

**JAMES ISLAND PUBLIC SERVICE DISTRICT**  
**WASTEWATER COLLECTION SYSTEM**  
**USE AND RATE ORDINANCE**



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**David J. Hoffman, Jr., Wastewater Superintendent**

*Adopted: 2-22-10*

**JAMES ISLAND PUBLIC SERVICE DISTRICT  
ORDINANCE NO. 2010-001**

**AN ORDINANCE REGULATING THE USE OF WASTEWATER, INSTALLATION AND CONNECTION OF BUILDING SEWERS, DISCHARGE OF SEWAGE INTO PUBLIC SEWER, AND THE RATES AND FEES THEREFOR**

**WHEREAS**, The James Island Public Service District (the "District") was formed under Act Number 498 of the 1961 General Assembly of the State of South Carolina (the "Act"); and

**WHEREAS**, Section 5 of the Act gives authority to implement certain rules and regulations in connection with the use, installation, connection and discharge into the wastewater system; and

**WHEREAS**, Section 5 of the Act also gives authority to place into effect and to revise, whenever it so wishes or may be required, a schedule of rates and charges for the use of its wastewater system.

**NOW, THEREFORE, BE IT ORDERED AND ORDAINED** by the James Island Public Service District Commission, in a meeting duly assembled:

**Section 1.**

The Use and Rate Ordinance presented is hereby adopted by reference.

**Section 2.**

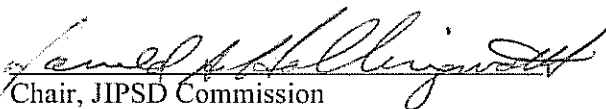
The schedule of wastewater rates and fees is hereby amended and adopted as attached hereto in Appendix A.

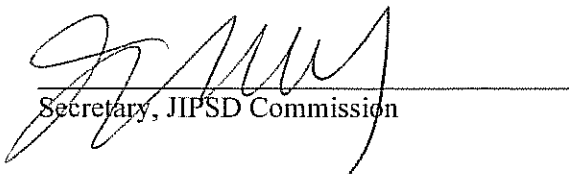
**Section 3.**

Should conflicts arrive between this and any preceding ordinances or resolutions, this ordinance shall prevail with respect to the conflicting sections.

**Section 4.**

This Ordinance shall become effective upon Second Reading.

  
Chair, JIPSD Commission

  
Secretary, JIPSD Commission

(SEAL)

First Reading: 1/25/2010 Second Reading: 2/22/2010

**TABLE OF CONTENTS**

	<u>Page</u>
<b>ORDINANCE</b>	<b>2</b>
<b>CHAPTER 1</b>	<b>GENERAL PROVISIONS</b>
<b>SECTION 1.1</b>	<b>DEFINITIONS</b> 4
<b>SECTION 1.2</b>	<b>PENALTIES</b> 8
<b>SECTION 1.3</b>	<b>VALIDITY</b> 8
<b>CHAPTER 2</b>	<b>MANDATORY PROVISIONS</b>
<b>SECTION 2.1</b>	<b>USE OF PUBLIC SEWERS REQUIRED</b> 9
<b>SECTION 2.2</b>	<b>EXTENSION OF PUBLIC SEWERS</b> 9
<b>SECTION 2.3</b>	<b>NEW OR CHANGE-IN-USE CUSTOMER</b> <b>SERVICE REQUIREMENTS</b> 10
<b>SECTION 2.4</b>	<b>SERVICE CONNECTIONS</b> 10
<b>SECTION 2.5</b>	<b>SEWER SERVICE LATERAL</b> 11
<b>SECTION 2.6</b>	<b>APPLICABLE STANDARDS</b> 12
<b>SECTION 2.7</b>	<b>SERVICE PROBLEM NOTIFICATION</b> <b>AND RESPONSIBILITY</b> 12
<b>SECTION 2.8</b>	<b>WASTEWATER PRETREATMENT</b> <b>REQUIREMENTS</b> 13
<b>SECTION 2.9</b>	<b>RIGHT OF ACCESS</b> 14
<b>CHAPTER 3</b>	<b>PROHIBITIONS</b>
<b>SECTION 3.1</b>	<b>DISPOSAL</b> 15
<b>SECTION 3.2</b>	<b>DISCHARGE</b> 15
<b>SECTION 3.3</b>	<b>PRIVATE WASTEWATER DISPOSAL</b> 15
<b>SECTION 3.4</b>	<b>UNAUTHORIZED CONSTRUCTION</b> 15
<b>SECTION 3.5</b>	<b>PROHIBITED WASTES</b> 16
<b>SECTION 3.6</b>	<b>REGULATED WASTEWATERS</b> 17
<b>SECTION 3.7</b>	<b>CONSEQUENCES OF DISCHARGE OF</b> <b>PROHIBITED OR REGULATED WASTES</b> 18
<b>CHAPTER 4</b>	<b>FEEES AND CHARGES</b>
<b>SECTION 4.1</b>	<b>GENERAL</b> 19
<b>SECTION 4.2</b>	<b>SEWER CONNECTION FEES</b> 19
<b>SECTION 4.3</b>	<b>SERVICE CHARGES</b> 20
<b>SECTION 4.4</b>	<b>BILLING</b> 21
<b>SECTION 4.5</b>	<b>CHANGE-IN-USE FEE</b> 21
<b>SECTION 4.6</b>	<b>INSTALLMENT PAYMENTS</b> 21
<b>SECTION 4.7</b>	<b>NON COMPLIANCE</b> 21
<b>SECTION 4.8</b>	<b>APPEALS</b> 22
<b>APPENDIX A</b>	<b>RATE AND FEE SCHEDULE</b> 23

