

STATE OF SOUTH CAROLINA)

COUNTY OF OCONEE)

ORDINANCE NO. 2021-20

CITY OF WALHALLA)

WATER USE ORDINANCE

An Ordinance to Regulate, Restrict and Limit, in the interest of the Public Health and Safety, the use and operation of the Water Works System maintained and owned by or which may become the property of the City of Walhalla and providing penalties for violation thereof. This ordinance rescinds all previous ordinances and ordinances or parts thereof in conflict with are hereby repealed.

BE IT ORDAINED by the Mayor and Council of the City of Walhalla as follows:

ARTICLE I

DEFINITIONS

Section 101. Apartment - shall mean any building containing two (2) or more Single Family Dwelling Units and having one (1) water connection for all Dwelling Units.

Section 102. Building - shall mean any improved property containing a structure which meets any one of the classifications in Article 1, Sections 101 through 108.

Section 103. Business - shall mean any building used by the occupant for amusement, entertainment, service, professional, retail trade or any other similar purposes except as defined under "Commercial" and "Institution."

Section 104. Camper/Travel Trailer - shall mean a vehicle without motor power designed to be towed by a motor vehicle, and of such size and weight not to require a special highway moving permit, designed to provide temporary living quarters for recreational, camping and travel use, and designed not to require permanent on-site utilities, including, but not limited to tent campers, park models, park trailers, motor homes, and fifth wheels. This term may include any vehicle whose body width is less than eight feet, and whose length is not more than thirty-five feet in the travel mode, and so designed that part of its weight rests on the towing vehicle.

Section 105. City - shall mean the City of Walhalla, its elected officials and appointed authorized representatives.

Section 106. Commercial - shall mean any hotel, motel, lodge, tourist home, efficiency apartments, or similar building operated primarily as a commercial enterprise for the purpose of rental and lodging on a daily or weekly basis. For determination of rates, each room or series of rooms made available to the general public as a separate entity for

overnight accommodation shall be classified as a Rental Unit.

Section 107. Customer - shall mean any responsible person who makes application to the City for water service.

Section 108. Customer in good standing - shall mean a customer who has an active account(s) and has not violated the water use ordinance at any time, and whose account is not currently delinquent.

Section 109. Equivalent Unit - shall mean equal to the number of Single Family dwelling unit for the purpose of establishing tap fee and billing cost; the following equivalents shall be used:

A) Single Family Dwelling Unit	1.0
B) Condominium Dwelling Unit	1.0
C) Townhouse Dwelling Unit	1.0
D) Apartment	1.0
E) Hotel or Motel per room	0.50
F) Mobile Home	1.0
G) Camper/travel Trailer	0.50

Section 110. Farm Users - shall mean class of user that uses the water exclusively for lawn, garden, and crop use and there is no connection inside or outside of a building which is directly or indirectly tied to a sewer.

Section 111. Institution - shall mean any building used as a hospital, church, school or similar public facility.

Section 112. Master Meter - A water meter serving more than one unit.

Section 113. Multiple Family Dwelling Unit - shall mean any building containing two (2) or more Single Family Dwelling Units and having individual water connections to each Dwelling Unit.

Section 114. Non-Payment Fee - shall mean the fee charged to all customers on the disconnect list. This fee can only be waived one time for the lifetime of the account, and applies, regardless of connection status.

Section 115. Person - shall mean any individual, firm, company association, corporation, institution or group.

Section 116. Photo ID- A governmental issued identification card including a South Carolina Driver's license or photo ID or a current real photo ID from another state or a valid passport or a United States military identification card.

- Section 117. Rental Property – shall mean any and all real property that is rented or leased by one group or person from any other group or person for the purpose of living space, commercial, or industrial use. ALL rental properties inside the City Limits MUST be inspected by the Fire Department prior to obtaining services.
- Section 118. Residence – Any dwelling unit, home, mobile home, apartment, camper, etc. used as living space, whether permanent or temporary.
- Section 119. Services - shall mean the delivery of potable water through an authorized and approved Water Connection, account record keeping, billing, and all work associated therewith.
- Section 120. Single Family Dwelling Unit - shall mean any building, house or apartment unit, occupied for living purposes by a single family and owned or leased by the occupant on a continuing basis for thirty (30) days or more per year. Only one unit per meter allowed.
- Section 121. Townhouse - shall mean one or more buildings containing two (2) or more Single Family Units owned individually and provided with, or adjacent to, public streets or roads and having one (1) water connection for each unit.
- Section 122. Water Connection - shall mean all materials including valves, pipe, fittings, meter, and meter box necessary to convey water from the most convenient property line of the customer.
- Section 123. Waterworks System - shall mean all property, well equipment, pumps, piping, water storage tanks, water connections, records, structures, and any other associated appurtenances necessary to provide water service owned and operated by the City of Walhalla.

