

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: January 9, 2023

Agenda Item: 5L	Prepared by: Kevin D. Blayton, P.E., City Engineer
Agenda Section: Consent: Ordinance. Second Reading	Date: January 3, 2023
Subject: Amendments to Chapter 15, Municipal Utilities, of the Code of Ordinances of North Myrtle Beach, South Carolina	Division: Public Works

Background:

Revisions to Chapter 15, Municipal Utilities, are necessary to conform City Code to current technology, remove outdated references, reduce city liability, and comply with state/federal regulatory requirements.

- In accordance with current practice, we have removed all rates and fees from the ordinance as these are subject to change each year based on adoption of the annual budget ordinance.
- Clarified the definition of sewer availability.
- Strengthened the Sewer Use Section to address potential pollutants and emerging contaminants of concern.
- Strengthened grease trap requirements.
- Clarified fire line backflow prevention requirements.

No rate or fee increases are proposed with these revisions.

Recommended Action:

Approve or deny the proposed ordinance on second reading

Reviewed by Division Head	Reviewed by City Manager	Reviewed by City Attorney
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Council Action:
Motion By _____ 2nd By _____ To _____

ORDINANCE

**AN ORDINANCE TO AMEND CHAPTER 15, MUNICIPAL UTILITIES,
OF THE NORTH MYRTLE BEACH CODE OF ORDINANCES.**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF
THE CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA,
IN COUNCIL DULY ASSEMBLED, THAT**

Section 1. There are authorized and adopted amendments to Chapter 15, Municipal Utilities, of the North Myrtle Beach Code of Ordinances.

Section 2. This ordinance becomes effective on the date of passage and supersedes any inconsistent ordinance(s).

DONE, RATIFIED AND PASSED, THIS _____ DAY OF _____, 2023.

ATTEST:

Mayor Marilyn Hatley

City Clerk

APPROVED AS TO FORM:

City Attorney

FIRST READING: 12.5.2022
SECOND READING: 1.9.2023

REVIEWED:

City Manager

ORDINANCE: 23-09

Chapter 15 MUNICIPAL UTILITIES¹

ARTICLE I. IN GENERAL

Secs. 15-1—15-19. Reserved.

ARTICLE II. WATER²

DIVISION 1. GENERALLY

Sec. 15-20. Definitions.

As used in this article, the following terms shall have the respective meanings ascribed to them:

Application: The instrument by which one applies for water service.

Building: Any structure with a roof, erected or maintained on any parcel of land and which requires water service.

Business: Any building used by the occupant for amusement, entertainment, service, professional, retail trade or any other similar purposes except as defined under "hotel" etc.

City: Includes any duly authorized official acting on behalf of the City of North Myrtle Beach.

Cross-connection: A connection between a piped distribution system carrying a potable public water supply and secondary piping system, institutional, private or public, providing a water supply, the source of which, prior to connection, is distinct from and unrelated physically to that of the public supply.

Customer: The person responsible for payment for all water and sewer services used at a specific location, of one household or business and further defined as that person in whose name the application was made.

Development: A portion of land, including any single-family subdivision, that is being developed to the extent that water service is desirable to realize its full potential.

Hotel, motel, inn, lodge: Any building providing lodging to transients.

Institution: Any building used as a hospital, church, school or similar public facility.

¹Cross reference(s)—Municipal refuse collection service, § 12-40 et seq.

²Editor's note(s)—An ordinance of Feb. 4, 1986, repealed Divs. 1—3 of Art. II in their entirety and enacted new Divs. 1—3 to read as herein set forth. Prior to repeal, said divisions pertained to similar subject matter and were derived from the following: Ordinance of Feb. 4, 1975, §§ 101—115, 201—213, 301—312, 401—405, 501—504, 602, 604, 803; ordinance of May 15, 1979; ordinance of June 5, 1979; ordinance of July 17, 1979; ordinance of Oct. 16, 1979; ordinance of April 29, 1980; ordinance of June 3, 1980; ordinance of Oct. 20, 1980; ordinance of June 15, 1982; ordinance of Oct. 18, 1983; and ordinance of Dec. 4, 1984.

Multiple-family dwelling: Any building having within its exterior walls provisions for housing two (2) or more families separately.

Occupant: A person who occupies property where city water service is provided.

Owner: The person, corporation, partnership or other entity that has an ownership interest in the real property receiving utility services.

Person: Any individual, firm, company, association, society, corporation, institution or group as indicated by the context in which used.

Plumbing: All pipes, fittings and appurtenances on the property owner's side of the meter, servicing only the property of the owner, including the extension from the service line up to and including all house plumbing.

Services: The delivery of potable water through an authorized and approved water connection, account recordkeeping, billing and all work associated therewith.

Single-family dwelling: Any building having within its exterior walls provisions for housing only one family.

Water connection: All materials including valves, pipes, fittings, meter and meter box necessary to convey water from the city's most convenient water main to the property line of the customer.

Water impact fee: A charge imposed by this chapter when a building permit is issued, designed to reimburse the city for the cost of providing additional facilities and services made necessary by the impact of new utility users of the facilities and services.

Water tap fee: A charge imposed by this chapter designed to reimburse the city for the cost of all materials, labor and overhead made necessary to construct the water connection and provide service to the customer.

Waterworks system: All property, wells, equipment, pumps, piping, water storage tanks, water connections, records, structures, and any other associated appurtenance necessary to provide water service, owned and operated by the city.

(Ord. of 2-4-86)

Sec. 15-21. Rights to city—Acting in an emergency generally; changing regulations.

The city, through its duly qualified officers, reserves the right to take such immediate action for emergencies not specifically covered herein, as it may deem necessary and further reserves the right to amend this article in part or in whole, whenever it may deem necessary, but such right will be exercised only in the manner established or prescribed for such matters, including, but not limited to, giving public notice ninety (90) days prior to final action.

(Ord. of 2-4-86)

Sec. 15-22. Same—Emergency action in operating system; closing portion of system.

In the interest of the public health and safety, the city shall be permitted to take such emergency action as may be deemed necessary in the operation of the waterworks system including, but not limited to, the right to close down any water line or portion of the waterworks system for the purpose of making connections, alterations or repairs.

(Ord. of 2-4-86)

Sec. 15-23. Same—Restricting quantity of water used during shortages.

The city shall have the right during emergency water shortages to restrict the use of water to that normally used as personal and household use only. Watering of lawns, washing of cars and other uses will be discontinued during such emergency periods. Notice by the city will be made in the local papers, radio broadcasts or any other means to give due notice.

(Ord. of 2-4-86)

Sec. 15-24. Same—Entering premises.

The city shall have the right to enter the customer's premises without notice for the purpose of making emergency repairs, disconnection or reconnection of service, necessary installations, or reading of meters. The city shall further have the right to enter the customer's premises for inspections and any other reason for administering reasonable service provided the customer is notified in advance.

(Ord. of 2-4-86)

Sec. 15-25. Damaging system and making connections.

It shall be unlawful for any person to damage, deface, or tamper with any part of the waterworks system. No person shall connect or turn on any water service or tap or make any alterations to any main or distribution pipe of the city's water system or in any way interfere with or molest any of the wells, reservoirs, basins or water in the same, or permit any connection or tapping to be made to the city's water system or his/her premises or the premises occupied by him/her or knowingly use city water from unauthorized connections. It shall be unlawful for any person, except an authorized agent of the city, to remove or undertake to repair the water meters or fixtures of the city. It shall further be unlawful for any person to make any reconnection of service when it has been discontinued for violation of this article. This section shall not apply to disconnections and reconnections of water service by a customer or an authorized agent of the customer for purposes of winterizing the building or in an emergency situation.

(Ord. of 2-4-86; Ord. No. 21-02, § 2, 3-1-21)

Sec. 15-26. Interruption of service.

The city agrees to use reasonable diligence in providing a regular and uninterrupted supply of water and service, but in case the supply of water shall be interrupted or fail by accident, or any cause whatsoever, the city shall not be liable for such interruption or failure and the city shall not be liable for any damages sustained by the customer by reason thereof.

(Ord. of 2-4-86)

Secs. 15-27—15-39. Reserved.

DIVISION 2. CONNECTIONS; DISCONNECTIONS

Sec. 15-40. Required after notice.

Every building within the city limits and used as a residence, business or other institution and which is situated on a parcel of land located within two hundred fifty (250) feet of any water main operated and maintained by the city shall be connected thereto and shall utilize the same for water. Such water connections shall be made immediately. For the purpose of the penal provisions, any connections not made following thirty (30) days written notification by the city shall constitute a separate offense and punishable as a misdemeanor each day such building is not connected to said city water system.

No person shall drill wells for new and/or existing buildings for the purpose of providing a domestic water supply. In addition, any existing well which is used for the purpose of providing potable water shall be metered if said building or other structure receives sewer service.

(Ord. of 2-4-86; Ord. No. 87-20, 12-1-87)

Sec. 15-41. Payment of tap fee and impact fee prerequisite.

It shall be unlawful for any person, firm, or corporation to connect or engage another to connect to the water system of the City of North Myrtle Beach, or to any private water system which is already connected to the water system of the city, without first paying to the city the water tap fee and water impact fees as set forth in this division.

(Ord. of 2-4-86; Ord. No. 87-20, 12-1-87)

Sec. 15-42. Accomplishment by city.

All taps and connections shall be accomplished using standard equipment and materials and shall be installed by the city except as otherwise provided herein.

(Ord. of 2-4-86)

Sec. 15-43. Water tap fees.

(a) Water connection or tap fees shall be charged and paid in accordance with the schedule of fees.

Water tap fees for all new buildings shall be paid at the time of issuance of a building permit. If the building permit expires and no building is constructed and the city has expended the money to install the water tap and meter, the city, upon the request of the owner, will remove the meter and refund any meter deposit remaining. If the water tap is not installed, the owner, upon request and not exceeding twelve (12) months after expiration of the building permit, will receive a full refund of all fees paid, without interest, for the water tap.

Water taps are not transferable from lots or properties for which they were originally sold.

(b) In any subdivision or development where the developer thereof has installed, at such developer's own expense, a water system including individual service lines and meter boxes to each individual lot or building and has delivered to the city a meter, which is acceptable to and constructed in accordance with the city's standard specifications and deeded to the city, then no water connection fee shall be charged, but a water impact fee shall be charged and paid in accordance with the schedule referred to in section 15-44.2. If said installation is not in accordance with the city standards and specifications, the cost of bringing said facilities into compliance shall be charged prior to connection of any building to said water system.

(Ord. of 2-4-86; Ord. No. 87-20, 12-1-87)

Sec. 15-44. Determination of water tap meter sizes and changes reference.

(a) Meter sizes for connections shall be determined and water tap fees shall be charged based on estimated flow requirements shown in the table below:

(1)

Meter Capacity (gpm)	Normal Op. Range (gpm)	Meter size	
24	2— 30	¾"	
40	3— 50	1"	
80	5— 100	1½"	
128	8— 160	2" D.M.	
128	4— 280	Turbine	
280	5— 450	3" Turbine	
256	4— 320	Compound	
800	15—1,250	4" Turbine	
400	6— 500	Compound	
1,600	30—2,500	6" Turbine	
800	10—1,000	Compound and above	

(5) The city reserves the right to select the type and size meter to be used for each application.

(b) Charges shall be as adopted by City Council in accordance with each annual budget.

Sec. 15-44.1. Reserved.

Sec. 15-44.2. Reserved.

Editor's note(s)—Ordinance No. 92-40, adopted Sept. 21, 1992, repealed §§ 15-44.2, 15-45, 15-45.5, which pertained to water impact fees and derived from an ordinance of Feb. 4, 1986; Ord. No. 87-20, adopted Dec. 1, 1987 and Ord. No. 90-21, adopted June 18, 1990. Water and wastewater capital recovery fees are currently included in Art. III, Div. 6, §§ 15-181—15-187 of this article.

Sec. 15-45. Reserved.

Note(s)—See the editor's note following § 15-44.2.

Sec. 15-45.5. Reserved.

Sec. 15-46. Condition hazardous to health.

The city shall make inspections of existing building plumbing and if any condition is found which, in the opinion of the city constitutes a health hazard or a potential health hazard as to the water supply or operation of the waterworks system, the city shall require immediate action to be taken by the customer or disconnect the water until remedial measures are instituted and the hazard eliminated to the complete satisfaction of the city.