## CHAPTER 1

### GENERAL PROVISIONS

#### SECTION 1.1 DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- 1.1.1 BUILDING:** Any structure on any property discharging sewage.
- 1.1.2 BUILDING DRAIN:** That part of the lowest horizontal piping of an internal plumbing system which discharges sewage from within the walls or floors of a building and conveys it to the Building Sewer.
- 1.1.3 BUILDING SEWER:** An extension from the building drain, beginning five (5) feet beyond the building wall, extending to service lateral connection.
- 1.1.4 CHANGE-IN-USE:** A change in a customer's land use or business which, in the District's opinion, results in a substantive change in the type or amount of flow into existing wastewater transmission facilities as a result of the change. A change-in-use may result in a fee to the customer.
- 1.1.5 COMMISSION:** The James Island Public Service District Commission, as defined in Act 498 of the Acts of the General Assembly for the year 1961 and subsequent acts amendatory thereof, or any authorized person acting for it. See District and James Island Public Service District.
- 1.1.6 CONTRACTOR:** Any person(s) properly licensed to install sewer systems by the appropriate governmental agency as applicable for the type and magnitude of work to be performed.
- 1.1.7 CWS:** Abbreviation for Charleston Water System.
- 1.1.8 CUSTOMER:** The party, person, firm, corporations, municipality or associates in any premise(s) provided sewer service by the District. Customers are divided into two general categories: residential customers and non-residential customers.
- 1.1.9 DESIGN AND CONSTRUCTION STANDARD MANUAL:** A document containing District Administrative and Technical Review requirements applicable to wastewater systems extension design and construction, inspections, etc. which may be amended from time to time at the discretion of the District.
- 1.1.10 DEVELOPER:** Any person(s) who subdivide(s) a lot or parcel of land into three (3) or more lots.

- 1.1.11 DEVELOPMENT:** Any residential subdivision, mobile home park, real estate development, or any commercial, business, industrial or institutional complex. Any lot of parcel subdivided into three (3) or more lots.
- 1.1.12 DHEC (SCDHEC):** The South Carolina Department of Health and Environmental Control.
- 1.1.13 DISTRICT:** The James Island Public Service District as defined in Act 498 of the Acts of the General Assembly for the year 1961 and subsequent acts amendatory thereof. See James Island Public Service District, and Commission.
- 1.1.14 ERU:** Equivalent Residential Unit. One ERU is equal to 400 gallons per day of sewage flow.
- 1.1.15 FIXTURE UNIT:** A unit measuring the rate of water flow, equal to one cubic foot of water per minute.
- 1.1.16 GREASE TRAP/INTERCEPTOR:** A device that is utilized to effect the separation of grease and oils in wastewater effluents primarily from food service establishments, but may be required in other instances. Such traps or interceptors may be of the outdoor underground type or the under the counter package, with the type required being dictated by the amount of grease being produced.
- 1.1.17 IMPACT FEE:** A non-recurring, non-refundable fee charged to a customer to assist the District in paying for major capital buildings to wastewater collection and transmission facilities.
- 1.1.18 MAIN:** Generally, those public sewers owned, operated and maintained by the District whose primary function is to transport sewage, as compared to public sewers and sewer service laterals whose primary function is to collect sewage at the point-of-service connection with an individual customer service line.
- 1.1.19 NATURAL OUTLET:** Any discharge into a water course, pond, ditch, lake, wetland, or other body of surface or groundwater.
- 1.1.20 NEW ACCOUNT FEE:** The new account fee covers the costs of labor, material and computer time curing the application process.
- 1.1.21 NON RESIDENTIAL CUSTOMER:** Any customer that does not qualify as a residential customer.
- 1.1.22 OWNER(S):** The person(s), firm(s), partnership(s), corporation(s), association(s) having an ownership interest, whether legal or equitable, sole or only partial, in any premise which is or is about to be supplied with sewer service by the District.
- 1.1.23 PERMIT AND INSPECTION FEE:** A non-recurring, non-refundable, one-time fee charged to a new customer to assist the District in processing a service

connection application and for inspection of the service connection to public sewers owned by the District.

