

Lake Lure, North Carolina
Chapter 51: Sewer System Ordinance
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Chapter 51: Sewer System Ordinance

51.00 Sewer Service Authority

The Town of Lake Lure, Rutherford County, by virtue and authority granted by its Charter and by Article 16 of Chapter 160A of the General Statutes of the State of North Carolina (G.S. §§ 160A-312, et seq.) is authorized and empowered to acquire, provide, construct, establish, maintain and operate a sewer system for the Town and to extend the system beyond the corporate limits. **(Amended 11-13-18)**

51.01 Management and Control

- *Generally.* The management and control of the sewer system is vested in the Town Manager, to be governed by the provisions of this Chapter and the policies established and modified from time to time by the Town Council and all in compliance with the laws of the State of North Carolina.
- *Collection System.* The Town Manager shall appoint an Operator in Responsible Charge (ORC) who shall have, or can obtain, NC State qualifications to operate Lake Lure's Sewer Collection System under the general supervision of the Town Manager.
- *Treatment System.* The Town Manager shall appoint an Operator in Responsible Charge (ORC) who shall have, or can obtain, NC State qualifications to operate Lake Lure's Wastewater Treatment Plant (WWTP) under the general supervision of the Town Manager.
- *Customer Service and Financial Operations.* The Town manager shall appoint a Customer Service Representative and a Finance Director who are authorized to administer the daily customer service and financial operations of the sewer system under the general supervision of the Town Manager.
- *Ordinance Interpretation and Grievance.* Interpretation of this ordinance and/or any person aggrieved by a decision of the ORC, the Customer Service Representative, or the Finance Director shall have the right of appeal to the Town Manager, who shall have authority to make a final decision on any ordinance interpretation and appeal. The Manager may defer such appeal to the Town Council for a final decision.

51.02 Purpose and Scope of Sewer Ordinance

- The Town's overall operating philosophy for its sewer system starts with the uniqueness of the collection system itself. The system was installed prior to the flooding of the lake, and is located on the lake bed, with perimeter manholes on the lake shore to provide access for sewer customers. Therefore, the Town's basic philosophy is that the Town owns, operates and maintains this underwater sewer system up to and ending at the lake perimeter manholes. The Town does own operate and maintain some isolated sewer lines outside the lake, but these are very limited.

In all cases, the Town does not own, operate or maintain any sewer laterals or service lines beyond Town owned manholes. Laterals and service lines that serve one, two or several customers are the full responsibility of the customers being served. Costs for operation and maintenance of these laterals and service lines are the shared responsibility of the customers receiving sewer service.

The Town may get involved only as a facilitator between the regulatory authority and customer should a lateral or service line break or leak results in environmental damage or contamination to the lake.

- This ordinance is adopted by the Town in compliance with the terms and provisions of public funds used in the construction, installation, operation, maintenance and capital improvements of the Town sewer system, and is intended to ensure beneficial service to users of such system, the prevention of abuse thereof, and a manner of equitably distributing the costs of services among the users thereof, recognizing that the physical facilities of the sewer system, including the trunk sewers, pump stations and force mains, the treatment plant and other support appurtenances are intended to transport, convey and treat domestic sanitary wastewater and compatible industrial wastewater to produce a treated wastewater and byproduct residuals which may be released into the environment without adverse environmental impact, all within the regulatory requirements of permits issued by the State for operation of the sewer system and WWTP.
- The objectives of this ordinance and its elements are as follows:
 - Elimination of uncontaminated water, groundwater and stormwater which do not require extensive treatment from the system.
 - Elimination of waste which will damage the system, or cause excessive wear, rapid deterioration or depreciation or excessive maintenance thereof, or which will endanger the safety of maintenance workers or the general public by its presence, or which cannot be economically treated, and/or which will cause a malfunction or breakdown of the treatment process and result in the water effluent and byproduct sludge being an environmental hazard from the system.

- To ensure a fair allocation of the cost among the users of the system based upon voluntary contributions of wastewater of equal strength, recovery of capital cost contributions of public monies from industrial and commercial users of the system, and the imposition of a surcharge for loads of industrial or commercial wastewater which are higher in concentration than sanitary wastewater.
- No statement contained in this section shall be construed as prohibiting any special agreement or arrangement between the Town and other persons whereby an industrial waste of unusual strength or character may be admitted into the system.

51.03 Definitions

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Action level means the concentration based numeric value that the Grease interceptor effluent, at the device's outlet tee and prior to mixing with any other wastewater from the contributing establishment's property, are expected to achieve on a consistent or stipulated basis.

Allocation, sewer allocation, or sewer capacity allocation means conditional designations of estimated sewer treatment capacity to a specific owner and project, subject to all of the provisions of this policy and any document of approval.

Approval authority means the director of the state department of natural resources and community development, division of environmental management.

BOD (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five days at 20 degrees Celsius, expressed in milligrams per liter.

Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to a sewer service line, beginning five feet (1.5 meters) outside the inner face of the building wall.

Common interceptor means one or more interceptors receiving FOG laden wastewater from more than one establishment. Common interceptors may be located at shopping centers, malls, entertainment complexes, sporting arenas, hotels, multi-tenant "flex" spaces, mixed use spaces, and other sites where multiple establishments are connected to a single grease interceptor. The owner of the

property on which the common grease interceptor is located shall be primarily responsible for the maintenance, upkeep, and repair of the common interceptor.

Compatible wastewater means wastewaters with only those polluting constituents which are susceptible to adequate treatment in the treatment system works, without harm to the sewerage system. The term "compatible constituents" has like meaning with reference to individual wastewater parameters.

Connecting sewers means public sewers connecting to the public sewer system.

Connection fee is a fee charged to defray the cost of the connection of a customer's service line to a sewer main.

Contingent allocations means conditional designations of estimated sewer treatment capacity that become effective only upon the occurrence of specific events.

Critical, essential, or highly desirable community services means commercial, institutional, or public services that have been identified by an official planning document or which are found by the Town Council to be vital, under-provided needs for the residents of the town.

Evaluation criteria are the factors and findings by which applications for sewer capacity allocations are analyzed and evaluated to assist in decisions regarding allocations.

Fats, oils, and greases means organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CRF 136, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases" or "FOG".

Food Service Establishments or "FSE" means those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption foodstuffs and that use one or more of the following preparation activities: Cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching, and infrared heating, searing, barbecuing, and any other food preparation or serving activity that produces a consumable food product in or on a receptacle requiring washing to be reused.

FOG enforcement response plan means the document and written plan and procedures by which the ORC implements an enforcement strategy applicable to the FOG control and management program established herein. The plan applies to FOG program violations and matters of program noncompliance. Stipulated penalties for specific and programmatic infractions are addressed in the plan and set forth in the Town's annual budget ordinance. The ORC shall make site and case

specific determinations of program non-conformance in accordance with this Division 2.