(Ord. of 2-4-86)

Sec. 15-47. Cross-connection; contamination.

No water service connection to any premises shall be installed or maintained unless the water supply is protected as required by state laws and regulations and this chapter of the City Code of Ordinances as amended. In installation where conditions as prescribed by state laws and regulations required backflow prevention, the city shall require the customer to install at his/her own expense cross-connection control devices in the category required by state law.

Where cross-connection protection devices in the various categories are required, the customer is required to perform or cause to be performed inspections and operational tests on a schedule to be determined by the city. These tests shall be performed by the customer or his/her agent at the customer's expense at least once per year. These tests and inspections must be performed by a person duly certified in the appropriate category by the South Carolina Department of Health and Environmental Control to perform such tests.

The city will notify the customer in writing informing him/her that within thirty (30) days he/she must provide proof, on an approved format, that the inspection and testing have been accomplished. The customer is required to notify the city at least three (3) working days in advance of exactly where and when the inspection and testing are to be performed. The city may elect to witness the test.

Any cross-connection control device found to be defective shall be satisfactorily repaired or replaced at the customer's expense. Records of inspection, testing and maintenance of these devices shall be kept by the owner and made available to the city upon request. Failure to perform inspection, testing and maintenance of these units as required will result in the city classifying the service as an unprotected cross-connection.

In the event it is determined that an unprotected cross-connection exists, the service may be disconnected until corrective measures have been taken.

(Ord. of 2-4-86; Ord. No. 88-24, 7-19-88; Ord. No. 21-02, § 2, 3-1-21)

Sec. 15-48. Service from an existing service.

No water service shall be furnished to any lot from an existing service on another lot except as herein provided or by special authorization, in writing, of the city council.

(Ord. of 2-4-86)

Sec. 15-49. Service personal to customer.

Water service as provided by this article is rendered to the customer for the use of the customer in the operation of the customer's residence, rentals, services, business, commercial or institution; and said service shall not be subleased, assigned, transferred, sold or disposed of to others, in whole or any part thereof.

(Ord. of 2-4-86)

Sec. 15-50. Discontinuing service for violation—Right reserved.

The city reserves the right to discontinue service immediately, and the water connection removed, if it is found that any provision of this article has been violated.

(Ord. of 2-4-86)

Cross reference(s)—Discontinuance for nonpayment. § 15-65.

Sec. 15-51. Same—Reinstatement thereafter.

Where service has been discontinued for violation of this article, all charges for services to date become immediately due and payable and service will not be reinstated until payment in full has been made of all charges including bills, cost of repairs, service charges, reconnection fees and penalties.

(Ord. of 2-4-86)

Cross reference(s)—Reconnection fees, § 15-65.

Secs. 15-52—15-59. Reserved.

DIVISION 3. SERVICE CHARGES; BILLING; COLLECTING; DEPOSITS

Sec. 15-60. No free service.

No water service shall be furnished or rendered free of charge to any person.

(Ord. of 2-4-86)

Sec. 15-61. Deposits.

Each new water customer shall make application to the city for service by completing the standard contract of the city for water service charges and making a deposit in accord with the schedule of fees. With each new water connection, or in the event of a change of ownership of an existing water connection, a deposit shall be required to secure the payment of usage and availability under the fee schedule as adopted by City Council in accordance with each annual budget.

Whenever an occupant vacates a structure or dwelling, the account will automatically revert to the owner of record and billing will resume.

In the event of a transfer of water service within the city, an owner or occupant who has a deposit with the city and whose account has been in good standing for one year, shall not be required to pay an additional deposit or increase thereof provided, however, the transfer of said water service does not require an increase in meter size. In the event a larger size meter is required, the owner or occupant shall pay the applicable deposit. In the event a smaller meter size is required, an applicable refund shall be given.

Whenever any bill shall remain unpaid for forty-five (45) days from billing date, the city shall order the immediate disconnection of all delinquent service and service shall not be restored until the delinquent bill, service charges and a meter deposit upgrade to either the prevailing rates or two (2) times the highest monthly bill on such customers rounded to the nearest ten dollars (\$10.00), whichever is greater, is collected by city.

Whenever service is discontinued, said deposit, without interest, shall be returned to the customer, after first deducting all outstanding bills for service. Where any outstanding bills exceed the amount of the deposit, the customer is liable for settlement of said bills under all applicable codes, statutes, laws and ordinances, and payment of all cost incident to the enforcement thereof.

(Ord. of 2-4-86; Ord. No. 88-15, 5-3-88)

Sec. 15-62. Payment before service furnished.

For each new water service, and in addition to making the required deposit, the person applying for water service shall pay the fees as adopted by City Council in accordance with each annual budget,

payment to be made before the water connection is provided by the city. In addition, a service charge will be applied and paid for the purpose of water cut-on, initial meter reading and billing set-up.

(Ord. of 2-4-86)

Sec. 15-63. Accounts.

Each water connection shall require the deposit as required herein and separate billing for water service. Each connection shall constitute a separate account in the waterworks records of the city. The applicant for water service to be provided through that water connection shall be responsible to all provisions of this article regardless of ownership of the property being served by that water connection.

(Ord. of 2-4-86)

Sec. 15-64. Billing determined by meter sizes; use of meters to determine amount of water used; minimum rate during convenience cut-off; upgrading meters.

Billing will be determined by the recommended meter sizes under Division 2 of this article. The meter shall determine the quantity of water for which the consumer shall be charged, and all water passing through the meter shall be charged for whether the same shall have been used or wasted or the premises shall not have been occupied. The minimum rate for each meter size shall be as stated under this division.

(Ord. of 2-4-86)

Sec. 15-65. Monthly billing; delinquency penalties; cut-off of service; reconnection fees.

All metered accounts will be read monthly and billed monthly to the customer. If a bill is not paid in its entirety within twenty-one (21) days of billing date, a penalty of ten (10) per cent shall be added; (this is to be applied to the sewer portion also) and if any bill shall remain unpaid for more than forty-five (45) days from billing date, all service shall be forthwith discontinued until said customer shall have paid his/her past-due account and a disconnection and reconnection fee, plus monthly charges.

(Ord. of 2-4-86; Ord. No. 21-02, § 2, 3-1-21)

Sec. 15-66. Effect of nondelivery of bill.

While the city will make every reasonable effort to see that each customer receives such customer's bill, no responsibility will be assumed for non-delivery when same has been mailed at the post office. The customer shall supply the correct mailing address to the city or any changes to a mailing address in writing.

(Ord. of 2-4-86)

Sec. 15-67. Place of payment.

All charges for water services are due and payable at the collecting office in the city hall building or other designated collection agent.

(Ord. of 2-4-86)

Sec. 15-68. Water rates—Monthly charges.

The monthly base charge and volume charges for water service shall be as adopted by City Council in accordance with each annual budget.

(Ord. of 2-4-86; Ord. No. 86-13, 9-4-86; Ord. No. 88-15, 5-3-88; Ord. No. 93-21, § 6, 5-17-93; Ord. No. 95-30, § 6, 5-15-95; Ord. No. 02-20, § 6, 5-20-02; Ord. No. 12-07, § 6, 6-4-12, eff. 7-1-12; Ord. No. 14-11, § 6, 5-21-14, eff. 7-1-14; Ord. No. 19-28, § 6, 5-20-19, eff. 7-1-19; Ord. No. 21-24, § 6, 6-21-21, eff. 7-1-21; Ord. No. 22-24, § 6, 6-20-22, eff. 7-1-22)

Sec. 15-69. Charges and assessments for customers outside this city and the City of Atlantic Beach.

All charges and assessments for water services outside the limits of the cities of North Myrtle Beach and Atlantic Beach shall be billed at a rate equal to twice the changes and assessments set forth in this article.

(Ord. of 2-4-86)

Sec. 15-70. Classification for billing purposes.

Each account for water service shall be classified for billing purposes at the discretion of the city and according to the definitions contained herein. The customer shall have the right to redress to the city for purposes of reclassification through presentation of sufficient evidence to the City Manager.

(Ord. of 2-4-86)

Sec. 15-71. Fee for convenience cut-off and cut-on.

Upon payment of a fee, the city will allow any customer a convenience cut-off and cut-on as a protective device during periods of absence from the premises. Actual cut-off and cut-on must be accomplished by the city and does not relieve the customer of any obligation to pay the minimum charges as set forth in the schedule of fees.

(Ord. of 2-4-86)

Sec. 15-72. Meters required; inaccuracy; adjustments.

(a) All service will be metered.

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- (b) Adjustments to bills shall be arrived at by comparison with the same billing period of the previous year. If previous year is not available, adjustments will be arrived at by comparison with same size meter and similar type activity. If a meter is found to be defective, a new meter will be installed at no charge to the customer.
 - (c) In the event that a customer's water bill is abnormally high, the city shall, at the request of the customer:
 - (1) Verify the accuracy of the reading and the billing, at no charge.
 - (2) Assist the customer in checking for leaks, at no charge.
 - (3) Calibrate the meter as stated below in subsection (e).
 - (d) If the meter reading or billing is not accurate, the customer's account will be adjusted to reflect the actual amount of water consumed.
 - (e) When a meter is calibrated at the customer's request, the customer shall pay a service charge based on the city's cost of testing. The service charge will be refunded if meter is found to be defective. If a meter is found to be defective or to be more than three (3) per cent fast when calibrated, the account will be adjusted in accordance with subsection (b), but in no case will the adjustment exceed six (6) months prior billing. In addition, the customer may also request that the meter be tested by an independent testing company. The cost of testing will be borne by the customer and is not refundable. If a defective meter is found, the city will make an adjustment in accordance with subsection (b). The customer agrees to accept the results of the test by the independent testing company.
 - (f) If a leak is detected at the meter, the city will adjust the customer's account in accordance with subsection (b).
 - (g) If a leak is detected on the customer side of the meter (excluding exposed and interior plumbing) the city will make an adjustment to the sewer portion of the bill in accordance with subsection (b). An adjustment under this section will be limited to one every two (2) years.
 - (h) If the results of the investigation by the city or independent testing company reveal that none of the above reasons explain the abnormal consumption, no adjustment will be given.

It is the intent of the adjustment procedure to allow reasonable administrative leeway in order to make fair adjustments and promote good public relations and customer confidence and satisfaction. In the event of unusual circumstances not covered by this section, an appeal can be made to the city manager or his/her designee for final decision on adjustments.

(Ord. of 2-4-86; Ord. No. 21-02, § 2, 3-1-21)

Sec. 15-73. Detector check meters for fire protection devices.

All water connections installed for sprinkler systems or similar business and commercial fire protection devices must be equipped with a detector check valve and meter at the customer's expense.

(Ord. of 2-4-86)

Sec. 15-74. No offset for customer claims.

No claims or demand that the customer may have against the city shall be considered as an offset against the payments for service as provided under this article.

(Ord. of 2-4-86)

Sec. 15-75. Refunds for overcharges limited.

In no event will refunds for overcharges be made for a period covering more than six (6) months immediately preceding.

(Ord. of 2-4-86)

Secs. 15-76—15-79. Reserved.

DIVISION 4. WATER SYSTEM EXTENSIONS

Sec. 15-80. Developer's responsibility of new development to construct.

Extension of the water lines and addition of fire hydrants shall be the responsibility of the person requiring such extension or addition, and they shall pay the full cost thereof.

(Ord. of 2-4-75, § 701; Ord. of 2-17-81; Ord. of 10-18-83)

Sec. 15-80.1. Cost estimates for plan review and inspections.

All plans for water line extensions shall be submitted to the city engineer for review. Permit fees shall be in accordance with the building permit fee schedule with section 6-3(b). Plan review fees shall be in accordance with section 6-3(d).

(Ord. of 10-18-83, § 605; Ord. No. 99-33, 9-20-99)

Editor's note(s)—An ordinance of Oct. 18, 1983, added a new § 605 to the water use ordinance, which provisions have been included as § 15-80.1 at the discretion of the editor.

Sec. 15-81. Conformance of plans and specifications in new developments.

Any developer of a new development proposing to construct water distribution lines or extensions to existing transmission mains to connect directly into the city's water system shall conform its plans and specifications to the requirements of the approving authority. The plans and specifications shall be prepared by a registered engineer who is authorized by the laws of the state and approved or approvable by all local, county and state authorities having jurisdiction.

