereof, shall be fined in an amount not to exceed \$500 for each violation. Each day in which any violation shall continue shall be deemed a separate offense.

('77 Code, § 7-182) (Ord. 2590, passed 5-8-90; Am. Ord. 5206, passed 12-18-06)

CHAPTER 52: SEWER

Section

General Provisions

- 52.01 Legislative findings
- 52.02 System operations
- 52.03 Applications for service

Use Regulations

- 52.15 Conditions and charges for service connections and repairs

- 52.16 Property owner or occupant to keep sanitary appliances and private sewer lines in repair
- 52.17 Description of service user charges
- 52.18 Description of service user charges for property other than county water
- 52.19 Meters or measuring devices under control of the county system; property owner to maintain
- 52.20 Description of service user charges for users of county water not discharged into county sewer system
- 52.21 Time and method of payment of service charges
- 52.22 Charges for use of system without prior knowledge of county department
- 52.23 Procedure for discharging excess sludge from domestic septic tank systems, biological treatment plants with NPDES permit or waste water from portable sanitary privies
- 52.24 Extension of system
- 52.25 Permission and supervision required for uncovering or connecting to public sewer
- 52.26 Introduction of designated matter into public sewer prohibited

Industrial and Other Wastes Discharge Restrictions

- 52.39 Legislative findings
- 52.40 Purpose and policy
- 52.41 Definitions
- 52.42 Abbreviations
- 52.43 General discharge prohibitions
- 52.44 Federal categorical pretreatment standards; effect
- 52.45 Modification of federal categorical pretreatment standards
- 52.46 State requirements
- 52.47 Specific pollutant limitations
- 52.48 Excessive discharges and dilution
- 52.49 Accidental discharge
- 52.50 Wastewater discharges
- 52.51 Wastewater discharge permits and authorization
- 52.52 Connections
- 52.53 Reporting requirements for permittee
- 52.54 Measurement of flow/monitoring facilities
- 52.55 Inspection and sampling
- 52.56 Pretreatment

Administration and Enforcement

- 52.70 Confidential information
- 52.71 Powers and authority for inspection
- 52.72 Harmful contributions
- 52.73 Revocation of the permit
- 52.74 Notification of violations
- 52.75 Show cause hearing
- 52.76 Legal action by county
- 52.77 Falsifying information
- 52.78 Protection from damage
- 52.79 Surcharge for treatment of industrial wastes

52.80 Fat, oil, and grease control

52.81 Fat, oil, and grease control fees and charges

52.99 Civil penalties

GENERAL PROVISIONS

§ 52.01 LEGISLATIVE FINDINGS.

The County Council has acquired water and sewer systems which it intends to own and operate through the water and sewage department. The Council finds that the life, health and safety of the people of the county require the adoption of a permanent ordinance to regulate the use of the county water and sewer systems in order to prevent insanitary conditions, unauthorized connections, unapproved extensions or other conditions which may adversely affect the life, health and safety of the people of the county.

('77 Code, § 7-70) (Ord. 1585, passed 10-21-85)

§ 52.02 SYSTEM OPERATIONS.

The sewage treatment and disposal facilities and sewage collection system owned or operated by the county shall be operated as and considered to be a single integrated system. The amount necessary to meet annual interest payable on any debt incurred for construction of the sewer system, the amount necessary for the amortization of the debt, and the amount necessary for repairs, maintenance and operation of the county sewage system shall constitute the minimum amount established as user charges for sewer service by the county.

('77 Code, § 7-80) (Ord. 1585, passed 10-21-85)

§ 52.03 APPLICATIONS FOR SERVICE.

Sewer service connections will be made to premises abutting on streets having county sewer mains in accordance with the policies and procedures adopted by the county for the administration, operation and extension of the county water and sewer systems. The owner, lessee or authorized agent of the property to be benefitted shall make application to the water and sewage department, and upon compliance with all requirements of the water and sewage department, and upon approval of the application, the service connections may be permitted in accordance with county policies, procedures and requirements.

('77 Code, § 7-81) (Ord. 1585, passed 10-21-85)

USE REGULATIONS

§ 52.15 CONDITIONS AND CHARGES FOR SERVICE CONNECTIONS AND REPAIRS.

(A) Sewer service connections within the right-of-way of streets or roads shall remain the property of the owner, and shall be the responsibility of the property owner or occupant.

(B) Each applicant for service shall designate with a marker the location of a new sewer service connection prior to the beginning of work. When the lowest elevation of plumbing in a building to be served is lower than the rim elevation of the nearest upstream manhole, the sewer service connection will not be activated until a backwater valve is installed, as required by the applicable plumbing code.

(C) The charges for making a four-inch or smaller sewer service connection shall be established in accordance with the water and sewer rate methodology documents, and as set forth in the county ordinance to establish rates and charges for water and sewer services.

(D) The charges for making sewer service connections larger than four inches, or where manholes or creek crossings are required, shall be determined as provided in the county ordinance to establish rates and charges for water and sewer services. The water and sewage department shall determine the cost to furnish any service requested, upon submission of an application for a sewer service connection and all supporting information and data which may be required by the department. Payment of the determined cost is required prior to any construction work by the water and sewage department.

(E) The property owner or user shall not perform, direct or permit the performance of any maintenance work within the right-of-way of any street or road without the express written approval of the water and sewage department. Except in extraordinary or unusual circumstances, all maintenance work required within a street right-of-way shall be performed by the water and sewage department, or by permittees duly authorized by the department. Ordinary maintenance and repairs to the county sewer system shall be made by the water and sewage department. The property owner or user will be charged actual costs of labor, equipment and materials for repairs to service connections where it is determined by the department that actions of the property owner or user have necessitated repairs to the service connection.

('77 Code, § 7-82) (Ord. 1585, passed 10-21-85)

§ 52.16 PROPERTY OWNER OR OCCUPANT TO KEEP SANITARY APPLIANCES AND PRIVATE SEWER LINES IN

REPAIR.

In the event any plumbing appliance becomes defective or out of repair in any manner, the same shall immediately be restored to proper working order or replaced with a properly working appliance. If any private sewer line becomes clogged, the same shall be opened and cleared of any obstruction by the property owner or occupant of the premises. Except as provided in this chapter or the policies or procedures of the water and sewage department, the costs of any repair or replacement required by this section shall be at the expense of the property owner or occupant.

('77 Code, § 7-83) (Ord. 1585, passed 10-21-85)

§ 52.17 DESCRIPTION OF SERVICE USER CHARGES.

(A) The sewer service user charge shall be a monthly charge based upon the water consumption of the property served, as measured by the water meter on the property, for the calendar month or other specified period of time.

(B) The charges and rates are defined as follows:

(1) Sewer service charges will be based upon the applicable county rate of 100 cubic feet of water used, as determined by the county's schedule of rates and charges;

(2) A monthly minimum fixed customer charge for the provision of basic servicing of customer accounts, even if no sewer services are used, applies to all accounts.

('77 Code, § 7-84) (Ord. 1585, passed 10-21-85)

§ 52.18 DESCRIPTION OF SERVICE USER CHARGES FOR PROPERTY OTHER THAN COUNTY WATER.

(A) For a property which uses water, all or a part of which is from a source other than the water and sewage department distribution system, there shall be a sewer rental separate from, and in addition to any sewer rental based on the consumption of water from the county water distribution system. The separate or additional sewer charges shall be measured by the quantity of water from the source other than the county system, which is discharged into the county sewer from the property.

(B) The owner of the property shall install and maintain, at his or her expense, a meter to measure the quantity of water received from other than the county water distribution system and discharged into county sewers. No meter shall be installed or used for the purpose without the approval of the water and sewage department, and the property owner shall pay for water discharged into the county sewers as though all such water came from the county water distribution system.

(C) If the property owner fails to install and maintain at his or her expense an approved meter, the water and sewage department shall estimate the amount of water from sources other than the county system which is discharged into county sewers from the property. This estimate will be based on records of the consumption of similar properties or operations. If no applicable records are available, a formula based on the usage of the property will be utilized to compute the estimated water discharged into county sewers, and the property owner will be billed accordingly. The bills shall be collectible and enforceable in the same manner as any other water and/or sewer bill of the water and sewage department.

('77 Code, § 7-85) (Ord. 1585, passed 10-21-85)

§ 52.19 METERS OR MEASURING DEVICES UNDER CONTROL OF THE COUNTY SYSTEM; PROPERTY OWNER TO MAINTAIN.

All meters or other measuring devices installed or required under the provisions of this chapter shall be under the control of the water and sewage department. The owner of the property where the measuring device is installed shall be responsible for its maintenance and safekeeping and any repairs required will be made at the owner's expense.

('77 Code, § 7-86) (Ord. 1585, passed 10-21-85)

§ 52.20 DESCRIPTION OF SERVICE USER CHARGES FOR USERS OF COUNTY WATER NOT DISCHARGED INTO COUNTY SEWER SYSTEM.

(A) If a customer is charged for sewer service and uses water from the county water distribution system which is not discharged into the county sewer system for an industrial or commercial purpose, the quantity of water so used, and not discharged into the sewer system, shall be excluded from the calculation of the sewer service charge; provided, however, the quantity of water so used and not discharged into the county sewer system is measured by a device which is approved by the water and sewage department and is installed and maintained at the owner's expense; and, provided further, the water supply of the property is metered and the owner pays for the water at the current metered rate.

(B) The sewer customer will pay a user charge based on water consumption. The charge is computed according to the water and sewer rate methodology documents using the quantity of water actually discharged into the county sewer system. If, in the opinion of the department, it is not practical to install a measuring device to determine the quantity of water discharged into the sewer system, the water and sewage department may calculate the percentage of metered water discharged into the sewer system. The quantity of water used to determine the sewer service charge shall be the percentage so calculated of the quantity measured by the water meters.

(C) Any dispute as to calculation shall be submitted to the county manager after notice of the estimate is received. The

county manager's decision on the matter shall be final.

('77 Code, § 7-87) (Ord. 1585, passed 10-21-85)

§ 52.21 TIME AND METHOD OF PAYMENT OF SERVICE CHARGES.