Garbage means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Grease trap or interceptor means a device for separating waterborne greases and grease complexes from wastewater and retaining such greases and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. Grease traps also serve to collect solids that settle, generated by and from activities that subject Users to this section, prior to the water exiting the trap and entering the sanitary sewer collection and treatment system. Grease traps and interceptors are sometimes referred to herein as “grease interceptors.”

Impact fee is a fee levied to recover past or future capital cost required to provide increased capacity of water or sewer facilities

Improved Property means any property which has been altered from its natural state, or its current state, by the construction, erection or rehabilitation of a structure or facility, located upon the ground; and if such completed structure has been improved for human habitation and/or use and results in the generation of wastewater which requires treatment.

Incompatible wastewater means wastewater containing constituents or characteristics which render it unsuitable for transport or treatment in the sewerage system. The terms "incompatible constituents" and "incompatible characteristics" have like meaning with reference to individual wastewater parameters. Incompatible constituents and characteristics include water parameters. Incompatible constituents and characteristics include the elements listed in prohibitions and may include other elements so identified by the manager and specified in the user's service permit.

Industrial wastes and high strength wastes mean the liquid wastes from industrial manufacturing processes, trade or business, or any high strength wastewater, as distinct from sanitary wastes. Sanitary wastes are defined as wastewaters originating from domestic sources.

Infill means building or development that is significantly surrounded by existing improved property, particularly developed property located within the town limits.

Infrastructure installations means improvements (such as streets, sidewalks, water and sewer mains, and storm water conveyance or mitigation facilities) required by town subdivision regulations and/or other major facilities improvements required to prepare the property for building improvements.

Manager means the Town of Lake Lure Manager

Minimum design capability means the design features of a grease interceptor and its ability or volume required to effectively intercept and retain greases and settled solids from grease-laden wastewaters discharged to the public sanitary sewer.

Municipality means the Town of Lake Lure.

Natural outlet means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

Non-cooking establishments means those establishments primarily engaged in the preparation of precooked foodstuffs that do not include any form of cooking: but that may produce a consumable food product in or on a receptacle requiring washing to be reused.

Non-municipal means any user of sewer service other than a customer discharging normal sanitary (domestic) wastewater.

Onsite grease interceptor treatment (sometimes "Onsite Treatment") means mechanisms or procedures utilized by a user to treat grease interceptor contents on the User's site, followed by the reintroduction of such treated wastewater back into the interceptor. Onsite grease interceptor treatment may only be accomplished by a user if the user or the user's contract service provider is permitted by the North Carolina Division of Waste Management as a septage management firm or service provider.

ORC means the Operator in Responsible Charge of Lake Lure's sewer system

pH means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

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

Refractory, in reference to chemical wastewater constituents, means resistant to treatment or difficult to degrade by biochemical processes.

Sanitary sewer means a sewer which carries sewage and to which stormwater, surface water and groundwater are not intentionally admitted.

Scavenger wastes means contents of privies, septic tanks or cesspools, industrial wastes, chemical compounds and sludges which are hauled by truck or other mobile conveyance.

Scheduling means designation of a specific time or time period during which a sewer capacity allocation is available for use.

Service provider means any third party not in the employment of the user that performs maintenance, repair, and other services on a user's grease interceptor at the user's directive.

Sewage means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwater, surface water and stormwater as may be present.

Sewage treatment plant means any arrangement of devices and structures used for treating sewage.

Sewer means a pipe or conduit for carrying sewage.

Sewer service line means the extension from a building drain to the public sewer or other place of disposal; also, a lateral connection.

Sewerage system means all facilities for collecting, pumping, treating and disposing of wastewater.

Slug means any discharge of water, sewage or industrial waste which, in concentration of any given constituent, or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration of flows during normal operation.

Storm drain and *storm sewer* mean a sewer which carries stormwater and surface water and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

Surcharge means a monetary charge for treatment of industrial waste loads at concentrations higher than normal for sanitary wastewaters. The term "hydraulic surcharge of sewers," meaning overloading, is not used in this ordinance.

Suspended solids means 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.

System means the sewerage system of the town.

Tap means the connection made at the customer's service line (including meter or cleanout) to a sewer main.

Town means the Town of Lake Lure, Rutherford County, North Carolina

User means any person using the services of the town for conveyance or treatment of wastewater.

WWTP means the Town of Lake Lure Waste Water Treatment Plant

Wastewater means any waterborne suspension, slurry or solution of any materials in water which serves the purpose of carrying away unwanted materials from the source.

Watercourse means a channel in which a flow of water occurs, either continuously or intermittently.

51.04 Administrative procedures; enforcement; penalties; damaging or tampering with facilities

- Duties and authority of Town code enforcement employees and inspectors.
 - The Town Manager, his designees, and other duly authorized employees, herein after referred to as inspectors, properly identified by credentials of appointment and identification shall perform code enforcement and/or inspections. Inspection shall also be allowed by appropriate state and federal agencies. It shall be the duty of the inspector to make inspections, observations, measurements, sampling and testing in accordance with the provisions of this ordinance. Such inspectors shall have no authority to inquire into any industrial process or to require or request the disclosure of any trade secrets beyond that point having a direct bearing on the kind or source of discharge to the sewers or waterways or other facilities of the Town.
 - Such inspectors shall have the right to enter upon real property over and through which the town has acquired an easement for the installation and maintenance of the sewer lines and facilities, and, in addition, they shall have, along with proper municipal inspectors, the right to go upon the property of individuals or industrial users of the system as provided in the utility service agreement mentioned in this ordinance, for the purpose of determining compliance with the provisions of this ordinance. All non-municipal sewer users shall execute, as a requirement for service, an agreement allowing sewer inspectors to enter upon the premises for the purpose of inspecting individual sewer collector lines, during reasonable times, so as to verify compliance with the terms and conditions of such service.
 - While performing the necessary work on private properties referred to in this section, any inspector shall observe all safety rules applicable to the premises established by any commercial or industrial user.
- Damaging or tampering with facilities. It shall be unlawful and a violation of this ordinance for any person to damage, destroy or tamper with any gauges, meters, lines, manholes and their covers, equipment, pumps, electrical

connections, lift stations, or any appurtenances to the sewer lines of the Town, and, in addition to the civil responsibility for any damage caused or occasioned by such person, such offender shall be liable for imposition of the penalties as provided in this section. It shall likewise be a violation of this section for any person to aid, assist, abet or permit a minor child to violate the provisions of this ordinance, and such person shall be liable as a principal and subject to the identical penalties as to which any violator of this ordinance would be liable.

