

AN ORDINANCE GOVERNING AND REGULATING THE WATER & SEWER SYSTEM  
OF CLAY COUNTY

Whereas, in the year 1995 the Clay County Water & Sewer District was established and took over existing water and sewer infrastructure owned by the Town of Hayesville, and

Whereas, the District is currently under both a water and sewer moratorium imposed by the North Carolina Department of Environment and Natural Resources (NCDENR), which prevents new water or sewer connections until compliance with certain regulations is achieved, and

Whereas, the system needs to obtain additional water supply and

Whereas, the system's older sewer lines are often of terra cotta and experience considerable problems with infiltration and inflow, and

Whereas, the existing wastewater treatment plant will be abandoned and replaced with an extended aeration plant with discharge to Hiawasse River, and

Whereas, after the said sewage treatment plant is completed, a maximum of 300,000 gallons of sewage can be treated in said plant in any one period of twenty-four (24) hours, and

Whereas, upon completion of said sewage treatment plant, the sewer system owned by the Clay County Water & Sewer District will consist of six lift stations, force mains and the treatment plant that was designed to serve the mountainous terrain, and

Whereas, the financial requirements of building and operating the treatment plant and the costs and expensed of operation, maintenance, repairs, replacements and management of the said sewer system must necessarily be paid by those using said system, and

Whereas, the Board of Directors of the Clay County Water & Sewer District finds that it is necessary to establish rules and regulations governing the uses of the water and sewer system and to establish rates and charges to pay part of the initial costs of the treatment plant, and the costs and expenses of operation, maintenance, repairs, replacements and management of the said sewer system.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CLAY COUNTY WATER & SEWER DISTRICT:

SECTION 1 CONTROL AND SUPERVISION

The water and sewer system of the Clay County Water & Sewer District shall be under the general control and supervision of the Board of Directors of the District and the system shall be regulated and operated as the Board of Directors shall from time to time ordain and direct. The Board shall appoint a qualified person to supervise the operation and regulation of the system under the direction of the Board, or the Board may assign the duties of supervising

the system to an employee of Clay County Water & Sewer District in addition to his other duties.

## SECTION 2 DIVISION OF CAPACITY OF SEWAGE TREATMENT PLANT

The capacity of the sewage treatment plant to treat a maximum of 300,000 gallons of sewage in any one period of twenty-four (24) hours shall be divided into 800 units of 375 gallons of sewage per unit. Owners of such units shall be entitled to deposit into the sewage system not more than 375 gallons of sewage per unit owned in any one period of twenty-four (24) hours.

## SECTION 3 PERMIT FOR CONNECTIONS REQUIRED

No person, firm, or corporation shall make any connection, direct or indirect, to the water and sewer system of the Clay County Water & Sewer District, or with any private lines in the Clay County Water & Sewer District, unless and until a permit has been issued by the Clay County Water & Sewer District. Permits shall be issued for connections only after the official or employee designated by the Board of Directors of the Clay County Water & Sewer District to supervise its sewer facilities has determined the type of connection required, the type of waste to be placed in the system, and has approved all of the specifications and size, and methods of installation of any lines now connected, or to be connected, in the future to the sewer system of the Clay County Water & Sewer District.

## SECTION 4 INFORMATION REQUIRED BEFORE PERMIT ISSUED

All persons, firms and corporations whose properties are now connected, directly or indirectly, to the water or sewer system of the Clay County Water & Sewer District, and all persons, firms and corporations desiring connections in the future, directly or indirectly, with said water or sewer system of the Clay County Water & Sewer District, or with any private lines in the Clay County Water & Sewer District which are connected with said sewer system of the Clay County Water & Sewer District, shall furnish the Board of Directors with the following information:

1. Name or names in which title is vested.
2. The maximum number of people using the premises and the maximum number of gallons of sewerage to be discharged from said premises in any one (1) twenty-four (24) hour period.
3. The number of separate dwellings, buildings or structures connected or for which connections is desired.
4. The number of the following in the dwellings, buildings or structures located on the premises:
  - (a) Bathrooms;

- (b) Water closets;
  - (c) Showers;
  - (d) Lavatories;
  - (e) Sinks;
  - (f) Clothes washers; and
  - (g) Garbage disposal units.
5. Whether a swimming pool is located on the premises.
  6. General location of property.
  7. Whether property is residential or commercial, and if commercial, the type of business.
  8. Whether water is furnished by the Clay County Water & Sewer District.