(Ord. of 2-4-75, § 703)

Sec. 15-82. Administrative procedures.

The following administrative procedures shall be followed by the developer:

- (1) Submit preliminary construction plans to the approving authority in sufficient detail to indicate location, system layout, line sizes, service connections, flows, pressures and point of connection to the city's system.
- (2) Receive preliminary approval from the city and other jurisdictional agencies.
- (3) Prepare construction drawings and documents for city approval.

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- (4) Secure all other agency approvals of construction drawings and contract documents.
 - (5) Upon receipt of all approvals, proceed with construction, notifying the approving authority of construction schedules.
 - (6) Provide the approving authority and its authorized representatives with permission for on-site inspection during construction.
 - (7) Furnish to the approving authority a certificate of completion, instrument of conveyance, and warranty, together with such other legal documents as may be required, and similar special provisions.

(Ord. of 2-4-75, § 704)

Sec. 15-83. Construction by contractor.

Construction of the proposed water line extension in a new development shall be accomplished by a registered, licensed contractor, under the laws of the state, who shall have paid all business licenses required by the city.

(Ord. of 2-4-75, § 705; Ord. of 2-17-81)

Sec. 15-84. Final inspection and certification by developer's engineer.

Upon completion of construction, the engineer employed by the developer, or person requiring such extension, shall inspect and furnish to the approving authority, at no cost of the city, such engineer's certificate of completion, indicating that the subject water line has been constructed in accordance with the approved plans and specifications, and shall provide four (4) copies of "as constructed" drawings.

(Ord. of 2-4-75, § 706; Ord. of 2-17-81)

Sec. 15-85. Warranty.

The owner or the owner's authorized agent shall submit a warranty which is a legal instrument in which the owner warrants the materials, equipment and construction of the system for twelve (12) months. The owner shall further warrant to the approving authority that all fees have been paid and that there is no outstanding indebtedness remaining and holding the city harmless in each instance.

(Ord. of 2-4-75, § 707)

Sec. 15-86. Making water taps during construction.

All water line extensions must be compatible with present and future plans and needs of the city, and approved by the city engineer, applying accepted engineering practices.

(Ord. of 2-4-75, § 708; Ord. of 2-17-81)

Sec. 15-87. Compatibility with plans.

All water system extensions must be compatible with present and future plans and needs of the city; and approved by the city engineer, applying accepted engineering practices.

(Ord. of 2-4-75, § 709; Ord. of 2-17-81)

Sec. 15-88. Conveyance of lines in new developments—Authorized.

Extension of the water lines may be conveyed to the city, provided all such water lines are located within public rights-of-way or easements of adequate unobstructed widths to provide maintenance vehicle access.

(Ord. of 2-4-75, § 702; Ord. of 2-17-81)

Sec. 15-89. Same—Execution.

When all other requirements of this division have been met and approved, the owner shall prepare and submit to the approving authority an instrument of conveyance, conveying the constructed system to the city, at no cost to the city, and the system shall thereafter be owned, operated and maintained by the city as provided for in this article. The instrument of conveyance shall also include permanent easements and rights-of-way fully described and duly recorded at the appropriate authority.

(Ord. of 2-4-75, § 710)

Sec. 15-90. Water extension fee.

- (1) Except as outlined in sections 15-80 through 15-89, city council may, in its sole discretion, authorize the extension of the water system to geographical areas within or beyond the corporate limits of the city when such extension will provide capacity beyond that required by the person requesting such extension. Costs for such extensions shall be recovered through the establishment of a water extension fee, to be calculated as follows:

$$EF = \frac{CE}{tx/tDERU}$$

TERU

Where:

EF	=	Extension fee.
CE	=	Cost of extension of water distribution system.
DERU	=	Water capacity required by development expressed as ERU's.
TERU	=	Total capacity of extended water distribution system as determined by city manager or his/her designee, expressed in ERU's.
ERU	=	Equivalent residential unit. The equivalent number of structures which equal a single-family detached unit.

- (2) In geographical areas beyond the corporate limits, the owner/developer must first annex to the city before connection to the extended water system or execute an annexation agreement with the city.
- (3) All project costs, including right-of-way acquisition, engineering, construction, unearned interest on funds expended, etc., shall be recovered through the water extension fee.
- (4) When an owner or developer desires to have a water extension constructed in accordance with the terms of this section, he/they shall execute an agreement with the city which shall have the following provisions:

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- (a) The agreement shall provide that the developer agrees to connect to the system within a reasonable length of time as mutually agreed by the parties. Said agreement shall provide for a prepaid guarantee should the developer fail to comply with these provisions.
 - (b) The city shall design and construct the water system extension, said design and construction standards shall be at the sole discretion of the city.
 - (c) Capacity in the water system shall not be reserved until such time as all other applicable fees, as outlined in sections 15-43 through 15-45 are paid. Upon issuance of a building permit, with payment of extension fee, impact fees, and other applicable fees, the owner/developer shall be entitled to water service.
 - (d) If the capacity of the system extension is fully utilized and the person initiating the extension has not paid all applicable fees as outlined in paragraph (c) above, then any agreement between the city and the person initiating a system extension shall be immediately null and void.
- (5) Where an extended water system as provided by this section exists prior to development, and while there is additional capacity, as determined by city engineer, then the extension fee shall be paid at the time a building permit is issued and water fees are paid in accordance with sections 15-43 through 15-45 of the City Code. The extension fee to be paid shall be computed as provided for in section (1) and in addition, shall be escalated by an interest rate equal to average annual rate earned by the city.

When an extension fee is paid and a building permit expires, and building construction has not started, as defined by the building code, then the extension fee shall be reimbursed, less fifteen (15) per cent for administrative costs, along with impact fees, and the capacity shall be available for resale.

When the capacity of the water system extension has been reached, a new extension may be initiated. The city, at its option, may elect to improve the system at its own cost, or it may require a developer to initiate an extension project, as provided herein.

(Ord. No. 87-12, 7-21-87; Ord. No. 21-02, § 2, 3-1-21)

DIVISION 5. DROUGHT MANAGEMENT AND RESPONSE³

Sec. 15-91. Declaration of purpose and intent.

The City of North Myrtle Beach understands the fundamental need to make efficient use of the limited and valuable water resource under its stewardship in order to protect the public's health and safety and environmental integrity. The purpose of this division is to establish a plan and procedures for managing water demand and evaluating supply options before and during a drought-related water shortage. The intent is to satisfy the requirements of the Drought Response Act of 2000 (Code of Laws of South Carolina, 1976, Section 49-23-10 et seq., as amended) with the goal of achieving the greatest public benefit from domestic water use, sanitation, and fire protection and to provide water for other purposes in an equitable manner. Therefore, the City of North Myrtle Beach has adopted this drought management plan and drought response ordinance that provide the policies and the authority to fulfill this obligation. The drought management plan [section 15-93 of this Code] outlines the framework by which City of North Myrtle Beach will internally prepare for water shortages. The

³Editor's note(s)—Ord. No. 03-36, adopted Aug. 18, 2003, deleted former Div. 5 of Ch. 15, Art. II in its entirety and added new provisions as Div. 5 as herein set out. Former Div. 5, §§ 15-91—15-95, pertained to drought response and derived from Ord. No. 87-11, adopted July 21, 1987.

[drought response] ordinance [section 15-94 of this Code] provides the regulations by which the City of North Myrtle Beach will manage and control its customer water usage during various levels of a drought.

(Ord. No. 03-36, § I, 8-18-03)

Sec. 15-92. Definition of terms.

For the purposes of this [drought management] plan and the accompanying [drought response] ordinance [set out in this division], the following definitions shall apply:

Aesthetic water use: Water use for ornamental or decorative purposes such as fountains, reflecting pools and waterfalls.

Commercial and industrial use: Water use integral to the production of goods and/or services by any establishment having profit as its primary aim.

Conservation: Reduction in water use to prevent depletion or waste of the resource.

Customer: Any person, company or organization using finished water owned or supplied by the City of North Myrtle Beach.

Domestic water use: Water use for personal needs or for household purposes such as drinking, bathing, heating, cooking, sanitation or for cleaning a residence, business, industry or institution.

Drought alert phases: There are four (4) drought alert phases to be determined by the drought response committee for the State of South Carolina. The four (4) phases are:

- (1) Incipient drought.
- (2) Moderate drought.
- (3) Severe drought.
- (4) Extreme drought.

Drought response management areas: There are four (4) drought management areas corresponding to the major river basins in South Carolina. The four (4) areas are:

- (1) West or Savannah.
- (2) Central or Santee.
- (3) Northeast or Pee Dee.
- (4) Southern or Ashepoo, Combahee, and Edisto.

In order to prevent overly broad response to drought conditions, drought response measures shall be considered within individual drought management areas or within individual counties, as applicable.

Drought response committee: A committee composed of state and local representatives created for the purpose of coordinating responses to water supply shortages within drought management areas and making recommendations for action to the South Carolina Department of Natural Resources and/or the governor. The committee is composed of state agency representatives from the South Carolina Emergency Management Division of the Office of the Adjutant General, South Carolina Department of Health and Environmental Control, South Carolina Department of Agriculture, South Carolina Forestry Commission, and South Carolina Department of Natural Resources, as well as local committees representing counties, municipalities, public service districts, private water suppliers, agriculture, industry, domestic users, regional councils of government, commissions of public works, power generation facilities, special purpose districts and soil and water conservation districts.

Equivalent residential unit (ERU): An equivalency unit defined to be equal to one (1) single-family residence. The City of North Myrtle Beach ERU equals three hundred seventeen (317) gallons per day.

Essential water use: Water used specifically for firefighting, maintaining in-stream flow requirements and to satisfy federal, state or local public health and safety requirements.

Finished water: Water distributed for use after treatment. The terms "water use," "water user," and "water customer" refer to finished water use unless otherwise defined.

Institutional water use: Water used by government, public and private educational institutions, churches and places of worship, water utilities, and organizations within the public domain.

Irrigation water use: Water used to maintain gardens, trees, lawns, shrubs, flowers, athletic fields, rights-of-way and medians.

Non-essential water use: Categories of water use other than essential water use. Examples of non-essential water use include landscape irrigation and the washing of buildings, parking lots, automobiles, etc.

South Carolina Department of Natural Resources: The state agency with primacy to implement the provisions of the Drought Response Act.

Water supply shortage: Lack of adequate, available water caused by drought to meet normal demands.

(Ord. No. 03-36, § II, 8-18-03)

Sec. 15-93. Drought management plan.

- (a) *Introduction.* To ensure that the City of North Myrtle adequately manages its water system during drought-related conditions, an organized plan is necessary for system operation and reliability, proper communications, effective coordination and ultimate allocation of water use. Prior planning will complement the City of North Myrtle Beach ability to respond to drought conditions and to enforce the related [drought response] ordinance [section 15-94 of this Code].
- (b) *Designation of water system drought response representative.* Administrating a drought plan requires the skills needed to undertake a comprehensive public information program and the judgment required to deal with equity issues arising from enforcement of a mandatory program. Someone who has these skills will be selected by the water system to manage the water system's program and serve as the principal contact for the news media as the water system's drought response representative. The drought response representative for the City of North Myrtle Beach shall be city engineer/public works director or his/her designee. Contact: City Engineer/Public Works Director, City of North Myrtle Beach, 1018 Second Avenue South, North Myrtle Beach, SC 29582; Phone: 843-280-5500, Fax: 843-280-5521.
- (c) *Description of water system layout, water sources, capacities and yields.* The City of North Myrtle Beach is located in the Pee Dee Drought Response Management Area of South Carolina. The system serves over ten thousand (10,000) customers in the North Myrtle Beach Area.

The City of North Myrtle Beach purchases water from two (2) adjoining water suppliers. Water is stored at one (1) ground storage tank and five (5) elevated storage tanks for a total capacity of four million (4,000,000) gallons. Booster pumping is provided at the ground storage tank at a maximum rate of twelve million gallons per day (12 MGD). The water supply sources available to the system are the City of Myrtle Beach water system and Grand Strand Water and Sewer Authority water system.