- Penalties. If any person shall violate the provisions of this chapter the Town Manager, his designee or the code enforcement officer shall give notice to the owner or to any person in possession of the subject property in writing and served by personal delivery or the most expeditious means possible, directing that all unlawful conditions existing thereupon be abated within ten days (10) from the date of such notice; provided, that if, in the opinion of the Town Manager, his designee, or the code enforcement officer the unlawful condition is such that it is of imminent danger or peril to public, the public services department may, without notice, proceed to abate the same, and the cost thereof shall be charged against the property.
- The penalty for the violation of any provisions of this ordinance shall be as prescribed by NCGS 14-4(a) (Class 3 misdemeanor with a fine not to exceed five hundred dollars (\$500.00)). In addition to the criminal penalty there shall also be levied a civil penalty (as provided in the same chapter) per separate offense per day plus any amount Town Council shall find appropriate in case of damage to the system or the environment for the purpose of repairs or cleanup. **(Amended 11-13-18)**
- Additional rules and regulations. In order to carry out the terms of this Ordinance, the Town may promulgate such rules and regulations as deemed necessary, and the Town Manager is likewise vested, subject to ratification of the Town Council, with authority to act on behalf of the Town in providing for the safety, maintenance, good order and proper function of the facilities of the Town.

51.05 Connection to sewer system required

- All Improved property within the town limits with a structure that generates wastewater, and such structure is located within 200 feet of a town owned sewer line, shall be connected therewith, and the property owner shall be charged the prescribed connection fee for all such connections. Such connection shall be made in accordance with the provisions of this section within 90 days after the date of official notice to connect.
- Improved property served by wells and annexed by the town shall be connected to the sewer systems, if within 200 feet, within two (2) years of the effective date of annexation; provided, however, that no connection to the sewer system shall be permitted without also connecting to the town's water system.
- The Manager or Town Council may delay or waive the requirement for connection where a determination is made that it is impractical to connect due to topography or other just causes. New construction shall be required to connect to an existing sewer line prior to receiving a certificate of occupancy.
- Except as provided in this ordinance, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage. If improved property is currently connected to a Town sewer, it shall be unlawful to disconnect. **(Amended 11-13-18)**
- If improved property is connected to a Town owned sewer line, or to a privately owned line that has access to the public sewer system, it shall be unlawful to disconnect from public sewer except as allowed for in Section 51.14. (added 01-10-17)

51.06 Connections outside of Town Limits

- All improved property outside the town limits that request Town water service and located within 200 feet of a town owned sewer line shall connect to the town sewer. This shall be a condition to connect to Town water. The property owner shall be charged the prescribed connection fee for all such connections. Such connection shall be made in accordance with the provisions of this section within 90 days after the date of official notice to connect.
- Improved property served by wells, or other water source, outside town limits may, at the discretion of the property owner, and upon approval of the ORC, be connected to the Town sewer system. The property owner must provide written documentation that there is legal access for the service line connecting the improvement to the Town sewer.

51.07 Application for connection; service agreement/permit

- Application for connection to the Town sewer system shall be made on the Town's form, together with supporting reports and data sufficient to ensure compliance with relevant terms of this ordinance. The minimum requirement shall be that all information requested on the application be supplied, and all irrelevant information blanks be marked as "not applicable." The Town Manager, or his designee, may request any additional information deemed necessary, within the scope and intent of this ordinance. Persons requiring guidance in making application may consult the Town Manager. The approval of a sewer connection application shall constitute the issuance of a service agreement.
- An approvable service permit or information necessary to support an approvable application must be submitted to the Town Manager before approval will be issued to any person proposing to discharge industrial wastewaters to public sewers.
- Service permits shall specify quantities and characteristics of industrial wastewaters which may be sewerred and shall be limiting where so specified. Service permits may specify special conditions and agreements between the user and the Town. Service permits shall serve as a contract between the user and the Town. If deviation from terms of a service permit is anticipated or experienced by the user or the Town, each party shall immediately notify the other, in writing, specifying the nature and extent of the change in sufficient detail that a new or modified service permit may be issued, or the service permit cancelled, whichever may be appropriate.
- Permits for any users, other than normal sanitary wastewater, shall be issued for a specified time period not to exceed five years (5). The user shall apply for permit reissuance a minimum of 180 days prior to expiration.

51.08 Connections to be made under town supervision

- All connections to the Town's sewer main lines, or sewer manholes, shall be performed only by a North Carolina Licensed Plumber or Licensed Utility Contractor and/or performed by one of their employees under their direct supervision.
- Sewer connections will not be made to any existing vacant substandard property or any substandard property becoming vacant until such time as the property has been inspected and brought into compliance with the town, county and State codes and a certificate of occupancy issued.

- If an existing sewer connection to a property, that for one reason or another becomes uninhabitable, the sewer service line will be cut and plugged at the property line by the Town and billing stopped and the account will be closed. If the uninhabitable property is brought into compliance with codes and a certificate of occupancy is issued, then the sewer service line may be re-connected to the property, but will be considered as a new account, new tap and an application with fees shall have to be completed and paid.
- No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer, manhole or appurtenance.
- All required permits (Town, County, State or Federal), contractor connection costs and other expenses incidental to the installation and connection of a sewer service line shall be borne by the owner. This may include costs for obtaining road cut permits, road repair, easements, costs of inspection from third party entities, a pump and storage tank if required for the service connection and other associated costs.
- Unless otherwise authorized by the ORC, a separate and independent sewer service line shall be provided for every building; except, where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway. The sewer service line from the front building may be extended to the rear building and the whole considered as one sewer service line.
- Old sewer service lines may be used in connection with new buildings only when they are found upon examination and test by the ORC to meet all requirements of this Ordinance.
- The size, slope, alignment and materials of construction of a sewer service line, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the state building and plumbing codes or other applicable rules and regulations of the town and the state. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in the town's utility construction standards shall apply.
- Whenever possible, the sewer service line shall be brought to the building at an elevation below the basement floor. In all buildings in which any building sewer drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be pumped by an individual pump and discharged to the sewer service line. In such case a pump is required; a shut off valve shall be installed at the connection point to the town's sewer. If a pump and storage tank is required the system shall be pre-approved by the ORC.

- No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a sewer service line or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- The connection of the sewer service line into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town and state. All such connections shall be made watertight. Any deviation from the prescribed procedures and materials must be approved by the Town Manager or ORC.
- The applicant for a sewer connection shall notify the ORC or Customer Service Representative prior to installation of the sewer service line to schedule a field inspection and approval of the location of service line and connection point to the town's sewer. The actual connection to the town's sewer shall be made under the supervision of the ORC. No sewer service pipe or connection shall be backfilled or covered up without prior inspection from the ORC or his representatives. In a case where a state road has to be cut for installation of a sewer service and connection to the town's sewer, the NCDOT shall be notified and perform an approved inspection.
- All excavations for sewer service line installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.
- If the Town discovers through inspections and/or testing an unauthorized sewer connection, the Town shall notify in writing the owner of the property that the unauthorized connection serves and request the owner to complete a sewer application form, pay a doubled connection fee and two (2) years of back charges, or 100 % of back charges since the owner obtained title to the property if less than two (2) years. Failure to complete an application may result in further penalties in accordance with Section 51.04 of this ordinance.