Article II

GENERAL

Section 201.

- A. Each water customer shall make application to the City for service by completing the standard contract of the City. In addition, proof of ownership (deed), or a copy of a rental agreement, and a photo ID will be required to establish service. Contracts may be completed in person, by email, or through the City's website. Contracts for new service taken after 3:00 PM will be processed the next business day. Requests for same day service made after 3:00 PM will be charged an additional \$25 fee. Rental units inside City limits must pass an inspection prior to establishing service. Connection fees and

service charges are as follows:

As shown in Appendix A of the current approved budget document.

- B. To perform a home inspection that requires water service, water will be furnished for a one-time inspection at a cost of \$25 for up to 100 gallons usage. The customer will be required to fill out a contract at City Hall prior to a work order being processed. The meter will be unlocked and turned on by 3:30 PM, and will remain on until 3:30 PM the following day. This service may only be requested Monday through Thursday. The individual requesting water service will be responsible for coordinating with their inspector.

Section 202. It shall be unlawful and a violation of this Ordinance for any person, or persons to damage, deface, alter, change, or tamper with any part of the Waterworks System in any way. This includes damage to the water meter or curb stop owned by the City. Upon conviction, said person or persons shall be guilty of a misdemeanor and fined in accordance with the penalty for a misdemeanor. The minimum tampering/damage charge shall be \$250.

Section 203. The City reserves the right to discontinue Service immediately, and the Water Connection removed or severed, if it is found that any provision of this Ordinance has been violated.

Section 204. It shall be unlawful and a violation to this Ordinance for any person to make any connection to the Waterworks System or to reconnect service when it has been discontinued for violation of this Ordinance, or any other reason except where specifically approved in writing by the City with said approval being contingent upon satisfaction of all Articles of this Ordinance; and upon conviction, said person or persons shall be found guilty of a misdemeanor and fined in accordance with the penalty for a misdemeanor.

Section 205. When Service has been discontinued for violation of this Ordinance, including non-payment of bill, all charges for services to date become immediately due and payable. Service will not be reinstated until payment in full of all charges including: bills, cost of repairs, service charges, non-payment fees, and penalties.

Section 206. All metered accounts will be read monthly and billed monthly to the customer from the date service is established, regardless of the number of days of service. If a bill is not paid by the 10th of the month of billing, a 10% penalty will be added. A bill with a balance due of \$75.00 or greater on the 20th of the month shall put the customer in non-payment status and will result in the customer being put on the cut-off list. If the bill is not paid in its entirety by the 20th, a \$35.00 non-payment fee will be added to the account when the cut-off list is generated. The non-payment fee must be paid before the service will be restored. For customers in good standing, the first non-payment fee will be waived.

Section 207. For each new Water Connection and in addition to conformance with Article II, Section 201, the person applying for water service shall pay a tap fee for new meter

installation according to the schedule of Article V, Section 503. Payment is to be made before the water connection is provided by the City.

Section 208. No water service shall be furnished to any residence or property from an existing service at another residence. Unauthorized connection will result in termination of water service at the residence with the active account.

Section 209. No claims or demand that the customer may have against the City shall be considered as an offset against the payments for service as provided under this Ordinance.

Section 210. Water service, as provided by this Ordinance, is rendered to the customer for the use of the customer in the operation of his residence, rentals, services, business, commercial, or institution. Said service shall not be subleased, assigned, transferred, sold, or disposed of to others, in whole or any part thereof.

Section 211. Each water connection shall require the connection fee as required by Section 201. All accounts will be billed monthly, regardless of usage or days of service. The applicant shall be responsible to all Articles of this Ordinance regardless of ownership of the property being served by that water connection.