- 1.1.24 PREMISES:** A division of a property or building that is devoted to the exclusive use of one household, family, or establishment and having a separate and distinct entrance, and complete privacy from the remaining portions of the building or property.
- 1.1.25 PUBLIC SEWER:** A sewer located within a public right-of-way or sewer easement which is owned, operated and maintained by the District.
- 1.1.26 RATE:** The term rate as used in this Ordinance shall mean and include every compensation, charge, rental, classification, or availability fee, or any combination thereof, including impact fees, service connection fees, or other one-time nonrecurring charges demanded, observed, charged, or collected by the District for any sewer service provided to the public customer, and any rules and regulations, practices or contracts affecting any such compensation, charge, rental or customer classification.
- 1.1.27 RESIDENTIAL CUSTOMER:** Customer who uses the building as a permanent or temporary residence and does not regularly conduct business from the structure.
- 1.1.28 SANITARY SEWER:** Infrastructure which transmits residential, commercial, or industrial waste. Storm, surface and groundwater are not permitted.
- 1.1.29 SERVICE AREA:** The geographical area designated as the James Island Public Service District by legislative action under its enabling statutes inclusive of all public sewers, mains, collection and transmission facilities, and appurtenant components therein and inclusive of any areas served as a result of contract or consent order.
- 1.1.30 SERVICE CONNECTION:** See Sewer Service Lateral.
- 1.1.31 SERVICE CONNECTION FEE:** The sewer tap fee represents to the payee a permanent reservation of wastewater collection system capacity and a right to discharge sewage into the wastewater collection system, subject to the ordinances of the District.
- 1.1.32 SERVICE CONTINUANCE FEE:** The service continuance fee is charged to those accounts on the final disconnect list but do not physically get disconnected. Once the line has been disconnected, the account will be charged a service/reconnect fee.
- 1.1.33 SERVICE/RECONNECT FEE:** The wastewater service/reconnect fee has been established to recover costs associated with termination of sewer service due to

nonpayment of monthly charges or other District rule violations should it be necessary to plug the account's sewer line.

- 1.1.34 SERVICE TRANSFER FEE:** The service transfer fee will be charged when transferring an existing account to another account.
- 1.1.35 SEWAGE:** The subset of wastewater that is contaminated with feces or urine, but is often used to mean any wastewater. "Sewage" includes residential, municipal, or industrial liquid waste products disposed of, usually via a pipe or sewer or similar.
- 1.1.36 SEWAGE WORKS:** All facilities for collecting, pumping, treating, and disposing of sewage.
- 1.1.37 SEWER:** A pipe or conduit for carrying sewage.
- 1.1.38 SEWER SERVICE CHARGE:** The monthly charge for sewer collection and transmission service and treatment of wastewater.
- 1.1.39 SEWER SERVICE LATERAL:** A sewer line that connects the customer's building with a District force main or gravity line. The portion of a sewer service lateral within a public right-of-way or easement which begins at the point-of-connection with the customer service lateral line and extends to the public sewer is referred to as the District's service lateral and is the District's responsibility for maintenance and repair. The portion of the service lateral which is upon the customer's property is referred to as the customer's service lateral, and is the customer's responsibility for maintenance and repair. Responsibility for maintenance and repair may shift between the District and the customer depending upon which person or entity caused the need for maintenance and repair.
- 1.1.40 TOTAL SOLIDS:** The sum of suspended matter, settleable matter, and dissolved matter, both volatile and nonvolatile.
- 1.1.41 WASTEWATER:** Any water that has been adversely affected in quality by anthropogenic influence. It comprises liquid waste discharged by residences, commercial properties, industry, and can encompass a wide range of potential contaminants and concentrations. In the most common usage, it refers to the municipal wastewater that contains a broad spectrum of contaminants resulting from the mixing of wastewaters from different sources.

All other words shall be construed as having the meaning defined in Glossary Water and Wastewater Control Engineering, published by the Water Environment Federation, Washington, D.C., or by their general usage if undefined.

## **SECTION 1.2            PENALTIES**

Customers served by District sewers and other persons who fail to comply with this ordinance shall be subject to all penalties available to the District pursuant to law or ordinance, and payment for all damages incurred, by the District as a result of non-compliance.

- 1.2.1**        Building Owners within the District who willfully fail or refuse to comply with this ordinance, after written notice hereof and hearing as required by S.C. Code Ann. S 6-11-285 (1976), as amended from time to time, shall be subject to civil penalties established by the 1961 Enabling Act No. 498 Section 9, District Ordinances, and state and federal statutes and regulations as amended from time to time.
  
- 1.2.2**        The current schedule of penalties established by the District is listed in Appendix A attached and made a part hereof.

## **SECTION 1.3            VALIDITY**

All ordinances or parts of ordinances or regulations in conflict with this ordinance are hereby repealed.

- 1.3.1**        The Commission reserves the right to take immediate, emergency action, as it deems necessary in the interest of public health and safety and further reserves the right to amend this ordinance, in part or in whole. Such right of action will be exercised only in the manner established or prescribed by applicable law including but not limited to public notice as may be required prior to final action.
  
- 1.3.2**        The invalidity of any section, clause, sentence or provision in this ordinance shall not affect the validity of any other section, clause, sentence or provision of this ordinance which can be given effect without such invalid part or parts. It is the intent of the District that all elements contained herein shall be given the fullest effect and validity as allowed by law, and those portions, and only those portions, which have been determined by a court of last resort as contrary to law should be severed, leaving the balance of these provisions in full force and effect.