51.09 User Charges

- *Generally.* Sewer user charges are based upon the proposition that costs of service be distributed equitably among users of the services. There will be two rates for payment for services by users, as follows:
 - Basic users rate, generally for all residential and commercial users
 - High strength waste surcharges, usually for industrial and specialty users
- *Basic users rate.*
 - *Residential Sewer Customers:* Persons discharging only domestic sanitary wastewater into the town's sewer system will be charged a flat fee per dwelling unit. Such flat fee rates shall be set forth in the Schedule of Fees

and Charges of the annually adopted Budget Ordinance for the Town of Lake Lure. (Amended 11-13-18)

- *Commercial Sewer Customers:* Commercial customers discharging only domestic sanitary wastewater into the town's sewer system will be charged a flat fee per commercial user size. Such user size is based upon the annual projected flow discharged into the Town's sewer system and is determined by the Town based upon the type and size of the commercial customer. Flat rate fees for each user size shall be set forth in the Schedule of Fees and Charges of the annually adopted Budget Ordinance for the Town of Lake Lure. (Amended 11-13-18)
- *Adjustments.* Normally all requests for sewer flat fee rate adjustment will not be considered. An appeal may be considered if it can be demonstrated that the flat fee is substantially different from the proposition that costs of service be distributed equitably among users of the services. The Town manager is authorized to make an adjustment in the flat fee rate.
- *High strength waste surcharge.*
 - Persons discharging high strength wastes, normally industrial, will be charged for loads of BOD and suspended solids in the wastewater in concentrations in excess of those normal for domestic sanitary sewage and allowed for in the basic users rate. For purposes of establishing the lower limits of the user charge surcharges, normal domestic wastewater shall be characterized according to the following concentrations for domestic waste parameters:
 - BOD₅: 220 mg/l.
 - Suspended solids: 220 mg/l.
 - Surcharge rates will be stated in terms of dollars per pound for each parameter. Quantities of surchargeable materials will be determined by flow measurements (or estimates), sampling, analyses and calculations. Sampling and analyses will be done by the town using 24-hour composite samples, taken during a representative operating day of the user. The minimum sampling frequency will be one day for each four-month billing period. Wastewater analyses will be performed according to procedures of the latest edition of Standard Methods for the Examination of Water and Wastewater, APHA, AWWA, WPCF. Average results of sample analyses will be used for calculating surcharges for each parameter over the billing period according to the following example calculation:
Assume Average Measured BOD = 600 mg/l = (600 lb./10⁶ lb. WW)
Assumed Measured Volume = 900,000 gal./quarter
Limit of Base Rate BOD 220 mg/l = (220 lb./10⁶ lb. WW)
Assume BOD Surcharge = ¢/lb.
BOD Surcharge = 600-220 × 0.9 × 8.34 × ¢/lb.
10⁶ × 100 = \$/quarter
 - Administration for the high strength waste monitoring program and billings to such accounts will be made by the town and will include statements of base rate billings, surcharge billings and the basis of billings.

- The town will enter into agreement with high strength users specifying alternate methods of sewage flow determination and sampling as conditions of a service permit.
- If required, a schedule of surcharge rates to be charged for the collection and treatment of high strength wastewater shall be set forth in the Schedule of Fees and Charges. Rate schedules will be revised from time to time to reflect the changing number of users and the varying operation costs.
- The Town may negotiate a separate rate agreement for high volume and/or high strength users

51.10 Deposits

Customer deposits shall not be required for sewer service apart from deposits required for the town's water system. The customer deposits are set forth in the Schedule of Fees and Charges of the annually adopted Budget Ordinance for the Town of Lake Lure.

51.11 Sewer connection charges

- Applicable sewer connection and capital impact fees shall be paid in advance of the establishment of any sewer connection, including but not limited to the extension of pipe, the tapping of a sewer main, or the establishment of a new use on an existing connection. The specific policies and procedures for the assessment and collection of sewer connection and capital impact fees shall be established by the Schedule of Fees and Charges in each year's annual budget ordinance.
- No water from the town's water system shall be supplied to any person who has caused a sewer tap to be made until the connection fee has been received by the Town.
- All residents of areas statutorily annexed to the town, where the town extends the sewer to the newly annexed area, shall qualify for waiver of the standard sewer connection fees and charges provided such residents follow proper application, installation and complete connections within 12 calendar months of the date sewer utilities are available for tapping. The Town Manager shall provide written certification to Town Council of the date such utility lines become available for connection, thereby, fixing the date from which residents are allowed to connect without payment of connection charges. All residents who do not connect within the 12-month waiver period must pay all connection fees and charges as prescribed herein.
- Sewer connection and impact fees are intended to fund the town's capital reserve fund. The purpose of the impact fee is: to reimburse existing customers for having to finance expansion-related projects in advance of growth; recovers

carrying costs of capacity because capacity must be developed in advance of growth; and creates a fund for the upgrading of the sewer collection and treatment system required due to obsolescence or increased regulatory requirements.

- For purpose of assessing residential sewer capital impact fees, the assumed usage for a residential unit shall be 375 gallons per day. The term "residential unit" shall be deemed to be an individual single family living unit whether such unit shall be a freestanding house, an apartment, a condominium or any other residential structure.
- Non-residential users will be assessed sewer capital impact fees based on the number of 375 GPD units of water consumed and will pay the full cost for any fraction of a residential equivalent. Sewer capital impact fees may be assessed utilizing the best available information, including but not limited to historical use data for similar uses, and an Engineer's signed and sealed estimate of projected water use. In the absence of such information, the Town Manager shall base sewer capital impact such fees upon North Carolina Administrative Code 15A NCAC 02T.0114 Wastewater Design Flow Rates.

51.12 THIS SECTION IS INTENTIONALLY LEFT BLANK (Amended 11-13-18)

51.13 Responsibility for payment of charges

- The Town bills bi-monthly for sewer service to the address set forth on the application for service. The person who signs the application for service is responsible for paying the bi-monthly bills in accordance with the schedule of rates and fees. Should bills not be paid, the charges for services remain with the property. If the property's title is transferred, through a sale, foreclosure, bankruptcy, inheritance, or other means; responsibility for unpaid balances for service transfer to the new title owner(s) pursuant to the authority of The Lake Lure Town Charter, House Bill 282, Chapter 194, ratified May 15, 1987, which provides in Article V, Section 5.1 that, *"in case any charges for water or sewerage service due and owing to the Town of Lake Lure are not paid, then such charges and any penalties assessed for nonpayment shall become a lien upon the property served or in connection with which service is used"*.
- Where there is not provided a separate service connection for each building situated on any given lot or parcel of land, the owner of such lot or parcel of land shall be responsible for the payment of charges for sewer to all such buildings on the lot or parcel.
- Where separate service connections are not provided to every occupancy unit or tenant within a multitenant building, the owner of the building shall be responsible for the payment of all charges for sewer service to the building.

