

CHAPTER 36: UTILITIES

Article

- I. IN GENERAL**
- II. UNDERGROUND UTILITIES**
- III. WATER AND SEWERAGE SYSTEM**
- IV. SEWER CONNECTIONS**
- V. SOLID WASTE AND RECOVERY FEES**
- VI. RATES, FEES AND DEPOSITS**
- VII. PRETREATMENT**
- VIII. SEWER USE**

ARTICLE I: IN GENERAL

Section

- 36-1 Acts prohibited by article
- 36-2 Polluting water supply
- 36-3 Illegal connections
- 36-4 Destroying, defacing and the like of public waterworks system or equipment
- 36-5 Obstructing sewer lines
- 36-6 Tampering with or changing water meters
- 36-7 Reconnecting when service discontinued for non-payment
- 36-8 Discharging storm water, ground water and the like into sewer; exception
- 36-9 Failing to maintain sewer causing excessive amounts of infiltration/inflow to be discharged into system
- 36-10—36-36 Reserved

Statutory reference:

Authorization for public works, see S.C. Code § 5-31-250

Authorization to enact necessary ordinances to maintain sewer system, see S.C. Code § 5-31-900

§ 36-1 ACTS PROHIBITED BY ARTICLE.

The enumerated acts in this article shall be unlawful and a violation by any persons who engage in such acts without appropriate permission or authority or without the appropriate supervision as specified in this chapter. The enumerated acts shall not be considered all-inclusive.

§ 36-2 POLLUTING WATER SUPPLY.

It shall be unlawful to defile or pollute the water in any pipe, tank or reservoir connected with the public water system or to make connection therewith or maintain any connection whereby water from any other source may be pumped or allowed to flow into the public distribution system which may result in a cross-connection.

§ 36-3 ILLEGAL CONNECTIONS.

(A) It shall be unlawful to connect with, use or tap any public water or sewer main without specific authorization of the Council in writing first obtained, other than normal connections for which connection fees shall have been paid, but not including, private wells.

(B) It is the duty of the town to ensure safe drinking water for all of its citizens and business operators. In the interest of the entire town, no person shall use or operate a drilled well for human consumption within or without the town where water is furnished by the town from the town's water supply. A unit, residence or business that is currently utilizing a well for human consumption, and is within the town's water service area, but is not connected to the town's water distribution system shall not be required to connect to the town's water distribution system as a result of this chapter. Otherwise, a well may be used for irrigation, external non-human consumption purposes or other such uses.

(C) No person shall place any pipe or similar material in such a manner as to furnish public water or sewer service to others, except as otherwise provided in this chapter.

(D) It shall be unlawful for any person to put any substance, either solid or liquid, into any public sewer main or line, at manholes or in any other way, than through a connection as may be made for the purpose and provided by ordinance.

(E) It shall be unlawful for any person to discharge any substance which may be harmful or liable to damage the public sewerage system or to obstruct the flow of sewage in said system.

(F) It shall be unlawful for any person, after notice to cease and desist, to violate the provisions of this chapter.

(G) It shall be unlawful to connect or permit to remain connected, any open gutter, rain water conductor or cesspool with any sanitary sewer line.

(Ord. 98, passed 10-8-2002)

§ 36-4 DESTROYING, DEFACING AND THE LIKE OF PUBLIC WATERWORKS SYSTEM OR EQUIPMENT.

It shall be unlawful for any person to willfully destroy, break, injure, climb upon or deface or in any other manner, interfere with any public water mains, water tanks, sewers, fire hydrants, meter boxes, stop cocks, pumps or other mixtures of the public waterworks system or throw into such system any bricks, earth, stone, filth or other substances. It shall also be unlawful for any person to willfully destroy, break, injure, deface or in any other manner interfere with any house, fence, wells, street mains, sluice pipes, gate valves or to place advertisements or placards on any property belonging to the waterworks or sewerage system.

§ 36-5 OBSTRUCTING SEWER LINES.

It shall be unlawful to place in any water closet, or allow to enter any soil pipe, any paper other than what is commonly known as "toilet paper", or material or substance likely to block or obstruct the flow or damage the pipeline or sewerage system or to dispose of any flammable, noxious or chemically active material harmful to life or property into the sewerage system.

§ 36-6 TAMPERING WITH OR CHANGING WATER METERS.

It shall be unlawful to tamper with or change any water meter.

§ 36-7 RECONNECTING WHEN SERVICE DISCONTINUED FOR NON-PAYMENT.