(A) All sewer service charges shall be due and payable at the same time and place that water bills are due and payable. They shall be included in the water bill but stated separately and collected at the same time and in the same manner. If not paid in full within the time limit for the payment of water bills, in addition to any and all other penalties provided by law, the county may cut off water service to the property.

(B) For sewer service only customers, the charges will be billed in the same manner as water charges or water and sewer charges. They shall be subject to the same time limit for payment as water charges, in addition to any and all penalties provided by law. The county may cut off sewer service to the property for failure to pay sewer service charges.

('77 Code, § 7-88) (Ord. 1585, passed 10-21-85)

§ 52.22 CHARGES FOR USE OF SYSTEM WITHOUT PRIOR KNOWLEDGE OF COUNTY DEPARTMENT.

(A) (1) If wastewater is discharged into the county system without the actual knowledge of the county, a bill will be made against the user or customer for the estimated amount of the discharge or for the quantity of water shown to have been used by the meter.

(2) If the sewer service was obtained through an unauthorized device, the service may be terminated immediately.

(B) (1) In the case of a stopped, broken or damaged meter that has not registered actual usage of water used by the customer or users, an estimated bill will be calculated based on prior usage. In the case of no prior usage history, an estimated bill will be calculated based on a similar type of customer.

(2) The water and sewer accounts billing office, may establish a procedure for payment of the bill, based on the amount and user's ability to pay if the user or customer is not able to pay the bill in full.

('77 Code, § 7-89) (Ord. 1585, passed 10-21-85)

§ 52.23 PROCEDURE FOR DISCHARGING EXCESS SLUDGE FROM DOMESTIC SEPTIC TANK SYSTEMS, BIOLOGICAL TREATMENT PLANTS WITH NPDES PERMIT OR WASTE WATER FROM PORTABLE SANITARY PRIVIES.

(A) *Deposit.* Any company or individual that proposes to use the county sewage system for the discharge of excess sludge from domestic septic tank systems, biological treatment plants with an NPDES permit or waste water from portable sanitary privies must make a deposit to guarantee payment of sewer charges. The deposit shall be established by the water and sewage department, in accordance with the county's current schedule of rates, fees and charges. When use of the sewer system has been discontinued, and all applicable sewer service charges have been paid, the deposit will be refunded.

(B) *Sewer use.* Domestic septic tank sludge, treatment plant waste sludge and wastewater from portable sanitary privies shall only be discharged into manholes specifically designated by the Water and Sewer Department for this purpose. The user will be responsible for any and all damages resulting from improper handling and/or spillage. Continued spillage and/or poor handling practices shall be cause for revocation of permission to discharge.

(C) *Conditions.* A permit to haul each load of septic tank sludge, treatment plant waste sludge or wastewater from portable sanitary privies is required. Permits shall be obtained from the State Department of Health and Environmental Control and the water and sewage department. The permits must be in the possession of the hauler/user at the time of discharge into the county sewer system.

(D) *Charges.* Charges for discharge of domestic septic tank sludge, treatment plant waste sludge or wastewater from portable sanitary privies will be calculated and billed monthly. The charges will be based on data from the hauling permits issued by the county and the State Department of Health and Environmental Control. Failure to pay bills by the date due shall be cause for revocation of permission to discharge.

('77 Code, § 7-90) (Ord. 1585, passed 10-21-85) Penalty, see § 52.99

§ 52.24 EXTENSION OF SYSTEM.

The sewer system shall be maintained by the water and sewage department, and extended and enlarged from time to time in accordance with the policies, procedures, ordinances and laws established by the county. Plans, specifications and estimates, together with other supporting information and data shall be submitted by an applicant for extension upon request. Extensions shall be authorized only in accordance with the Chapter 51 of this code.

('77 Code, § 7-91) (Ord. 1585, passed 10-21-85)

§ 52.25 PERMISSION AND SUPERVISION REQUIRED FOR UNCOVERING OR CONNECTING TO PUBLIC SEWER.

It shall be unlawful for any person to uncover any portion of the county sewer system for any purpose, or to make connection with the county sewer system, except with the consent and approval of, and under the supervision of, the water and sewage department. No connection with the main sewer trunk lines shall be made without a special permit. It shall be

the duty of the water and sewage department to ensure full compliance with this section in relation to connections.

('77 Code, § 7-92) (Ord. 1585, passed 10-21-85) Penalty, see § 52.99

§ 52.26 INTRODUCTION OF DESIGNATED MATTER INTO PUBLIC SEWER PROHIBITED.

(A) It shall be unlawful for any person to throw or deposit or cause or permit to be thrown or deposited in any vessel or receptacle connected with the county sewage system any garbage, hair, ashes, fruit, vegetables, peelings, refuse, rags, cotton or other matter whatsoever except human excrement, feces, urine or the necessary closet paper and liquid house slops, except as otherwise specifically permitted. The term "liquid house slops" is hereby defined as waste water from commodes and urinals and drain water from bath fixtures, family laundry tubs, kitchen sinks and floor drains.

(B) No other waste liquid matter may be discharged into the county sanitary sewer system except with written permission from the water and sewage department. All repair costs will be borne by the user when it is determined that the service connection and/or sewer system was abused by illegal substances.

(C) It is the duty of all citizens to aid police, the water and sewage department and public health officials in bringing offenders against this section to punishment and to prevent violations of the same.

('77 Code, § 7-93) (Ord. 1585, passed 10-21-85) Penalty, see § 52.99

INDUSTRIAL AND OTHER WASTES DISCHARGE RESTRICTIONS

§ 52.39 LEGISLATIVE FINDINGS.

(A) County Council finds that the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq. and regulations promulgated pursuant thereto, impose requirements for direct and indirect contributors into the wastewater collection and treatment systems of the County and any municipal wastewater treatment providers;

(B) County Council finds that the adoption of uniform requirements for direct and indirect contributors into the wastewater collection and/or treatment systems of the county and the wastewater collection and treatment systems of any municipal wastewater treatment providers will provide for, promote and protect the public health, safety and welfare by:

(1) Preventing the introduction of pollutants into the county wastewater system or the systems of municipal treatment providers;

(2) Preventing the introduction of pollutants into the wastewater systems of the county and any municipal wastewater treatment provider which, if inadequately treated, will pass into receiving waters or the atmosphere or be incompatible with wastewater collection and treatment systems and facilities;

(3) Improving the opportunity to recycle and reclaim wastewater and sludges from wastewater collection and treatment systems;

(4) Codifying applicable regulations, pretreatment requirements, discharge prohibitions; protecting against accidental discharges; imposing structure and equipment requirements; prohibiting unlawful discharges without a permit; establishing requirements for permits; providing a process for connections to wastewater treatment systems; establishing reporting requirements; requiring metering and measurement of flows; providing for inspection and testing; requiring the submission of plans and operating procedures; providing powers and authority for inspections; authorizing suspension of wastewater collection and treatment services; providing for revocation of permits; providing for the notification of violators; imposing civil penalties for violations; protecting wastewater systems from damage; providing for the imposition of surcharges; and providing criminal penalties and establishing uniform requirements in order to comply with federal and state statutes, laws and regulations.

(Ord. 102, passed 1-21-02)

§ 52.40 PURPOSE AND POLICY.

(A) This subchapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment systems of the county and any municipal wastewater treatment providers and enables the county municipal wastewater providers to comply with all applicable state and federal laws, including the Clean Water Act of 1984, as amended, with General Pretreatment Regulations (40 CFR, Part 403).

(B) The objectives of this subchapter are:

(1) To prevent the introduction of pollutants into the county wastewater system or the system of any municipal treatment provider which will interfere with the operation of the systems or contaminate the resulting sludge;

(2) To prevent the introduction of pollutants into the wastewater systems of the county or any municipal wastewater treatment provider which will pass through the systems, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the systems;

(3) To improve the opportunity to recycle and reclaim wastewater and sludges from the systems; and

(4) To provide for equitable distribution of the cost of the wastewater systems.

(C) This subchapter provides for the regulation of all contributors to the wastewater systems through the issuance of

permits to certain nondomestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(D) This subchapter shall apply to all users of the county and municipal wastewater systems and to all users and persons who are, by contract or agreement with the county or municipality users or contributors of the systems of either. Except as otherwise provided herein, the City Manager or his representative of any city providing wastewater services to the county shall administer, implement and enforce the provisions of this subchapter.

('77 Code, § 7-100) (Ord. 1585, passed 10-21-85; Am. Ord. 102, passed 1-21-02)

§ 52.41 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT or **THE ACT**. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

APPROVAL AUTHORITY. The Commissioner of the South Carolina Department of Health and Environmental Control or his representative.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER. An authorized representative of an industrial user may be:

- (1) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;
- (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
- (3) A duly authorized representative of the individual designated above if the representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20° C expressed in terms of weight and concentration (milligrams per liter (mg/l)).

BUILDING SEWER. A sewer conveying wastewater from the premises of a user to the systems.

CATEGORICAL STANDARDS. National categorical pretreatment standard or pretreatment standard.

CITY. Any city receiving, collecting or treating wastewater from the county as represented by its City Council or City Manager.

CONTRIBUTION. Any person who discharges any water or wastewater to the county or city's collection or municipal wastewater treatment systems.

CONTROL AUTHORITY. The City Manager or his designee responsible for the pretreatment program.

COOLING WATER. The water discharged from any use such as air conditioning, cooling or refrigeration or to which the only pollutant added is heat.

COUNTY. The County of York or the County Council.

DAY. The 24 hour period beginning at midnight and continuing to the next midnight.

DIRECT DISCHARGE. The discharge of treated or untreated wastewater directly to the waters of the state.

DIRECTOR. The City of Rock Hill Utility Director who supervises the operation of the City of Rock Hill's publicly owned treatment works and who is charged with certain duties and responsibilities by this subchapter, or his duly authorized representative.

DOMESTIC SEWAGE. The liquid waste from bathrooms, toilet rooms, kitchens and home laundries.

ENVIRONMENTAL PROTECTION AGENCY (EPA). The U.S. Environmental Protection Agency or, where appropriate, the term may be used as a designation for the administrator or other duly authorized official of the agency.