## CHAPTER 2

### MANDATORY PROVISIONS

#### SECTION 2.1 USE OF PUBLIC SEWERS REQUIRED

The owner(s) of all houses, buildings, buildings to real property or properties used for human occupancy, employment, recreation or other purposes situated within this District which produce or generate sewerage or wastewater, and for which the District has made sewer available is hereby required at the owner's expense to connect directly into public sewer in accordance with provisions of this Ordinance. The building owner shall pay thereafter a sewer service charge at current rates established by the Commission and shall be either a residential or non-residential customer of the District.

##### 2.1.1 EXCEPTION

Where a public sewer is not available as defined by Section 2.1.2, on-site wastewater disposal shall be provided by the use of a septic tank and drain field system which shall be designed, constructed, and permitted pursuant to applicable South Carolina DHEC Regulations.

##### 2.1.2 AVAILABILITY OF PUBLIC SEWER

Sewer service is available where public gravity sewer or force main is within 300 feet of the nearest point of the foundation of any building which generates or produces sewer and it is technically feasible, in the District's sole discretion, to connect the building to the public sewer either by gravity flow or by pumping of sewage from the building to the public sewer.

##### 2.1.3 TIMING OF CONNECTIONS TO PUBLIC SEWER

When public sewer becomes available to a building capable of producing or generating sewerage due to a change-in-use or which has been served by a private septic tank, a direct connection shall be made to the public sewer in compliance with this Ordinance. Connection to public sewer shall be completed within 90 days after written notice from the District to the property owner that sewer is available. Upon connection to the public sewer, the septic tanks and appurtenances, if any, previously serving the building(s) shall be properly abandoned pursuant to applicable SCDHEC Regulations.

#### SECTION 2.2 EXTENSION OF PUBLIC SEWERS

All new sanitary sewer collection and transmission facilities, and extensions to existing sewers located in public streets or dedicated sewer easements installed or installed by others besides the District shall be built in accordance with current District Design and Construction Standards and conveyed to the District by properly recorded legal instruments. New sanitary sewers located on private property constructed or installed by others may be conveyed to the District provided required approvals have been obtained pursuant to current SCDHEC and District standards and

suitable permanent sewer easements are conveyed to the District.

The District will collect a cash bond in the amount of 10% of the value of the water and/or wastewater system(s) as shown on the Project Completion Questionnaire (closeout documentation supplied by the engineer). No bonding certificates will be accepted. The bond will be held for a two-year period, during which time, if repairs or modifications are needed and the developer fails to correct the repairs within the prescribed time, bond funds will be utilized to make the repairs. If the District must utilize any part of the bond funds, the entire amount will be forfeited by the developer. Otherwise, if no bond funds are used, the District will reimburse the bond amount in full.

Warranty Inspection Fees will be collected by the District to cover the costs involved with the operational department's two-year maintenance inspections. This is a non-refundable charge. All project closeout documents and procedures must be in accordance with the District's Sanitary Sewer Design and Construction Standards (Latest Revision).

### **SECTION 2.3 NEW OR CHANGE-IN-USE CUSTOMER SERVICE REQUIREMENTS**

Permits for the construction of building sewers and application for service connections serving new residential, non-residential, or change-in-use customers shall be obtained by the building owner or his agent from the District. The permit application shall be supplemented by plans, detail drawings, specifications or other information considered pertinent in the judgment of the District.

#### **2.3.1 INSPECTION AND CONNECTION**

All persons permitted to install customer service lines shall notify the District when the customer service lateral line is ready for inspection and connection.

- A. Sewer service and billing will begin after final inspection and approval of customer service lateral line by the District.
- B. The District will attempt to make inspections and connections, weather permitting, within three (3) working days after receipt of notice to the Wastewater Department.

### **SECTION 2.4 SERVICE CONNECTIONS**

All connections shall be made in accordance with all District Design and Construction Standards in effect at the time.

## **SECTION 2.5 SEWER SERVICE LATERAL**

There shall be a separate and independent sewer service lateral for every residence or non-residential building capable of producing or generating sewerage, subject to the exceptions described in this section.

### **A. GENERAL**

1. Each customer/owner shall be responsible for the normal routine maintenance and inspection of the customer's sewer service lateral. In addition, the customer is expected to clear the District's sewer lateral where it can be done by normal sewer rodding. Each customer/owner is required at his/her expense to repair/replace the customer's sewer service lateral if found defective by the District during inspections of the sanitary sewer system. The District will give written notification of the defective service lateral to the property owner. Correction of the defect shall be made within sixty (60) days after notification. If the correction has not been made within sixty (60) days following the date of notification, the District shall terminate the sewer service to the residence.
2. Extension – Whenever the customer extends service from an existing main to property that is not immediately adjacent to the utility's right-of-way or the public road that contains the District main, the extension shall be considered a main extension, and the cost shall be the responsibility of the customer. Extensions of service within a customer's property shall be at the cost of the customer. If the District agrees, the customer at his expense may pay for extensions to District facilities to make service available to the property.
3. If a service lateral was installed, and thereafter the location of the road changes such that the service lateral does not extend to the property line, the customer will be responsible for the cost of extending the lateral as needed to supply service.
4. In cases where a lot was platted and a service lateral was not constructed the District will provide a service lateral line to the property line if sewer service is available. In cases where the lot was platted and then subdivided into smaller lots, a service laterals must be provided by the customer.
5. If a service lateral is provided to a lot and it needs to be enlarged, moved or otherwise modified to accommodate the customer, the customer is responsible for all costs associated with such change.
6. Any customer wishing to demolish a building or remove the service lateral from any point into her property shall first obtain a "abandon property permit" from the District. After this line has been capped, joints shall be left exposed and inspected by the District. The District shall approve all construction procedures and specifications relative to capping.