It shall be unlawful to reconnect water or sewer service or to continue to use such service when it has been discontinued for non-payment of a bill for service, until such bill has been paid in full, including a reconnection fee in an amount as established from time to time by the Town Council and set forth in the schedule of fees and charges, available for examination in the Town Clerk's office.

§ 36-8 DISCHARGING STORM WATER, GROUND WATER AND THE LIKE INTO SEWER; EXCEPTION.

(A) No person shall discharge or cause to be discharged any polluted waters, such as storm water, ground water, roof runoff, subsurface drainage or cooling water to any sewer, except storm water runoff from limited areas, which storm water may be polluted at times, may be discharged to the sanitary sewer, by permission of the town.

(B) Storm water, other than that exempted in subsection (A) above, and all other polluted drainage, shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the town or other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, if approved by the town, to a storm sewer, combined sewer or natural outlet.

§ 36-9 FAILING TO MAINTAIN SEWER CAUSING EXCESSIVE AMOUNTS OF INFILTRATION/INFLOW TO BE DISCHARGED INTO SYSTEM.

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

EXCESSIVE INFILTRATION/INFLOW. The quantities of infiltration/inflow which can be economically eliminated from a sewerage system by rehabilitation, as determined by a cost effectiveness analysis that compares the costs for correcting the infiltration/inflow conditions with the total costs for transportation and treatment of the infiltration/inflow, subject to EPA provisions.

INFILTRATION.

(a) The water entering the sewerage system, including sewer service connections from the ground, through such means as, but not limited to, defective pipe joints, connections or manhole walls.

- (b) The term *INFILTRATION* does not include, and is distinguished from, inflow.

INFILTRATION/INFLOW. The total quantity of water from both infiltration and inflow without distinguishing the source.

INFLOW.

(a) The water discharged into the sewerage system, including service connections from such sources as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, cooling water discharges, sewers and combined sewers, catchbasins, storm waters, surface runoff, streetwash waters or drainage.

- (b) The term *INFLOW* does not include, and is distinguished from, infiltration.

(B) *Duty to properly maintain.* The owner of any property serviced by a building sewer shall maintain said sewer in such a manner as to prevent excessive amounts of infiltration/inflow from entering the public sewerage system. The town shall notify the owner of any building whose sewer is not properly maintained. The owner shall have the necessary repairs made at his or her own expense, and the town shall determine whether a person, properly licensed, will be required to make the repairs. Before any underground portions are covered, the owner shall notify the town when the building sewer is ready for inspection.

§§ 36-10—36-36 RESERVED.

ARTICLE II: UNDERGROUND UTILITIES

Section

- 36-37 Consent or franchise agreements; required
- 36-38 Same; fee
- 36-39 Location of gas, electric and the like lines; approval required
- 36-40 Same; petition; notice; hearing
- 36-41—36-68 Reserved

§ 36-37 CONSENT OR FRANCHISE AGREEMENTS; REQUIRED.

It shall be unlawful for any person to construct, install, maintain or operate in, on, above or under any street or public place under control of the town any line, pipe, cable, pole, structure or facility for utilities, communications, cable television or other purposes without a consent agreement or franchise agreement, issued by the Town Council by ordinance, which prescribes the term, fees and conditions for use.

§ 36-38 SAME; FEE.

(A) The annual fee for the use of streets or public places authorized by a consent agreement or franchise agreement shall be included in the ordinance approving the agreement. Said fee shall be based on the gross revenues derived from activities in the town, the length of lines installed in the streets and public places or other formula deemed appropriate by the Town Council.

(B) No consent fee or franchise fee shall be construed to be in lieu of a business license tax based on gross revenue, unless specifically provided by ordinance.

(C) Credits for business license taxes paid may be applied to fees set by ordinance granting consent or a franchise when specifically authorized by ordinance.

§ 36-39 LOCATION OF GAS, ELECTRIC AND THE LIKE LINES; APPROVAL REQUIRED.

It shall be unlawful for any person to locate any underground gas, electric, telephone, cable television or any other type lines, within less than two feet from any utility pole or line without a permit.

§ 36-40 SAME; PETITION; NOTICE; HEARING.

If any person shall desire or deem it necessary to locate an underground line within less than two feet of any utility pole or line, such person shall file a petition with the Town Council requesting a permit to do so. The Council, after written notice of not less than ten days to the person filing such petition and to the owner or person in control or charge of such utility pole or line, shall grant a hearing on said petition, at which the parties in interest shall be heard. The decision of the Council shall be final and binding upon all parties in interest.