GRAB SAMPLE. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

HOLDING TANK WASTE. Any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum pump tank trucks.

INDUSTRIAL DISCHARGE. The discharge or the introduction of nondomestic pollutants from any source regulated under § 307(b) or (c) of the Act (33 USC 1317), into the systems.

INDUSTRIAL USER. A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to § 402 of the Act (33 USC 1342).

INDUSTRIAL WASTE . The liquid wastes, other than domestic sewage, resulting from processes or operations employed in industrial and commercial establishments.

INTERFERENCE . The inhibition or disruption of the treatment processes or operations which contributes to a violation of any requirement of the NPDES permit of the county or any wastewater treatment facility used by the county (POTW). The term includes prevention of sewage sludge use or disposal by the POTW in accordance with § 405 of the Act (33 USC 1345), or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of Solid Waste Disposal Act) applicable to the method of disposal or use employed by the POTW.

NATIONAL CATEGORICAL PRETREATMENT STANDARD or **PRETREATMENT STANDARD** . Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with § 307(b) and (c) of the Act (33 USC 1347) which applies to a specific category of industrial users.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES PERMIT) . A permit issued pursuant to § 402 of the Act (33 USC 1342).

NATIONAL PROHIBITIVE DISCHARGE STANDARD or **PROHIBITIVE DISCHARGE STANDARD** . Any regulation developed under the authority of § 307(b) of the Act and 40 CFR Part 403.5.

NEW SOURCE . Any source, the construction of which is commenced after the publication of proposed regulations prescribing a § 307(c) (33 USC 1317) categorical pretreatment standard which will be applicable to the source, if the standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a NEW SOURCE means any source, the construction of which is commenced after the date of promulgation of the standard.

PERSON . Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, state or federal governmental entity or other legal entity or their legal representatives, agents or assigns.

pH . The logarithm (base 10) of the reciprocal of the weight of hydrogen ions in grams per liter of solution. A "stabilized pH" will be considered a pH which does not change beyond the specified limits when the waste is subjected to aeration.

POLLUTANT . Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

POLLUTION . The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

PRETREATMENT or **TREATMENT** . The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing the pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes or process changes or other means, except as prohibited by 40 CFR Part 403.5(d).

PRETREATMENT REQUIREMENTS . Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard, imposed on an industrial user.

PROPERLY SHREDDED GARBAGE . The waste from the preparation, cooking and dispensing of food that has been shredded to the degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch in any dimension.

PUBLICLY OWNED TREATMENT WORKS (POTW) . A treatment works as defined by § 212 of the Act (33 USC 1292), which may be owned in this instance by YCWSD or any municipality with which York County has an agreement for pretreatment of wastewater. This definition includes any sewers that convey wastewater to the **POTW** treatment plan, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this subchapter, **POTW** shall also include any sewers that convey wastewater to the **POTW** from persons outside the YCWSD system who are, by contract or agreement with YCWSD, users of the YCWSD **POTW** .

PUBLICLY OWNED TREATMENT WORKS TREATMENT PLANT . The portion of the POTW designed to provide treatment to wastewater.

RECEIVING STREAM . The body of water, stream or watercourse receiving the discharge waters from the wastewater treatment plant or formed by the water discharged from the wastewater treatment plant.

SANITARY SEWER . A sewer intended to receive domestic sewage and industrial waste, except that of the type expressly prohibited by this subdivision, without the admixture of surface water and storm water.

SIGNIFICANT INDUSTRIAL USER . Any industrial user of YCWSD's wastewater disposal system who:

- (1) Has a discharge flow of 25,000 gallons or more per average work day;
- (2) Has a flow greater than 5% of the flow in the YCWSD water treatment system;
- (3) Has in his or her wastes toxic pollutants as defined pursuant to § 307 of the Act or the state statutes and rules; or

(4) Is found by the city, state or EPA to have significant impact either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality or air emissions generated by the system; or

(5) Is designated by the POTW on the basis that the industrial user has a reasonable potential for adversely affecting the operation of the POTW, sewer systems or treatment works or for violating any pretreatment standard or requirement in accordance with 40 CFR Part 403.8(f)(6).

STANDARD INDUSTRIAL CLASSIFICATION (SIC) . A classification pursuant to the standard industrial classification manual issued by the Executive Office of the President, Office of Management and Budget, 1987.

STORMWATER . Any flow occurring during or following any form of natural precipitation and resulting therefrom.

SUSPENDED SOLIDS . The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids and which is removable by laboratory filtering.

TOXIC POLLUTANT . Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA under the provision of the Act, § 307(a), or other acts.

USER . Any person who contributes, causes or permits the contribution of wastewater into YCWSD's POTW.

WASTE DISCHARGE AUTHORIZATION . As set forth in this subchapter of this code.

WASTEWATER . The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and stormwater which may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

WASTEWATER DISCHARGE PERMIT . As set forth in this subchapter.

WATERS OF THE STATE . All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

YCWSD . The York County Water and Sewage Department.

('77 Code, § 7-101) (Ord. 1585, passed 10-21-85; Am. Ord. 102, passed 1-21-02)

§ 52.42 ABBREVIATIONS.

The following abbreviations shall have the designated meanings:

- (A) BOD: biochemical oxygen demand;
- (B) CFR: Code of Federal Regulations;
- (C) COD: chemical oxygen demand;
- (D) EPA: Environmental Protection Agency;
- (E) l: liter;
- (F) mg: milligrams;
- (G) mg/l: milligrams per liter;
- (H) NPDES: national pollutant discharge elimination system;
- (I) POTW: publicly owned treatment works;
- (J) SIC: standard industrial classification;
- (K) SWDA: Solid Waste Disposal Act, 42 USC §§ 6901 et seq.;
- (L) USC: United States Code; and
- (M) TSS: total suspended solids.

('77 Code, § 7-102) (Ord. 1585, passed 10-21-85; Am. Ord. 102, passed 1-21-02)

§ 52.43 GENERAL DISCHARGE PROHIBITIONS.

(A) No user shall contribute or cause to be contributed directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the systems. These general prohibitions apply to all users of the systems whether or not the user is subject to national categorical pretreatment standards or any other federal, state or local pretreatment standards or requirements. A user may not contribute the following substances to any systems, including any POTW receiving county wastewater:

(1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the system or to the operation

of the POTW. At no time, shall two successive readings on any explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than 5% nor any single reading over 10% of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the YCWSD, the operator of the POTW, the state or EPA has notified the user is a fire hazard or a hazard to the system, and any waste streams with closed cup flashpoint of less than 140° F or 60° C the test methods specified in 40 C.F.R. Part 262.21.

(2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than ½ inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes;

(3) Any wastewater having a pH less than 5.0 unless the POTW is specifically designed to accommodate the wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the POTW;

(4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to § 307(a) of the Act;

(5) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair;

(6) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharge to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under § 405 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or state criteria applicable to the sludge management method being used;

(7) Any substance which will cause the POTW to violate its NPDES and/or state disposal system permit or the receiving water quality standards;

(8) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions;

(9) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at introduction to the POTW which exceeds 40° C (104° F) unless the POTW treatment plant is designed to accommodate the temperature and approves alternate temperature limits;

(10) Any pollutant, including oxygen demanding pollutants, (BOD, and the like) released at a flow rate and/or pollutant concentration, which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than 15 minutes more than five times the average 24-hour concentration, quantities or flow during normal operations;

(11) Any wastewater containing any radioactive wastes or isotopes or the half-life or concentration as may exceed limits established by the YCWSD in compliance with applicable state or federal regulations;

(12) Any wastewater which causes a hazard to human life or creates a public nuisance;

(B) When YCWSD or the POTW determines that a user(s) is contributing to the POTW any of the above enumerated substances in amounts as to interfere with the operation of the POTW, YCWSD shall:

(1) Advise the user(s) of the impact of the contribution on the POTW; and

(2) Develop effluent limitation(s) for user(s) to correct the interference with the POTW.

(C) No statement in this section shall be construed as preventing any special agreement or arrangement between YCWSD, any POTW and any user(s) whereby an industrial waste of unusual strength or character may be admitted into the POTW by YCWSD after approved pretreatment.

('77 Code, § 7-103) (Ord. 1585, passed 10-21-85; Am. Ord. 102, passed 1-21-02)

§ 52.44 FEDERAL CATEGORICAL PRETREATMENT STANDARDS; EFFECT.

Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this subchapter for sources in that subcategory, shall immediately supersede the limitations imposed under this subchapter. YCWSD or the POTW shall notify all affected users of the applicable reporting requirements under 40 CFR Part 403.12. Failure to notify any affected user shall not excuse the user from complying with any other applicable provision of this subchapter.

('77 Code, § 7-104) (Ord. 1585, passed 10-21-85; Am. Ord. 102, passed 1-21-02)

§ 52.45 MODIFICATION OF FEDERAL CATEGORICAL PRETREATMENT STANDARDS.

Where the POTW achieves consistent removal of pollutants limited by federal pretreatment standards, the POTW may apply to the SCDHEC for authority to give a removal credit. "Consistent removal" shall mean the average of the lowest 50% of the removal measured according to procedures set forth in 40 CFR Part 403.7(b)(2), "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The POTW may modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR, Part 403.7 are fulfilled and the SCDHEC does not deny the application for authorization to issue a removal credit.

('77 Code, § 7-105) (Ord. 1585, passed 10-21-85; Am. Ord. 102, passed 1-21-02)

§ 52.46 STATE REQUIREMENTS.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this subchapter.

('77 Code, § 7-106) (Ord. 1585, passed 10-21-85; Am. Ord. 102, passed 1-21-02)

§ 52.47 SPECIFIC POLLUTANT LIMITATIONS.

(A) Limitations may be expressed in terms of mass and/or concentration as deemed appropriate by the POTW.

(B) No user shall discharge wastewater except in accordance with a permit or authorization.

(C) The federal categorical pretreatment standards may establish limits for various parameters. Any user subject to these federal standards will be required to meet the established limits through a permit issued by the POTW. In addition, the POTW may limit the discharge of other specific substances on a case-by-case basis, if the discharge of that substance would interfere with the proper function of the sewer collection system, contaminate sludge, pose a nuisance or health risk to employees or neighbors of the POTW, or violate any receiving stream water quality standard.