Section 212. No water service shall be furnished or rendered free of charge to any person.

Section 213. To discontinue service with the City, the customer must make a request, in writing, to have the service discontinued. The City has forms available at City Hall, which can be completed in person, by mail, or online. Service will not be discontinued until the completed form is received.

Section 214. Customers with a critical medical need for water service shall provide a letter stating the medical necessity for water service on their physician's letterhead. If the customer's account is unpaid after the 20th, a written disconnect notice will be given, and service discontinued 48 hours later if balance remains unpaid. All penalties, late fees, and non-payment fees will apply.

ARTICLE III

SERVICE

Section 301. The City shall provide personnel to operate the system in number and of skill as required by the rules and regulations of the South Carolina State Department of Health and Environmental Control. The City agrees to use reasonable diligence in providing a regular and uninterrupted supply of water service. In case the supply of water shall be interrupted, or fail by accident, or any cause whatsoever, except negligence on the part of the City, the City shall not be liable for any damages sustained by the customer by reason thereof.

(A) WATER METER OWNERSHIP

The City of Walhalla shall exclusively own all water meters as a part of its water system. The user of utility service shall pay for the tap to the City of Walhalla Water System to provide such service to connect water to the ultimate user. Customer is liable for ANY damages or tampering to the meter, box, valve, connections, etc. The City is NOT responsible for any portion of a service line beyond the discharge meter coupling.

(B) WATER METER REMOVAL FOR NONPAYMENT, TAMPERING, OR DAMAGE

If an individual, corporation, partnership, or other entity does not pay a bill for utility service prior to the 20th of the month, and service shall be disconnected, and the water meter shall be locked. The lock shall be removed only when the bill is paid, including delinquent charges. If the lock is removed, cut, bypassed and/or tampered with, or the meter is tampered with or damaged, the following will occur:

The water meter shall be removed, and service discontinued. The minimum charge for removal and reinstallation shall be \$250.00, or the cost of actual repairs, whichever is greatest, plus payment of any delinquent bill.

Section 302. All services will be metered. Where water meters fail to register, bills shall be arrived at by comparison with the same month of the previous year. When at the request of the customer, water meters have been tested by the City or any other party approved by the City and found to be more than 3% fast, previous bills reflecting such inaccuracy will be adjusted accordingly, but in no case will the adjustment exceed three months prior billing. If a meter is tested at the customer's request more than once in any six-month period, the customer shall pay a service charge of **\$25.00** for such service but in the event the meter is found to be more than 3% fast, then the customer will have his bill adjusted as stated above and no service charge will be applied. For remote read meters, the reading on the meter register shall be the reading used for billing purposes in the event of a transmitter failure.

Section 303. The City shall have the right to enter the Customer's premises without notice for the purpose of making emergency repairs, disconnection or reconnection of service, necessary installations, or reading of meters. The City shall further have the right to enter the Customer's premises for inspection and any other reason for administering reasonable service provided that the customer is notified in advance.

Section 304. All commercial businesses inside the City, whether owner occupied or rental property, must pass a fire inspection before water service can be established.

Section 305. All applications for water service are also subject to the Oconee Joint Regional Sewer Authority policies in effect at the time of application.

Section 306. All water connections installed for sprinkler systems or similar business or commercial fire protection devices must be equipped with at least a testable double check valve or a reduced pressure backflow preventer on the customer's side of the line, at the customer's expense. These must be certified once per year by a certified backflow tester at the customer's expense, and all tests must be submitted in the iBackflow system. Testing notices will be sent by iBackflow several weeks before the test is due. If a customer fails

to have the device tested, the City will have the device tested by a contract tester, and bill the customer \$75 on their water bill.

Section 307. The City will allow each customer two free convenience cutoffs and cut-ons each year; thereafter, a fee of \$25.00 will be billed for this service. Convenience cut-offs, as a protective device during periods of absence from the premises, do not relieve the customer of any obligation to pay the minimum charges as set forth in the rate schedule of Article VI.

Section 308. All building plumbing shall conform to the National Plumbing Code, latest revision, and shall be accomplished only by a regular, licensed plumber authorized by the City. It shall become the responsibility of each person requesting a water connection to notify the City and arrange for final inspection of the plumbing while visible and accessible to the inspecting agent of the City before permission to connect is granted.