## **B. EXCEPTIONS**

1. Where one or more buildings stand to the rear of another on a single lot and separate customer service lines cannot be constructed to the rear buildings through an adjoining alley, courtyard, utility easement or driveway, the District may grant permission for the building sewer from the front building to be extended to the rear buildings and the whole considered as one building sewer, provided the landowner certifies in writing to the District that buildings so connected will not be later subdivided into separate building lots. The sewer cap will not apply in this case and the owner will be billed in full for the entire wastewater bill unless separate water meters are provided.
2. Existing building sewers may be used to provide service to new buildings subject to examination and testing by the District and provided such existing facilities meet all applicable local and state requirements as well as applicable District requirements.

## **SECTION 2.6 APPLICABLE STANDARDS**

The size, slope, alignment and materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling trenches shall conform to applicable requirements of the International Plumbing Code (Latest Revision) unless District Standards are in conflict with the Code, in which case District Standards take precedence over the Code.

## **SECTION 2.7 SERVICE PROBLEM NOTIFICATION AND RESPONSIBILITY**

Customers experiencing sewer problems shall have the option of either first calling the District or hiring a licensed plumber to investigate the source of the problem. However, the customer shall be solely responsible for payment of a hired plumber's services regardless of the location of the problem. The District shall not assume any responsibility to reimburse the customer for services of a privately-retained plumber.

### **2.7.1 NOTIFICATION**

In response to customer service calls, the District will investigate the condition of the District's service lateral connection within its easement or public right-of-way. If District personnel confirm the proper function of the service connection and/or District sewer service lateral, the District will notify the customer that the problem is not the District's responsibility and that appropriate action must be taken by the customer.

### **2.7.2 INVESTIGATION BY CUSTOMER: PRIVATELY RETAINED PLUMBER**

If a plumber is hired by the customer, he should be instructed to start an investigation at the point

of Service Connection to the District's Sewer Service Lateral. Should the problem be found in the District's Lateral, the plumber shall immediately contact the District which will confirm the situation, and if appropriate, take immediate corrective action.

## **SECTION 2.8 WASTEWATER PRETREATMENT REQUIREMENTS**

Wastewater, other than typical residential strength wastewater as defined in District standards in effect from time to time may require pretreatment as specified by the District. In order for the District to evaluate possible adverse effects of non-residential strength wastewater upon its sewer works and CWS's Treatment Facility, each customer proposing to discharge non-residential strength wastewater shall submit a complete, certified laboratory analysis for all current parameters listed on CWS's Pretreatment Program Headworks Analysis to the District pursuant to Subsection 2.8.3 below.

- 2.8.1** Oil, Grease, Sand and Settable Solids Pretreatment Facilities shall be provided when, in the opinion of the District, they are necessary for the proper treatment of liquid wastes containing oil, grease or other flammable wastes or excessive settleable solids, sand or other similar materials. An origination fee will be charged for each new pretreatment facility. See District's Oil and Grease Management Program.
- 2.8.2** Installation and operation of any commercial/institutional garbage grinder equipped with a motor of 4 horsepower or greater shall be subject to the review and approval of the District.
- 2.8.3** The design and installation of wastewater pretreatment facilities shall be subject to the review and approval of the District in addition to all other applicable regulatory agencies.
- 2.8.4** Pretreatment facilities shall be readily and easily accessible for District inspection and shall be properly cleaned and maintained continuously by the Building Owner at his expense.
- 2.8.5** Grease traps shall be required for all customers having food service operations and/or operations which have the capability to produce wastewater containing oils and grease in excess of 100 mg/l, substances which may solidify or become viscous at temperatures between 32 and 150 degrees F or shredded garbage particles greater than one-half (1/2) inch nominal diameter. All grease trap installations shall be permitted, inspected and approved by the District before final Sewer Service Connection is completed by a licensed plumber or the owner. Grease trap design and construction shall be as required by the District.

## **SECTION 2.9            RIGHT OF ACCESS**

District employees, bearing proper credentials and identification, shall be permitted to enter private property through which the District holds a valid sewer easement for the purposes of, but not limited to inspection, observation, measurements, sampling, repair, and maintenance of any portion of the Sewage Works lying within its easement.

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**CHAPTER 3**  
**PROHIBITIONS**

**SECTION 3.1        DISPOSAL**

It shall be unlawful for any person to place, deposit or permit to be deposited in any unauthorized, illegal manner on public or private property within the District or in any area under the jurisdiction of the District, any human or animal excrement, garbage or other objectionable waste.

**SECTION 3.2        DISCHARGE**

It shall be unlawful to discharge into any watercourse or receiving stream within the District or in any area under the jurisdiction of the District, any sewage or other prohibited or regulated liquid waste except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance and the SCDHEC.