Forms for furnishing the above information shall be supplied by the Clay County Water & Sewer District. The District shall have the right to disconnect those properties connected, directly or indirectly, to the water or sewer system of the Clay County Water & Sewer District or to any private lines which are connected to the water or sewer system of the Clay County Water & Sewer District whose owners refuse to furnish the information required. Owners wishing to have their properties connected, directly or indirectly, to the water or sewer system of the Clay County Water & Sewer District, or to any private lines in the Clay County Water & Sewer District, which are connected to those of the Clay County Water & Sewer District, and who refuse to furnish the information herein required shall not receive a permit and shall not be allowed to make such connection.

#### SECTION 5 WORK ON CONNECTIONS

All connections, direct or indirect, to the water or sewer system of the Clay County Water & Sewer District, or with any private lines in the Clay County Water & Sewer District which are connected to the water or sewer system of the Clay County Water & Sewer District, which are connected with the system of the Clay County Water & Sewer District, shall be made by authorized employees of the Clay County Water & Sewer District in accordance with specifications for such connections that may be adopted by the District from time to time. If authorized by the Board of Directors, connections may be made by plumbers licensed to perform plumbing work in North Carolina. Any sewer connections made by an authorized licensed plumber shall be inspected by the official or employee designated by the Board of Directors to supervise the system of the Clay County Water & Sewer District after such work has been completed and prior to the time such connection is covered.

#### SECTION 6 MAINTENANCE AND REPAIR OF CONNECTIONS

Whenever any service to any residence, building, structure, or premise becomes clogged, broken, out of order, or in any condition detrimental to the use of the sewer service, the owner, agent or occupant having charge of such residence, building, structure or premise shall be responsible for the immediate repair of said service. Renewals or repairs of any lines connecting any residence, building, structure, or premise, directly or indirectly, with the system of the Clay County Water & Sewer District or with any private line in the Clay County Water & Sewer District which is connected to the sewer system of the Clay County Water & Sewer District shall be made at the expense of the property owner, occupant or agent. Whenever any repair is performed as required by this section, such work shall be performed only by a licensed plumber authorized to perform such work by the Clay County Water & Sewer District.

#### SECTION 7 DISCHARGE OF CERTAIN SUBSTANCES PROHIBITED

1. It shall be unlawful for any person, firm or corporation to deposit, or cause to be deposited, or discharge or permit to be discharged, directly or indirectly, into any part of the sewer facilities of the Clay County Water & Sewer District the following substances:
  - (a) Any waste or effluent from any industrial or manufacturing process.
  - (b) Any corrosive, volatile, inflammable or explosive liquid gas, vapor or material of any kind.
  - (c) Any trade waste containing oily and greasy substances likely to cause accretion on the sides of sewer lines.
  - (d) Any used motor oils or greases, or similar substances.
  - (e) Any trade waste containing large quantities of hair or fiber, or other substances which may obstruct the sewer or make necessary any undue cleaning of the system.
  - (f) Any fish offal, garbage, dead animals or similar types of waste.
2. No person operating a garage or filling station who offers as a service the washing of automobiles, trucks or other vehicles shall release into the sewer system, directly or indirectly, water so used, without first providing a settling basin of sufficient size to permit the sedimentation of the solids from such operation. Such basin or pit shall be maintained in good working condition and shall be cleaned as often as required to remove the major portion of mud and other refuse that may be accumulated therein.
3. No person, firm or corporation shall discharge, pour, deposit or cause or permit to be discharged, poured or deposited, any surface water run-off or drainage, either directly or indirectly, into the sewer system of the Clay County Water & Sewer

District, or to make or allow, or cause to be made, any connection to said sewer system which could cause or permit any surface water run-off or drainage to flow, directly or indirectly into said system.