Section 309. The City shall make inspections of existing building plumbing and if any condition is found which, in the opinion of the City, constitutes a health hazard or a potential health hazard to the water supply or operation of the Waterworks System. The City shall require immediate action to be taken by that customer or sever the water connection until remedial measures are instituted, and the hazard eliminated to the complete satisfaction of the City.

Section 310. Under no circumstance shall any part of the Waterworks System be connected in any way with any other water source. Any hazardous connection between the Waterworks System and any source of contamination is expressly prohibited.

Section 311. During any and all improvements, expansions, extensions, repairs, or fire calls, the City shall exercise all reasonable precautions to protect the quality of the water supply including, but not limited to, flushing of mains and chlorination.

Section 312. In the interest of the public health and safety, the City shall be permitted to take such emergency action as may be deemed necessary in the operation of the Waterworks System. These rights, include but are not limited to, the right to close down any water line or portion of the System for the purpose of making connections, alterations, or repairs. The City shall not be liable for any damages to any portion of the customer's service line, plumbing, etc.

Section 313. The City shall conduct periodic tests in a recognized and generally accepted manner to ensure a potable water supply to the customer. These tests are to be in accordance with the rules and regulations of the SCDHEC.

Section 314. During times of drought, the City reserves the right to discontinue water service for failure to abide by the water restrictions imposed. All irrigation equipment must be removed prior to re-installation of the meter.

Section 315. For new business or commercial water service, where renovations will be taking place, and water service will be needed, all permits must be obtained (Zoning, OJRSA if

applicable, Building Permit) prior to application. After permits have been obtained, the Fire Marshall can be contacted for an inspection. After passing inspection, the Fire Marshall will clear the property for water service, and the occupant may then apply for water service. If the Fire Marshall, at any time during the renovation process, determines that the occupant is working outside of the permitted use or activities, or not following the permitted actions, the Marshall may request that water service be discontinued.

ARTICLE IV

RECORDS AND BILLING

- Section 401. All metered accounts shall be billed and payable monthly.
- Section 402. While the City will make every reasonable effort to see that each customer received his bill, no responsibility will be assumed for non-delivery when same has been mailed at the Post office.
- Section 403. All charges for water services are due and payable at the collecting office in the City Hall building of Walhalla.
- Section 404. All bills paid after 5:00 PM shall be credited on the following business day.
- Section 405. In no event will refunds for overcharges be made for a period covering more than three (3) months immediately preceding.
- Section 406. Each account for water service shall be classified for billing purposes at the discretion of the City according to the definitions contained herein. The customer shall have the right to redress to the City for purpose of reclassification through presentation of sufficient evidence to the City Council.
- Section 407. Billing will be based upon minimum rates for each meter size as given under Article VI. Any service discontinued for convenience under Section 305 shall be subject to payment of the minimum monthly rate for the period of absence.
- Section 408. Services discontinued for non-payment shall only be re-instated after all past due charges, penalties, non-payment fees, and tampering fees have been paid in full. If the balance remains unpaid for 2 months and exceeds the connection fee amount, or, is unpaid for 3 months, the account will be closed and the connection fee applied to the balance. Outstanding balances on old accounts may be transferred to a customer's active account for payment.
- Section 409. The City shall keep separate from other business the records of the Water System.
- Section 410. All records of business transactions, billings, and receipt of funds shall be maintained by the City clerk and treasured in accordance with the Bond Ordinances governing the system.

Section 411. The City Council shall prepare an annual budget for the Water System based upon the audit and establish such changes as may be necessary to fund said budget in accordance with the Water Use Ordinance.

Section 412. The City of Walhalla has the right, pursuant to the South Carolina Setoff Collection Act, to collect any sum due and owed by the applicant through offset of the applicant's state income tax refund. If the City of Walhalla chooses to pursue debts owed by the applicant through the Setoff Debt Collection Act, the applicant agrees to pay all fees and costs incurred through the setoff process, including fees charged by the Department of Revenue, the Municipal Association of South Carolina, and/or the City of Walhalla. If the City of Walhalla chooses to pursue debts in a manner other than setoff, the applicant agrees to pay the costs associated with the selected manor as well.