- (d) *Identification of water system specific drought or water shortage indicators.* Operators of every water system must develop historical trends that are valuable indicators of a system's ability to meet demand when demand begins to outpace supply. The City of North Myrtle Beach has developed triggers for use during

drought or demand water shortages that describe when specific phases of the drought response ordinance [section 15-94 of this Code] are implemented. The system triggers are as follows:

Moderate Drought Phase

- (1) Notification from one (1) or both water suppliers.

Severe Drought Phase

- (1) Notification from one (1) or both water suppliers.
- (2) Inability to consistently maintain tank levels.

Extreme Drought Phase

- (1) Notification from one (1) or both water suppliers.
- (2) Inability to consistently maintain tank levels.
- (3) Inability to fill tanks.
- (4) Low water pressure.

(e) *Cooperative agreements and alternative water supply sources.* Successful drought management requires a comprehensive program by the water utility. In many situations administrative agreements are required with other agencies to fully implement the plan. Agreements with other water purveyors may be necessary for alternative water supply sources. Other agreements that strengthen conservation efforts by large users may be necessary. The City of North Myrtle Beach has identified the following agreements that are in place to facilitate the implementation of this plan: City of Myrtle Beach, Grand Strand Water and Sewer Authority.

(f) *Description of pre-drought planning efforts.* Before the occurrence of a water supply shortage and the need to implement the emergency provisions of the [drought response] ordinance [section 15-94 of this Code], it is important that certain pre-response measures be taken with the aim of conserving the system's source water, as well as the water distributed to the customer. In regard to the conservation measures listed below, the City of North Myrtle Beach has taken the following actions:

- (1) Identification of all major water users of the system:

- (2) Identification of those users with whom there are conservation agreements: City of North Myrtle Beach public right-of-way landscape irrigation usage and ball field irrigation.
- (3) A vigorous public education program is critical for achieving substantial water use reductions. An effective public outreach program will keep the public informed about the water supply situation, what actions will mitigate drought emergency problems, and how well the public is doing in terms of meeting the program goals. Keeping the public involved, informed, and participating in the decision-making process is key to implementing an effective drought management plan. Provide a description of your utility's efforts to develop an effective drought-related public education program: The City of North Myrtle Beach will utilize public access cable television, government channel and quarterly newsletter to advise public about conservation issues and drought status.

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- (g) *Description of capital planning and investment for system reliability and demand forecasting.* Water utilities routinely find that capital improvements to the system strongly enhance their ability to get through times of drought. It is important that every water utility aggressively plans and builds for future needs. The utility must continue to provide for system operation flexibility, improved pumping and storage capacity and new technologies to meet the demands of tomorrow.

The City of North Myrtle Beach has developed and maintains a Capital improvement Plan (CIP) to identify system improvements needed to maintain adequate water supply and service level. A water system model is maintained to predict pressure and flow rates.

(Ord. No. 03-36, § III, 8-18-03; Ord. No. 21-02, § 2, 3-1-21)

Sec. 15-94. Drought response ordinance.

- (a) *Declaration of policy and authority.* The objective of this drought response ordinance [this section] is to establish authority, policy and procedure by which the City of North Myrtle Beach will take the proper actions to manage water demand during a drought-related shortage. The [drought response] ordinance [this section] satisfies the requirements of the Drought Response Act of 2000 and has the goal of achieving the greatest public benefit from limited supplies of water needed for domestic water use, sanitation, and fire protection and of allocating water for other purposes in an equitable manner.

This [drought response] ordinance [this section] outlines the actions to be taken for the conservation of water supplied by the City of North Myrtle Beach. These actions are directed both towards an overall reduction in water usage and the optimization of supply.

To satisfy these goals, the City of North Myrtle Beach hereby adopts the following regulations and restrictions on the delivery and consumption of water. This [drought response] ordinance [this section] is hereby declared necessary for the protection of public health, safety and welfare and shall take effect upon its adoption by the City of North Myrtle Beach.

If it becomes necessary to conserve water in its service area due to drought, the City of North Myrtle Beach is authorized to issue a proclamation (a "Proclamation") that existing conditions prevent fulfillment of the usual water-use demands. The proclamation is an attempt to prevent depleting the water supply to the extent that water-use for human consumption, sanitation, fire protection, and other essential needs becomes endangered.

Immediately upon issuance of such a proclamation, regulations and restrictions set forth under this [drought response] ordinance [this section] shall become effective and remain in effect until the water supply shortage has ended and the proclamation rescinded.

Water uses that are regulated or prohibited under this [drought response] ordinance [this section] are considered to be non-essential and continuation of such uses during times of water supply shortages is deemed to constitute a waste of water, subjecting the offender(s) to penalties.

The drought management plan as outlined in section 15-93 is hereby approved.

- (b) *Moderate drought phase.* Upon notification by the drought response committee that a moderate drought condition is present and is expected to persist and/or upon determination by the City of North Myrtle Beach that a moderate water supply shortage exists based on trigger levels, the City of North Myrtle Beach will seek voluntary reductions from its customers in the use of water for all purposes and voluntary reductions on using water during certain peak water demand periods. Specifically, the goal during this phase is to achieve a reduction of twenty (20) percent in residential water use and fifteen (15) percent in other water uses such as commercial, industrial, institutional and irrigation; and a reduction in overall water use of fifteen (15) percent. To accomplish this, the City of North Myrtle Beach will take the following actions.

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- (1) Issue a proclamation to be released to local media, the City of North Myrtle Beach's customers and to the South Carolina Department of Natural Resources Drought Information Center that moderate drought conditions are present.
 - (2) Provide written notification to the South Carolina Department of Natural Resources Drought Information Center and routinely publish in a newspaper of general circulation in the service area of the water system the voluntary conservation measures that the customers are requested to follow during moderate drought conditions, including:
 - a. Reduce residential water use to fifty-five (55) gallons per person per day and a maximum of two hundred (200) gallons per household per day;
 - b. Eliminate the washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas;
 - c. Eliminate the washing down of buildings for purposes other than immediate fire protection;
 - d. Eliminate the flushing of gutters;
 - e. Eliminate the domestic washing of motorbikes, boats, cars, etc.;
 - f. Minimize the use of water to maintain fountains, reflection ponds and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life;
 - g. Reduce watering of lawns, plants, trees, gardens, shrubbery and flora on private or public property to the minimum necessary. Encourage outdoor watering to be done during off-peak hours.
 - h. Reduce the amount of water obtained from fire hydrants for construction purposes, fire drills or for any purpose other than firefighting or flushing necessary to maintain water quality; and
 - i. Limit normal water use by commercial and individual customers including, but not limited to, the following:
 1. Stop serving water in addition to another beverage routinely in restaurants;
 2. Cease water service to customers who have been given a ten-day notice to repair one (1) or more leaks and have failed to do so.
 - (3) Intensify maintenance efforts to identify and correct water leaks in the distribution system
 - (4) Continue to encourage and educate customers to comply with voluntary water conservation.
- (c) *Severe drought phase.* Upon notification by the drought response committee that a severe drought condition is present and is expected to persist and/or upon determination by the City of North Myrtle Beach that a severe water supply shortage exists. The City of North Myrtle Beach will seek voluntary reduction in the use of water for all purposes and mandatory restrictions on non-essential usage and restrictions on times when certain water usage is allowed. Specifically, the goal during this phase is to achieve a reduction of twenty-five (25) percent in residential water use, twenty (20) percent in all other water use categories, and a reduction in overall water use of twenty (20) percent. To accomplish these goals, the City of North Myrtle Beach will take the following actions.
- (1) Issue a proclamation to be released to the local media, the City of North Myrtle Beach's customers and to the South Carolina Department of Natural Resources Drought Information Center that severe drought conditions are present.
 - (2) Provide written notification to the South Carolina Department of Natural Resources Drought Information Center and routinely publish in a newspaper of general circulation in the service area of

the water system the voluntary conservation measures and mandatory restrictions to be placed on the use of water supplied by the utility, including:

- a. Voluntary reduction of residential water use by the utility's customers to fifty-five (55) gallons per person per day and a maximum of one hundred seventy (170) gallons per household or ERU per day.
 - b. Control landscape irrigation by the utility's customers by staggering watering times.
 - c. Mandatory restrictions on the use of water supplied by the utility for activities including:
 1. Eliminate the washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas;
 2. Eliminate the washing down of buildings for purposes other than immediate fire protection;
 3. Eliminate the flushing of gutters;
 4. Eliminate domestic washing of motorbikes, boats, cars, etc.;
 5. Eliminate the use of water to maintain fountains, reflection ponds and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life;
 6. Minimize obtaining water from fire hydrants for construction purposes, fire drills or any purpose other than firefighting or flushing necessary to maintain water quality; and
 - d. Limit use of water by commercial and individual customers including, but not limited to, the following:
 1. Stop serving water in addition to another beverage routinely in restaurants;
 2. Cease water service to customers who have been given a ten-day notice to repair one (1) or more leaks and have failed to do so; and
- (3) Intensify maintenance efforts to identify and correct water leaks in the distribution system.
 - (4) Cease installation of new irrigation taps on the water system.
 - (5) Publicize widely the penalties to be imposed for violations of mandatory restrictions and the procedures to be followed if a variance in the restrictions is requested.
 - (6) Expand the use of education and public relations efforts and emphasize the penalties associated with violating the mandatory restrictions.
 - (7) Provide written notification monthly to the South Carolina Department of Natural Resources Drought Information Center regarding the success of the voluntary and mandatory restrictions.
- (d) *Extreme drought phase.* Upon notification by the drought response committee that an extreme drought condition is present and is expected to persist and/or upon determination by the City of North Myrtle Beach that an extreme water supply shortage exists based on the trigger levels, the City of North Myrtle Beach will impose mandatory restrictions in the use of water for all purposes and on the times when certain water usage is allowed. Specifically, the goal during this phase is to achieve a reduction of thirty (30) percent in residential water use, twenty-five (25) percent in all other categories of water uses and a reduction in overall water use of twenty-five (25) percent. To accomplish these goals, the City of North Myrtle Beach will take the following actions:
- (1) Issue a proclamation to be released to the local media, the City of North Myrtle Beach's customers and to the South Carolina Department of Natural Resources Drought Information Center that extreme drought conditions are present;

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- (2) Provide written notification to the South Carolina Department of Natural Resources Drought Information Center and routinely publish in a newspaper of general circulation in the service area of the water system the mandatory restrictions to be placed on the use of water supplied by the utility, including:
- a. Limiting residential water use to forty-five (45) gallons per person per day and a maximum of one hundred fifty (150) gallons per household or ERU per day.
 - b. Eliminate landscape irrigation by the utility's customers.
 - c. Mandatory restrictions on the use of water supplied by the utility for activities including:
 1. Eliminate the washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas;
 2. Eliminate the washing down of buildings for purposes other than immediate fire protection;
 3. Eliminate the flushing of gutters;
 4. No domestic washing of motorbikes, boats, cars, etc.;
 5. Eliminate the use of water to maintain fountains, reflection ponds, and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life;
 6. Eliminate obtaining water from fire hydrants for construction purposes, fire drills, or any purpose other than firefighting or flushing necessary to maintain water quality; and
 - d. Limit normal water use by commercial and individual customers including, but not limited to, the following:
 1. Stop serving water in addition to another beverage routinely in restaurants;
 2. Limit irrigating golf courses and any portion of their grounds;
 3. Cease water service to customers who have been given a ten-day notice to repair one (1) or more leaks and have failed to do so; and
 4. Delay planting or landscaping when required by site design review process.
- (3) Intensify maintenance efforts to identify and correct water leaks in the distribution system.
- (4) Continue to cease installation of new irrigation taps on the water system.
- (5) Other conservation measures:
- a. If voluntary conservation is not successful, the City of North Myrtle Beach may implement a drought surcharge for water usage in excess of two hundred fifty (250) gallons per day, per ERU. The surcharge will be a penalty rate of two (2) times the regular water usage rate.
- (6) Publicize widely the penalties to be imposed for violations of mandatory restrictions and the procedures to be followed if a variance in the restrictions is requested.
- (7) Expand the use of education and public relations efforts as conducted under the moderate and severe drought phase and emphasize the penalties associated with violating the mandatory restrictions.
- (8) Provide written notification monthly to the South Carolina Department of Natural Resources Drought Information Center regarding the success of the mandatory restrictions.
- (e) *Rationing.* If a drought threatens the protection of public health and safety, the City of North Myrtle Beach is hereby authorized to ration water.