**SECTION 3.3        PRIVATE WASTEWATER DISPOSAL**

It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or disposal of sewage, where public sewers are available.

**SECTION 3.4        UNAUTHORIZED CONSTRUCTION**

No person shall uncover, make any connections to or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the District. No person shall maintain or make cross-connections between roof downspouts, exterior foundation drains, subsurface groundwater drains, or other sources of stormwater run-off or groundwater to a building sewer or customer service lines, which in turn is connected directly or indirectly to a District sewer.

**3.4.1**        Damage to or interference with sewage system property – No person shall break, damage, destroy, uncover, deface, tamper with, alter, or impair any property of the sewage system or substantially interfere with the safe and economical operation and maintenance thereof. Covering, burying, paving over, or otherwise modifying access to sewer system manholes is also prohibited.

No person shall erect, construct or develop nor cause to be erected, constructed or developed, any structure, building, retaining wall, water feature, signage, artifice, building or other physical barrier, including roadway-type surfaces or earthen berms, or make changes to ground surface contours over or upon any part of the sewage system without the prior approval of the Wastewater Superintendent.

If it is the determination of the District that any such structure or building shall hinder or interfere with the safe and economical operation and maintenance of the

sewerage system, including proper access to lines and facilities, then the District shall be authorized to issue directives or take other action to protect the sewage system by ceasing or removing any such structure or building at the expense of the person causing the threat or obstruction, or by requiring at the expense of the system as may be needed for its protection, which would include but not limited to relocation of lines or facilities, encasement of lines or pipe, replacement of the sanitary sewer main, structural armoring for drainage way crossings or similar buildings.

**SECTION 3.5 PROHIBITED WASTES**

**3.5.1** No person shall discharge or cause to be discharged any of the following substances or pollutants into the District’s sewage works. Any person discharging or causing to be discharging prohibited wastes into the District’s sewage works may be subject to fines and penalties as prescribed by the District.

- A. EXPLOSIVE SUBSTANCES:** gasoline, benzene, naphtha, fuel oil, or other petroleum derivative or any other explosive or volatile liquid, solid, or gas.
  
- B. HAZARDOUS WASTE MATERIALS:** pollutants containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes;1) which could or to interfere with or adversely impact any sewage treatment process; 2) to constitute a hazard to humans, or wildlife, or domestic animals; 3) to create a public nuisance or to create an adverse environmental impact upon public waters receiving treated effluent from the CWS Plum Island Wastewater Treatment Facility.
  
- C. CORROSIVE WASTES:** Wastewater having pH less than 6.5 or greater than 8.5, being acid or alkaline in chemical reaction having corrosive properties capable of causing damage or hazard to structures, equipment, and personnel of the sewage works; or any wastewater containing strong acid, iron pickling wastes, or concentrated plating solution whether neutralized or not.
  
- D. OBSTRUCTANTS:** Solids, semi-solids, or viscous substances in quantities and/or of such size to cause obstruction in the flow of sewage or other interference to the proper operation of the sewage works, including, but not limited to, ashes and cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, insufficiently ground garbage, whole or paunch manure, hair and fleshlings, plastic or paper dishes, cups, and beverage containers either whole or shredded; lime, chemical or paint residues, mortar, concrete and other miscellaneous bulk solid waste products. Materials which exert or cause unusual concentration of inert suspended solids such as, but not limited to, Fullers earth, lime slurry, and lime resides or of dissolved solids; such as, but not limited to, sodium chloride and sodium sulfate.
  
- E. HIGH TEMPERATURE WASTEWATER:** Liquids or vapors otherwise

deemed acceptable but having a temperature higher than 150 degrees F. or 65 degrees C.

- F. OILS AND GREASES:** Wastewater containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees F. or 0 and 65 degrees C.
- G. RADIOACTIVE MATERIALS:** Radioactive wastes or isotopes of such half life or concentrations as may exceed limits established by the District in compliance with applicable CWS, state and federal regulations.
- H. SLUDGE/SCAVENGER WASTE:** Septic tank sludge or other similar scavenger waste shall be absolutely prohibited without exception.
- I. OTHER PROHIBITED WASTE:** Any wastewater entering the public sewer containing concentrations of pollutants in excess of the values set forth in CWS's current Pretreatment Program Regulations and/or other state and federal agencies having jurisdiction.

## **SECTION 3.6 REGULATED WASTEWATER**

- 3.6.1** Any wastewater entering the public sewer containing concentrations of pollutants in excess of the values set forth in CWS's current Pretreatment Program Regulations including phenols, volatile organic compounds and other wastes or odor producing substances in such concentrations exceeding limits necessary to meet applicable requirements of CWS and/or other state and federal agencies having jurisdiction such over the controlled or prohibited substances into public sewers are not permitted and will be subject to fines.
- 3.6.2** Regulated wastewaters shall include, but are not limited to, materials which exert or cause:
  - A.** Excessive discoloration; such as, but not limited to dye wastes and vegetable tanning solutions.
  - B.** Unusual BOD, chemical oxygen demand, or chlorine requirements in such qualities as to constitute a significant load on CWS's Plum Island Treatment Facility.
  - C.** Substances which are not amenable to treatment or reduction by the sewage treatment processes employed by CWS at its Plum Island Treatment Facility's ability to meet permitted water quality permit limitations applicable to the treatment facility.
  - D.** Unusual rates of flow or concentrations of wastes constituting Slugs as defined herein.