ARTICLE V

TAPS

Section 501. No water connection shall be made until the tap fee as set forth below has been paid, and all necessary encroachment permits have been obtained.

Section 502. All taps and related water connections shall be accomplished by the City using standard equipment and materials.

Section 503. Tap fees for new connections shall be determined by the following based upon the number of equivalent units served:

As shown in Appendix A of the current approved budget document.

All tap fees for taps larger than one (1) inch in size, or requiring additional work beyond the normal tap, shall be the base one (1) inch tap cost, plus all materials, and appurtenances required for a complete installation. Each tap application will be reviewed, and a cost estimate provided to the customer, based upon actual site conditions. For new water taps that require additional materials (Additional pipe, concrete or asphalt work, special conditions, etc.), above and beyond that included in the tap fee listed, a quote for the additional cost will be prepared for the customer. The City reserves the right to postpone the installation of a service tap until all required permits are obtained, and all materials for the job have been delivered.

All taps requiring flow for fire protection shall be required to have a detector check valve assembly for backflow prevention and to monitor usage. The fire line charge is for the tap fee and inspection only. For fire line taps outside City limits, or as part of a new construction project, all work, including tap, must be performed by a licensed contractor, and coordinated with City of Walhalla personnel. For retrofit fire sprinkler projects, within City limits, the City will perform the fire line tap.

Section 504 Master Meters are allowed only by special permission of the City Council. Each billing/dwelling unit is required to have a separate meter. If any unit is removed from a master meter connection, the unit must have a separate meter installed before service can be restored. If the unit is re-connected to the master meter, the master meter is subject to disconnection for violation of this ordinance.

ARTICLE VI

WATER USE RATES

Consumer rates are shown in Appendix A of the current approved budget document.

Section 601. Sprinkler service provided to commercial, business or industries which are not metered shall be charged a monthly rate of \$0.10 in town and \$0.20 out of town per one hundred (100) square feet.

Section 602. Discontinued or services, cut off for non-payment of bills may be reconnected only after payment of all charges, penalties, non-payment fees, and tampering fees.

Section 603. Discontinued water service cut on after normal hours of operation shall only be done with proof of payment of bill in full. Only a paid receipt or a cancelled check for the amount due will be accepted as proof.

Section 604. Each customer will be entitled to one adjustment every four years due to water leaks, upon showing proof of repair of the plumbing system. The customer will pay an estimated bill based upon the last six months of billing. The customer must have a minimum of six month's usage history to be eligible for an adjustment, and apply for the adjustment in person. If a customer has a leak, and is not eligible for a leak adjustment, the customer may be eligible for a payment plan. To qualify, there must be proof of the leak repair, and the customer's bill must be at least double their 6-month average usage. If qualified, the customer must request the payment plan prior to the 10th to avoid that month's penalties. The request must be made in person, by the account holder. The customer's high bill will be divided into 3 monthly payments that must be paid in addition to the normal monthly billing. If the payment is not made by the 10th, penalties will apply to the entire balance. If payment is not made by the 20th, the account will be subject to disconnection. If the customer's bill is greater than \$1,000, the payment period will be extended to 6 months, and all other conditions above will apply. For inactive accounts with an outstanding balance, customers may apply for the payment plan and for new service at the same time. They must agree to the appropriate plan terms (3 or 6 months) and conditions and agree to pay the plan payment and monthly bill or be subject to penalties and disconnection. The first payment of the plan will be due when the first bill is due.

ARTICLE VII

WATER SYSTEM EXTENSIONS INSIDE CITY LIMITS

Section 701. New developments proposed to be constructed within the City Limits of Walhalla shall be provided access to adequate water service along public road rights of way which border the property to be developed. All proposed water main extensions within the development will be at the developer's cost, and built to meet the City's specifications. The developer's engineer will develop a preliminary plan to serve the development to include:

- Proposed use (residential, commercial, etc.)
- Number of units
- Anticipated water demand
- Preliminary layout of lots, water mains and sizes, proposed connection point(s) to public water system, etc.
- Proposed timeline of project

Information provided during the initial design phase of the project will be used to determine the City's current ability to serve the project, and/or the need for existing system upgrades.

All required extensions of existing water mains, exceeding \$10,000, must be approved by City Council.