#### SECTION 8 SEWER SERVICE CHARGES AND CONNECTION FEES

It is hereby determined and declared to be necessary for the due protection of the public health, safety, and welfare of the Clay County Water & Sewer District and for financing part of the costs of the sewage treatment plant, the cost and expense of the operation, maintenance, replacement, repair, and management of the sewer system of the Clay County Water & Sewer District to establish and collect charges for the use of the system pursuant to North Carolina General Statutes 160-249 and 260-256, and Chapter 766 of the 1967 Session Laws of North Carolina, as follows:

- (a) A sewer service charge for each unit of 250 gallons of sewage owned is hereby established. Such sewer service charge shall be payable monthly and the amount of such charge per unit of sewage shall be fixed by a schedule adopted by the Board of Directors of the Clay County Water & Sewer District and kept on file in the office of the District Clerk. The amount of such sewer service charge per unit of sewage may be changed at any time in the discretion of the Board of Directors of the Clay County Water & Sewer District.
- (b) A sewer charge on each lot, parcel of land, or premises in the Clay County Water & Sewer District which is now or will hereafter be connected, directly or indirectly, with the sewer system of the Clay County Water & Sewer District or with any private line in the Clay County Water & Sewer District which is now or will hereafter be connected with the sewer system of the Clay County Water & Sewer District, is hereby established and determined as follows:
  1. There shall be a sewage unit charge of \$100.00 for each unit of 375 gallons of sewage to be deposited into the sewer system of the Clay County Water & Sewer District in any one period of twenty-four (24) hours. For example, purchasers of one (1) unit of sewage shall be charged \$100.00 and shall be allowed to deposit not more than 375 gallons of sewage into the sewer system of the Clay County Water & Sewer District in any one (1) twenty-four (24) hour period; purchasers of two (2) units of sewage shall be charged \$200.00 and shall be allowed to deposit not more than 750 gallons of sewage into the sewer system of the Clay County Water & Sewer District in any one (1) twenty-four (24) hour period. The charge per unit of 375 gallons of sewage herein established shall be in addition to, and not in lieu of, the monthly sewer service charge established in Sub-section (a) of this Section. The said sewage unit charge for each unit of 375 gallons of sewage shall be payable only once, but the amount to be charged for each unit of sewage

may be changed at any time in the discretion of the Board of Directors of the Clay County Water & Sewer District.

2. Each lot, parcel of land or premises in the Clay County Water & Sewer District used for residential purposes and having or making connections, directly or indirectly, with the sewer system of the Clay County Water & Sewer District or with any private line in the Clay Water & Sewer District which is now or will hereafter be connected with the sewer system of the Clay County Water & Sewer District shall have a minimum of two and one-half (2 ½ ) units of sewage.

#### SECTION 9 SEWER REVENUE FUND ESTABLISHED

All monies received from the charges established by Section 8 of this ordinance shall be deposited as received with the District Clerk and Treasurer who shall keep the same in a separate fund designated "Sewer Revenue Fund."

#### SECTION 10 ASSIGNABILITY OF UNITS

Those persons, firms or corporations paying the sewage unit charge as set by the Board of Directors for each unit of 375 gallons of sewage to be deposited into the sewer system of Clay County Water & Sewer District in any one (1) twenty-four (24) hour period shall be deemed purchasers of such units and shall have the privilege of selling and assigning the unit or units purchased for use on the premises for which such unit or units were originally purchased or upon other premises. When any unit of sewage is sold, assigned or transferred, the owner selling, assigning or transferring the same shall furnish the Clerk of the Clay County Water & Sewer District with the name and address of the transferor, the address of the property owned by the transferor for which such unit or units of sewage were originally purchased, the date of the transfer, and the name and address of the transferee. Assignees or transferees of units of sewage shall be required to furnish the Clay County Water & Sewer District with all information required by Section 4 of this ordinance and shall be subject to and required to comply with all other provisions of this ordinance.

