



REQUEST FOR BOARD ACTION

ITEM NO. 16.

DATE OF MEETING: June 21, 2010

REQUESTED BY: Michael G. Mack, Director PCU

SHORT TITLE: Public Hearing on Adoption of Text Amendments to the Pender County Water and Sewer Ordinance.

BACKGROUND: On June 7, 2010, the Board of Commissioners heard the first reading on proposed Text Amendments to the Water & Sewer Ordinance and approved a resolution setting a public hearing on the proposed Amendments for June 21, 2010.

In concert with the proposed implementation of a Unified Development Ordinance, Pender County Utilities desires to revise the current Water and Sewer Ordinance to incorporate mandatory utility connection requirements for new construction and new development in all zoning districts if there is service availability provided by the PCU Water and Sewer Districts.

Mandatory connection is required for only new construction and new developments submitting plans or Building Permit Applications to the Pender County Planning and Community Development Department after July 1, 2010. Voluntary connection to the PCU water and sewer systems remains for all existing structures as of July 1, 2010.

Details and definitions for mandatory connection in new construction and development have been added to Article XII (Utility System Extensions) of the Water and Sewer Ordinance. Other existing text within Article XII has been deleted or amended to reflect mandatory connection.

SPECIFIC ACTION REQUESTED: The Board of Commissioners is requested to hold a public hearing and consider adoption of the Water and Sewer Ordinance Amendments to become effective July 1, 2010.

COUNTY MANAGER'S RECOMMENDATION

Respectfully recommend approval.

RR
Initial

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that:

a Public Hearing was held on the proposed Water and Sewer Ordinance Amendments and the Amendments are hereby adopted to become effective July 1, 2010. The Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Tate ___ Brown ___ Blanchard ___ Rivenbark ___ Williams ___

Jimmy T. Tate, Chairman Date

ATTEST Date

ARTICLE XII UTILITY SYSTEM EXTENSION AND COST RECOVERY

I. Mandatory Connection ~~Extension of Water and/or Sewer Lines~~ (New Development)

1. *New Construction (Single Lots)*: All new construction requiring a Building Permit will be required to connect to the Pender County Utilities (PCU) water and/or sewer system if there is "service availability" and a PCU owned main is within the distances listed in Table 1.
2. *New Development* in all zoning districts (unless exempted) is required to connect to the respective Pender County Utilities (PCU) Water & Sewer District serving the area if there is "service availability" and a PCU owned main is within the distances listed in Table 1.

Table 1

Required Connection to the Pender County Utility System For all New Development occurring within a Minimum Distance of a County-Owned Water or Sewer Main	
Number of Proposed Lots	Distance from Closest Property Line to County Mains
1-2	Abutting the property (usually in a Rights-of-Way or Easement)
3-9	400 feet
10-49	800 feet
50-99	1,500 feet
100 +	2,000 feet

* Note: One water meter will be required for each structure, unless otherwise determined by PCU.
 ** Development planning to utilize PCU sewer must also connect to PCU water.

3. Mandatory Connection Exemptions

- a. Existing Structures as of July 1, 2010
- b. Pender County Utilities determines that service is not available. "Service Availability" shall be dependent upon factors including, but not limited to, established service requirements as defined in Pender County Utilities' policies and specifications, and availability of water and/or sewer capacity, however, said factors shall not be exclusive criteria for such determinations.
- c. Development in Environmental Conservation (EC) District.
- d. Individual Parcels greater than 10 acres.
- e. Family Subdivision of up to three parcels.
- f. Special purpose lots (i.e., Uses not needing water supply such as cemeteries, storage buildings, etc.)
- g. An easement for extending utility service to a single lot is not available or cannot be obtained. Documentation of good faith effort to secure an easement will be required prior to qualifying for this exemption.
- h. Expansion of an existing structure that already has water or sewer service through means other than Pender County Utilities.
- i. Proposed development within the service area of a private utility company.

II. Service Availability Determination

1. For all new construction or development, at the time of plan submittal to the Pender County Planning and Community Development Department (Rezoning Request, Master Plan, Preliminary Plan, Construction Drawings, Major Site Development Plan, Minor Subdivision Plan, etc.), Pender County Utilities will review the project to determine "service availability". A determination will be provided by PCU in writing within 30 days of the applicant submittal to the Planning Department. If it is determined that service is available, connection will be required. If it is determined that service is not available, the Applicant will be required to determine alternative sources for utility service.