§§ 36-41—36-68 RESERVED.

ARTICLE III: WATER AND SEWERAGE SYSTEM

Section

Division 1. Generally

- 36-69 Authority to provide service and charge fee
- 36-70 Wholesale purchase of potable water
- 36-71 Compliance with the Rules and Regulations Governing the Development of Subdivision Water Supply and Waste Disposal Systems required
- 36-72 Purpose
- 36-73 Water service outside corporate limits
- 36-74 Water and Sewer Departments
- 36-75 Annexation of areas outside corporate limits
- 36-76 Recording of service agreement
- 36-77 Non-storm water discharges
- 36-78 Fats, oil, grease and sand discharges
- 36-79—36-104 Reserved

Division 2. Cross-Connection Control Program

- 36-105 Established
- 36-106 Connection procedure
- 36-107 Owners responsible for installation and maintenance of sewer lines within property boundary
- 36-108 Excavations to be backfilled and properly restored
- 36-109—36-129 Reserved

DIVISION 1. GENERALLY

§ 36-69 AUTHORITY TO PROVIDE SERVICE AND CHARGE FEE.

The town shall furnish water to persons for reasonable compensation and charge a reasonable charge for the maintenance of a sewerage system. Such charges shall be fixed from time to time by the Town Council.

(Ord. 92, passed 6-4-2002)

§ 36-70 WHOLESALE PURCHASE OF POTABLE WATER.

The town shall cease operation of its water treatment plant, and shall purchase potable water at a wholesale rate from the County Water and Sewer District. This water shall serve all customers of the town's public water system. The wholesale rate shall be established by the County Water and Sewer District.

(Ord. 92, passed 6-4-2002)

§ 36-71 COMPLIANCE WITH THE RULES AND REGULATIONS GOVERNING THE DEVELOPMENT OF SUBDIVISION WATER SUPPLY AND WASTE DISPOSAL SYSTEMS REQUIRED.

For the protection of health and the prevention of disease, all water and wastewater facilities serving the public by private ownership shall conform to that certain document known as the Rules and Regulations Governing the Development of Subdivision Water Supply and Waste Disposal Systems, prescribed by the state's Department of Health and Environmental Control (DHEC), with amendments thereto.

§ 36-72 PURPOSE.

The purpose of this article shall be:

(A) To protect and maintain the water supply system so as to continuously provide safe and potable water in sufficient quantity and pressure and free from potential hazards to the health of its consumers;

(B) To facilitate the elimination or control of any existing, unprotected cross-connections between the potable water supply system and any other water systems, sewers or waste lines or any piping systems or containers containing polluting substances; and

(C) To provide for the establishment and maintenance of a continuing program of cross-connection control which will effectively prevent the contamination or pollution of the potable water supply system by cross-connection.

§ 36-73 WATER SERVICE OUTSIDE CORPORATE LIMITS.

Applicants for water service outside the corporate limits, when required to do so, shall extend water lines under streets or public ways to connect to the water meter at their own expense. In such cases, the town reserves the right to locate water meters in such positions or locations as deemed in its own best interest.

§ 36-74 WATER AND SEWER DEPARTMENTS.

(A) The Water Utility Division will be under the jurisdiction of the town and shall be considered as a utility business division and subject to property taxes and franchise fees.

(B) The Sewer Utility Division will be under the jurisdiction of the town and shall be considered as a utility business division and subject to property taxes and franchise fees.

(C) The property tax rate for the Water Division and the Sewer Division shall be the same percentage rate for all real property as any utility business as determined by the state. The property taxes will be distributed to the General Fund Revenue of the town at the beginning of the next fiscal year.

(D) The franchise fee for the Water Division and the Sewer Division shall be at a percentage rate of 15% of the gross income determined by the established water and sewer rates of the town for the previous fiscal year. This amount will be distributed to the General Fund Revenue of the town as needed during the next fiscal year.

(Ord. 171, passed 6-20-2016)

§ 36-75 ANNEXATION OF AREAS OUTSIDE CORPORATE LIMITS.