#### SECTION 11 EFFECTIVE DATE OF CHARGES

The sewer service charge and the sewage unit charge established by Section 8 of this ordinance shall be effective beginning on the date the Clay County Sewage Treatment Plant goes into operation. The service charge shall thereafter be billed on the first day of each month of the calendar year and be payable on or before the fifteenth day of the month of the billing.

#### SECTION 12 SEWER CHARGES MADE LIEN ON PROPERTY

The sewer service charge and the sewage unit charge established by Section 8 of this ordinance are hereby made a lien on the premises charged therewith pursuant to Chapter 766 of the 1967 Session Laws of North Carolina. Such charges and any penalties assessed thereon may be collected either by suit in the name of the Clay County Water & Sewer District, or by

the Tax collector of the Clay County Water & Sewer District by sale of the property upon and to which the lien attaches at the District Hall door, after advertising the sale once a week for two successive weeks in some newspaper having general circulation in the District which is qualified to carry legal notices.

#### SECTION 13 MEASUREMENT OF FLOW

- (a) On premises using water exclusively supplied by the Clay County Water & Sewer District and having a water meter acceptable to the Board of Directors of the Clay County Water & Sewer District, the quantity of water used as measured by said meter shall determine the sewer charges thereon, as provided herein.
- (b) On premises not using water exclusively supplied by the Clay County Water & Sewer District the owner shall be required at his expense to provide and maintain a meter or device acceptable to the Board of Directors of the Clay County Water & Sewer District for measuring the flow of sewage from said premises.

#### SECTION 14 PREMISES NOT CONNECTED TO CLAY COUNTY SEWER SYSTEM

The owners of all lots, parcels of land and premises located within Clay County from which sewage is discharged and which are not connected to the Clay County Sewer System shall have the said premises connected to said system at their expense or shall install at their expense septic tanks or treatment plants which comply with all the laws of North Carolina, and all regulations of the Clay County Water & Sewer District Health.

#### SECTION 15 SEPARATE CONNECTIONS REQUIRED

Each separate dwelling, structure or other building shall have a separate connection to the system of the Clay County Water & Sewer District whether connected directly or indirectly thereto, or by means of private lines located in Clay County which are connected to the system of the Clay County Water & Sewer District, which are connected to the system of the Clay County Water & Sewer District.

#### SECTION 16 NO ADDITIONAL CONNECTIONS WHEN CAPACITY REACHED

At such time as all of the 800 units of sewage of 375 gallons of sewage per unit are sold or assigned there shall be no additional connections made to the sewer system of the Clay County Water & Sewer District, directly or indirectly, or by means of any private line located in Clay County which is connected to the sewer system of the Clay County Water & Sewer District, and there shall be no increase in the amount of sewage per unit which holders of such units of sewage are entitled to deposit into the sewer system of the Clay County Water & Sewer District in one (1) twenty-four (24) hour period.

#### SECTION 17 EXCESS DEPOSIT PER UNIT MADE UNLAWFUL

It shall be unlawful for any person, firm or corporation to deposit, or to cause or allow to be deposited into the sewer system of the Clay County Water & Sewer District, directly or

indirectly, or by means of private lines located in Clay County which are connected to the sewer system of the Clay County Water & Sewer District, more than 375 gallons of sewage per unit owned in any one period of twenty-four (24) hours.

SECTION 18

It will be required that all new construction utilize the water conserving devices of low flow toilets, faucets and shower heads before occupancy permits will be issued.

SECTION 19

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 20

This ordinance shall be in full force and effect immediately upon its passage and approval.

Passed on the 5<sup>th</sup> Day of May, 1999.

Revised, Reconsidered and Passed on the 20<sup>th</sup> Day of September, 1999.

  
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Chairman, Clay County Board of Commissioners