**SECTION 3.7            CONSEQUENCES OF DISCHARGE OF PROHIBITED OR REGULATED WASTES**

If any wastewater discharged or proposed to be discharged into sewage works are prohibited or regulated pursuant to either Sections 3.5 or 3.6, the District may:

- A.** Reject such wastes.
- B.** Require pretreatment to an acceptable concentration and/or influent quality prior to discharge to the public sewers.
- C.** Require contractual control including periodic sampling, monitoring and flow metering of the quantity and quality of such wastes discharge.
- D.** Require payment of a sewer surcharge fee to the District for the added cost of handling and treating the otherwise prohibited or regulated wastes.
- E.** Levy penalties and fines as prescribed by the District for each violation.

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## CHAPTER 4

### FEES AND CHARGES

#### SECTION 4.1 GENERAL

All customers shall pay applicable fees, rates, penalties and charges as delineated in the Rates & Fees Schedule (Appendix A).

Customers who are served via contract with the District shall be charged pursuant to an agreement with the District. The District reserves the right to fix and determine by contract, charges for services to any customer or governmental entity outside of the District's legislatively defined service area which utilizes the District's facilities for the transmission of sewage.

#### SECTION 4.2 SEWER CONNECTION FEES

District rates and charges are subject to periodic adjustments. Therefore, service fees and charges due will be based on the approved Rates & Fees Schedule at the time a service application is completed.

##### 4.2.1 PERMIT, TAP AND INSPECTION FEES

A permit and inspection fee shall be paid at the time an application is made to connect to public sewer and shall be based upon the total number of Fixture Units and/or ERU determined in accordance with the SCHEC R.61-67, Standards for Wastewater Facility Construction, latest revision (the "R.61-67"). For specific fixture types not listed in the Code, the number of fixture units shall be determined by the fixture drain or trap size as listed in the R.61-67. For a continuous or semi-continuous discharge into public sewer, two (2) fixture units shall be allocated for each gallon-per-minute of discharge.

##### 4.2.2 SERVICE CONNECTION

For each new sewer connection to the system, a person, corporation or other legal entity applying for sewer service shall pay a connection fee based upon the equivalent residential units (ERUs).

##### 4.2.3 IMPACT FEES

Impact fees are used to recover the costs of capital buildings to the wastewater system primarily associated with increasing capacity. A customer's impact fee is based upon a residential equivalent unit and shall be paid prior to the extension of or initial connection to public sewer.

Multiple units, served by one service connection shall be charged the connection fee for the first unit plus an additional connection fee for each additional unit.

Impact fees shall include two components: (a) a treatment impact fee, collected by the District on

behalf of CWS, for treatment of sewage at CWS's Plum Island Sewage Treatment Facility, and (b) a transportation impact fee based on an Equivalent Residential unit (ERU).

When zoning districts and development density are not clearly defined, impact fees shall be based upon current zoning classifications and maximum allowable building densities resulting in the greatest number of ERU's allowable for existing zoning.

#### **4.2.4 PROJECT ADMINISTRATIVE FEE**

The project administration fee shall be based upon the District approved cost estimate of proposed public sewer construction and shall be paid prior to the District's issuance of the Permit to Construct. In the event actual construction costs exceed the estimated costs, the project administration fee shall be increased based upon the actual cost of construction. The additional fee shall be paid prior to connection to public sewer.

### **SECTION 4.3 SERVICE CHARGES**

District rates and charges are subject to periodic adjustments. Therefore, the service charges, fees and penalties due will be based on the approved Rates & Fees schedule at the time charges are imposed.

- A. Service charges shall be billed monthly and charged to all customers that discharge, cause, or permit the discharge of sewage into the public sewerage facilities. This includes customers who are required to connect to the sewer system.
- B. The service charge shall, at a minimum, reflect the costs of operation and maintenance of the public sewerage facilities.
- C. Each user shall pay at a minimum its proportionate share of operation and maintenance cost based on volume flow.
- D. The District shall review, not less often than every five (5) years, the sewage contributions of users, the total costs of operation and maintenance of the sewage facilities, and the user charge system. The District shall review the user charge if necessary to accomplish the following:
  - (1) Maintain the proportionate distribution of operation and maintenance costs among users as provided in this section.
  - (2) Generate sufficient revenue to pay the total necessary operation and maintenance costs for the proper operation and maintenance of the sewerage facilities.
- E. All flow of the sewerage facilities not directly attributable to the users, i.e., infiltration/inflow, shall be distributed among all users of the sewerage facilities based upon the volume of flow of the users.

**SECTION 4.4 BILLING**

Service charges are calculated based on water meter readings provided by Charleston Water Systems, or by fixture unit calculation if no water meter is available, or by a flat rate.