- Where more than one dwelling unit, or separate structures are provided service through a single service connection, the charges for service shall be the total number of dwelling units or structures served times the minimum charge as shown in the current sewer rate plus the total volume rate. The number of minimum charges is defined as the same number of separate electrical meters required to serve the dwelling units or structures.
- Failure to receive bills mailed or notices shall not prevent the bills from becoming delinquent nor relieve the consumer from payment. (**Amended 11-13-18**)

51.14 Suspension of service

- The Town reserves the right to suspend service, with notice, for non-payment of bills. Notices and suspension of service shall be in accordance with the Town Manager's directives.
- When it is not practical to disconnect sewer service for non-payment; i.e., several customers share a private sewer lateral that connects to the Town's system and one of those customers does not pay their bill, service cannot be terminated to all customers due to one customer's delinquent actions. In these and similar cases, the Town will allow the delinquent account to accumulate to a balance of approximately \$1,000, and then proceed with legal liens on the property and small claims court to secure a judgment. Costs associated with liens and small claims court, and all delinquent service fees will be added to the judgment claim.
- The Town reserves the right to suspend service, without notice, for the following conditions:
 - To prevent fraud or abuse
 - Customer's willful disregard of the Town's rules and regulations
 - Emergency repairs
 - Legal process
 - Strike, riot, fire, flood, accident or any unavoidable cause
- **Permissive use of system**
 - Customers in or outside town limits are subject to regulations of the Town, the County Department of Health, and the State Department of Environmental and Natural Resources (DENR) for proper handling of wastes and wastewaters accepted into the public sewers.
 - Such customers may apply to the town for discharge of sanitary and compatible wastewaters into the sewerage system, by procedures outlined in this ordinance

51.16 Prohibited discharges

No person shall discharge or cause to be discharged any incompatible wastewaters or wastes to any public sewers, including the following:

- The discharge of sanitary wastewater into a storm sewer system. This is prohibited without exception.
- Stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer. Unpolluted cooling waters may, upon written application and approval by the Town Manager, be discharged to storm sewers or storm drains.
- Waters or wastes containing substances which are not amenable to treatment or removal by the waste treatment processes employed or are amenable to treatment only to such degree that the waste treatment plant effluent and residuals outputs cannot meet the requirements of the NCDENR permits applicable to plant operations.
- Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create a public nuisance.
- Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquids, solid or gas.
- Any waters or wastes having a pH lower than 5.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the WWTP.
- Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the WWTP, such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, un-ground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

51.17 Restricted discharges

- No person shall discharge or cause to be discharged the following described prohibited substances, materials, waters or wastes if it appears likely in the opinion of the Town Manager that such wastes can harm either the sewers, sewage treatment process or equipment, can have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or

constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Manager will give consideration to such factors as quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capital of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- Any liquid or vapor having a temperature higher than 104 degrees Fahrenheit (40 degrees Celsius).
- Any waste or water containing fats, wax, grease or oil in excess of 100 mg/l (per NCDENR), as determined by results of the Freon extractable test, and the reasonable interpretation of test results, and/or auxiliary tests, to exclude from the measurement values which do not represent fats, wax, grease and oil.
- Any garbage other than ground residential garbage from residential kitchen sinks.
- Any acidic or alkaline wastewaters having pH values outside the range of 5.0 to 10.0.
- Heavy metals and toxic, refractory or organic chemicals in concentrations or quantities sufficient to limit treatment plant capability or efficiency, to adversely affect effluent quality by their presence or effects, or to limit the means of disposal or utilization of treatment plant sludge by their presence. The manager may issue lists of prohibited metals and toxic chemicals and guidelines and criteria for limiting their acceptance as required for operation of the treatment system.
- Any radioactive wastes or isotopes of such half-life or concentration as may exceed public safety limits or cause the plant effluent or sludge to exceed any applicable state or federal regulations.
- Any materials which exert or cause:
 - Unusual oxygen demand or chlorine demand in such amounts as to constitute a significant load or an operating problem.
 - Excessive discoloration of treatment plant effluent.
 - Unusual odors in the treatment plant effluent or unusual odors in the sewerage system.

51.18 Fat, Oil and Grease – (FOG)

- *Scope and purpose.* The objective of this section is to aid in preventing the introduction and accumulation of fats, oils, and greases into the municipal wastewater system which will or tend to cause or contribute to sanitary sewer blockages and obstructions. Food Service Establishments and other industrial or commercial establishments generating wastewater containing fats, oils or greases are subject to this section. This section regulates such users by requiring that grease interceptors and other approved strategies be installed, implemented, and maintained in accordance with the provisions hereof.
- *Definitions.* See Section 51.03

- *Grease interceptor installation, maintenance, recordkeeping, and grease removal.*
 - Grease interceptors shall be installed and maintained at the user's expense, when a User operates a food service establishment. Grease interceptors may be required in non-cooking or cold dairy and frozen foodstuffs establishments and other industrial or commercial establishments when the establishment generates wastewater containing fat or grease and the ORC determines an interceptor is necessary to prevent contribution or accumulation of grease to the sanitary sewer collection and treatment system. Upon notification by the ORC or designee that the user is subject to the terms of an enforcement action, said user shall not allow wastewater discharge concentration from subject grease interceptor to exceed an establishment action level of 100 milligrams per liter, expressed as Hexane Extractable Material. All grease interceptors shall be of a type, design, and capital approved by the ORC and shall be readily and easily accessible for maintenance, and repair, including cleaning and for town inspection. All grease interceptors shall be serviced and emptied of accumulated waste content as required in order to maintain minimum design capability or effective volume of the grease interceptor, but not less often than every sixty (60) days or as permitted in a valid program modification. Users who are required to pass wastewater through a grease interceptor shall:
 - Provide a minimum hydraulic retention time of 24 minutes at actual peak flow between the influent and effluent baffles, with twenty-five percent (25%) of the total volume of the grease interceptor being allowed for any food-derived solids to settle or accumulate and floatable grease derived material to rise and accumulate, identified hereafter as a solids blanket and grease cap respectively.”
 - Remove any accumulated grease cap and solids blanket as required, but at intervals of not longer than sixty (60) days at the user's expense, or in accordance with the valid program modification or other ORC's requirements. Grease interceptors shall be kept free of inorganic solid materials, such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, etc., which could settle into this solids blanket and thereby reduce the effective volume of the grease interceptor.
 - If the user performs onsite grease interceptor treatment pursuant to a modification granted below, user shall:
 - Prior to commencement of Onsite Treatment obtain written approval by and from the ORC of all processes utilized in said onsite treatment.
 - If any pumped wastes or other materials removed from the grease interceptor are treated in any fashion onsite and reintroduced back into the grease interceptor as an

activity of and after such onsite treatment, the user shall meet the criteria contained in (c)(1)(c)(3) below.