After the final development of plans, the project will follow the same process listed in Sections 703 – 711.

Section 702. Cost of design and construction of water lines in any new development, or line extension, shall be the responsibility of the person responsible for such development.

Section 703. Water lines constructed within new developments may be conveyed to the City provided all lines are located within public rights of way or upon approval easements of adequate unobstructed widths to provide maintenance vehicle access.

Section 704. Any new development proposing to construct water distribution line or extensions to existing transmission mains to connect directly into the City's water system shall conform it's plans and specs, shall be prepared by a registered engineer who is authorized by the laws of the state of South Carolina and approved or approval by any and all local, county and state authorities having jurisdiction.

Section 705. The following administrative procedures shall be followed:

- A. Submit preliminary construction plans to the approving authority in sufficient detail to indicate location, system layout, line sizes, service connections, flows, pressures and point of connection to the City's system.
- B. Receive preliminary approval from City and other jurisdictional agencies.

- C. Prepare construction drawings and documents for City approval.
- D. Secure all other agency approvals of construction drawings and contract documents.
- E. Upon receipt of all approvals, proceed with construction, notifying the approving authority of construction schedules.
- F. Provide the approving authority and its authorized representatives with permission for on-site inspection during construction.
- G. Furnish to the approving authority a certificate of completion, instrument of conveyance, warranty together with such other legal documents as may be required.

Section 706. Construction of the proposed water system shall be accomplished by a registered licensed contractor under the laws of the State of South Carolina who shall have paid all business licenses required by the City.

Section 707. Upon completion of construction, the engineer employed by the development shall inspect and furnish to the approving authority at no cost to the City, his certificate of completion indicating that the subject water system has been constructed in accordance with the approved plans and specs, and shall provide four copies of "As Built" drawings.

Section 708. The owner or his authorized agent shall submit a warranty which is a legal instrument in which the owner warrants the materials, equipment, and construction of the system for twelve months. The owner shall further warrant to the approving authority that all fees have been paid by him such that there is no outstanding indebtedness remaining and holding the City harmless in each instance.

Section 709. All water taps shall be made during construction from the main out to the property line. Location of all taps shall be recorded on the "AS Built" drawings.

Section 710. All water line extensions must be compatible with present and future plans and needs of the City.

Section 711. When all other requirements of this ordinance have been met and approved, the owner shall prepare and submit to the approving authority an Instrument of Conveyance, conveying the constructed system to the City, at no cost to the City and the system shall thereafter be owned, operated and maintained by the City as provided for in this ordinance. The Instrument of Conveyance shall also include permanent easements and rights-of-way fully described and duly recorded at the appropriate authority.

Section 712. Water system extensions (Single Family Dwelling). Construction of water lines to service a single family shall be made as follows:

1. All line extensions of over 1,000 ft. will require approval of the Water Committee.
2. All water lines shall be conveyed to the City of Walhalla at the time the service to dwelling is completed.

Article VIII

VALIDITY

Section 801. All ordinance or parts of ordinances or regulations or parts of regulations in conflict with this ordinance are hereby repealed.

Section 802. This ordinance shall be forthwith codified in the Code of City Ordinances as required by Section 47-61.3 Code of Laws of South Carolina, 1962, and same shall be indexed under the general heading "Waterworks System of City of Walhalla".

Section 803. The City of Walhalla, through its duly qualified officers, reserves the right to take such immediate action for emergencies not specifically covered herein, as they may deem necessary in the interest of public health and safety and further reserves the right to amend this ordinance, in part or in whole, whenever it may deem necessary, but such right will be exercised only in the manner established or prescribed for such matters, including but not limited to , Public Notice prior to final action.


Section 804. The invalidity of any section, clause, sentence or provision in this ordinance shall not affect the validity of any other section clause, sentence or provision of this ordinance which can be given effect without such invalid part of part.

ARTICLE IX

EFFECTIVE DATE


Section 901. This ordinance shall be in full force and effect from and after its passage.

DONE AND RATIFIED in Council duly assembled this 21ST day of SEPT, 2021.



Danny Edwards, Mayor

ATTEST:



Brandon Burton, City Administrator

Introduced By: MRS. OWENS

First Reading: 8/17/21

Second Reading
and adoption: 9/21/21