~~Project Approval. An Applicant proposing to extend utility lines and/or to make other improvements to become a part of the Pender County Water and Sewer District Utility Facilities shall first meet with the Pender County Utilities Department to discuss if the proposal is feasible to the District. If preliminary discussions find the project satisfactory,~~

2. If connection is required or requested:

- a. Single service line – If a water service line will be 2 inches in diameter or greater, refer to Water/Sewer Main Extension section below.

For water service lines less than 2 inches in diameter:

- i. The applicant will be required to pay all applicable PCU fees according to the current Rate Schedule prior to issuance of a Building Permit.
- ii. PCU will install the water service line and sewer service lateral.
- iii. Water Service from the main line to the water meter will be set at the property line.
- iv. Sewer Service from the main line to the service valve (forcemain) or cleanout (gravity) will be set at the property line.
- v. The applicant will be responsible for hiring a North Carolina Licensed Plumber to connect the plumbing from the structure to the water meter and/or sewer service (valve or cleanout).
- vi. The applicant will be responsible for coordinating and scheduling an inspection of the plumbing with Pender County Utilities.
- vii. Once all of these steps have been completed, PCU will install the water meter and authorize commencement of water and/or sewer service. A Certificate of Occupancy cannot be obtained without such authorization.

- b. Water/Sewer Main Extensions - The applicant shall employ at applicant's expense a Professional Engineer registered in the State of North Carolina to prepare plans for the project. In conjunction with such approval, the applicant shall submit to Pender County Utilities the following:

- i. Four copies of an application for **capacity allocation** on forms supplied by Pender County Utilities with a check made payable to Pender County Utilities for the current Fees.
- ii. Four copies of the plans, specifications, **calculations**, and engineer's report for the proposed work **shall be prepared in compliance with Pender County Water and Sewer Standard Specifications and shall bear the seal of a Professional Engineer registered to practice in North Carolina in accordance with NCGS 89C.** ~~which shall have the seal of the engineer along with the engineer's name, address, and phone number as well as the name, address, and phone number of the applicant.~~ If the applicant is a corporation, partnership, etc., the name, address and telephone number of the applicant's project manager or other representative responsible for the project shall be included. If plans are submitted on multiple sheets, an overall site plan of the proposed work must be included. If the project is being built in phases or sections, the submission of a master plan will be required by Pender County Utilities. Approval of plans and specifications by Pender County Utilities does not relieve the applicant from obtaining any and all other approvals necessary for the construction of the project. However, applications to other agencies shall be submitted in the name of the applicable Pender County Water and Sewer District. All application fees will be paid by the applicant.
- ii. Any other documentation required by **the appropriate regulatory agency (NCDENR, NCDEH, NCDOT, USACOE, etc.)** ~~North Carolina Department of Transportation and the Department of Environment and Natural Resources (DENR), Public Water Supply ("PWS").~~

Pender County Utilities will review t~~The foregoing documentation. Any corrections to the documents required by PCU will be made by the Applicant. The revised documents shall be resubmitted to PCU. Upon approval of the documents by PCU, PCU will sign the application and return written concurrence that PCU takes no exception to the documents.~~ ~~shall be reviewed by the Pender County Utilities Department and if complete shall be placed on the Pender County Water and Sewer District's Board of Directors agenda for the meeting following the month in which such items were received. The applicant or an appointed representative shall be present at the Board Meeting to answer questions that may be presented by the Board.~~

3. **Construction.** The applicant shall engage a North Carolina licensed Utility contractor acceptable to and approved by Pender County Utilities to construct the project. Prior to commencing construction, Pender County Utilities shall be furnished the name, address and phone number of the contractor along with a copy of the contractor's current North Carolina utility contracting license. Pender County Utilities shall be given a minimum 48 hours notice before any work is commenced by the contractor. No Persons other than the contractor (or the contractor's sub-contractors) shall make a tap or connection into any Pender County Water and Sewer District's owned infrastructure or perform any other portion of the work. All communications concerning the work, both oral and in writing, shall be directed to the applicant's engineer.
4. **Inspections.** Pender County Utilities shall inspect materials prior to construction as well as make periodical inspections while the project is under construction. **Materials not**

conforming to Pender County Specifications and/or the approved documentation shall be rejected. All thrust blocking and rodding must be inspected prior to filling trench excavation. Pender County Utilities must witness road borings, pressure and allowable leakage tests, initial and residual chlorinating tests, and withdrawal of bacteriological samples. Pender County Utilities shall be notified at least 24 hours in advance of such tests. Permission from Pender County Utilities is required for the operation of any valves located on the water system. North Carolina Administrative Code Title 15A, Department of Environmental Health Subchapter 18C, Sections .0100 through .2000 titled Rules Governing Public Water Supplies sets forth provisions intended to protect public water supplies such as that of Pender County Utilities.

