

**AN ORDINANCE REQUIRING MANDATORY SEWER CONNECTIONS AND
PAYMENT OF AVAILABILITY FEES UNDER CERTAIN CIRCUMSTANCES
WITHIN THE INTERSTATES WATER & SEWER DISTRICT**

WHEREAS, the Interstates Water and Sewer District was created by the Surry County Board of Commissioners pursuant to N.C.G.S. §162A-86, *et seq*;

AND, WHEREAS, the District and County have extended sewer services into the District;

AND, WHEREAS, as completed, the sewer services: (1) facilitate development and provide needed services to existing and future area residents, (2) allow for planned economic development and growth in the project area; and (3) bring health benefits to the residents of the District;

AND, WHEREAS, County has determined that extension of sewer services has benefited those areas now served, but that due to the tremendous costs associated with delivery of sewer services to rural areas, it is necessary that all available users support the services as permitted by N.C.G.S. §153A-284 in the form of mandatory hook up and usage charges or through periodic availability charges where hook up is not required, upon payment of the minimum usage charge;

AND, WHEREAS, County must adopt an ordinance to impose periodic availability charges within the District;

NOW, THEREFORE, BE IT ORDAINED that the following requirements are established for mandatory sewer connections and payment of availability charges for the gravity-flow portion of the sewer system located within the Interstates Water and Sewer District (and any other properties served by the District):

Section 1. Exceptions.

Mandatory connection and availability fees shall not apply along the portion of the sewer line that is designed and constructed as a force main sewer line.

Section 2. Mandatory Connection of Newly Constructed Buildings.

Any new construction requiring a building or zoning permit will be required to connect to a District controlled sewer main located within 200 feet of the structure. As a prerequisite to connection to a District controlled sewer main the newly constructed building(s) also shall be connected to a metered public water source owned/operated by the Town of Dobson.

Section 3. Mandatory Connection of Existing Structures after Sewer is Available.

When the property is subject to any of the following, mandatory sewer connection will be required:

- (a) A failed septic system
- (b) Damaged septic system requiring permit to repair
- (c) As directed by the Surry County Environmental Health Department
- (d) As directed/ordered by a court of proper jurisdiction
- (e) Where property has made connection to the Interstates Water and Sewer District sewer system, it cannot be connected back to an individual source of potable water supply (well).

****International Plumbing Code 602.3 Individual water supply.**

Section 4. Rates, Charges, Fees and Billing.

(a) Rates for Sewer Service: The District shall set rates for sewer use by adopting a rate schedule, which may be amended from time to time, as the District deems necessary. In order to facilitate ease of administration by District's designated Operation's Agent, the text of the District's rate schedule shall be consistent with the text of the rate structure of its Operation's

Agent, the City of Mount Airy, as that schedule changes from time to time. The District shall set rates for sewer service in an amount double that charged by the City of Mount Airy for customers within its corporate limits as established in Chapter 8, Municipal Utilities of the Mount Airy City Code, as amended.

(b) The sewer rates or charges are adopted to apply to all consumers and/or owners and premises, as applicable, connected to the District's system:

(1) A minimum charge for all customers including those with zero usage which shall be a periodic service charge to cover the cost of operations and maintenance, debt service, basic facilities charges and administrative overhead.

(2) A usage charge which shall be a periodic service charge to the consumer or owner equal to the volume of usage reflected by the water meter reading multiplied by the approved rate.

(c) An Availability Fee will be assessed, accruing each billing period to the owners of all parcels of property utilizing public water provided by Town of Dobson, to which a District sewer line has been made directly available, but owners of which have elected not to connect to the District sewer system. The Availability Fee shall be in the amount established in the rate schedule currently in effect and approved by the Board of Commissioners of Surry County sitting as the governing board of the Interstates Water and Sewer District and payable to the Operation's Agent. The Availability Fee shall not be an amount greater than the minimum charge established for connected customers and shall be applied as follows:

(1) For developed property on which there are situated one or more buildings, an Availability Fee shall be applicable to each such building for which a minimum charge would be required if the premises was connected to the District's water or sewer system.

(2) For any undeveloped parcel that would qualify for the issuance of a building permit for the construction of one or more buildings, a single Availability Fee shall apply regardless of the size of the parcel.

Section 5. Enforcement.

a) Any violation of any provision of this ordinance which is also a criminal violation under State law shall be prosecuted under the State law.

b) Any violation of this ordinance which is not a violation of State law shall be a Class III misdemeanor punishable by a maximum fine of \$500 and a sentence of not greater than 20 days.

c) In addition to any prosecution in criminal court, the County may take civil action against any violator of this ordinance to enjoin or abate any unlawful activity or condition or for damages.

Section 6. Nonpayment.

The County will take the following steps to collect past due payments from the customers:

a) Send delinquent notice to the customers.

b) Submit account to the N.C. Debt Set-Off program, which will allow the County to retrieve monies owed through income tax returns and lottery winnings.

c) Seek a judgment in Surry County Small Claims court.

d) Disconnect utilities. Sewer disconnections will render any structure uninhabitable.

Net of collected funds shall be remitted to Operation's Agent.

This Ordinance shall be effective upon adoption.

Duly adopted this 11th day of April 2017, upon motion made by Commissioner Phillips and adopted by the following vote:

Ayes: 3 Noes 0 Absent Commissioner Larry Johnson
Commissioner R. F. "Buck" Golding

Board of Commissioner of the County of Surry
Sitting as the Governing Board of the Interstates
Water and Sewer District

By: *Eddie Harris*
Chairman of the Board

Attest:

Conchita Atkins
Conchita Atkins, Clerk to the Board and to
The Interstates Water and Sewer District