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- (f) *Enforcement of restrictions.* If any customer of the City of North Myrtle Beach fails to comply with the mandatory water use restrictions of this [drought response] ordinance [this section], the customer shall be given a written notice of such failure to comply, which cites the date of said violation, and shall be assessed surcharges in accordance with the following schedule:

First violation—Written notification and warning;

Second violation—A twenty-five dollars (\$25.00) surcharge shall be added to the customer's water bill;

Third violation—The customer's water service shall be terminated and restored only after payment of a surcharge of fifty dollars (\$50.00) in addition to all previously assessed surcharges.

Law enforcement agencies and other authorized agencies or designated employees in the respective jurisdiction that is being supplied water by the City of North Myrtle Beach shall diligently enforce the provisions of the drought response ordinance [this section].

- (g) *Variances.* Customers, who in their belief are unable to comply with the mandatory water use restrictions of this drought response ordinance [this section], may petition for a variance from restrictions by filing a petition with the City of North Myrtle Beach City Manager or designee, within ten (10) working days after the issuance of the proclamation requiring water use restrictions. The request shall contain the following information:

- (1) Name and address of the petitioner;
- (2) Purpose of water usage;
- (3) Special provision from which the petitioner is requesting relief;
- (4) Detailed statement as to how the curtailment declaration adversely affects the petitioner;
- (5) Description of the relief desired;
- (6) Period of time for which the variance is sought;
- (7) Economic value of the water use;
- (8) Damage or harm to the petitioner or others if petitioner complies with the drought response ordinance [this section];
- (9) Restrictions with which the petitioner is expected to comply and the compliance date;
- (10) Steps the petitioner is taking to meet the restrictions from which the variance is sought and the expected date of compliance; and
- (11) Other information as needed. In order for the variance to be granted, the petitioner must demonstrate clearly that compliance with the [drought response] ordinance [this section] cannot be technically accomplished during the duration of the water supply shortage without having an adverse impact upon the best interests of the community. The City of North Myrtle Beach is authorized to grant the request for variance.

In addition, the City of North Myrtle Beach is authorized to grant temporary variances for existing water uses otherwise prohibited under the [drought response] ordinance [this section] if it is determined that failure to grant such variances could cause an emergency condition adversely affecting health, sanitation and fire protection for the public. No such variance shall be retroactive or otherwise justify any violation of this [drought response] ordinance [this section] occurring prior to the issuance of the variance. Variances granted by the City of North Myrtle Beach shall include a timetable for compliance and shall expire when the water supply shortage no longer exists, unless the petitioner has failed to meet specified requirements.

- (h) *Status of the [drought response] ordinance [this section].*

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- (1) If any portion of this [drought response] ordinance [this section] is held to be unconstitutional for any reason, the remaining portions of the drought response ordinance [this section] shall not be affected.
 - (2) The provisions of this [drought response] ordinance [this section] shall prevail and control in the event of any inconsistency between this [drought response] ordinance [this section] and other rules and regulations of the City of North Myrtle Beach.
 - (3) Nothing in this [drought response] ordinance [this section] shall be deemed to invalidate or be interpreted in a manner inconsistent with any covenants now in effect and given as security to holders of bonds secured by revenues of the system.

(Ord. No. 03-36, § III, 8-18-03)

Secs. 15-95—15-99. Reserved.

ARTICLE III. SEWER⁴

DIVISION 1. GENERALLY

Sec. 15-100. Definitions.

Unless the context specifically indicates otherwise, the following terms shall have the respective meanings ascribed to them:

Approving authority: The city manager or authorized designee.

BOD (denoting biochemical oxygen demand): A measure of the degree of pollution strength of wastes. BOD expressed in parts per million by weight, shall mean the calculated pounds of oxygen required to satisfy the five-day oxygen demand of one million (1,000,000) pounds of domestic sewage and/or industrial wastes..

Application: The instrument by which one applies for sewer service.

Building: Any structure with a roof, erected or maintained on any parcel of land and which requires sewer service.

City: Includes any duly authorized official acting in behalf of the City of North Myrtle Beach.

Color: The "true color" due to substances in solution which cause any variation in the hue of the receiving stream, expressed in wavelengths of light.

Combined sewer: A sewer receiving both surface runoff and sanitary sewage.

Customer: The person responsible for payment of all water and sewer services used at a specific location, of one household or business and further defined as that person in whose name the application was made.

⁴Editor's note(s)—An ordinance of Feb. 4, 1986, repealed Divs. 1—4 of Art. III and enacted new Divs. 1—4 to read as herein set forth. Prior to repeal, said divisions pertained to similar subject matter and were derived from the following: Ordinance of Feb. 4, 1975, §§ 101—135, 201—203, 301—312, 401—412, 501—512, 601—604, 801, 802; ordinance of June 3, 1975; ordinance of June 5, 1979; ordinance of July 6, 1962; ordinance of Aug. 3, 1982; ordinance of Aug. 16, 1983; ordinance of Oct. 18, 1983; and an ordinance of Nov. 20, 1984.

Cross reference(s)—Stormwater management, § 6-130 et seq.

Development: A portion of land, including any single-family subdivision; that is being developed to the extent that sewer service is desirable to realize its full potential.

Domestic sewage: Liquid waste from noncommercial residential bathrooms, toilet rooms, kitchens and laundries.

Equivalent residential user: The equivalent number of other structures which equal a single-family detached dwelling unit.

Federal categorical pretreatment standard: Any regulation containing pollutant discharge limits promulgated by the environmental protection agency in accordance with Section 307(b) and (c) of the Federal Clean Water Act which applies to a specific category of industry.

Garbage: Solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Hotel, motel, inn, lodge: Any building providing lodging to transients.

Industrial: Any building used by the occupant to manufacture, assemble or process goods classified in the Standard Industrial Classification Manual, published by the U.S. Bureau of the Budget.

Industrial wastes: The liquid wastes from commercial and industrial processes and operations, as distinct from domestic sewage.

Interference: The inhibition or disruption of the city's wastewater treatment processes or operations which contributes to a violation of any requirement of the city's NPDES permit. The term includes the prevention of the use or disposal of sewage sludge.

Mobile home park: Land used for the purpose of providing space to park mobile homes (trailers), whether on wheels or a foundation, designed to serve as living quarters, whether permanent or occasional.

Motel bedroom unit: Each room in a motel, hotel, inn or lodge used for sleeping of the management or guests.

Multiple-family dwelling: Any building having within its exterior walls provisions for housing two (2) or more families separately.

Natural outlet: Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

NPDES permit: Shall mean national pollution discharge elimination system permit issued to the city pursuant to Section 402 of the Federal Clean Water Act.

Owner: The person, corporation, partnership or other entity that has an ownership interest in the real property receiving utility services.

Occupant: A person who occupies property where city sewer service is provided.

Person: Any individual, firm, company, association, society, corporation, institution or group as indicated by the context in which used.

pH: The logarithm (base 10) of the reciprocal of the weight of hydrogen ions in grams per liter of solution and indicates the strength of acidity or alkalinity of a substance. A pH value of 7.0 is considered neutral. A stabilized pH will be considered as a pH which does not change beyond the specified limits when the waste is subjected to aeration. pH below 7.0 is acid, above alkaline.

ppm (denoting parts per million): Parts per million by weight expressed in pounds. One million (1,000,000) pounds of water or sewage equals approximately one hundred twenty thousand (120,000) gallons.

Property shredded garbage: The wastes from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particles greater than one-half (½) inch in any dimension.

Public sewer: A sewer in which all owners of abutting properties shall have equal rights, and which is controlled by public authority.

Receiving stream: That body of water, stream or watercourse receiving the discharge waters from the sewage treatment plant or formed by the discharge of the sewage treatment plant.

Sanitary sewer: A sewer which carries sewage or polluted industrial wastes and to which storm, surface and ground waters or unpolluted industrial waste are not intentionally admitted.

Septic tank: A private domestic sewage treatment system consisting of an underground tank, distribution box and drain field designed and constructed in accordance with all existing local and state requirements.

Sewage: A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm water as may be naturally present.

Sewage treatment plant: Any arrangements of devices and structures for treating sewage.

Sewer: A pipe or conduit for carrying sewage.

Sewer impact fee: A charge imposed by this chapter when a building permit is issued, designed to reimburse the city for the cost of providing additional facilities and services made necessary by the impact of new utility users of the facilities and services.

Sewer tap fee: A charge imposed by this chapter designed to reimburse the city for the cost of all materials, labor, and overhead made necessary to construct the sewer connection and provide service to the customer.

Sewerage system: All facilities for collecting, conveying, pumping, treating and disposing of sewage.

Shall is mandatory; *may* is permissive.

Single-family dwelling: Any building having within its exterior walls provisions for housing only one family.

Storm sewer or storm drain: A sewer which carries storm and surface waters and drainage but excludes sewage and polluted wastes.

Suspended solids: Solids that either float on the surface of, or are in suspension in water, sewage or other liquids; and which are removable by laboratory filtering.

(Ord. of 2-4-86)

Sec. 15-101. Reserved.

Sec. 15-102. Action in emergency in interest of health; closing system or part of system temporarily.

In the interest of the public health and safety, the approving authority and duly authorized representatives, shall be permitted to take such emergency action as may be deemed necessary in the operation of the sewerage system including, but not limited to, the right to close down any sewer or portion of the sewerage system for the purpose of making connections, alterations or repairs.

(Ord. of 2-4-86)

Sec. 15-103. Right-of-entry.

The approving authority and duly authorized representatives of the city shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article. The city shall notify, if available, the person in charge of the premises or a representative of such person prior to entering the premises.

(Ord. of 2-4-86)

Sec. 15-104. Payment for damages.

Failure to comply with this article shall subject the person to payment of all damages incurred to the sewerage system as a result of noncompliance.

(Ord. of 2-4-86)

Secs. 15-105—15-109. Reserved.

DIVISION 2. CONNECTIONS

Sec. 15-110. Inspection, permission and payment of fees prerequisite.

The city shall reserve the right to inspect and grant permission for all connections to the sewerage system. It shall be unlawful for any person, firm, or corporation to connect or engage another to connect to the sanitary sewer system of the City of North Myrtle Beach, South Carolina, or to any private sanitary sewer system which is already connected to the sanitary sewer system of the city, without first paying to the city the sewer tap fee and sewer impact fee as specified in this division.

(Ord. of 2-4-86; Ord. No. 87-21, 12-1-87)

Cross reference(s)—Payment of minimum monthly charge at time of connection, § 15-152.

Sec. 15-111. Required connection—Criteria.

Every building, on a lot or tract of land which adjoins a public way or easement in which a public sewer main is available shall be connected to such sewer main and shall utilize the same for wastewater disposal. Public sewer is considered available if the sewer line is within five hundred feet (500') of the lot or parcel. Said connections shall be made prior to occupancy of any new building.

(Ord. of 2-4-86)

Sec. 15-112. Same—Time within which to accomplish.

Existing buildings which are provided with access as described in section 15-111, shall connect to the sewer main at the earliest of the following events:

- (1) Within a period of one hundred eighty (180) days from date of the availability of the sewer main;
- (2)

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- (3) At such time as directed by the county or state department of health upon a determination that the waste disposal system servicing the existing building is a community health hazard or is in violation of federal, state or local law or regulation;
 - (4) Failure to connect within the prescribed time limitations and other conditions set forth above will not relieve the customer of monthly sewer rate charges.

(Ord. of 2-4-86)

Sec. 15-113. Same—Septic tanks.

Septic tanks shall not be allowed where public sewer is available, including any extension of the public sewer line where required.

(Ord. of 2-4-86)

Sec. 15-114. Application.

It shall be unlawful for any person to make or undertake to make or cause to be made any connection to the sewerage system without first having paid the required fees.

(Ord. of 2-4-86)

Sec. 15-115. Basis for determining tap size and fee.

The size and connection fee of all services shall be governed by the number of individual units to be served by the same connection.

- (1) Single-family dwellings shall have a four-inch connection minimum.
- (2) Multiple-family dwelling units containing more than two (2) units shall have a six-inch connection minimum.
- (2) Multiple-family dwellings containing more than two (2) single-family units shall have a connection sized upon the equivalent number of bedrooms and flow as specified by the City Engineer.

(Ord. of 2-4-86)

Sec. 15-116. Sewer tap fees.