Typical Domestic Waste Characteristics

<u>Parameter</u>	<u>Concentrations (mg/l)</u>
BOD	220.000
TSS	220.000
Arsenic	0.003
Cadmium	0.003
Chromium (total)	0.023
Copper	0.061
Cyanide	0.041
Mercury	0.0003

Typical Domestic Waste Characteristics

<u>Parameter</u>	<u>Concentrations (mg/l)</u>
Lead	0.065
Nickel	0.021
Silver	0.005
Zinc	0.0175
pH	6.0 - 10.0

(D) Higher concentrations of BOD, TSS and oil and grease may be allowed in the industrial user's permit or authorization, but compliance with the provisions of the POTW's sewer surcharge for treatment of high strength wastewater is required.

('77 Code, § 7-107) (Ord. 1585, passed 10-21-85; Am. Ord. 102, passed 1-21-02)

§ 52.48 EXCESSIVE DISCHARGES AND DILUTION.

(A) YCWSD and the POTW shall deny or condition any new or increased contributions of flow or pollutants, or changes in the nature thereof, when YCWSD and the POTW determines that the contributions by an existing or a new discharger will exceed established standards for that discharger or that contributions will cause a violation of the POTW's NPDES permit which is in effect at the time of the determination or violate a permit or authorization issued by YCWSD or the POTW.

(B) No user shall ever increase the use of the process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards or in any other pollutant-specific limitation developed by the county, state, or POTW.

('77 Code, § 7-108) (Ord. 1585, passed 10-21-85; Am. Ord. 102, passed 1-21-02)

§ 52.49 ACCIDENTAL DISCHARGE.

(A) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this subchapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained by the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to YCWSD and the POTW for review, and shall be approved by the YCWSD and the POTW before construction of the facility. All existing users shall complete a plan upon notification by YCWSD and the POTW. No new user who commences contribution to the POTW shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by YCWSD and the POTW. Review and approval of the plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this subchapter. In the case of an accidental discharge, it is the responsibility of the user to notify YCWSD and the POTW immediately by telephone. The notification shall include the location of discharge, type of waste, concentration and volume and corrective action.

(B) Within five days following an accidental discharge, the user shall submit to YCWSD and the POTW a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. The notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to person or property; nor shall the notification relieve the user of any fines, penalties or other liability which may be imposed by this subchapter or other applicable law.

(C) (1) A notice shall be permanently posted by the user on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge.

(2) Users shall ensure that all employees, if any, who may cause or suffer a dangerous discharge to occur are advised of the emergency notification procedure.

('77 Code, § 7-109) (Ord. 1585, passed 10-21-85; Am. Ord. 102, passed 1-21-02)

§ 52.50 WASTEWATER DISCHARGES.

It shall be unlawful to discharge without a permit to any natural outlet within the YCWSD system and/or to the POTW any wastewater except as authorized by YCWSD and the POTW in accordance with the provisions of this subchapter.

('77 Code, § 7-111) (Ord. 1585, passed 10-21-85; Am. Ord. 102, passed 1-21-02) Penalty, see § 52.99

§ 52.51 WASTEWATER DISCHARGE PERMITS AND AUTHORIZATIONS.

(A) Any person proposing to contribute non-domestic wastes to the YCWSD sewer system shall apply to the YCWSD and the POTW at least 90 days prior to contributing such wastes. If the YCWSD or the POTW determines that such contribution will be significant, the user shall be designated a Significant Industrial User and shall be required to obtain a wastewater discharge permit prior to discharge. Non-significant Industrial Users shall be required to obtain written authorization from the YCWSD and the POTW prior to discharge.

(B) Procedures for waste haulers. All waste haulers are required to obtain permits from YCWSD and the POTW to discharge into the POTW. To provide control over these discharges, nondomestic waste haulers will be required to provide a manifest for these wastes. The manifest must show the origin, nature, and volume of the wastes and it must be signed and time dated by an official of the business generating the waste. Non-domestic wastes may be discharged to the YCWSD system and the POTW only at points designated by YCWSD and the POTW and only during hours designated by the YCWSD and the POTW.

(C) (1) Permit application. Users required to obtain a wastewater discharge permit shall complete and file with YCWSD and the POTW an application on the form prescribed by YCWSD and the POTW, and accompanied by a fee as established by the YCWSD and the POTW. Existing users shall apply for a wastewater discharge permit within 180 days after the effective date of this section, and proposed new users shall apply at least 90 days prior to connecting to or contributing to the systems.

(2) The POTW will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the POTW may issue a wastewater discharge permit or wastewater discharge authorization subject to terms and conditions provided herein.

(D) Permit modification. Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard,

has not previously submitted an application for a wastewater discharge permit as required by this section, the user shall apply for a wastewater discharge permit within 180 days after promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater discharge permit shall submit to the YCWSD and the POTW within 180 days after the promulgation of an applicable federal categorical pretreatment standard the information required by divisions (E)(8) and (E)(9) below.

(E) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this article and all other applicable regulations, user charges and fees established by YCWSD or the POTW. Permits may contain the following:

- (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to YCWSD and/or POTW;
- (2) Limits on the average and maximum wastewater constituents and characteristics;
- (3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (4) Requirements for installation and maintenance of inspecting and sampling facilities;
- (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;
- (6) Compliance schedules;
- (7) Requirements for submission of technical reports or discharge reports (see § 52.53);
- (8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the YCWSD and the POTW, and affording YCWSD and the POTW access thereto;
- (9) Requirements for notification to the YCWSD and the POTW of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- (10) Requirements for notification of sludge discharges;
- (11) Other conditions as deemed appropriate by YCWSD and/or the POTW to ensure compliance with this section.

(F) Permit duration. Permits shall be issued for a specified time period not to exceed five years. A permit may be issued for a period less than one year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by YCWSD and/or the POTW during the term of the permit as limitations or requirements as identified in this section are modified or other just cause exists. The user shall be informed of any proposed changes in its permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include reasonable time schedule for compliance.

(G) Permit transfer. A wastewater discharge permit is issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the written approval of YCWSD and the POTW. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(H) Discharge authorization. A wastewater discharge authorization shall normally be issued for an unspecified time period. An authorization may be issued for a specified duration when warranted by specific conditions. Each wastewater discharge authorization shall expressly allow the user to discharge its nondomestic wastes into the YCWSD and/or the POTW sewer systems and the authorization may contain specific conditions and limitations under which the discharge is allowed. The YCWSD and/or the POTW may withdraw authorization and require the user to obtain a wastewater discharge permit if deemed necessary to protect the sewer systems, sludge, public health, or receiving streams.

('77 Code, § 7-112) (Ord. 1585, passed 10-21-85; Am. Ord. 102, passed 1-21-02)

§ 52.52 CONNECTIONS.

Any property owner or tenant desiring to install a plumbing system for the purpose of discharging domestic sewage and/or industrial waste into the YCWSD system may do so by complying with the requirements of YCWSD and the POTW and by paying fees and charges as are set forth in the schedule of current rates, fees and charges.

('77 Code, § 7-113) (Ord. 1585, passed 10-21-85; Am. Ord. 102, passed 1-21-02)

§ 52.53 REPORTING REQUIREMENTS FOR PERMITTEE.

(A) Within 90 days, following the date for final compliance with applicable pretreatment standards or, in the case of a new service, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to YCWSD and the POTW upon request a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or

pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user and certified to by a qualified professional engineer registered in the State of South Carolina.

(B) Any user subject to a pretreatment standard, after the compliance date of the pretreatment standard or, in the case of a new source, after commencement of the discharge into the POTW shall submit to YCWSD and the POTW twice a year, unless required more frequently in the pretreatment standard or by YCWSD or the POTW, a report indicating the nature and concentration of pollutants in the effluent which are limited by the pretreatment standards. At the discretion of YCWSD or the POTW and in consideration of factors such as local high or low flow rates, holidays, budget cycles, and the like, YCWSD and the POTW may agree to alter the times within which the above reports are to be submitted.

(C) YCWSD or the POTW may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by division (B) above shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharges, including the flow and the nature and concentration or production and mass, where requested by YCWSD or the POTW, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the Administrator of the EPA pursuant to § 304(g) of the Act and contained in 40 CFR Part 136 and amendments thereto or with any other test procedures approved by the administrator.

('77 Code, § 7-114) (Ord. 1585, passed 10-21-85; Am. Ord. 102, passed 1-21-02)

§ 52.54 MEASUREMENT OF FLOW/MONITORING FACILITIES.

(A) The volume of flow used in computing industrial waste surcharge shall be based upon metered water consumption maintained by YCWSD. In the event that a user discharging wastes into the YCWSD system provides YCWSD with evidence that more than 10% of the total annual volume of water used does not reach the POTW, an estimated percentage of total water consumption to be used in computing industrial waste flows and surcharges may be agreed upon between YCWSD and the user discharging industrial wastes into the POTW.

(B) YCWSD shall require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building, sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but YCWSD or POTW may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

(C) There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

('77 Code, § 7-115) (Ord. 1585, passed 10-21-85; Am. Ord. 102, passed 1-21-02)

§ 52.55 INSPECTION AND SAMPLING.

(A) The industrial waste of each user discharging same into the POTW shall be subject to periodic inspection and a determination of the character and concentration of such waste in order to assure compliance with the requirements of this section and requirements of the applicable POTW. This inspection shall be made annually, or more often as deemed necessary by YCWSD, the POTW, SCDHEC or EPA. YCWSD or its designee and the representative of the POTW shall inspect the facilities of any user to ascertain whether the purpose of this code is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow YCWSD or its designee and the POTW or its representatives ready access at all reasonable time to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties and responsibilities. YCWSD or its designee or representative, the POTW, SCDHEC and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance, monitoring and/or metering operations. When a user has security measures in force which would require proper identification and clearance before entry into the user's premises, the user shall make necessary arrangements with its security guards so that upon presentation of suitable identification, personnel from YCWSD, the POTW, SCDHEC and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(B) Samples shall be collected in such a manner as to be representative of the actual quality of the wastes. The laboratory methods used in the examination of such wastes shall be those set forth in procedures established by the EPA pursuant to § 304(g) of the Act and contained in 40 CFR Part 136 and amendments thereto, or with any other test procedures approved by the EPA. Sampling shall be performed in accordance with techniques approved by the EPA. Where 40 CFR Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication "Sampling and Analysis Procedure Screening of Industrial Effluents for Priority Pollutants," April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the EPA.