(A) Neither new water or sewer services shall be furnished or rendered in any area outside the corporate limits unless the customer executes a utility service/annexation agreement. The town shall furnish forms of service and annexation agreement for any service rendered by the town to its customers, which forms are on file and available for use in the town offices, and which forms may from time to time be amended as necessary to meet the requirements of law. The service and annexation agreement, when signed by the grantor(s) and by an authorized representative of the town, shall become a contract under which the town agrees to furnish utility services to the individual consumer, and the consumer agrees to receive and pay for the services in accordance with the rate schedule and the service regulations of the town on file in the office of the town, and as the same may be modified from time to time, which rate schedules and service regulations are hereby made a part of the contract as effectually as if fully set forth therein.

(B) This annexation agreement will not include customers that are served by County Water and Sewer District (customers that the only service is sewage).

(Ord. 2019-009, passed 10-21-2019)

§ 36-76 RECORDING OF SERVICE AGREEMENT.

The utility service and annexation agreement, which shall constitute a restrictive covenant upon the referenced property, will be recorded at the office of the Clerk of Court by town staff at the grantor(s) expense. The agreement shall contain a clause whereby the customer acknowledges and agrees that, as

a condition of service and connection of the water and/or sewer system to the referenced property, they will petition, when requested by the town (by group or individual method) for annexation to the town under S.C. Code § 5-3-150. It will also be acknowledged and agreed that it may be necessary to execute a petition for annexation on more than one occasion; however, the final acceptance of said petition rest upon an affirmative vote of a majority of the governing body of the town.
(Ord. 2019-009, passed 10-21-2019)

§ 36-77 NON-STORM WATER DISCHARGES.

(A) The purpose of the Non-Storm Water Discharge and Post Construction Storm Water Management Ordinance is to provide for the health, safety and general welfare of the citizens of the town.

(B) The objective of the Non-Storm Water Discharge and Post Construction Storm Water Management Ordinance is to prohibit unpermitted or unhallowed non-storm water discharges to the storm drainage system and to monitor and enforce compliance with post construction storm water management plans.

(C) This section shall apply to all persons discharging storm water and/or non-storm water discharges from any premises into the storm drainage system.
(Ord. 176, passed 9-19-2016)

§ 36-78 FATS, OIL, GREASE AND SAND DISCHARGES.

(A) The purpose of the Fats, Oil, Grease and Sand Discharge Ordinance is to provide for the health, safety and general welfare of the citizens of the town.

(B) The objective of the Fats, Oil, Grease, and Sand Discharge Ordinance is to prohibit excessive amounts to be discharged in the town's sanitary sewer system and to require fats, oil, grease and sand interceptors for all public eating places, restaurants and all other commercial and industrial establishments from which fats, oil, grease or sand can be discharged. This section also provides for monitoring and enforce compliance for all public eating places, restaurants and all other commercial and industrial establishments from which fats, oil, grease or sand can be discharged.

(C) This section shall not apply to any private living quarters or dwelling units, but is required for all public eating places, restaurants and all other commercial and industrial establishments from which fats, oil, grease and sand can be discharged into the town's sanitary sewer system.
(Ord. 177, passed 11-21-2016)

§§ 36-79—36-104 RESERVED.

DIVISION 2. CROSS-CONNECTION CONTROL PROGRAM**§ 36-105 ESTABLISHED.**

(A) *Purpose; authority.* For the protection of the public water supply system against possible contamination arising from problems involving cross-connections, the Water Department is hereby authorized to adopt regulations, subject to approval by the Town Council, establishing and maintaining a cross-connection control program. Such program shall include, but not be limited to:

- (1) The survey, inspection and approval of all existing facilities;
- (2) The evaluation, inspection and approval of new facilities;
- (3) Requirements for periodic testing of all backflow prevention devices; and

(4) The assessment and collection of fees in an amount sufficient to cover the cost of the program.

(B) *Compliance with DHEC regulations required.* The cross-connection control program shall be in accordance with the regulations promulgated by the DHEC, which regulations are adopted and incorporated by reference as if fully set forth in this section and made applicable to the water supply system and all connections thereto.

(C) *Enforcement authority.* The Superintendent of the town's Water Department is hereby given the primary responsibility for the enforcement of the provisions of this division and for maintaining all records pertaining thereto.

(D) *Applicability.* The regulations and provisions of this division apply to the entire water system of the town, to all water customers of the town and to all connections with the water supply system of the town, whether located inside or outside of the town limits.

(E) *Unauthorized connections.* It shall be unlawful for any person to make any connection to the town's water supply system without the approval of the Superintendent of the Water Department. Each day such unauthorized connection exists prior to obtaining this approval, shall constitute a separate offense and is punishable by a fine of not more than the maximum allowed by the Municipal Court Judge per day.