- Attain and adhere to the criteria listed below:
 - a. After 30 minutes of setting time, not more than 3.0 ml/L of settleable solids, as measured in a 1 liter Imhoff cone shall be allowed.
 - b. Within and not more than 24 hours after onsite grease interceptor servicing, not more than 2" (inches) of settleable solids and/or grease shall be allowed to have accumulated therein as a result of said operations.
 - c. Service vehicles and equipment used in onsite Grease interceptor servicing shall be registered with the Public Works and Utilities Department, and as required by the North Carolina Division of Waste Management.
 - d. When servicing grease interceptors service vehicles and equipment shall have onboard, at all times, a certificate of approval for the operations and methods used, issued by the ORC.
 - e. Any tanks, tankage, or vessel(s) associated with a modification shall be empty upon arrival at the initial FSE user site for which this modification is intended to be applied.
- d) Operate and maintain the grease interceptor to achieve and consistently maintain any applicable grease action level. "Consistent" shall mean any wastewater sample taken from such grease interceptor must meet the terms of numerical limit attainment described in subsection (C) (1). If a user documents that conditions exist ("space constraints") on their establishment site that limit the ability to locate a grease interceptor on the exterior of the establishment, the user may request an interior location for the interceptor. Such request shall contain the following information:
 - Location of town sewer main and easement in relation to available exterior space outside building.
 - Existing plumbing layout at or in a site.
 - A statement of understanding, signed by the user or authorized agent, acknowledging and accepting conditions the ORC may place on permitting an identified interior location. Conditions may include requirements to use alternative mechanisms, devices, procedures, or operations relative to an interior location.
 - Such other information as may be required by the ORC.
- e) The use of biological or other additives as a grease degradation or conditioning agent is permissible only upon prior written approval of the ORC. Any user using biological or other additives shall maintain the trap or interceptor in such a manner that attainment of any grease wastewater, action level, solids blanket

or grease cap criteria, goal or directive, as measured from the grease interceptor outlet of interior, is consistently achieved.

- f) The use of automatic grease removal systems is permissible only upon prior written approval of the ORC, the lead plumbing inspector of Rutherford County, and the Rutherford Polk McDowell District Health Department or the US Department of Agriculture. Any user using a grease interceptor located in the interior of the site shall be subject to any operational requirements set forth by the North Carolina Division of Waste Management. Any user using equipment shall operate the system in such a manner that attainment of the grease wastewater discharge limit as measured from the unit's outlet, is consistently achieved as required by the ORC.
- g) The ORC may make determinations of grease interceptor adequacy need, design, appropriateness, application, location, modification(s), and conditional usage based on review of all relevant information regarding grease interceptor performance, facility site and building plan review by all regulatory reviewing agencies may require repairs to, or modification or replacement of grease interceptors.
 - 1. The user shall maintain a written record of grease interceptor maintenance for three years. All such records will be available for inspection by the town at all times. These records shall include:
 - FSE name and physical location
 - Date of grease interceptor service
 - Time of grease interceptor service
 - Name of grease interceptor service company
 - Name and signature of grease interceptor service company agent performing said service
 - Established service frequency and type of service: full pump-out, partial pump-out, onsite treatment (type of nature of operations)
 - Number and size of each grease interceptor serviced at FSE location
 - Approximated amount, per best professional judgment of contract service provider, of grease and solids removed from each grease interceptor
 - Total volume of waste removed from each grease interceptor
 - Destination of removed wastes, food solids, and wastewater disposal
 - Signature and date of FSE personnel confirming service completion
 - Such other information as required by ORC
 - No non-grease-laden sources are allowed to be connected to sewer lines intended for grease interceptor service.
 - Access manholes shall have an installed diameter of 24 inches, a maximum weight of 50 pounds, and shall be provided over each chamber, interior baffle wall, and each sanitary tee. The access penetrations,

commonly referred to as “risers” into the grease interceptor shall also be, at a minimum, 24 inches in diameter. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and wastewater sampling activities.

- A user may request a modification to the following requirements of this ordinance. Such request for a modification shall be in writing and shall provide the information set forth below.
 - The user’s grease interceptor pumping frequency The ORC may modify the sixty (60) days grease interceptor pump out frequency when the user provides data, and performance criteria relative to the overall effectiveness of a proposed alternate and such can be substantiated by the ORC. Proposed alternatives may include: grease interceptor pumping or maintenance matters, bioremediation as a complement to grease interceptor maintenance, grease interceptor selection and sizing criteria, onsite grease interceptor maintenance, and specialized ware washing procedures.
 - Grease interceptor maintenance and service procedures. The ORC may modify the method(s) or procedure(s) utilized service a grease interceptor when the user provides data, and performance criteria relative to the overall effectiveness of a proposed alternate method or procedure and such can be substantiated by the ORC. If a modification to maintenance and service procedures is permitted it shall be a conditional discharged permit approval.
 - Any modification must be approved by the ORC in written form before implementation by the user or the user’s designated service provider.

51.19 Limitations on compatible wastes

- No person may discharge large quantities of compatible wastewaters to public sewers which, by reason of volume, flow rate, concentration or total load of compatible constituents, are in excess of the capital of a part of the sewerage system or are inconsistent with the most beneficial use of the system in the opinion of the manager. In consideration of these factors, the Town Manager will limit the following:
 - Volume and flow rate from any individual source to the capital of sewers, pump stations and force mains and the treatment system, less the capital committed to serve the general public and other users and the reserve capital to serve anticipated needs of the general public until the time of a planned expansion of the facilities.
 - Loads of compatible pollutants, such as BOD, suspended solids, nitrogen and phosphorus, from any individual source, to the capital of the treatment facilities, less the capital committed to serve the general public and other

users and the reserve capital to serve the anticipated needs of the general public until the time of a planned expansion of the treatment facilities.

- The Town Manager may require flow equalization or pretreatment for load reduction as a condition of a service permit or may decline to receive high loads or highly concentrated wastewaters into the system if in the Town Manager's opinion this would not be the most beneficial use of the system, by reason of the cost of services, technical considerations relating to operation and maintenance of the system or conflicting alternatives for the provision of services.

51.20 Compliance with Federal and state standards

- Applicability of federal pretreatment standards. Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this ordinance.
- Modification of federal pretreatment standards. Where the town's WWTP achieves consistent removal of pollutants limited by federal pretreatment standards, the town may apply to the approval authority for modification of specific limits in the federal pretreatment standards. For purposes of this section, consistent removal shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in 95 percent of the samples taken when measured according to the procedures set forth in 40 CFR 403, "General Pretreatment Regulations for Existing and New Sources of Pollution," section 403.7(c)(2), promulgated pursuant to the act. The town may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR, part 403, section 403.7, are fulfilled and prior approval from the approval authority is obtained.
- Applicability of state requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this ordinance.
- Dilution of discharge. No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any other pollutant-specific limitation improved by the town or the state.