(C) The determination by YCWSD or POTW of the character and concentration of industrial wastes shall be binding as the basis for charges.

(D) Total costs incident to the supervision, inspection, sampling and analyzing of wastes shall be made to users

discharging wastes into the YCWSD system.

('77 Code, § 7-116) (Ord. 1585, passed 10-21-85; Am. Ord. 102, passed 1-21-02)

§ 52.56 PRETREATMENT.

(A) Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to YCWSD and the POTW shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to YCWSD and the POTW for review and shall be acceptable to YCWSD and the POTW before construction of the facilities. The review of the plans and operating procedures will in no way relieve the user from the responsibility of modifying the facilities as necessary to produce an effluent acceptable to YCWSD and the POTW under the provisions of this section. Any subsequent changes in the pretreatment facilities or method of operation shall be reported and be acceptable to YCWSD and the POTW prior to the user's initiation of the changes.

(B) If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, the user shall submit the shortest schedule by which he or she will provide additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:

(1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such as, hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, and the like);

(2) No increment referred to in division (B)(1) above shall exceed nine months;

(3) No later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to YCWSD and the POTW including, as a minimum, whether or not it complied with the increment of progress to be met on the date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between progress reports to YCWSD.

(C) The POTW shall annually publish in the largest daily newspaper published in the City of Rock Hill, a list of the significant industrial users which were in significant noncompliance with their pretreatment permits at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months, except for information construed to be confidential as set forth in § 52.70.

(D) All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request.

('77 Code, § 7-117) (Ord. 1585, passed 10-21-85; Am. Ord. 102, passed 1-21-02)

ADMINISTRATION AND ENFORCEMENT

§ 52.70 CONFIDENTIAL INFORMATION.

(A) To the extent permitted by applicable law, information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of YCWSD and POTW that the release of the information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

(B) (1) To the extent permitted by applicable law, when requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this section, the national pollutant discharge elimination system (NPDES) permit, state disposal system permit and/or the pretreatment programs; provided however, that the portions of a report shall be available for use by the state or any state agency in judicial review or enforcement by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report.

(2) Wastewater constituents and characteristics will not be recognized as confidential information.

(C) To the extent permitted by applicable law, information accepted by YCWSD and the POTW as confidential shall not be transmitted to any governmental agency or to the general public by YCWSD or the POTW until and unless a ten-day notification is given to the user.

('77 Code, § 7-118) (Ord. 1585, passed 10-21-85; Am. Ord. 102, passed 1-21-02)

§ 52.71 POWERS AND AUTHORITY FOR INSPECTION.

(A) YCWSD personnel and other authorized employees of the county, the POTW, SCDHEC or EPA bearing proper identification, shall be permitted to enter upon all user properties for the purpose of inspection, observation, measurement,

sampling and testing in accordance with the provisions of this chapter.

(B) YCWSD or the POTW may exclude temporarily any industrial waste, pretreated or not, from the POTW whenever the action is considered necessary for the purpose of determining the effects of the wastes upon the POTW.

('77 Code, § 7-119) (Ord. 1585, passed 10-21-85; Am. Ord. 102, passed 1-21-02)

§ 52.72 HARMFUL CONTRIBUTIONS.

(A) YCWSD or the POTW may suspend the wastewater treatment service and/or a wastewater contribution permit when suspension is necessary, in the opinion of the YCWSD or the POTW, in order to stop an actual or threatened discharge which presents, or may present, an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes YCWSD or the POTW to violate any condition of any NPDES permit.

(B) Any person notified of a suspension of the wastewater treatment service and/or the wastewater contribution permit shall stop or eliminate immediately the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, YCWSD or the POTW shall take steps as deemed necessary including immediate severance of the sewer connection or water connection, if existing, to prevent or minimize damage to the POTW or endangerment to any individual. YCWSD and/or the POTW shall reinstate the wastewater contribution permit and/or the water or wastewater treatment service upon proof of the elimination of the noncomplying discharge and upon payment of any costs associated with reconnection of the service. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to YCWSD and the POTW within 15 days of the date of the occurrence.

('77 Code, § 7-120) (Ord. 1585, passed 10-21-85; Am. Ord. 102, passed 1-21-02)

§ 52.73 REVOCATION OF THE PERMIT.

Any user who violates the following conditions of this section or applicable state and/or federal regulations, is subject to having his or her permit revoked in accordance with the applicable provisions of this subchapter:

- (A) Failure of the user to report factually the wastewater constituents and characteristics of his or her discharge;
- (B) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
- (C) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
- (D) Violation of conditions of the permit; or
- (E) Discharging into YCWSD or the POTW sewer systems without authorization or permit.

('77 Code, § 7-121) (Ord. 1585, passed 10-21-85; Am. Ord. 102, passed 1-21-02)

§ 52.74 NOTIFICATION OF VIOLATIONS.

Whenever YCWSD or POTW finds that any user has violated or is violating any provision of this section, wastewater contribution permit or any prohibition, limitation of requirements contained herein, YCWSD or POTW may serve upon the person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to YCWSD or POTW by the user.

('77 Code, § 7-122) (Ord. 1585, passed 10-21-85; Am. Ord. 102, passed 1-21-02)

§ 52.75 SHOW CAUSE HEARING.

(A) YCWSD or the POTW may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the director or representative why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the director regarding the violation, the reasons why the action is to be taken, the proposed enforcement action and directing the user to show cause before the director why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of a corporation.

(B) The director or representative may conduct the hearing and take the evidence or may designate any other staff member to:

(1) Issue, in the name of the director, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearings;

(2) Take the evidence; and

(3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the director for action.

(C) At any hearing held pursuant to this section, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of

reasonable charges as established by the director.

(D) After the director has reviewed the evidence, he or she may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

('77 Code, § 7-123) (Ord. 1585, passed 10-21-85; Am. Ord. 102, passed 1-21-02)

§ 52.76 LEGAL ACTION BY COUNTY.

If any person discharges or contributes sewage, industrial wastes or other wastes into the YCWSO wastewater disposal system or POTW contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the director of the POTW, an action may be commenced in the name of the county for appropriate legal and/or equitable relief in any court having jurisdiction.

('77 Code, § 7-124) (Ord. 1585, passed 10-21-85; Am. Ord. 102, passed 1-21-02)

§ 52.77 FALSIFYING INFORMATION.

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or wastewater contribution permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter shall upon conviction be punished by a fine of not more than \$2,000 or by imprisonment for not more than 30 days, or by both.

('77 Code, § 7-126) (Ord. 1585, passed 10-21-85; Am. Ord. 102, passed 1-21-02)

§ 52.78 PROTECTION FROM DAMAGE.

No person shall maliciously, willingly or negligently break, damage, destroy, uncover, deface or tamper with any equipment or materials belonging to YCWSO or the POTW, including that left upon the premises of a user discharging wastes into the POTW.

('77 Code, § 7-127) (Ord. 1585, passed 10-21-85; Am. Ord. 102, passed 1-21-02) Penalty, see § 52.99

§ 52.79 SURCHARGE FOR TREATMENT OF INDUSTRIAL WASTES.

(A) Explanation of surcharge. All users discharging industrial wastes into the POTW system shall be billed quarterly by the POTW for a surcharge covering the entire cost of treating all wastes having a BOD in excess of 230 mg/l and total suspended solids in excess of 200 mg/l. The surcharge shall be levied in addition to the existing sewer service charge.

(B) Amount. The amount of surcharge shall be set forth in the schedule of current rates, fees and charges.

(C) Method of calculation. The surcharge is to be derived in accordance with the water and sewer rate methodology documents described in this subchapter. The POTW shall fix the rate to be charged during the new fiscal year at the beginning of the fiscal year for the following:

- (1) The BOD in excess of 230 mg/l discharged into the system;
- (2) For total suspended solids in excess of 200 mg/l discharged into the system.

(D) Bills. The bill for the surcharge shall be prepared in accordance with the provisions of this chapter. The bill shall be payable as provided herein and delinquent fees and charges shall be assessed and collected as set forth in this chapter.

('77 Code, § 7-128) (Ord. 1585, passed 10-21-85; Am. Ord. 102, passed 1-21-02)

§ 52.80 FAT, OIL, AND GREASE CONTROL.

(A) The objective of the ordinance codified herein is to aid in preventing the introduction and accumulation of fats, oils, and greases into the county wastewater system which will or tend to cause or contribute to sanitary sewer blockages and obstructions. Food service establishments and other industrial or commercial establishments generating wastewater containing fats, oils or greases are subject to the ordinance codified herein. The ordinance codified herein regulates such users by requiring that grease interceptors and other approved strategies be installed, implemented, and maintained in accordance with the provisions hereof and policies adopted by the director.

(B) *Definitions.* These definitions apply to §52.80 Fat, Oil, and Grease Control only. For any term defined both here and in § 52.41, the definition below shall apply to §52.80 only. This section does not modify §52.41 or any other section of the York County Code of Ordinances.

DIRECTOR. The Public Works Director for the County or his or her designee.

FATS, OILS, AND GREASE (FOG). Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 C.F.R. § 136 (2018), as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases" or "FOG."

FOG POLICY. The written plan and procedures by which the director implements and enforces the FOG control and management program established herein. The policy applies to FOG program violations and matters of program noncompliance. Penalties for specific and programmatic infractions are addressed in the policy and set forth in the County's fee schedule in § 52.81.

FOOD SERVICE ESTABLISHMENTS (FSE). Those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption foodstuffs and that use one or more of the following preparation activities: cooking by frying, baking, grilling, sauteing, rotisserie cooking, broiling, boiling, blanching, roasting, toasting, or poaching, and infrared heating, searing, barbecuing, and any other food preparation or serving activity that produces a hot, non-drinkable food product in or on a receptacle requiring washing to be reused.