(F) *Penalty.* Any person found to be in violation of any provision of this division or of the regulations establishing a cross-connection control program pursuant to this division shall be served with a written notice stating the nature of the violation and shall be given a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice,

permanently cease all violations. Failure to correct the violation within the time limit specified shall constitute an unlawful act subject to the penalties deemed appropriate by the Town Council.
(Ord. 30, passed 5-12-1997)

§ 36-106 CONNECTION PROCEDURE.

(A) *Application required; contents.* Before any portion of the plumbing and drainage system of any building shall be constructed, there shall be filed by the owner or agent of the property, at the office of the Town Clerk, a written application for connections with the sewerage and waterworks systems, stating:

(1) The location of the building, with a plan of the same, showing in detail:

(a) The entire proposed connections of the same;

(b) The entire proposed connections from the public sewer line through the building to the terminus; and

(c) All fixtures, traps, vent pipes and the like.

(2) The application shall also contain a specific agreement to obey and abide by any and all resolutions, ordinances, rules and regulations that are now or may hereafter be adopted by the Council for the protection of the sewerage and waterworks system and to restrict, regulate and control the use of the same and the connections therewith.

(B) *Right of entry.* The application also shall give permission to an authorized representative of the town to enter the premises of the applicant, at any reasonable hour, to investigate the plumbing or sewer connections.

(C) *Inspection; permit issued.* The plan shall be inspected and approved, corrected or modified by the inspector, whereupon a permit for the proposed connections shall be given by the Clerk.

(D) *Work commences.* The work shall be performed by a regularly licensed plumber, if available, and provided the municipal sewer collector lines are of sufficient depth to serve each residence or other building and within a reasonable distance thereto.

§ 36-107 OWNERS RESPONSIBLE FOR INSTALLATION AND MAINTENANCE OF SEWER LINES WITHIN PROPERTY BOUNDARY.

Property owners shall be responsible for the installation and maintenance of sewer lines from the point where they are connected with public sewer mains, and installation and maintenance of water lines within the limits of the particular lot from the water meter.

§ 36-108 EXCAVATIONS TO BE BACKFILLED AND PROPERLY RESTORED.

All ditches or trenches opened for the purpose of laying pipes for connection with water or sewer mains, whether on private premises or across streets, sidewalks or ditches, shall be carefully and compactly closed and filled after the pipes are laid. All paving disturbed in connection therewith shall be skillfully and carefully repaired and restored.

§§ 36-109—36-129 RESERVED.

ARTICLE IV: SEWER CONNECTIONS

Section

- 36-130 Required for human habitation
- 36-131 Septic tanks permitted where sewer connections not available
- 36-132 Sewer service outside corporate limits
- 36-133—36-162 Reserved

§ 36-130 REQUIRED FOR HUMAN HABITATION.

(A) Before any place of human habitation, commercial use, public assembly or any similar place intended to be used for such is occupied, the owner or occupant thereof shall have installed therein adequate facilities for the disposal of liquid waste and human excreta. No person shall occupy any such place until the provisions of this article have been complied with.

(B) It shall be the duty of the occupants or tenants of all places of human habitation, commercial use or public assembly to maintain all facilities for the disposal of liquid waste and human excreta in a clean and sanitary condition at all times.

(C) No owner or occupant of any such premises shall use any privy, septic tank or cesspool or allow any liquid waste or human excreta to accumulate thereupon after such connection to the sanitary sewerage system shall have been made.

(D) Not less than 60 days after the installation of a town water or sanitary sewer line within 250 feet of any residence or building, all said residences and buildings requiring the same shall be connected thereto for water and disposal of all sewerage and similar waste originating on said premises; provided, however, that, septic tanks constructed prior to the installation of the sewerage system and meeting the requirements of the DHEC are exempt from the requirements of this section until such time as septic tank problems develop and connection to the sanitary sewer collector line is deemed necessary, the public health requiring it, by the Town Council.

(E) Upon completion of the construction of water mains and sewage collector lines, as prescribed in subsection (A) above, and after official notification to connect thereto, each day such buildings shall not be so connected shall be deemed a separate offense and punishable as a misdemeanor.

§ 36-131 SEPTIC TANKS PERMITTED WHERE SEWER CONNECTIONS NOT AVAILABLE.