5. **Project Completion.** Upon completion of construction, the applicant shall provide from a Professional Engineer licensed in the State of North Carolina (i) a certification in writing to the PWS, with copy to Pender County Utilities, that construction has been completed according to plans and specifications previously submitted and approved by the State and (ii) As-built drawings of the project in the form of hard-copy, reproducible Mylar(s) sealed by the engineer, and digital format (ACADR14.dwg or .dxf).

6. **Commencement of Utility Service.** Prior to the issuance of a Building Permit for a structure that is part of a larger development (e.g., subdivision, business park, etc.), or prior to issuance of a Certificate of Occupancy for individual structures (residential, commercial, industrial) not part of a larger development, PCU must authorize commencement of potable water and/or sewer service. Pender County Utilities will authorize commencement of potable water and/or sewer service when the work has been completed according to the approved plans and specifications, **the Engineer's Certification has been received by PCU, the Applicant Certification has been completed, the appropriate regulatory authorities have provided Final Approval for use,** and the following requirements have been met:
 - a) Submission to Pender County Utilities of two copies of the recorded subdivision final plat for the property, if applicable, and such Deeds of Dedication, bills of sale including the Final Payment Request of the Utility Contractors, easements, lien waivers and other documents as are necessary in Pender County's sole opinion to transfer title to Pender County free of liens and encumbrances of all utility facilities to become a part of the Pender County Water and Sewer District's utility system.
 - b) Submission by Owner of a 12-month warranty in form satisfactory to Pender County Utilities of material and workmanship against defects plus an indemnify agreement indemnifying the Pender County Water and Sewer District from any damages or injury to persons or property by reason the construction of the project.
 - c) All applicable fees and charges for the entire project or phase have been received.

**Water Shortage Response Plan
Rocky Point - Topsail WSD, North Carolina**

The procedures herein are written to reduce potable water demand and supplement existing drinking water supplies whenever existing water supply sources are inadequate to meet current demands for potable water.

I. Authorization

The Rocky Point - Topsail WSD Director shall enact the following water shortage response provisions whenever the trigger conditions outlined in Section IV are met. In his/her absence, the Utilities Director will assume this role.

Mr. Rick Benton, County Manger
Rocky Point - Topsail WSD Director
Phone: (910) 259-1200
E-mail: rbenton@pendercountync.gov

Mr. Michael Mack
Rocky Point - Topsail WSD, Utilities Director
Phone: (910) 259-1570
E-mail: mmack@pendercountync.gov

II. Notification

The following notification methods will be used to inform water system employees and customers of a water shortage declaration: employee e-mail announcements, notices at municipal buildings, notices in water bills. Required water shortage response measures will be communicated through *The Pender Post*, the *Topsail Voice*, PSA announcements on local radio and cable stations. Declaration of emergency water restrictions or water rationing will be communicated to all customers by telephone through the County's Connect – CTY (reverse 911) system.

III. Levels of Response

Five levels of water shortage response are outlined in the table below. The five levels of water shortage response are: voluntary reductions, mandatory reductions I and II, emergency reductions and water rationing. A detailed description of each response level and corresponding water reduction measures follow below.

Stage	Response	Description
1	Voluntary Reductions	Water users are encouraged to reduce their water use and improve water use efficiency; however, no penalties apply for noncompliance. Water supply conditions indicate a potential for shortage.
2	Mandatory Reductions I	Water users must abide by required water use reduction and efficiency measures; penalties apply for noncompliance. Water supply conditions are significantly lower than the seasonal norm and water shortage conditions are expected to persist.
3	Mandatory Reductions II	Same as in Stage 2
4	Emergency Reductions	Water supply conditions are substantially diminished and pose an imminent threat to human health or environmental integrity.
5	Water Rationing	Water supply conditions are substantially diminished and remaining supplies must be allocated to preserve human health and environmental integrity.