- (a) Sewer connection or tap fees shall be charged and paid according to the schedule of fees. Sewer tap fees shall be paid at the same time the building permit is issued for all new buildings; however:
 - (1) If the building permit expires and the building is not constructed and the city does not install or locate an existing sewer tap, then the owner will be refunded the connection fee without interest;
 - (2) If the tap is installed, no refund will be made;
 - (3)

Connection fees for existing buildings will be paid prior to connection of said building to the city sewer system.

Sewer taps are not transferable from lots or properties for which they were originally sold.

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(b) In any subdivision or development where the developer thereof has installed, at such developer's expense, a sewer system including individual service lines to each individual lot or building, which system is acceptable to and constructed in accordance with the city's standard specifications and which system is conveyed to the city, no sewer connection fee shall be charged, but a sewer impact fee shall be charged and paid in accordance with the schedule set forth in section 15-116.2. Where a system is not constructed in accordance with city standard specifications and it becomes necessary for the city to correct any deficiencies in said sewer tap construction, then the city shall be reimbursed for the actual cost incurred in correcting said deficiencies. Where a sewer tap is not properly marked and it becomes necessary for the city to physically locate said sewer taps for the convenience of the builder, owner, or developer, then the city shall charge a standard fee of one-half (½) the current tap fee for locating sewer tap.

(Ord. of 12-18-84; Ord. of 2-4-86; Ord. No. 87-21, 12-1-87)

Sec. 15-116.1. Schedule of sewer tap fees.

Sewer tap fees shall be as adopted by City Council in accordance with each annual budget.

(Ord. of 2-4-86)

Sec. 15-116.2. Reserved.

Editor's note(s)—Ordinance No. 92-40, adopted Sept. 21, 1992, repealed §§ 15-116.2, 15-116.3 and 15-117 which pertained to sewer impact fees and derived from an ordinance of Feb. 4, 1986 and Ord. No. 87-21, adopted Dec. 1, 1987. Water and wastewater capital recovery fees are currently in §§ 15-181—15-187.

Sec. 15-116.3. Reserved.

Note(s)—See the editor's note following § 15-116.2.

Sec. 15-117. Reserved.

Note(s)—See the editor's note following § 15-116.2.

Sec. 15-118. Conformance of tap specifications; persons authorized to make connection.

All connections made to the city sewer system shall conform to the requirements of the approving authority on location, size, type, materials and methods used and shall be accomplished only by a licensed plumber or licensed utility contractor approved by the city.

(Ord. of 2-4-86)

Sec. 15-119. Discontinuance of sewer and water service for nonpayment.

The city may discontinue water and sewer service to any person whose bill shall remain unpaid for more than forty-five (45) days from billing date. This will apply to all charges, cost recovery, and/or surcharges. Sewer service may be discontinued by complete severance of the sewer connection and the city may authorize any public utility to discontinue water service through the person's water meter. Renewed water service or sewer reconnection may be permitted only after payment of all charges and penalties and costs associated with disconnection/reconnection.

(Ord. of 2-4-86)

Cross reference(s)—Water turn-off and turn-on fees, § 15-64 et seq.

Secs. 15-120—15-129. Reserved.

DIVISION 3. USE OF SEWER

Sec. 15-130. Prohibited water discharges into sanitary sewers.

No person shall discharge or cause to be discharged into any sanitary sewers any of the following:

- (a) Any storm water, surface water, ground water, roof run-off, subsurface drainage, cooling water or unpolluted industrial or commercial process water, except as specifically authorized.
- (b) Any pollutant or sewage which will interfere with the operation or performance of sewage collection, pumping or treatment facilities, pass through such systems untreated or inadequately treated, or contaminate sewage sludges in a manner that renders them unsafe, more difficult to dispose, or more difficult to reuse.

(Ord. of 2-4-86)

Sec. 15-131. Approval of certain discharges into storm sewers; prohibited discharges into sanitary sewers.

- (a) Storm water and surface drainage shall be admitted to only such sewers as are specifically designated as storm sewers or storm drains. Unpolluted process and cooling waters may, upon written application and approval by the approving authority, be discharged to storm sewers or storm drains.
- (b) The following article or substances shall not be discharged into the sanitary sewers:
 - (1) Any clothing, rags, textile remnants or wastes, cloth, scraps, etc., except fibers, scraps, etc., which will pass through a one-fourth-inch mesh screen or its equivalent in screening ability.
 - (2) Any liquid or vapor having a temperature higher than one hundred sixty (160) degrees Fahrenheit.
 - (3) Any water or waste containing more than one hundred (100) parts per million by weight of facts, oils or grease.
 - (4) Any liquids, solids or gases which by reason of their nature or quality may cause a fire or explosion hazard, or be in any way injurious to persons, the sewerage system, the sewage treatment works or

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- the operation of the sewage treatment works; including but not limited to wastes with a closed cup flash point of less than one hundred forty (140) degrees Fahrenheit using methods specified in 40 C.F.R. 261.21.
- (5) Any liquid wastes in which the suspended solids exceed four hundred (400) parts per million by weight, except as hereinafter provided or as provided by specific authorization of the approving authority.
 - (6) Any liquid wastes having a BOD of more than two hundred fifty (250) parts per million except as hereinafter provided or as provided by specific authorization of the approving authority.
 - (7) Any waters or wastes having a stabilized pH lower than 5.0 or higher than 9.0 or having other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the sewage works.
 - (8) Any waters or wastes containing a poisonous or toxic substance or any other materials in sufficient quantity to injure or interfere with any sewage treatment process, or constitute a hazard to humans or animals, or create any hazard in the receiving stream at the sewage treatment plant.
 - (9) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials in the sewerage system.
 - (10) Any noxious or malodorous gas or substance capable of creating a public nuisance.
 - (11) Any garbage that has not been properly shredded.
 - (12) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, bones, feathers, tar, plastics, wood, paunch manure, butcher's offal, or any other solid or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system.
 - (13) Any materials which form excessive amounts of scum that may interfere with the operation of the sewage treatment works or cause undue additional labor in connection with its operation.
 - (14) Any waters or wastes containing dyes or other color which cannot be removed by biological processes and which require special chemical treatment.
 - (15) Any waters or wastes containing lint in such quantities as to be detrimental to sewer lines, sewage pumps or sewage treatment works.
 - (16) Any substance which may cause the sewage treatment works' effluent or other product such as residues, sludges, or scums, to be unsuitable for reclamation, reuse, and disposal.
 - (17) Any substance which will cause or present a substantial risk of causing the sewage treatment works to violate its NPDES permit or to contribute to an exceedance of any water quality standards in the receiving waters of the sewage treatment works.
 - (18) Any petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts that will interfere with the sewer system or sewage treatment works.
 - (19) Any radioactive wastes in concentrations or quantities that exceed limits established by federal or South Carolina requirements.
 - (20) Any holding tank waste, trucked or hauled pollutants, except at discharge points designated by the approving authority.
- (c) Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard shall apply to dischargers to the sewer system in accordance with their terms. However, nothing in this subsection (c) shall supersede any other requirement or limitation of this Division. Where the city's sewage treatment system achieves consistent removal of pollutants limited by

federal pretreatment standards, the city may apply for modification of specific limits in the federal pretreatment standards in the manner provided under federal and South Carolina law.

- (d) No person shall ever increase the use of process water or, in any way, attempt to dilute a discharge in order to achieve compliance with the requirements of this section.

(Ord. of 2-4-86)

Sec. 15-132. Approval or disapproval of certain discharges.

The approving authority, without limitation by other sections of this article, may authorize any person to discharge industrial waste of unusual strength or character into the sanitary sewers of the city under approved conditions or with specified pretreatment. The approving authority may prohibit entry of particular industrial wastes into the sanitary sewer whenever such action is necessary to prevent damage to the system or to determine the effects of such wastes on the sewage system, and whenever such action is otherwise necessary for the purposes of this Article.

(Ord. of 2-4-86)

Sec. 15-133. Same—Large volume.

Where the volume of any proposed sewage discharge by any person exceeds the capacity of the system, such person shall pay for the system upgrade on terms determined appropriate by the approving authority.

(Ord. of 2-4-86)

Sec. 15-134. When preliminary treatment facilities required; reducing objectionable characteristics.

Whenever the waste characteristics of sewage being discharged by any person exceed those requirements of section 15-131, or where necessary in the determination of the approving authority, the person discharging sewage shall construct or cause to be constructed at no expense to the city such preliminary handling or treatment facilities as may be required to:

- (1) Reduce the BOD to four hundred (400) parts per million by weight, and the suspended solids to four hundred (400) parts per million by weight; or
- (2) Change the objectionable characteristics or constituents to come within the maximum limits and restrictions provided for in section 15-131.

(Ord. of 2-4-86)

Sec. 15-135. Plans, etc., of preliminary treatment facilities.

Plans, specifications and other pertinent information relating to proposed preliminary treatment or handling facilities shall be submitted for the approval of the approving authority and no construction of such facilities shall be commenced until such approval is obtained in writing. Notwithstanding any such approval, the facility owner and operator shall be solely responsible for the design and adequacy of such facilities.

(Ord. of 2-4-86)

Sec. 15-136. Maintenance of preliminary treatment facilities.

Where preliminary treatment or holding facilities are provided for any purpose, they shall be maintained continuously in satisfactory and effective operation by the facility owner and operator and at no cost to the city.
(Ord. of 2-4-86)

Sec. 15-137. Information and analysis may be required of any user.

Any person who is discharging any sewage into the city public sewers may be required to make written application to the approving authority giving complete information as to the nature and character of sewage as determined by an analysis of a composite sample[s] of the waste made by an independent laboratory. The approving authority may specify the requirements for such required information and data.
(Ord. of 2-4-86)

Sec. 15-137.1. Contaminants of emerging concern.

The approving authority may determine that the discharge of sewage to the collection system from commercial or industrial sources, management within POTWs, discharge to receiving waters, presence within biosolids, and other operations of Contaminants of Emerging Concern (“CECs”) may bring about unacceptable risks to the POTWs, human health, and of pass-through or other adverse environmental impacts. The approving authority shall address CECs in the following manner when determined necessary for the purposes of these regulations:

- (a) The approving authority may require persons to provide specified information on their purchase, use, manufacture (intentional or incidental), discharge as a wastewater or other waste constituent, or other information or data on specified CECs; and specified information on the person’s products and processes that may contribute to the creation or discharge of CECs.
- (b) The approving authority may require persons to provide specified wastewater discharge or other data on any CECs identified by either the approving authority or by the persons discharging wastewaters within subsection (a) above. Such data shall include any existing data in the possession or control of the persons and may include requirements for the persons to sample and generate at their cost such data. The approving authority may also itself sample and generate such data and the costs therefore may be billed to the persons as an additional service associated with sewerage wastes.
- (c) When the approving authority determines it necessary for the purposes of this Article, it may require by wastewater discharge permit (through either a new permit, reissuance, or amendment), by Enforcement Order, or otherwise pursuant to the terms of this Article actions by a person to address CECs. Such actions may include:
 - (1) Further or routine monitoring requirements;
 - (2) Numeric effluent limits adopted as Local Limits or calculated as either generally applicable or discharger-specific technology-based limits; and
 - (3) Requirements for Best Management Practices.
- (d) Any such requirements may be based on the approving authority’s determination of CEC numeric criteria based on available toxicity or other data, EPA or State of South Carolina standards or criteria, or generally-accepted criteria determinations by recognized scientific entities.

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- (e) For purposes of this section Contaminants of Emerging Concern (“CECs”) shall be defined as contaminants posing unique issues and challenges to the environment and/or human health as a result of (i) the recent development of new chemicals or other products; (ii) new or recently identified byproducts or waste products; (iii) newly discovered or suspected adverse human health or environmental impacts; (iv) properties that are not fully evaluated or understood; (v) an absence of or pending changes to fully defined risk levels, water quality standards or guidance or other environmental program levels of control; and (vi) other appropriate factors. CECs include, but are not limited to, PFAS (per and polyfluoroalkyl substances), nanomaterials, pharmaceuticals and their constituents, and steroids and hormones.

Sec. 15-138. Approval of change in nature or quantity of sewage—Required.