With the written approval of the Council, where sewerage facilities are not available, septic tanks may be permitted provided the same are constructed and maintained as required by the laws, rules and regulations of the state's Board of Health.

§ 36-132 SEWER SERVICE OUTSIDE CORPORATE LIMITS.

Applicants for sewer service outside the corporate limits, when required to so, shall extend sewer lines across property, under streets or public ways to connect to the sewer tap at their own expense. In such cases, the town reserves the right to locate the sewer tap in such position or location as deemed in its own best interest. In most cases, the tap will be located within the sewer line easement or at the edge of highway right-of-way.

§§ 36-133—36-162 RESERVED.

ARTICLE V: SOLID WASTE AND RECOVERY FEES

Section

- 36-163 Definitions
- 36-164 Purpose
- 36-165 Applicability
- 36-166 Prohibited conduct
- 36-167 Recovery fees; for violations
- 36-168 Same; non-payment may result in termination of service
- 36-169 User responsible for fines and costs
- 36-170—36-191 Reserved

§ 36-163 DEFINITIONS.

For the purpose of this section, 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 (33 U.S.C. §§ 1251 et seq.).

PUBLICLY OWNED TREATMENT WORKS (POTW). A treatment works as defined by § 212 of the Act (33 U.S.C. § 1292), which is owned in this instance by the town. The term **PUBLICLY OWNED TREATMENT WORKS (POTW)** includes any sewers or lift stations that convey wastewater to the POTW treatment plant. For purposes of this section, the term **PUBLICLY OWNED TREATMENT WORKS (POTW)** also includes any sewers or lift stations that convey wastewater to the POTW from persons outside the town who are, by contract or agreement with the town, users of the town's POTW.

SOLID WASTE. Material that would normally be recycled or disposed of in a land fill. The term **SOLID WASTE** includes, but is not limited to, glass, plastic, newsprint, cardboard, cloth, packaging material, food wrappers or containers, wood or wood by products, leather, rubber or latex.

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

WASTEWATER. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, whether treated or untreated, which is contributed into or permitted to enter the POTW.

§ 36-164 PURPOSE.

The objectives of this section shall be:

(A) To prevent the introduction of solid wastes into the wastewater system which will interfere with the operation of the system; and

(B) To provide for the equitable distribution of the cost of the wastewater system.

§ 36-165 APPLICABILITY.

This article shall apply to users in the town and to users outside the town who are, by contract or agreement with the town, users of the town's publicly owned treatment works.

§ 36-166 PROHIBITED CONDUCT.

No user shall contribute, cause to be contributed or fail to prevent the contribution, directly or indirectly, to the sewerage system any solid waste or wastewater containing any solid waste which may cause an obstruction to the flow in a sewer or interfere with the operation or performance of the POTW.

§ 36-167 RECOVERY FEES; FOR VIOLATIONS.

Any user found to have violated the prohibitions contained in § 36-166 of this chapter may be assessed a fee to provide for the recovery of costs from users of the town's POTW. The fee shall be in an amount as established from time to time by the Town Council and set forth in the schedule of fees and charges, available for public examination in the Town Clerk's office.

§ 36-168 SAME; NON-PAYMENT MAY RESULT IN TERMINATION OF SERVICE.

The failure to pay the assessed fee within 60 days of the date of the "notice of fee due" may result in the discontinuance of water or sewer service.

(Ord. 55, passed 11-9-1998)

§ 36-169 USER RESPONSIBLE FOR FINES AND COSTS.

The user shall be responsible for any fines from governmental agencies or others which result from POTW discharge permit violations as a direct result from illegal or accidental user discharges or introductions. In addition to the penalties provided in this article, the town may recover reasonable

attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against any person found to have violated this article.

§§ 36-170—36-191 RESERVED.

ARTICLE VI: RATES, FEES AND DEPOSITS

Section

Division 1. Generally

- 36-192 Schedule of rates and fees established
- 36-193 Qualification for new non-profit fee
- 36-194 Discontinuance of service for non-payment
- 36-195 Water, sewer and garbage fees
- 36-196 Free water or sewer service prohibited
- 36-197 “Permanent-active service” defined
- 36-198 Reactivation fee
- 36-199 Retapping fee
- 36-200—36-223 Reserved

Division 2. Water Charges

- 36-224 Monthly rates
- 36-225 Meters; required; individual billing accounts
- 36-226 Same; deposits required; refunds
- 36-227 New water connection tapping fee
- 36-228—36-247 Reserved

Division 3. Sewer Charges

- 36-248 Monthly rates
- 36-249 New sewer connection tapping fee
- 36-250 Reconnection fee when water not supplied
- 36-251 Non-domestic customer surcharge
- 36-252 Monitoring fee
- 36-253—36-282 Reserved

DIVISION 1. GENERALLY**§ 36-192 SCHEDULE OF RATES AND FEES ESTABLISHED.**

(A) the Town Council shall establish a schedule of rates and fees for services rendered by the water and sewerage systems. Said schedule shall be reviewed periodically to ensure that it is equitable and fair.