GREASE HAULER. Any third party not in the employment of the user that performs maintenance, repair, and other services on a user's grease interceptor at the user's directive.

GREASE TRAP or INTERCEPTOR. A device for separating waterborne greases from wastewater and retaining such greases prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. **GREASE INTERCEPTORS** also serve to collect solids that settle, generated by and from activities that subject users to this section, prior to the water exiting the trap and entering the sanitary sewer collection and treatment system. **GREASE TRAPS and INTERCEPTORS** are sometimes referred to herein as "grease interceptors."

MINIMUM DESIGN CAPABILITY. The design features of a grease interceptor and its ability or volume required to effectively intercept and retain greases and settled solids from grease-laden wastewaters prior to discharge to the public sanitary sewer.

PERMIT. Program confirmation approval documentation issued by the director. The user is required to keep the permit on premises and produce it upon request of the director.

USER. The responsible person or entity for the FSE's operations. In the case of individual FSEs, the owner or proprietor of the food service operation. Where the FSE is a franchise operation, the owner of the franchise is the responsible person or entity. Where the FSE operation is owned by a corporation, the corporate representative is the responsible entity. Where two or more FSEs share a common grease interceptor, the **USER** shall be the individual who owns or assumes control of the grease interceptor or the property on which the grease interceptor is located.

(C) *Grease interceptor installation, maintenance, record keeping, and grease removal.*

(1) Grease interceptors shall be installed and maintained (at the user's expense) when a user operates a FSE. All grease interceptors shall be of a type, design, and capacity approved by the director in accordance with the FOG policy and shall be readily and easily accessible for maintenance and repair, including cleaning and for county inspection. All grease interceptors shall be serviced and emptied of accumulated waste content as required in order maintaining minimum design capability or effective volume of the grease interceptor. At a minimum, the FOG policy shall require:

(a) A minimum hydraulic retention time of 24 minutes at actual peak flow between the influent and effluent baffles, with 25 percent of the total volume of the grease interceptor being allowed for any food-derived solids to settle or accumulate and floatable grease derived materials to rise and accumulate.

(b) Removal of any accumulated grease and solids as required, but at intervals of not longer than 30 days at the user's expense, or in accordance with a valid program modification or other director's requirements.

(c) Operate and maintain the grease interceptor to achieve and consistently maintain fats, oils, and grease in the interceptor.

(d) External underground grease interceptors shall be used unless a variance is granted.

(e) The use of biological or other additives as a grease degradation or conditioning agent is permissible only upon prior written approval of the director. The use of automatic grease removal systems is permissible only upon prior written approval of the director.

(f) The director may make determinations of grease interceptor adequacy need, design, appropriateness, application, location, modification(s), and conditional usage based on review of all relevant information regarding grease interceptor performance, facility site and building plan review by all regulatory reviewing agencies and may require repairs to, or modification or replacement of grease interceptors.

(g) All FSEs must have a permit setting forth terms and conditions of compliance with this section and the FOG policy. Permit fees are required as set forth in § 52.81.

(2) The user shall maintain a written record of grease interceptor maintenance for three years in form and with information required by the FOG policy. Records will be available for inspection by the director at all times and shall include but are not limited to:

(a) FSE name and physical location;

(b) Date and time of grease interceptor service;

(c) Name of grease interceptor service company;

(d) Established service frequency and type of service: Full pumpout, partial pumpout, on-site treatment (type of

nature of operations);

(e) Number and size of each grease interceptor serviced at FSE location;

(f) Approximated amount, per best professional judgement of contract service provider, of grease and solids removed from each grease interceptor;

(g) Destination of removed wastes, food solids, and wastewater disposal;

(h) Signature and date of FSE and grease hauler confirming service completion;

(i) Such other information as required by director.

(3) Access manholes shall have an installed diameter of 24 inches, a maximum weight of 50 pounds, and shall be provided over each chamber, interior baffle wall, and each sanitary tee. The access penetrations, commonly referred to as "risers" into the grease interceptor shall also be, at a minimum, 24 inches in diameter. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and wastewater sampling activities.

(4) A user may request a modification or variance to the following requirements of this ordinance. Such request for a variance shall be in writing and shall provide the information set forth below along with any other information required by the FOG policy.

(a) The user's grease interceptor pumping frequency, maintenance, or service procedures. The director may modify the 30-day grease interceptor pump out frequency or other service procedures when the user provides data, and performance criteria relative to the overall effectiveness of a proposed alternate and such can be substantiated by the director.

(b) *External underground interceptor.* If conditions exist on the establishment site that limit the ability to locate an external underground grease interceptor, the user may request a variance for interior location for the interceptor. Such request shall explain the facts justifying the interior location and suggested ways to accomplish the goals of the ordinance codified herein. The user shall set forth the location of county sewer main and easement in relation to available exterior space outside building along with the existing plumbing layout at or in a site.

(c) Any variance must be approved by the director in written form before implementation by the user or the user's designated service provider along with any special terms and conditions. The user shall pay variance fees as set forth in the fee schedule.

(D) *Fines and reinspection fees.* In addition to any fine or penalty authorized by the County Code and applicable law (including but not limited to EPA's Streamlining Rule, S.C. Code Ann. Regs. 61-9), the director may impose fines upon violators of this section and the FOG policy for amounts set forth in § 52.81. Violators are also responsible for all remediation and clean-up costs. Failure to comply with the provisions of this code, may ultimately result in the termination of water and sewer service.

(E) *FOG policy.* Through the ordinance codified herein, York County Council adopts the FOG policy, which may contain requirements and enforcement mechanisms in addition to those provided in the ordinance codified herein. The director is authorized to amend the FOG policy, provided that any major amendments shall be approved by County council.

(F) Notwithstanding the fees and penalties described in division (D) and the FOG policy, York County may enforce the FOG ordinance and recover damages resulting from non-compliance through any means available in law or in equity.

(Ord. 119, passed 1-7-19)

§ 52.81 FAT, OIL, AND GREASE CONTROL FEES AND CHARGES.

Annual grease discharge permit	\$0.00
Variance fee	\$0.00
First reinspection (violation) fee	\$250.00
Successive reinspection (violation) fee	\$500.00

(Ord. 119, passed 1-7-19)

§ 52.99 CIVIL PENALTIES.

(A) Any person who violates any provisions of this chapter which no other specific penalty applies shall be subject to the penalty set forth in § 10.99.

(B) (1) Any user who is found to have violated an order of YCWSD, County Council or POTW, or who willfully or negligently failed to comply with any provision of this chapter and the rules, regulations and permits issued hereunder, shall be subject to a civil penalty not to exceed \$2,000 per day. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. The civil penalties shall be imposed using the procedure set forth in S.C. Code § 6-11-85, as amended, and in SCDHEC Regulation 6-72. In addition to the penalties provided herein, YCWSD and the POTW

may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit-at-law against the person found to have violated this chapter or the orders, rules, regulations and permit issued hereunder.

(2) YCWSD and the POTW may recover all reasonable costs associated with the violation and/or the enforcement action to include, but not be limited to, costs for correcting problems in their respective sewer systems or treatment plants caused by the violations, costs for sampling and analysis, staff personnel manpower requirements, and all other costs determined by YCWSD or the POTW to be related to the violation and/or enforcement action.

(3) The amount of the penalty may be increased up to the maximum allowed according to the severity of the violation, the impact on the sewer systems or treatment plants, and the effect on receiving streams.

(Ord. 102, passed 1-21-02)

CHAPTER 53: WATER

Section

General Provisions

- 53.01 Definitions
- 53.02 Water system operation
- 53.03 Application for water services

Service

- 53.15 Meters set by YCWSD
- 53.16 Repairs to service connections at YCWSD expense; exceptions
- 53.17 Property line cut-off valve
- 53.18 Private fire protection lines to have a cut-off valve
- 53.19 Deposit required; refund provided
- 53.20 Authorized meter removal, yoke removal and other water service termination actions
- 53.21 Duty of occupant of premises when ordering water turned on
- 53.22 Turn-on transferring accounts
- 53.23 Turning water on and off at water distribution mains; county not liable for damages; YCWSD to notify customers

Regulations

- 53.35 Removal of water service fixtures prohibited; exceptions
- 53.36 Separate meter for each property owner required; exception
- 53.37 Interference with the water distribution system prohibited; exception
- 53.38 Unauthorized turning on of water after turn-off by YCWSD
- 53.39 Removal of meter
- 53.40 Fire hydrants; authorized users; permit required for private user
- 53.41 Damage to public fire hydrants, water meters, meter boxes, valve boxes, meter boxes in driveways or any other elements of the YCWSD water system
- 53.42 Private fire hydrants to be used only in case of fire; penalty
- 53.43 Cross-connection; control

Rates, Fees and Charges

- 53.55 Charges for making service connections
- 53.56 Schedule of water rates
- 53.57 Bills mailed or delivered
- 53.58 Delinquent fees and charges; conditions; notice; appeals; meter removal

- 53.59 Specific delinquent charges
- 53.60 Collection of delinquent charges
- 53.61 Procedure in case of delinquent customer vacating premises
- 53.62 Charges and collection of charges for water service termination actions
- 53.63 Complaints of excessive water and/or sewer charges
- 53.64 Charges for testing meters and fixtures
- 53.65 Charges for water used without prior knowledge of YCWSD
- 53.66 Charges will accrue until YCWSD is notified to cut off service

GENERAL PROVISIONS

§ 53.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMERCIAL WATER USERS. Those customers who desire water service for commercial use or for use in the transaction of their business.

CROSS-CONNECTION. A connection between a piping system carrying a potable public water supply and any secondary piping system, institutional, private or public, carrying a water supply from a source distinct from that of the potable public supply.

LATE PAYMENT-FIXED. The customer service cost for processing a delinquent account listed on a delinquent account register.

LATE PAYMENT-VARIABLE. The cost of carrying outstanding balances in customer accounts.

METER REMOVAL. The physical removal of the meter from the connections inside the meter box.

TEMPORARY WATER USERS. Those water customers who are not the owners of the premises served and who desire water service for less than six months annually and for a given period of time.