Any person having been granted authority by the approving authority to institute a new discharge of sewage into the city's public sewers, and any person who shall change or cause to be changed the nature or quantity of such sewage, shall, before making such new discharge or such change, receive the approval of the approving authority and may be required to furnish the approving authority with either an engineering analysis of anticipated sewage characteristics, or a complete analysis of a composite sample[s] of the sewage as determined by an independent laboratory. The approving authority may specify the requirements for such information and data.

(Ord. of 2-4-86)

Sec. 15-139. Grease, oil and sand separators—May be required, exceptions; accessibility; maintenance.

Grease, oil and sand separators or traps shall be provided when in the determination of the approving authority they are necessary for the proper handling and control of liquid wastes containing grease, oil or sand in excessive amounts. Such separators shall not be required for private living quarters or dwelling units but may be required for individual or specified categories of industrial or commercial establishments, public eating places, hospitals, hotels, schools or other institutions. Such separators shall be readily accessible for inspection by the approving authority and shall be maintained and cleaned by the person in charge of the premises at no expense to the city and in continuously efficient operation at all times.

(Ord. of 2-4-86)

Sec. 15-140. Same—Making application; furnishing analysis.

Any person desiring to make such connection and discharge such sewage as described above, shall make written application to the approving authority and may be required to furnish the approving authority a complete analysis of a composite sample of the sewage as determined by an independent laboratory, in addition to compliance with all other sections of this article.

(Ord. of 2-4-86)

Sec. 15-141. Same—Grease trap requirements and specifications.

All existing boarding houses, cafes, restaurants, hotels, motels or food preparation establishments shall install a grease trap on the kitchen waste line within one hundred twenty (120) days of written notice by the city. New construction shall comply with this ordinance at the time of construction. The grease trap shall be designed in accordance with current engineering standards and shall be accessible for cleaning. Grease traps will be installed on the outside of buildings and must have a minimum capacity of one thousand (1,000) gallons. For food service establishments with less than fifty (50) seats, the City Engineer (or designee) may permit under sink grease traps provided such units are properly designed and sized for the particular application. Grease traps shall be cleaned

periodically by the owner or operator of the facility. Failure to make periodic cleaning which results in or contributes to a stoppage of the city's sewer system shall constitute a violation of this Division. If city employees are required to clean out the city sewer lines as a result of a stoppage due to clogged grease traps, the property owner or operator shall be further required to pay the costs of city labor and materials required to clean out the lines.

(Ord. of 2-4-86; Ord. No. 94-11, 4-4-94; Ord. No. 21-02, § 2, 3-1-21)

Sec. 15-142. Control manhole.

Any person discharging industrial wastes into the public sewers may be required to construct and maintain a suitable control or inspection manhole either downstream from any pretreatment, storage or other approved works, or if pretreatment is not required, at the point where the sewage enters the public sewers. Such manhole shall be located so as to be readily accessible and shall be constructed in such a manner as may be approved by the approving authority so as to facilitate such inspection or measuring as may be necessary for paper sampling and/or control of the waste discharged.

(Ord. of 2-4-86)

Sec. 15-143. Procedures for tests and analyses.

All tests and analyses of the characteristics of sewage to which reference is made in this article shall be made in accordance with the procedures given in the latest edition of "Standard Methods for Examination of Water and Sewage," as revised, published by the American Public Health Association. Such tests and analyses shall be determined at the control manhole provided for in section 15-142, or at the point of discharge of any sewage at the site of its origin on the premises of any person discharging such sewage into the sewers.

(Ord. of 2-4-86)

Sec. 15-144. Basis for volume of flow for computing user charges; reduced percentage.

The volume of flow used in computing waste user charges and surcharges shall be based upon metered water consumption as shown in the records of meter reading maintained by the city water department. In the event that a person discharging wastes into the sanitary sewer system produces evidence to the approving authority that greater than ten (10) percent of such person's water used does not reach the city sanitary sewer, the user may apply to the approving authority for a separate water meter for the identified water-only use.

(Ord. of 2-4-86)

Sec. 15-145. Meter required when water not from city.

Where the person discharging wastes into the sanitary sewers of the city procures any part or all of such person's water supply from sources other than the city water system, all or part of which is discharged into the sanitary sewer, the person discharging said waste shall install and maintain, at such person's expense, water meters of a type approved by the approving authority for the purpose of determining the proper volume of flow to be charged.

(Ord. of 2-4-86)

Sec. 15-146. Enforcement Orders.

- (a) When the approving authority finds that a person has violated, or continues to violate, any provision of this Division, a wastewater discharge permit, or any other requirement of this Division, after providing an opportunity for an informal hearing before an approving authority representative, the approving authority may issue an Enforcement Order to the person responsible for the discharge directing that such person come into compliance within a specified time.
- (b) An Enforcement Order may impose an immediately applicable or other emergency sewer use suspension or termination when the approving authority determines it necessary for the protection of human health, the environment, or the POTW or other facilities of the city. In any such case the person[s] affected by such Enforcement Order shall be provided an opportunity for an informal hearing as soon as practicable.
- (c) Enforcement Orders also may contain other requirements to address the person's noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. An Enforcement Order may not extend the deadline for compliance established for any mandatory requirement of this Division, nor does an Enforcement Order relieve the person of liability for any violation, including any continuing violation.
- (d) Issuance of an Enforcement Order shall not be a bar against, or a prerequisite for, taking any other action against the person.

Secs. 15-147—15-149. Reserved.

DIVISION 4. USER CHARGES, SURCHARGES, INDUSTRIAL COST RECOVERY

Sec. 15-150. Annual adoption of service charge schedule; cost basis.

The city shall adopt an adequate schedule of sewer service charges to defray the cost of operating and maintaining the sanitary sewerage system. The costs to be used as a basis of determining charges shall include, but not necessarily be limited to, direct operation and maintenance, administration, collection and billing of charges, bond redemption, studies and reports, professional fees, repairs, capital improvements and depreciation. The sewer service charges adopted shall be such that each user pays at least such user's proportionate share of all costs herein noted.

(Ord. of 2-4-86)

Sec. 15-151. Payment of minimum at time of connection.

At such time as sewer is available as described in section 15-111, each building shall pay the minimum monthly charge as established by this article; at such time as existing buildings are required to connect to the sewer main as provided in section 15-112, each building shall pay the sewer service charge as provided in section 15-155.

(Ord. of 2-4-86)

Sec. 15-152. Minimum monthly charge schedule.

The monthly base charge and volume charge for sewer service shall be as adopted by City Council in accordance with each annual budget.

(Ord. of 2-4-86; Ord. No. 86-12, 9-4-86; Ord. No. 88-15, 5-3-88; Ord. No. 89-34, § 6, 8-15-89; Ord. No. 95-30, § 7, 5-15-95; Ord. No. 02-20, § 7, 5-20-02; Ord. No. 12-07, § 7, 6-4-12, eff. 7-1-12; Ord. No. 14-11, § 7, 5-21-14, eff. 7-1-14; Ord. No. 19-28, § 7, 5-20-19, eff. 7-1-19; Ord. No. 21-24, § 7, 6-21-21, eff. 7-1-21; Ord. No. 22-24, § 7, 6-20-22, eff. 7-1-22)

Sec. 15-153. Levy of monthly service charges; based on water consumption.

The approving authority shall levy monthly sewer service charges, and said charges shall be due and payable together with the water charges and penalties as provided in accordance with the provisions for water payment as stated in section 15-65. The service charges shall be based on actual water consumption, as obtained from water meter readings as provided under sections 15-144 and 15-.

(Ord. of 2-4-86)

Sec. 15-154. Charge per gallon over minimum.

The sewer service charge shall be based upon monthly use of water as given under section 15-154 with the rates given under section 15-.

(Ord. of 2-4-86)

Sec. 15-155. Service charges outside this city and the City of Atlantic Beach.

Sewer service outside the limits of the cities of North Myrtle Beach and Atlantic Beach shall be billed for services under sections 15-152 and 15-155 at a rate equal to twice that shown under said rates.

(Ord. of 2-4-86)

Sec. 15-156. Industrial waste discharge.

The approving authority may, at its discretion, allow the discharge of industrial waste into the sanitary sewerage system provided that the person discharging such waste shall agree to the payment of a surcharge of all

BOD and suspended solids in excess of two hundred fifty (250) parts per million. This surcharge shall be imposed in addition to any other charges made for sewer service, as calculated by the City Engineer.

(Ord. of 2-4-86)

(Ord. of 2-4-86)

Secs. 15-157—15-169. Reserved.

DIVISION 5. SANITARY SEWER EXTENSIONS

Sec. 15-170. Responsibility of developer of new development to construct.

Extensions of the sanitary sewer system shall be the responsibility of the person requiring such extension.

(Ord. of 2-4-75, § 701; Ord. of 2-3-81)

Sec. 15-170.1. Cost estimates for plan review and inspections.

All plans for sewer line extensions shall be submitted to the city engineer for review. Permit fees shall be in accordance with the building permit fee schedule with section 6-3(b). Plan review fees shall be in accordance with section 6-3(d).

(Ord. of 10-18-83, § 513; Ord. No. 99-33, 9-20-99)

Editor's note(s)—An ordinance enacted Oct. 18, 1983, added a new § 513 to the sewer use ordinance. At the discretion of the editor, said provisions have been included as § 15-170.1.

Sec. 15-171. Conformance of plans and specifications in new development.

Any developer of a new development proposing to build local or lateral sanitary sewers or extensions to existing local or lateral sanitary sewers to connect directly or indirectly into the city's sanitary sewerage system shall conform its plans and specifications to the requirements of the approving authority. The plans and specifications shall be prepared by a registered engineer who is authorized by the laws of the state and approved or approvable by all local, county and state authorities having jurisdiction.

(Ord. of 2-4-75, § 703)

Sec. 15-172. Administrative procedures.

The following administrative procedures shall be followed:

- (1) Submit preliminary construction plans to the approving authority in sufficient detail to indicate location, system layout, line sizes, service connections, flows, character of sewage, relationship with and connection to the city's system, and total development plans.
- (2) Receive preliminary approval from city and other jurisdictional agencies.
- (3) Prepare construction drawings and documents for city approval.
- (4) Secure all other agency approvals of construction drawings and contract documents.

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- (5) Upon receipt of all approvals, proceed with construction, notifying the approving authority of construction schedules.
 - (6) Provide the approving authority and its authorized representatives with permission for on-site inspection during construction.
 - (7) Furnish to the approving authority a certificate of completion, instrument of conveyance, warranty together with such other legal documents as may be required, and similar special provisions.

(Ord. of 2-4-75, § 704)

Sec. 15-173. Construction by contractor.

Construction of the proposed sewage system extension shall be accomplished by a properly licensed contractor under the laws of the state, and approved by the city.

(Ord. of 2-4-75, § 705; Ord. of 2-3-81)

Sec. 15-174. Final inspection and certification by developer's engineer.

Upon completion of construction, the engineer employed by the developer, or person requiring such extension, shall inspect and furnish to the approving authority, at no cost to the city, such engineer's certificate of completion, indicating that the subject sewage system has been constructed in accordance with the approved plans and specifications, and shall provide four (4) copies of "as constructed" drawings.

(Ord. of 2-4-75, § 706; Ord. of 2-3-81)

Sec. 15-175. Warranty.

The owner or the owner's authorized agent shall submit a warranty which is a legal instrument in which the owner warrants the materials, equipment and construction of the system for twelve (12) months. The owner shall further warrant to the approving authority that all fees have been paid and that there is no outstanding indebtedness remaining and holding the city harmless in each instance.

(Ord. of 2-4-75, § 707)

Sec. 15-176. Making taps during construction.

All sewer taps shall be made during construction from the main out to the property line. Location of all taps shall be recorded on the "as constructed" drawings.

(Ord. of 2-4-75, § 708)

Sec. 15-177. Compatibility with plans.

All sewage system extensions must be compatible with present and future plans and needs of the city and approved by the city engineer, applying accepted engineering practices.

(Ord. of 2-4-75, § 709; Ord. of 2-3-81)

Sec. 15-178. Conveyance to city—Authorized; conditions.

Extension of the sanitary sewer system may be conveyed to the city, provided all such sewers are located within public rights-of-way or easements of adequate unobstructed widths to provide maintenance vehicle access.

(Ord. of 2-4-75, § 702; Ord. of 2-3-81)

Sec. 15-179. Same—Execution.