51.21 Accidental Discharges

- *Facilities and procedures.* Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this

ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the town for review, and shall be approved by the town before construction of the facility. All existing users, if applicable, shall complete such a plan within 180 days of adoption of this ordinance. No user who commences contribution to the system after effective date of this ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the town. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this ordinance. In the case of accidental discharge, it is the responsibility of the user to immediately telephone and notify the treatment plant of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

- *Written notice to manager.* Within five days following an accidental discharge, the user shall submit to the manager a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the system, fish kills or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this ordinance or other applicable law.
- *Notice to employees.* A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of an accidental or dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

51.22 Wastewater monitoring facilities

All persons discharging or proposing to discharge industrial wastewaters to the public sewer shall provide facilities for access to the sewer service line carrying industrial wastewater for the purposes of flow measurement and sampling by the town, as required by the town manager. A person discharging industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances, in the sewer service line to facilitate observation, sampling and measurements of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the town manager. The manhole shall be installed by the owner at his expense, and shall be maintained by the owner so as to be safe and accessible at all times.

51.23 Wastewater pretreatment facilities

- Persons desiring to discharge to the public sewer industrial wastewaters which are incompatible with the system shall construct and operate pretreatment facilities to bring the wastewater to a condition and quality which is compatible with the sewerage system prior to discharge to the sewer. Facilities such as grease and oil interceptors, grit traps, and flow equalization basins and controls shall be considered pretreatment facilities, as well as all other facilities designated to eliminate incompatible characteristics and/or reduce wastewater loads of compatible characteristics.
- The user shall obtain approval from the manager of the plans and specifications for the pretreatment facilities prior to construction of pretreatment facilities, shall construct such facilities at his expense, and shall operate and maintain such facilities to meet conditions of his approved sewer connection service permit.

51.24 Acceptance of septage from private, corporate, and HOA systems

The Town does not own, or have access to, facilities for pre-treatment of scavenger wastes (AKA Septage). These wastes from private, corporate wastewater companies, an HOA, or any other source and hauler shall not be accepted for disposal into the town's system. Any discharge of such wastewater, or scavenger wastes as defined by this ordinance, into the town's system shall constitute a violation of this ordinance and be subject to such penalties as described in this ordinance.

51.25 Private sewage disposal systems

- When vacant property is to be improved, or existing improvements upgraded, and sewer service is required, and a Town sanitary sewer is not available, the sewer service line shall be connected to a private sewage disposal system complying with the regulations of the state and county.
- At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in section 51.05, a direct connection shall be made to the public sewer in compliance with this ordinance at the time of the first malfunction of the private system; and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
- The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the town.
- **Sewer Capacity and Allocation**
 - Background

The Town of Lake Lure owns and operates a wastewater collection system and a treatment plant. The town desires to ensure that any available

wastewater treatment capacity is allocated and utilized in a manner that best serves the interests of the citizens of Lake Lure. Thus when new residential, commercial or industrial planned developments are submitted to the Town's planning department and a sewer extension is required, a sewer allocation shall have to be obtained as part of the development approval process. Infill residential improvements located where sewer is available are exempt from obtaining a sewer allocation. The form for requesting a sewer allocation, is the NCDENR Flow Tracking/Acceptance for Sewer Extension Applications, (FTSE 08-13) is available on the NCDENR website.

- Purpose

This Sewer Capacity Allocation Policy is designed to utilize a valuable and limited resource to achieve the following:

- Protection of public health, elimination of failing septic tanks, and protection of the environment
- To encourage the development and availability of essential and desirable community services;
- To promote the financial health and stability of the town government;
- To insure the orderly growth and development of the community;
- To encourage high quality, attractive development
- To avoid committing large amounts of allocation to projects which are phased over several years or which will not likely result in utilization of services in a timely manner.

- Evaluation Criteria

Requests for the allocation of sewer capacity shall be evaluated on the following criteria (in descending order of preference):

- Location of the project within the Town's corporate boundaries.
- Location of the project near the lake or other water source.
- The project's provision of critical, essential, or highly desirable community services.
- A high ratio of added property tax base in relation to the estimated cost of town services.
- Significant generation of other, additional revenues to help support town services.
- Location of the project on a site that promotes needed infill, compact growth of the town boundaries, and efficient, cost-effective provision of municipal services.
- Consistency with and/or advancement of the Town's Comprehensive Plan.
- The provision of desirable, high-quality community amenities.
- The provision of desirable public facilities, easements, or rights-of-way.
- Agreement to develop the property in a specific fashion that exhibits high quality site, building, and landscaping design.

- Preservation of key resources or structures that are part of the unique character of the town.
 - Preservation and/or protection of natural resources, such as water quality or vegetation.
 - Evidence of the project's ability to utilize the requested allocation in an expeditious manner.
 - Mitigation of significant, identified public health or environmental problems.
 - A demonstrated history of high quality development by the owner or developer.
 - A demonstrated history of expeditious project completion by the owner or developer.
 - Willingness to furnish performance bonds or other substantial guarantees of any promises and commitments contained in the application.
 - The availability of and/or investment in significant infrastructure required to support building, occupancy, and use. (To be considered, any investments must be pursuant to approval of required plans and permits by the Town or other appropriate agency.)
- Applications
 1. General. All applicants are encouraged to carefully review the criteria set forth in this policy and the application requirements before submitting an application.
 2. Form. The owner of any project or property who desires to apply for an allocation of sewer capacity shall submit a written application, in the form: NCDENR Flow Tracking/Acceptance for Sewer Extension Applications, (FTSE 08-13), (is available on the NCDENR website), which provides key ownership, property, and project information, which indicates the amount of capacity being requested, which sets forth the proposed timetable for the project, and which provides sufficient factual information to address the evaluation criteria set forth in this policy. All applications and any approvals shall be subject to the standard terms and conditions set forth in this policy. No letters or other communications may be substituted for submission of a proper and complete application.
 3. Fees. Sewer allocation applications shall be accompanied by non-refundable allocation fees, based on a schedule of fees set by the Town Council from time to time.
 4. Review. Applications will be reviewed and evaluated by the Town staff to insure completeness of needed information and to determine the extent to which the application addresses the evaluation criteria.
 5. Approval or Denial. After required application information and the initial evaluation are complete, applications shall be considered for approval or denial as follows:
 - a. *Town Council Reviews*. The Town Council shall review and make decisions on all applications with the following characteristics:

(1) Projects which require or may require a daily flow allocation of over 1,000 gallons (2) Projects located outside the corporate boundaries of the Town; (3) Projects that are subject to special zoning or development review requirements, such as conditional uses, planned unit developments, or projects located in overlay or conditional zones.

b. *Management Reviews.* The Town Manager may review and make decisions on applications located within the corporate boundaries of the Town that require a daily flow allocation of 1,000 gallons or less. In considering such minor applications, the Town Manager shall keep in view the evaluation criteria set forth in this policy, but such minor allocations may not be required to have evaluation ratings as high as major projects. Denials of minor applications may be appealed, as a new application, to the Town Council.