TURN-OFF. The physical turn-off of the meter in the meter box.

TURN-OFF AT MAIN. The physical disconnection of the water line at the water main.

TURN-ON. The physical turn-on of the meter in the meter box.

YOKE REMOVAL. The physical removal of the yoke located inside the meter box, that is used to secure the inlet and outlet pipes for meter installation.

('77 Code, § 7-140) (Ord. 1585, passed 10-21-85)

§ 53.02 WATER SYSTEM OPERATION.

The water treatment facilities and water distribution system shall be operated as, and considered to be, a single, integrated system. The amount necessary to meet the annual interest payable on the debt incurred for construction for the water system, the amount necessary for the amortization of the debt, and the amount necessary for repairs, maintenance and operation of the system shall comprise the minimum rate for water service collected by the county.

('77 Code, § 7-141) (Ord. 1585, passed 10-21-85)

§ 53.03 APPLICATION FOR WATER SERVICES.

Water service connections will be made to premises abutting on streets having county water mains in accordance with the policies and procedures adopted by the county for the administration, operation and extension of the county water and sewer systems. The owner, lessee or authorized agent of the property to be benefitted shall make application to the water and sewage department, and upon compliance with all requirements of the water and sewage department, and upon approval of the application, the service connections may be permitted in accordance with county policies, procedures and requirements.

('77 Code, § 7-142) (Ord. 1585, passed 10-21-85)

SERVICE

§ 53.15 METERS SET BY YCWSD.

Meters are part of the service in supplying water, and will be set by YCWSD according to the rules and regulations of the department.

('77 Code, § 7-143) (Ord. 1585, passed 10-21-85)

§ 53.16 REPAIRS TO SERVICE CONNECTIONS AT YCWSD EXPENSE; EXCEPTIONS.

After the service connection and meter cost has been paid by the property owner, YCWSD will keep the service in repair from the main up to, but not including the property line cut-off valve, thereafter. There will be no further expense to the property owner or tenant, except that in case of malicious damage by the owner or tenant, or in case of damage caused by hot water being forced from the premises through the meter from boilers, hot water tanks, and the like, the property owner or tenant shall pay the cost of repairs.

('77 Code, § 7-145) (Ord. 1585, passed 10-21-85)

§ 53.17 PROPERTY LINE CUT-OFF VALVE.

(A) A cut-off valve will be placed by YCWSD at the time of making a complete service connection at the property line, or right-of-way line. This valve is to be under the control of the owner or tenant and is to be used in case of a break, or other necessity, whereby pipes to be repaired can be cut off without using the YCWSD curb cut-off valve located in the meter box.

(B) This is not intended to take the place of the ordinary stop and waste valve located within the premises for the purpose of draining the pipes to prevent damage from freezing.

('77 Code, § 7-148) (Ord. 1585, passed 10-21-85)

§ 53.18 PRIVATE FIRE PROTECTION LINES TO HAVE A CUT-OFF VALVE.

Private fire protection lines that cross unoccupied ground to reach the object to be protected shall have a cut-off valve placed at the property line or at the right-of-way line where the connection is to be made.

('77 Code, § 7-149) (Ord. 1585, passed 10-21-85)

§ 53.19 DEPOSIT REQUIRED; REFUND PROVIDED.

(A) (1) A cash deposit is required from all temporary and commercial users in an amount equal to the estimated charge for two months of water service.

(2) The estimate made of the required cash deposit shall be final and shall be the cash deposit required from the temporary or commercial user.

(3) All water and/or sewer users, except as described as temporary or commercial users, shall be required to pay a cash deposit as described in the schedule of current rates, fees and charges. In the event that any user fails to pay the amount due for water and/or sewer service according to the requirements of county ordinances, YCWSD shall have the right, without further notice to the user, to discontinue service to the user and charge against the deposit the amount due.

('77 Code, § 7-151)

(B) (1) A deposit as provided by the county ordinances shall be required of customers before water will be turned on. This is held by YCWSD to the credit of the customer making the deposit as a guarantee that the water and sewer bill will be paid.

(2) After proper notice to cut the water off has been given to the water and sewer accounts billing office, the deposit will be applied to the depositor's account balance.

('77 Code, § 7-152)

(Ord. 1585, passed 10-21-85)

§ 53.20 AUTHORIZED METER REMOVAL, YOKE REMOVAL AND OTHER WATER SERVICE TERMINATION ACTIONS.

YCWSD is authorized to take the following action:

(A) The physical removal of a meter following unauthorized turn-on by a customer;

(B) The physical removal of a meter assigned to a designated service in the system but found in another service;

(C) The physical removal of any unauthorized device (such as, straight piece of pipe) used to obtain water service along with the yoke;

(D) The disconnection of the service connection at the main to prevent the customer from installing unauthorized yokes, meter, pipes and other devices in order to obtain water service.

('77 Code, § 7-160) (Ord. 1585, passed 10-21-85)

§ 53.21 DUTY OF OCCUPANT OF PREMISES WHEN ORDERING WATER TURNED ON.

Any customer ordering water to be turned on should verify that all pipes are properly connected and faucets closed, so that the building or dwelling will not be flooded. Neither the county nor YCWSD will be liable for any damages caused by flooding when faucets or openings are not closed.

('77 Code, § 7-166) (Ord. 1585, passed 10-21-85)

§ 53.22 TURN-ON TRANSFERRING ACCOUNTS.

A customer desiring either to turn on or transfer service from one service location to another will be turned on or transferred for a service charge, as set forth in the schedule of current rates, fees and charges for the specific charge amount.

('77 Code, § 7-168) (Ord. 1585, passed 10-21-85)

§ 53.23 TURNING WATER ON AND OFF AT WATER DISTRIBUTION MAINS; COUNTY NOT LIABLE FOR DAMAGES; YCWSD TO NOTIFY CUSTOMERS.

The county or YCWSD will not be liable for any damage that may result from shutting off the water main or service for any purpose, even in cases where no notice is given, and accordingly, no deduction from water bills will be made. If the stoppage of the water supply to a customer may cause damage, the customer shall install protective devices to prevent damage during any period that water is turned off. YCWSD shall attempt to notify the customers when water will be turned off, except in cases of emergencies.

('77 Code, § 7-169) (Ord. 1585, passed 10-21-85)

REGULATIONS

§ 53.35 REMOVAL OF WATER SERVICE FIXTURES PROHIBITED; EXCEPTIONS.

(A) When water is introduced into any property or premises by YCWSD, the water service fixtures become a permanent improvement in the same manner as paving, curbing, sidewalks, sewer connections, and the like. The water service fixtures belong to the property for which they are placed and will not be transferred from the property to which they have been assigned, but are under the control of YCWSD.

(B) YCWSD may, in the discretion of the director, replace existing meters, service connections or other fixtures with meters, service connections or other fixtures of equal, or greater, capacity or efficiency.

(C) Should the use of water through service connections be discontinued, or a "partial service connection" remain unused, YCWSD, in the discretion of the director, may remove the meter, service connection and other water service fixtures, or discontinue the availability of the "partial service connection."

(D) When water is introduced into any property or premises by YCWSD, meter and service connection shall not be removed or transferred, except by special permission of the director.

('77 Code, § 7-146) (Ord. 1585, passed 10-21-85)

§ 53.36 SEPARATE METER FOR EACH PROPERTY OWNER REQUIRED; EXCEPTION.

(A) Property owned by separate parties must have separate water service where each piece of property has a city main accessible for a connection. YCWSD shall not be required to furnish water service unless the property is in compliance with the requirements of this section.

(B) The joint use of water, by separate property owners through one service connection will be allowed only where no water main is accessible to all of the property.

(C) When multiple properties owned by the same party are supplied through the same meter, the owner shall be responsible for paying the charges for water and sewer service, if any, in accordance with applicable rules and regulations.

(D) When multiple properties owned by the same party are supplied through the same meter and, afterwards, part of the property is sold, the parcel sold must be disconnected from the supply and a separate meter installed, if the property sold is to be supplied with YCWSD water. Properties under the same ownership will be supplied through one service connection only when they are adjoining.

('77 Code, § 7-147) (Ord. 1585, passed 10-21-85)

§ 53.37 INTERFERENCE WITH THE WATER DISTRIBUTION SYSTEM PROHIBITED; EXCEPTION.

It shall be unlawful for any unauthorized person to operate or damage by interference and/or meddling with the valves on the street mains, the curb cut-off valve or any other part of the water distribution system. Plumbers may, in case of an accident, shut off water at the curb cut-off valve, but shall notify YCWSD immediately of the action.

('77 Code, § 7-150) (Ord. 1585, passed 10-21-85) Penalty, see § 10.99

§ 53.38 UNAUTHORIZED TURNING ON OF WATER AFTER TURN-OFF BY YCWSD.

If the water has to be cut off from any premises by YCWSD for nonpayment of a bill or bills, or for any other cause authorized by this chapter, it shall be unlawful for a customer or user to restore service by a turn-on or by installing unauthorized devices or directing or permitting the installation of unauthorized devices to restore service.

('77 Code, § 7-159) (Ord. 1585, passed 10-21-85) Penalty, see § 10.99

§ 53.39 REMOVAL OF METER.

No meter shall be removed or disturbed by anyone except authorized YCWSD personnel.

('77 Code, § 7-167) (Ord. 1585, passed 10-21-85) Penalty, see § 10.99

§ 53.40 FIRE HYDRANTS; AUTHORIZED USERS; PERMIT REQUIRED FOR PRIVATE USER.

(A) Public fire hydrants and water therefrom are primarily for the use of the fire department to render fire protection service. YCWSD personnel are authorized to operate and use hydrants without special permission for inspection, repairs, flushing mains or other reasonable and proper use required by YCWSD operations. The employees of any fire department are authorized to operate and use hydrants without special permission for inspection, repairs, fire protection or other reasonable and proper use required by the operations of the fire department.

(B) Any person may shut-off a fire hydrant opening in order to stop a flow of water caused by an accident. It shall be unlawful for any other person to use a fire hydrant for any purpose except by a special permit issued by YCWSD.