When all other requirements of this article have been met and approved, the owner shall prepare and submit to the approving authority an instrument of conveyance, conveying the constructed system to the city, at no cost to the city, and the system shall thereafter be owned, operated and maintained by the city as provided for in this article. The instrument of conveyance shall also include permanent easements and rights-of-way fully described and duly recorded at the appropriate authority.

(Ord. of 2-4-75, § 710)

Sec. 15-180. Sewer extension fee.

- (1) Except as outlined in sections 15-170 through 15-179, city council may in its sole discretion, authorize the extension of the sewer system to geographical areas within or beyond the corporate limits of the city when such extension will provide capacity beyond that required by the person requesting such extension. Costs for such extensions shall be recovered through the establishment of a sewer extension fee, to be calculated as follows:

EF =

Where:

EF =	Extension fee.
CE =	Cost of extension of sewer distribution system.
DERU =	Sewer capacity required by development expressed as ERU's.
TERU =	Total capacity of extended sewer distribution system as determined by city manager or his/her designee, expressed in ERU's.
ERU =	Equivalent residential unit. The equivalent number of structures which equal a single-family detached unit.

- (2) In order to qualify a project for a sewer system extension as outlined herein, the distance from the closest existing sewer main shall be at least one-half mile.
- (3) In geographical areas beyond the corporate limits, the owner/developer must first annex to the city before connection to the extended sewer system or execute an annexation agreement with the city.
- (4) All project costs, including right-of-way acquisition, engineering, construction, unearned interest on funds expended, etc., shall be recovered through the sewer extension fee.
- (5) When an owner or developer desires to have a sewer extension constructed in accordance with the terms of this section, he/they shall execute an agreement with the city which shall have the following provisions:

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- (a) The agreement shall provide that the developer agrees to connect to the system within a reasonable length of time as mutually agreed by the parties. Said agreement shall provide for a prepaid guarantee should the developer fail to comply with these provisions.
 - (b) The city shall design and construct the sewer system extension, said design and construction standards shall be at the sole discretion of the city.
 - (c) Capacity in the sewer system shall not be reserved until such time as all other applicable fees, as outlined in sections 15-116 through 15-116.2 are paid. Upon issuance of a building permit, with payment of extension fee, impact fees, and other applicable fees, the owner/developer shall be entitled to sewer service.
 - (d) If the capacity of the system extension is fully utilized and the person initiating the extension has not paid all applicable fees as outlined in paragraph (c) above, then any agreement between the city and the person initiating a system extension shall be immediately null and void.
- (6) Where an extended sewer system as provided by this section exists prior to development, and while there is additional capacity, as determined by city engineer, then the extension fee shall be paid at the time a building permit is issued and sewer fees are paid in accordance with section 15-116 of the City Code. The extension fee to be paid shall be computed as provided for in subsection (1) and in addition, shall be escalated by an interest rate equal to average annual rate earned by the city.

When an extension fee is paid and a building permit expires, and building construction has not started, as defined by the building code, then the extension fee shall be reimbursed, less fifteen (15) per cent for administrative costs, along with impact fees, and the capacity shall be available for resale.

When the capacity of the sewer system extension has been reached, no additional fees will be collected, and a new extension may be initiated. The city, at its option, may elect to improve the system at its own cost, or it may require a developer to initiate an extension project, as provided herein.

(Ord. No. 87-13, 7-21-87; Ord. No. 21-02, § 2, 3-1-21)

DIVISION 6. WATER AND WASTEWATER CAPITAL RECOVERY FEE

Sec. 15-181. Definitions.

Definitions provided in section 15-20 and section 15-100 of this chapter shall apply to this article. In addition, the following definitions are added:

Capital recovery fee: The scheduled assessments applied to new development to generate revenue for the construction or expansion of capital facilities that benefit contributing development. Capital recovery fees may also be referred to as "development impact fees" or "impact fees".

Equivalent residential unit: Basis upon which capital recovery fees are calculated. ERU is the equivalent of a single residential unit. The equivalent residential unit factor is considered to be three hundred seventeen (317) gallons of water usage per day (9,500 gallons per month).

Capital facilities: Facilities of the water and sewer system which have a useful life of more than one (1) year and are referred to as property, plant, and equipment.

Utility system: Combined water and wastewater system.

Water system: Potable water treatment, transmission, and distribution to end user.

Wastewater system: Collection, treatment, and disposal of wastewater. Also referred to as sanitary sewer system.

(Ord. No. 92-40, § 2, 9-21-92)

Sec. 15-182. Imposition of water and sewer capital recovery fee.

- (a) Any person who seeks to connect to the water system is hereby required to pay a capital recovery fee in the manner and amount set forth in this division.
- (b) Any person who seeks to connect to the sewer system is hereby required to pay a capital recovery fee in the manner and amount set forth in this division.

(Ord. No. 92-40, § 2, 9-21-92)

Sec. 15-183. Computation of the amount of the water and sewer capital recovery fee.

- (a) The City of North Myrtle Beach finds that the South Carolina Department of Health and Environment Control, Unit Contributory Loadings and the American Waterworks Association's Manual of Water Supply Practices: Sizing water lines and meters (AWWA Manual #M22), provide a fair and equitable method of measuring the capacity impact of each new connection of the utility system.
- (b) Capital recovery fees shall be determined by first computing the number of equivalent residential units (ERU) corresponding to the connection by the table, Schedule of ERU Factors for Water and Wastewater Capital Recovery Fees, as maintained by the City Engineer, and then multiplying this number by the capital recovery fee for one (1) equivalent residential unit. the charge for water and wastewater Capital Recovery Fees per ERU shall be as adopted by City Council in accordance with each annual budget.
- (c) To account for inflation, the capital recovery fee shall be increased annually by five (5) percent, as adopted by City Council in accordance with each annual budget.
- (d) For any structure or facility not specified in the table referenced above, the equivalent residential unit factor shall be computed by the City Engineer (or designee) by making an engineering determination of the capacity impact of the connection based upon peak monthly water usage of the type of use divided by nine thousand five hundred (9,500) gallons per month to yield the number of equivalent residential units corresponding to the connection; or by any other method which yields an accurate measure of the capacity impact of the subject connection.
 - (1) For capital recovery fees calculated under this subsection, the person seeking connection may, at his/her option, execute an agreement to have the fees recalculated after a twenty-four-month period. Such recalculation shall be based upon the peak monthly water usage during that period divided by nine thousand five hundred (9,500) gallons to yield the number of equivalent residential units. If the ERU's are less than the projected calculations, then the person seeking connection shall be entitled to a refund of the difference. If the calculation exceeds the projected calculation, then the difference shall be paid to the city. Failure to pay the difference to the city shall result in disconnection of water and sewer service.
- (e) Water and sewer capital recovery fees shall be charged and paid according to the schedule of fees. Fees shall be paid at the same time as the building permit is issued. If the building permit expires and no building is constructed, as defined by the building code, the owner shall be reimbursed said fees, without interest, upon request and not exceeding twelve (12) months after the expiration of the building permit.
- (f) When an existing structure or facility is physically altered or used in any manner which causes the classification of the structure or facility to be changed to a classification upon which a higher capital recovery

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fee is assessed, then the capital recovery fee shall be charged and paid for each higher classification at the rates set for the new classification.

- (g) Credit for sewer capital recovery fees shall be given for pre-existing structures in accordance with the following criteria:
- (1) Windy Hill, no credit may be allowed for the years prior to 1968;
 - (2) Crescent Beach, no credit may be allowed for the years prior to 1965;
 - (3) Ocean Drive, no credit may be allowed for the years prior to 1961;
 - (4) Cherry Grove, no credit may be allowed for the years prior to 1968;
 - (5) Atlantic Beach, no credit may be allowed for the years prior to 1968;
 - (6) Any other area within the corporate limits of North Myrtle Beach, no credit may be allowed for the years prior to 1968.
 - (7) Credits allowed under this subsection shall be calculated through January 1, 1987.
 - (8) For each eligible year as set forth in subparagraphs (1) through (7) above, the applicant shall receive a credit against the required capital recovery fees in the amount of fifty-three dollars and forty-one cents (\$53.41) per year, provided that in no case shall the final capital recovery fee be less than sixty dollars (\$60.00) per ERU.

(Ord. No. 92-40, § 2, 9-21-92; Ord. No. 00-07, 2-7-00; Ord. No. 02-20, § 8, 5-20-02; Ord. No. 04-33, 8-16-04; Ord. No. 12-07, § 8, 6-4-12, eff. 7-1-12; Ord. No. 14-11, § 8, 5-21-14, eff. 7-1-14; Ord. No. 19-28, § 8, 5-20-19, eff. 7-1-19; Ord. No. 21-02, § 2, 3-1-21; Ord. No. 22-24, § 8, 6-20-22, eff. 7-1-22)

Sec. 15-184. Credit for structures or facilities removed from the utility system.

- (a) When computing capital recovery fees, credit shall be given for existing structures or facilities on that same site that are removed from the system. Removal from the system shall include structures and facilities which are physically removed for any reason, and those for which service has been discontinued and minimum water and sewer bills not paid as required by this chapter. Credit shall be given based on the ERU factors listed and the schedule of fees in effect at the time of the issuance of the building permit or reconnection. Such capital recovery fee credit must be exercised within twelve (12) months from the time a structure or facility is removed from the utility system, or where construction has begun, from the time the building permit expired. In no case shall a cash refund of capital recovery fee be given except as provided in section 15-183.
- (b) After a period of twelve (12) months from the time a structure or facility is removed from the water or sewer system, capital recovery fees shall be due and payable prior to the reestablishment of water and sewer utility service at the then current classification and schedule of fees. However, at the option of the owner, an "availability charge" may be paid for the period from which the structure or facility was removed from the water and sewer utility system. The "availability charge" shall be the minimum water and sewer service charge for the meter size for each month the structure or facility was removed from the system, plus ten (10) percent.
- (c) When an existing structure is relocated as result of a public improvement project and the property associated with the structure is converted to public use, a credit shall be allowed for the individual or entity that has previously paid the impact fee for the affected property and is otherwise entitled to a credit in accordance with paragraph (a), to relocate or rebuild the structure at the new location, provided the structure is relocated or rebuilt within the city limits.

(Ord. No. 92-40, § 2, 9-21-92; Ord. No. 04-26, 6-21-04)

Sec. 15-185. Establishment of a water and a wastewater capital recovery fee account.

- (a) All monies received from water and sewer capital recovery fees imposed hereunder shall be deposited and held, together with any interest thereon, with separate accounting, and shall be expended only for the purpose of extending, expanding, upgrading, or constructing new additions to the water and sewer system, subject always to any lien upon and the pledge of the net revenues of the water and wastewater system for revenue bond funding for any of the aforementioned facilities cost.
- (b) In the event that bonds or similar debt instruments are issued for advanced provisions of capital facilities for which water and sewer capital recovery fees may be expended, capital recovery fees may be used to pay debt service on such bonds or similar debt instruments.
- (c) The water and the wastewater capital recovery fees imposed hereunder, and any interest earned thereon, shall not be used for general operating expenses of the respective systems.

(Ord. No. 92-40, § 2, 9-21-92)

Sec. 15-186. Existing dwelling units; installment payments for connection to water and sewer system.

- (a) With respect to existing dwelling units with water and sewerage available, a water and wastewater connection fee and capital recovery fees, shall be paid in full upon the date application for connection is made, or at the option of the applicant, payment may be made in payments not to exceed ten (10) years. The prevailing interest rate shall be included in the payments.
 - (1) Such payments shall constitute mortgage liens on the property until paid and any payment not paid within fifteen (15) days of its billing date shall, at the option of the city, cause the entire unpaid balance to be immediately due and payable. Furthermore, water and sewer services may be suspended until payments of the unpaid balance is paid by the applicant.
 - (2) In the event the ownership of the dwelling unit has changed, the balance shall be paid by the new owner in order to be eligible for water and sewer service.

(Ord. No. 92-40, § 2, 9-21-92)

Sec. 15-187. Penalty provision.

A violation of this division, including any changes in size or use of a structure or facility which results in change to a higher classification and fee without appropriate permits and payment of fees, shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction the violator shall be punished according to the general penalty provisions of this Code. Furthermore, water and sewer service may be discontinued.

(Ord. No. 92-40, § 2, 9-21-92)