(B) The fees shall be in amounts as established from time to time by the Town Council and set forth in the schedule of fees and charges, available for public examination in the Town Clerk's office.

§ 36-193 QUALIFICATION FOR NEW NON-PROFIT FEE.

In order to qualify for the monthly water fee for eleemosynary organizations, the organization must be located within the corporate limits of the town and must present bona fide proof of non-profit status to the Town Clerk. The burden of proof shall rest upon the organization to prove its non-profit status. The town shall not presume to know the non-profit status of any organization.
(Ord. 77, passed 4-24-2000)

§ 36-194 DISCONTINUANCE OF SERVICE FOR NON-PAYMENT.

Service may be discontinued to any premises for unpaid water and sewer charges when due and payable as set out in this chapter. Service may be reinstated as hereinafter provided.

§ 36-195 WATER, SEWER AND GARBAGE FEES.

(A) All meters shall be read once a month and bills shall be provided to customers by the first of each month. All bills are, therefore, payable at the office of the Town Clerk and Treasurer on or before the fifteenth of the month. A penalty of 10% shall be added after the fifteenth of the month. If not paid in full by the twenty-fifth of the month, all services shall be discontinued until such user shall have paid his or her past due bill and a reconnection charge.

(B) A monthly sewer service charge shall be paid with the water bill by all users of the sanitary sewerage system, both inside and outside the corporate limits.

(C) Garbage fees shall be collected as a part of the water and sewer bill.

(D) The fees shall be in amounts as established from time to time by the Town Council and set forth in the schedule of fees and charges, available for public examination in the Town Clerk's office.
(Ord. 31, passed 6-9-1997; Ord. 2019-005, passed 6-17-2019)

§ 36-196 FREE WATER OR SEWER SERVICE PROHIBITED.

It shall be unlawful to furnish free water or sewer service to any person.

§ 36-197 “PERMANENT-ACTIVE SERVICE” DEFINED.

As used in this chapter, the term *PERMANENT-ACTIVE SERVICE* means an uninterrupted, permanent connection between the facilities within a structure and the town’s water/sewer main and through which no less than 500 gallons per month has flowed or a minimum monthly charge has been paid.

(Ord. 42, passed 3-9-1998)

§ 36-198 REACTIVATION FEE.

(A) A water and sewer reactivation fee shall be required to reactivate service at any location where there has been no permanent-active water/sewer service for a period of time exceeding 12 months, but no more than 60 months, at the location specified when applying for service.

(B) The fee shall be in an amount as established from time to time by the Town Council and set forth in the schedule of fees and charges, available for public examination in the Town Clerk’s office.

§ 36-199 RETAPPING FEE.

(A) A water and sewer retapping fee shall be required at any location where there has been no permanent-active water/sewer service for a period of time exceeding 60 months, at the location specified when applying for service.

(B) The fee shall be in an amount as established from time to time by the Town Council and set forth in the schedule of fees and charges, available for public examination in the Town Clerk’s office.

§§ 36-200—36-223 RESERVED.

DIVISION 2. WATER CHARGES

§ 36-224 MONTHLY RATES.

(A) Monthly water rates, inside and outside the corporate limits, are hereby levied.

(B) The rates shall be in amounts as established from time to time by the Town Council and set forth in the schedule of fees and charges, available for public examination in the Town Clerk's office.

§ 36-225 METERS; REQUIRED; INDIVIDUAL BILLING ACCOUNTS.

(A) All water service shall be metered and computed for each unit for billing purposes on the amount of water used, both inside and outside the corporate limits. The term *UNIT* means a singular place of business or residence. An owner of existing units, with established individual billing accounts, currently served by a single meter is responsible for either installing new meters for each unit or payment of the entire utility bill for multiple units.

(B) Additional units cannot be added to an existing meter without establishing an individual billing account for each additional unit. This refers to the creation of facilities such as duplexes, apartments, additional housing units, places of business and the like. Accounts are established in conjunction with the installation of a meter for each unit.