6. Re-Application. Applications which are denied may not normally be re-submitted for at least 90 days and should submit evidence of significant changes in their applications that may justify reconsideration.

- Terms and Conditions

All approvals of sewer capacity allocation shall be subject to the following conditions and any other conditions set forth in the action of approval.

1. Form of Approval. Any approved allocations shall be issued in writing and shall be subject to all of the terms, conditions, and provisions of this policy, as well as any specific conditions related to project that are stipulated by the Town Council. Such conditions may include requirements for expeditious completion of projects or other requirements which, if not fulfilled, will cause the allocation to become null and void.
2. Annexation. All approvals of sewer capacity allocations for properties outside of town limits will be conditioned upon submission of an irrevocable petition for voluntary annexation.
3. Nature of Allocations. Approved allocations of sewer capacity are conditional distributions based on estimated or expected plant capacity, but are not unconditional guarantees or rights to service capacity. All allocations made by the Town are contingent on the actual availability of capacity at the time of property improvement and connection. All rights to sewer capacity subject to distribution by the Town shall remain at all times the property of the Town, and no person shall acquire any interest in property as a result of a sewer capacity allocation. The Town may, in some circumstances, elect to approve allocations that are explicitly contingent upon the availability of future capacity, the expiration, lapse, or release of existing allocations, and/or the occurrence of other events.
4. Order of Service. If limited actual capacity is available at the time of proposed connection, the approval of actual connections, among those owners or projects with approved allotments, shall be on a first-come, first-served basis.

5. Expeditious Completion. In order to insure that other potentially worthwhile projects are not unreasonably prevented from obtaining allocations of this scarce resource, allocations will be made with the expectation that capacity will be utilized in a timely manner. All approved allocations require vigorous and expeditious prosecution of the proposed project. Allocations may not be "banked" for use beyond the duration of the allocation.
6. Partial or Limited Allocations. In considering applications for multi-unit projects or developments, sewer allocations may be limited to and made for a portion of the total amount requested, in order (a) to encourage expeditious utilization of allocated capacity; (b) to encourage demonstration of project completion ability, and (c) to protect available capacity against over-allocation and non-utilization.
7. Scheduled Availability. Sewer allocations may also be made on a scheduled basis, in which the availability of capacity--especially in projects with multiple units or phases-- is scheduled for specific dates or periods of time. Allocations that are not accompanied by scheduling shall be for a specific period of time (see "Duration" below) beginning at the date of approval.
8. Other Permits and Approvals. Approval of a sewer capacity allocation does not confer or imply any other approvals required by the Town, County, State, or other agencies (such as the Health Department or North Carolina Department of Environment and Natural Resources). The Town of Lake Lure shall bear no cost, liability, or responsibility if other needed approvals for a project are denied or withheld.
9. Vested Rights. The approval of a sewer capacity allocation is, as indicated herein, conditional and does not imply or create a vested right. All applications for sewer capacity allocations shall be based on this understanding and condition, and all applicants shall agree that no claim of a vested right, guarantee, or property interest may be made based on any allocation of sewer capacity.
10. Agreements. Any specific promises or commitments made by the applicant and considered in the evaluation process shall be set forth, if an allocation is approved, in specific agreements between the Town and the applicant.
11. Transferability. Applications are evaluated based on information and commitments provided by a specific applicant with regard to a specific property and project. Approved allocations of sewer capacity may not be transferred by the applicant to any other person, owner, entity, organization, corporation, property, project, or location. Allocations are valid only for the named applicant and project. If the recipient of an approved allocation desires to request transfer of an approved allocation to any other person or entity, an updated application must be presented for evaluation and consideration by the same reviewer (Town Council or Town Manager) that conducted the original review. In a residential subdivision, sale of individual lots to an individual builder or owner for

the purpose of construction of homes is not considered a transfer---up to a maximum of five lots--but any associated capacity allocation remains subject to the duration and conditions of the original allocation.

12. Changes in Use, Design, or Location. Allocations are limited to the project use, design, and location described in an approved allocation. Proposed changes in use, design, or location require submission of and evaluation of a new application.
13. Duration and Expiration. All approved allocations shall be for a period of 24 months from the date of approval (unless availability is scheduled for a specific date or period of time in the future.) After the standard allocation duration or other time period specified in the approval, the allocation will expire (unless extended) and the allocation will be subject to re-allocation.
14. Extensions. Updated applications are required to consider any extensions of allocations, and requests for extensions will be based on updated conditions at the time of the request. All requests for extensions shall be based on substantial justification of the need for the extension and a substantial explanation of the applicant's failure to complete the project in an expeditious manner. The reviewer (Town Council or Town Administrator) may, if such extensions are approved, make approvals conditional on terms or conditions different from those in the original approval. Extensions, if approved, shall normally be for a period of six months only.
15. Capacity Accounting. Calculation of availability of sewage treatment capacity is, by its nature, an inexact science, due to the dynamic nature of wastewater flow and treatment, weather, seasonal use, the regulatory environment, and other factors. The Town will make its best efforts to track the amount of capacity that may be available for allocation, but any calculations or reports shall not be construed as a policy statement, commitment, or guarantee of the amount of capacity available for allocation.
16. Actions Adversely Affecting Capacity. Any allocation approvals are subject to potential actions of legislative bodies or regulatory agencies that may affect the actual availability of capacity. Wastewater treatment capacity may also be adversely affected by operational practices, severe storms, other acts or God, and acts of intentional or unintentional damage to facilities. The Town assumes no responsibility for actions or events beyond its control that have an adverse effect on actual treatment capacity.
17. Cancellation. Failure to comply with the specific terms and conditions of any allocation and/or of this policy shall render an allocation null and void.

- Previous Allocations

In consideration of any requested extensions, it is the intent of the Town to give priority to projects or portions of projects for which infrastructure installations are complete at the time of allocation expiration. Portions of planned projects for which infrastructure is not complete will be fully subject

to the terms, conditions, and criteria of this policy and may, if re-approved, be subject to (a) scheduling of any re-approved allocations and/or (b) re-approval as contingent allocations.

The Town fully intends to honor all allocations of record for two (2) years effective the date this ordinance is passed. Allocations not used by the end of this two (2) year period shall self terminate. If the owner of the allocation desires to extend the unused allocation, a new allocation submission shall be required.