

ORDINANCE NO. 32

PERQUIMANS COUNTY SEWER USE ORDINANCE

An Ordinance to regulate and control the construction, installation, extension, service connection, and operation of public sewer mains and public sewer service within Perquimans County, to prescribe procedures for securing such public sewer service and the rates and charges for the same and to provide penalties for the violation of such Ordinance regulations.

Perquimans County, North Carolina ordains:

Section 1: Title & Definitions

- A. This Ordinance shall be known and hereafter cited as the Perquimans County Sewer Use Ordinance.
- B. **County/County Board** – All references herein to County shall mean Perquimans County and all references to County Board shall mean the Perquimans County Board of Commissioners.

Section 2: Procedure

- A. **Service Area** – The County Board will establish boundaries for an initial sewer service area within the County's overall boundary. The County Board may extend said service area, or establish new service areas within the County's boundary, at any time using its sole discretion as to the cost-effectiveness of such service area extension. The initial service area shall be known as the **Minzie's Creek Service Area**, which will be designated by map boundaries.
- B. **Connection Required** – At such time as a public sewer becomes available to a property within the County, a direct connection shall be made to the sewer in compliance with this Ordinance, and any septic system drainfield or other unnecessary privately-owned wastewater facility shall be properly abandoned in accordance with North Carolina law and regulations.
- C. **Application For Service Outside Existing Service Area** – Any person, firm or corporation desiring public sewer service shall file an application therefor with the County, containing the name and address of the applicant; a description of the land or premises to be serviced; the nature of the use anticipated and the nature and/or type of waste to be discharged; the distance, if known, that the property is located from any existing public sewer main, the anticipated number of connections from the property contemplated in the foreseeable future; and whether the applicant wishes to pay cash for the necessary sewer main extension or wishes to be assessed for the payment of such cost over a limited period of years, together with interest and administrative costs. The County will consider said application and make a determination as to whether service will be extended, and if so, at what cost.
- D. **Connection charge** – The term "connection charge" as used in this Ordinance pertains to a charge for the privilege of connecting to a sewer main and does not pertain to the construction cost of such connection. No service connection or main extension shall be allowed until the full charge has been paid to the County in such an amount as is determined by the County Board and the plumbing to be connected has been fully inspected and approved by the County as in compliance with the plumbing codes of the State of North Carolina and Perquimans County. Such charges may be changed from time to time by the County Board to reflect changes in costs.

Section 3: Regulations

- A. **Sewer rates** – No free sewer service shall be allowed and all those properties connected to a public sewer system shall be subject to the payment of such sewer rates and charges as shall be determined by the County Board.
- B. **Termination of service** – The County shall have the right to terminate any water or sewer service to any premises within the County when any delinquency exists with respect to any sewer payments due under this Ordinance or otherwise, or where any premises does not comply with all the plumbing codes of the State of North Carolina and with any and all restrictions and limitations on the use of the particular sewer service imposed by the County Board.
- C. **Service deposit** – The County or its authorized agent shall have the right to require any initial deposit from any owner or tenant who applies for sewer service, as security for the payment of

the rates and charges for such service, and to apply the same against such rates and charges if and when it deems it advisable. Such deposit or portion thereof not applied as aforesaid shall be refunded to the depositor upon the voluntary termination of service by the depositor and his subsequent applicant for such refund, provided no delinquency then exists.

- D. **Lien rights** – All delinquent rates and charges for sewer service shall constitute a lien upon the premises served which shall be subject to foreclosure in the same manner as mechanics' liens for non-payment, or, may be turned over to the County Tax Department for collection in the same manner as the collection of taxes.
- E. **Connection** – No person other than an authorized employee of the County shall connect any sewer service to any public or private premises.
- F. **Capital Reserve Fund** – The County hereby establishes a capital reserve fund for the deposit of all surplus funds collected from sewer service or from capital improvements or extensions thereto. Funds so deposited shall be used by the County in further extending, improving, repairing, relocating and/or upgrading the sewer system of the County.
- G. **Unreasonable burden of wastewater** – In the event any sewage discharged into the system imposes an unreasonable or additional burden upon the sewer system or the wastewater treatment plant treating such wastewater above that imposed by normal domestic sewage entering such treatment plant, the County shall have the option to impose an additional charge for such treatment against such customer to defray the additional cost of such treatment and any damage caused thereby, to required the customer to pretreat such sewage in such manner as the County may order before the same enters the public system; and to terminate sewer service to any premises which fails to comply with the foregoing.
- H. **Plans and permits** – No sewer main construction shall be commenced until all plans and specifications therefor have been submitted to and approved by the County and all required state, county and local permits have been obtained.
- I. **Printed regulations** – The County Board shall adopt and prepare for distribution to interested parties, separate rules and regulations governing the details of application, service connections, extensions, financing of improvements, and rates and charges for sewer service and shall have the authority to modify, enlarge, and amend the same from time to time to meet changing conditions and circumstances and to promote the health, safety, and general welfare of the County.

Section 4: Severability

If any section, paragraph, clause or provision of this Ordinance shall be held invalid for any reason, the same shall not affect the validity of any of the other provisions of this Ordinance, which shall remain in full force and effect.

Section 5: Effective Date

This Ordinance shall take effect upon its adoption. All Ordinances or parts of Ordinances in conflict are hereby repealed.

Adopted this 2nd day of July, 2001 by the Perquimans County Board of Commissioners.

SEAL

Mary P. Hunnicutt, Clerk to the Board
Perquimans County Board of Commissioners

Charles H. Ward, Chairman
Perquimans County Board of Commissioners