(Ord. 100, passed 12-2-2002)

§ 36-226 SAME; DEPOSITS REQUIRED; REFUNDS.

(A) (1) Each new unit obtaining a water connection that is not the unit owner shall make a deposit to secure the payment of bills to be rendered.

(2) Also, proof of ownership may be required.

(3) The fee shall be in an amount as established from time to time by the Town Council and set forth in the schedule of fees and charges, available for public examination in the Town Clerk's office.

(B) When permanent service is discontinued, the deposit shall be returned to the depositor, without interest, after first deducting all outstanding bills for water and sewer service.

(Ord. 100, passed 12-2-2002)

§ 36-227 NEW WATER CONNECTION TAPPING FEE.

(A) For each new water connection, the applicant therefor shall pay a tapping fee.

(B) The fee shall be in an amount as established from time to time by the Town Council and set forth in the schedule of fees and charges, available for public examination in the Town Clerk's office.

§§ 36-228—36-247 RESERVED.

DIVISION 3. SEWER CHARGES

§ 36-248 MONTHLY RATES.

(A) Monthly sewer rates, inside and outside the corporate limits, are hereby levied.

(B) The rates shall be in amounts as established from time to time by the Town Council and set forth in the schedule of fees and charges, available for public examination in the Town Clerk's office.

§ 36-249 NEW SEWER CONNECTION TAPPING FEE.

(A) For each new sewer connection, the applicant therefor shall pay a tapping fee.

(B) The fee shall be in an amount as established from time to time by the Town Council and set forth in the schedule of fees and charges, available for public examination in the Town Clerk's office.

§ 36-250 RECONNECTION FEE WHEN WATER NOT SUPPLIED.

When no water is supplied by the town, and a sewer connection is made and the service charge becomes delinquent, necessitating a discontinuance of service therefor, the fee to reconnect the service shall be the same as that charged for water customers.

§ 36-251 NON-DOMESTIC CUSTOMER SURCHARGE.

Any non-domestic customer that discharges BOD or TSS in excess of 250 mg/l or oil and grease in excess of 100 mg/l will be assessed a surcharge of 25% of the total sewer charges or a surcharge of 50% if the BOD or TSS of the discharge is 500 mg/l or more or oil and grease is 200 mg/l or more. The threshold for surcharging shall be based on any single incident of a discharge in excess of the limits. Only one surcharge per month shall apply and it shall be based on the highest detected discharge in excess of the limits.

§ 36-252 MONITORING FEE.

Any facility that the town is required to monitor will be assessed a fee for such monitoring to equal the estimated cost of same.

§§ 36-253—36-282 RESERVED.

ARTICLE VII: PRETREATMENT

Section

36-283 Ord. 28 retained
36-284—36-314 Reserved

§ 36-283 ORD. 28 RETAINED.

The provisions of the town's pretreatment ordinance (Ord. 28, adopted 10-14-1996) are not repealed. The provisions thereof shall remain in full force and effect until amended by the Town Council.

Editor's note:

On 10-14-1996, the Town Council adopted a pretreatment ordinance (Ord. 28), as mandated by the DHEC. It established uniform regulations for wastewater pretreatment for the town's sewerage system and its related functions including procedures, regulations, monitoring and industrial discharges. Due to the technical nature of that ordinance, it has not been codified into this code, per se. For further reference, the reader is directed to the Town Clerk who retains a copy of the ordinance in the town's permanent files.

§§ 36-284—36-314 RESERVED.

ARTICLE VIII: SEWER USE

Section

36-315 Ord. 96-2 retained

§ 36-315 ORD. 96-2 RETAINED.

The provisions of Ord. 96-2 (Ord. 27), entitled “Sewer Use Ordinance”, adopted 10-14-1996, are not repealed. The provisions thereof shall remain in full force and effect until amended by the Town Council.

Editor’s note:

On 4-15-1985, the Town Council adopted Sewer Use Ord. 85-11, which set forth uniform requirements for direct and indirect contributions into the wastewater collection and treatment systems for the town which enabled the town to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 C.F.R. part 403). On 10-14-1996, the ordinance was redrafted in its entirety, to bring it into compliance with the DHEC regulations. Due to the technical nature of that ordinance, it has not been codified into this code, per se. For further reference, the reader is directed to the Town Clerk who retains a copy of the ordinance in the town’s permanent files.