- A. All customers shall be billed monthly and payment is due prior to 5:00 pm by the date shown on the statement.
- B. Accounts not paid by this date will be subject to a late fee charge and possible interruption of service.
- C. No wastewater service shall be furnished or rendered free of charge to any person, corporation, or other legal entity, except the internal District operations.
- D. If a balance remains on an account after it has been closed, the District has the right pursuant to the South Carolina Setoff Debt Collection Act to collect any sum due and owed by the customer through offset of the customer's state income tax refund.

**SECTION 4.5 CHANGE-IN-USE FEE**

The change-in-use fee shall be based upon the increase in total fixture units or number of ERU's. A change-in-use resulting in a decrease in total fixture units or number of ERU's shall not constitute grounds for a refund.

**SECTION 4.6 INSTALLMENT PAYMENTS**

In an attempt to provide reasonable access to *residential* wastewater facilities for those who cannot or do not wish to secure outside financing, the following guidelines are hereby established for account financing for wastewater tap & impact fees only.

Monthly installment payments for service connection fees including tap and impact fees, for the initial connection of a single family residence to public sewer, may be granted upon request by the customer at the discretion of the Deputy Manager/CFO. Such an installment plan may extend for period not to exceed six (6) months and bear 0% interest. Monthly service charges are not eligible for financing.

**SECTION 4.7 NON COMPLIANCE**

Failure to comply with this ordinance shall result in penalties established by the 1961 Enabling Act No. 498 Section 9.

## **SECTION 4.8            APPEAL**

Any person aggrieved by District action under this Use and Rate Ordinance may appeal by filing a written document stating the action appealed and the grounds for appeal. The appeal shall be received by the District at its office on Signal Point Road no later than 15 working days after the District's final action on the matter. The District Commission will consider the appeal at the next regularly scheduled meeting following the filing of the appeal. The District Commission may allow the person appealing to present evidence and have counsel at a public hearing, or, in its discretion, may consider the appeal on the materials submitted. The District shall deliver its decision in writing within 10 days. Delivery will either be by postmarked U.S. postal service to the address indicated in the appeal by the appellant, or via electronic mail if so chosen by the appellant and an address for electronic mail is provided by the appellant.

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**Use & Rate Ordinance - Appendix A**

***Rate and Fee Schedule***

Effective April 1, 2010

**Base & Volumetric Rates**

**Inside District**

<b>Residential</b>	<b>Current</b>	<b>Proposed</b>
• Up to 3 ccfs	\$19.00	---
• Base Charge	---	\$11.72
• Each additional ccf	\$2.25	\$2.43
• Fixture Units	\$1.28	---
• Residential Cap (14 ccfs)	\$43.75	\$45.74

<b>Non Residential</b>	<b>Current</b>	<b>Proposed</b>
• Up to 3 ccfs	\$19.00	---
• Base Charge*	---	\$11.72
• Each additional ccf	\$2.25	\$2.43

\*Accounts with multiple properties on one meter will be charged a base charge for each property.

<b>Non Water Metered Customers (7 ccfs)</b>	<i>Fixture Units</i>	\$28.73
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**Outside District**

<b>Residential</b>	<b>Current</b>	<b>Proposed</b>
• Up to 3 ccfs	\$19.00	---
• Base Charge	---	\$11.72
• Each additional ccf	\$2.25	\$4.47
• Fixture Units ( <i>Base Rate plus each fixture unit</i> )	\$1.28	---
• Residential Cap (14 ccfs)	\$43.75	\$74.30

<b>Non Residential</b>	<b>Current</b>	<b>Proposed</b>
• Up to 3 ccfs	\$19.00	---
• Base Charge	---	\$11.72
• Each additional ccf	\$2.25	\$4.47

<b>Non Water Metered Customers (7 ccfs)</b>	<i>Fixture Units</i>	\$43.01
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**Impact Fees (per ERU)**

Transportation Impact Fee	\$680.00	\$800.00
Treatment Impact Fee ( <i>collected &amp; remitted to CWS</i> )	\$790.00	\$790.00

**Connection Fees**

New Account Fee	---	\$25.00
Service Transfer Fee	---	\$15.00
Tap Inspection Fee	\$75.00	\$75.00
Tap Re-Inspection Fee	\$25.00	\$25.00
Service Connection Fee	\$325.00	\$325.00

<b><u>Ancillary Fees &amp; Charges</u></b>	<b><u>Current</u></b>	<b><u>Proposed</u></b>
Insufficient Funds Fee	\$20.00	\$30.00
Lien Recording Fee	\$15.00	\$25.00
Service Continuance Fee	\$25.00	\$50.00
Service/Reconnection Fee ( <i>min.</i> )	\$100.00	\$50.00
Late Payment Fee	\$4.00	1.5% bal. / min. \$5.00
Grease Trap Inspection Fee	---	\$35.00
Abandon Service Lateral Permit	---	\$350.00
Televising Fee ( <i>per linear foot</i> )	---	\$1.75/lf
Sewer Infrastructure Cleaning ( <i>Vactor Truck</i> )	---	\$175/hr
Sewer Surcharge Fee per Violation	---	\$100.00
Change-in-use Fee ( <i>per ERU net increase</i> )	\$1.50	\$1.50
Project Administration Fee	1.5%	1.5%

<b><u>Fines</u></b>		
Unauthorized Use of Sewer System	---	\$500.00
Recurring Violation	---	\$1,000.00