(C) Fire hydrants shall be constructed on all extensions of the county water system in accordance with the provisions of § 51.17, as amended.

('77 Code, § 7-170) (Ord. 1585, passed 10-21-85; Am. Ord. 5795, passed 11-6-94) Penalty, see § 10.99

§ 53.41 DAMAGE TO PUBLIC FIRE HYDRANTS, WATER METERS, METER BOXES, VALVE BOXES, METER BOXES IN DRIVEWAYS OR ANY OTHER ELEMENTS OF THE YCWSD WATER SYSTEM.

(A) It shall be unlawful for any person to break, damage or cause to be broken or damaged, any public fire hydrant, water meter, meter box, valve box or any other element of the YCWSD system. In addition to any applicable penalties for violating this section, the person shall pay the reasonable cost for any necessary repairs.

(B) If any of the above-mentioned structures are broken or damaged by accident or otherwise, it shall be the duty of the person causing the damage to report the location and description of the damage to the sheriff's office and YCWSD. Failure to make the report shall be unlawful.

(C) If a driveway is constructed over an existing meter box, YCWSD shall replace the meter box with a heavy duty meter box or relocate the service at the customer's expense.

('77 Code, § 7-171) (Ord. 1585, passed 10-21-85) Penalty, see § 10.99

§ 53.42 PRIVATE FIRE HYDRANTS TO BE USED ONLY IN CASE OF FIRE; PENALTY.

Private fire hydrants or any other fire protection fixtures on unmetered services located on private premises to secure lower insurance rates shall not be used except in case of fire. Any person violating this section shall pay the charge for any water used or obtained, in addition to any applicable penalty.

('77 Code, § 7-172) (Ord. 1585, passed 10-21-85) Penalty, see § 10.99

§ 53.43 CROSS-CONNECTION; CONTROL.

(A) No individual shall cause or permit a cross-connection to be made without the prior written approval of YCWSD.

(B) Cross-connection control and plumbing inspections on the premises of customers are regulatory in nature and should be handled through rules, regulations and recommendations of the health authority or the plumbing code enforcing agencies having jurisdiction in the YCWSD service area. If YCWSD becomes aware of any situation requiring inspection necessary to detect hazardous conditions resulting from cross-connections and if YCWSD finds that effective measures consistent with the degree of hazard have not been taken by the regulatory agency, then YCWSD shall require the customer to install a cross-connection control device, consistent with the degree of hazard, at a specific location designated by YCWSD in the customer's on-premises water system. If the customer fails to install the device in a timely manner as directed by YCWSD, water and sewer service to the customer shall be terminated.

('77 Code, § 7-173) (Ord. 1585, passed 10-21-85)

RATES, FEES AND CHARGES

§ 53.55 CHARGES FOR MAKING SERVICE CONNECTIONS.

(A) For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMPLETE SERVICE CONNECTION. Connection to water main, service line complete to the owner's property line, to include cut-off valve and valve box at the owner's property line and shall also include a meter, meter yoke, meter box and other required appurtenances.

PARTIAL SERVICE CONNECTION. Connection to water main, service line to the point of future meter location and shall include meter box and other required appurtenances.

(B) The charges for making service connections of sizes four inches or smaller shall be arrived at in accordance with the water and sewer rate methodology set forth in the county ordinance to establish rates and charges for water and sewer services and the rules, regulations, policies and procedures of the county.

(C) The charges for making partial service connections 3/4-inch size, shall be calculated and applied in the same manner as service connections described above.

(D) The charges for making complete service connections at sizes larger than four inches shall be made as follows: at the time of application for a service connection, a design study will be scheduled and made to determine the cost of construction, materials, meter, valves and required appurtenances to furnish the service applied for. Payment of the determined cost is required prior to the start of any construction work by YCWSD.

(E) The applicant shall designate with a marker the location of the water service connection along the street right-of-way within the boundaries of his or her property prior to the beginning of the work. The location may not be within a driveway.

(F) The applicant or customer shall not operate or disturb any part of the water service located outside the cut-off at the property line. All fixtures within the owner's premises must be kept in repair by the customer or property owner.

('77 Code, § 7-144) (Ord. 1585, passed 10-21-85)

§ 53.56 SCHEDULE OF WATER RATES.

Meters will be read monthly and water furnished shall be paid for according to the county's schedule of current rates, fees and charges. A monthly minimum fixed customer charge for the provision of basic services applies to all accounts even if no water services are used.

('77 Code, § 7-153) (Ord. 1585, passed 10-21-85)

§ 53.57 BILLS MAILED OR DELIVERED.

A water and/or sewer bill will either be sent through the United States mail or delivered by an alternate method notifying all customers of the amount of the bill, the date payment is due and date when past due. Failure to receive a bill is not justification for nonpayment.

('77 Code, § 7-154) (Ord. 1585, passed 10-21-85)

§ 53.58 DELINQUENT FEES AND CHARGES; CONDITIONS; NOTICE; APPEALS; METER REMOVAL.

(A) Any account not paid within 30 days of the billing date, will be considered delinquent and will be assessed a 1.5% late payment charge.

(B) If, at the time of the next billing, the account has an unpaid balance, a delinquent notice will be enclosed with the next bill to the customer.

(1) If the account has an unpaid balance and is past due, a 1.5% late charge will be added to the account calculated as follows: the unpaid balance forward multiplied by the late charge percentage.

(2) If the customer believes the amount of the bill is incorrect or excessive, then he or she has the right to call or appear in person at the water and sewer accounts billing office between 8:00 a.m. and 5:00 p.m. weekdays to discuss the bill with an employee of that office. If it is determined that the amount of the bill is in error, an adjustment will be made accordingly.

(3) If the customer does not inform the water and sewer accounts billing office of any complaint concerning the accuracy of the bill, and if the customer does not pay the bill within ten days from the most recent bill date, water service may be cut off after notice of intent to terminate service is given. A turn-on charge and fixed delinquent charge may be levied and must be paid in addition to all outstanding water and sewer charges, before the water will be turned on again.

(C) If the account includes the current bill with two or more months' bills brought forward and the meter is removed, a final bill is sent on the account just as though the customer has moved and requested discontinuance of service. To restore service the customer may be required to pay any one or all, if necessary, of the following: a new deposit charge, late payment charges (fixed and variable), turn-off in box fee, meter removal fee and all outstanding bills.

('77 Code, § 7-155) (Ord. 1585, passed 10-21-85)

§ 53.59 SPECIFIC DELINQUENT CHARGES.

Delinquent charges shall be computed in accordance with the county's policies and procedures.

('77 Code, § 7-156) (Ord. 1585, passed 10-21-85)

§ 53.60 COLLECTION OF DELINQUENT CHARGES.

Charges shall accrue for each occurrence and shall be paid in addition to all outstanding water and sewer charges, including final billed amounts, before the water will be turned on and service restored.

('77 Code, § 7-157) (Ord. 1585, passed 10-21-85)

§ 53.61 PROCEDURE IN CASE OF DELINQUENT CUSTOMER VACATING PREMISES.

In cases where a customer has vacated the premises leaving unpaid water or sewer bills, he or she will not be furnished

water or sewer service elsewhere until the bills have been paid.

('77 Code, § 7-158) (Ord. 1585, passed 10-21-85)

§ 53.62 CHARGES AND COLLECTION OF CHARGES FOR WATER SERVICE TERMINATION ACTIONS.

The charges for any action taken by YCWSD pursuant to this subchapter are set forth in the schedule of current rates, fees and charges. The collection of these charges shall be in accordance with county policies and procedures.

('77 Code, § 7-161) (Ord. 1585, passed 10-21-85)

§ 53.63 COMPLAINTS OF EXCESSIVE WATER AND/OR SEWER CHARGES.

(A) A customer having a grievance or complaint that a bill is excessive, must file written or verbal notice with the water and sewer accounts billing office. All billing errors will be corrected and any overcharge will be refunded.

(B) If leaks are found in the customer's plumbing and YCWSD finds that leaky pipes or fixtures caused the excessive bill, an allowance or rebate will be made for half the excess for no more than two months, after evidence has been produced indicating that the leak has been stopped.

(C) If the cause of the excessive bill cannot be located in the clerical or mechanical works of YCWSD, the complaint may be referred to the county manager and Council.

('77 Code, § 7-162) (Ord. 1585, passed 10-21-85)

§ 53.64 CHARGES FOR TESTING METERS AND FIXTURES.

YCWSD shall test or cause to be tested, and make a thorough examination of the water meter and all fixtures when so desired by the customer under the following conditions:

(A) Should the test or inspection prove the excessive bill to be caused by negligence of YCWSD, inaccuracy of the meter or for any cause be the fault of YCWSD, then the expense of the investigation shall be borne by YCWSD;

(B) Should the test and inspection prove the excessive bill to be the fault of the customer or any person not connected with or in the employ of YCWSD, then the actual cost of the investigation is to be borne by the customer requesting the test and inspection.

('77 Code, § 7-163) (Ord. 1585, passed 10-21-85)

§ 53.65 CHARGES FOR WATER USED WITHOUT PRIOR KNOWLEDGE OF YCWSD.

(A) If water has been obtained without the actual knowledge of YCWSD, a bill will be made against the user or customer for the estimated amount of water used or for the quantity shown to have been used by the meter. If the water was obtained through any unauthorized meter or device, the service may be terminated immediately.

(B) In the case of a stopped, broken or damaged meter that has not registered actual usage of water, an estimated bill will be calculated based on prior usage. In the case of no prior usage history, an estimated bill will be calculated based on a similar type of consumer. The water and sewer accounts billing office may establish a schedule for payment of the bill, if the customer is not able to pay the bill in full.

('77 Code, § 7-164) (Ord. 1585, passed 10-21-85)

§ 53.66 CHARGES WILL ACCRUE UNTIL YCWSD IS NOTIFIED TO CUT OFF SERVICE.

Water being cut off by anyone other than YCWSD personnel does not relieve the customer from paying for water and/or sewer service. Charges for water and/or sewer service will be calculated and collected until YCWSD is notified either in writing or in person to cut off water service.

('77 Code, § 7-165) (Ord. 1585, passed 10-21-85)