Stage 1, Voluntary Reductions: All water users will be asked to reduce their normal water use by 5%. Customer education and outreach programs will encourage water conservation and efficiency measures including: irrigating landscapes a maximum of one inch per week; preventing water waste, runoff and watering impervious surfaces; watering plants deeply to encourage root growth; washing only full loads in clothes and dishwashers; using spring-loaded nozzles on garden hoses; and identifying and repairing all water leaks.

Stage 2, Mandatory Reductions I: All customers are expected to reduce their water use by 10% in comparison to their previous month's water bill. In addition to continuing to encourage all voluntary reduction actions, the following restrictions apply: irrigation is limited to a half inch per week between 8PM and 8AM; outdoor use of drinking water for washing impervious surfaces is prohibited; and all testing and training purposes requiring drinking water (e.g. fire protection) will be limited.

Stage 3, Mandatory Reductions II: Customers must continue actions from all previous stages and further reduce water use by 20% compared to their previous month's water bill. All non-essential uses of drinking water are banned and garden and landscape irrigation must be reduced to the minimum amount necessary for survival. Additionally, in Stage 3, a drought surcharge of 1.5 times the normal water rate applies.

Stage 4, Emergency Reductions: Customers must continue all actions from previous stages and further reduce their water use by 25% compared to their previous month's water bill. A ban on all use of drinking water except to protect public health and safety is implemented and drought surcharges increase to 2 times the normal water rate.

Stage 5, Water Rationing: The goal of Stage 5 is to provide drinking water to protect only public health (e.g. residences, residential health care facilities and correctional facilities). In Stage 5, all customers are only permitted to use water at the minimum required for public health protection. Firefighting is the only allowable outdoor water use and pickup locations for distributing potable water will be announced according to Rocky Point Topsail WSD's Emergency Response Plan. Drought surcharges increase to 5 times the normal water rate.

III. Triggers

Rocky Point - Topsail WSD is provided water solely by purchase from the Town of Wallace. When Wallace declares a water shortage, Rocky Point - Topsail WSD is required to do so as well. During this time Rocky Point - Topsail WSD Utilities Director will stay in close contact with the Town of Wallace and follow their triggers.

IV. Return to Normal

When water shortage conditions have abated and the situation is returning to normal, water conservation measures employed during each phase should be decreased in reverse order of implementation. Permanent measures directed toward long-term monitoring and conservation should be implemented or continued so that the community will be in a better position to prevent shortages and respond to recurring water shortage conditions.

V. Enforcement

The provisions of the water shortage response plan will be enforced by Rocky Point - Topsail WSD personnel. Citations are assessed according to the following schedule depending on the number of prior violations and current level of water shortage.

Water Shortage Level	First Violation	Second Violation	Third Violation
Voluntary Reductions	N/A	N/A	N/A
Mandatory Reductions (Stages 2 and 3)	Warning	\$250	Discontinuation of Service
Emergency Reductions	\$250	Discontinuation of Service	Discontinuation of Service
Water Rationing	\$500	Discontinuation of Service	Discontinuation of Service

Drought surcharge rates are effective in Stages 3, 4 and 5.

VI. Variance Protocols

Applications for water use variance requests are available from the office of Pender County Utilities. All applications must be submitted to Pender County Utilities for review by the Director or his designee. A decision to approve or deny individual variance requests will be determined within two weeks of submittal after careful consideration of the following criteria: impact on water demand, expected duration, alternative source options, social and economic importance, purpose (i.e. necessary use of drinking water) and the prevention of structural damage.

VII. Effectiveness

The effectiveness of the Rocky Point - Topsail WSD water shortage response plan will be determined by comparing the stated water conservation goals with observed water use reduction data. Other factors to be considered include frequency of plan activation, any problem periods without activation, total number of violation citations, desired reductions attained and evaluation of demand reductions compared to the previous year's seasonal data.

VIII. Revision

The water shortage response plan will be reviewed and revised as needed to adapt to new circumstances affecting water supply and demand, following implementation of emergency restrictions, and at a minimum of every five years in conjunction with the updating of our Local Water Supply Plan. Further, a water shortage response planning work group will review procedures following each emergency or rationing stage to recommend any necessary improvements of the plan to the Rocky Point - Topsail WSD's Board. The Rocky Point - Topsail WSD Utilities Director is responsible for initiating all subsequent revisions.