

ORDINANCE NO. 2018 -09

TOWN OF BLUFFTON, SOUTH CAROLINA

AN ORDINANCE AMENDING CHAPTER 12, *ENVIRONMENT*, ARTICLE V, *SEWER CONNECTION*, SECTIONS 12-131 THROUGH 12-136 OF THE CODE OF ORDINANCES FOR THE TOWN OF BLUFFTON, SOUTH CAROLINA, FOR THE PURPOSE OF CLARIFYING AND PRESCRIBING MANDATORY CONNECTIONS TO AVAILABLE SANITARY SEWER

WHEREAS, the Town Council of the Town of Bluffton, South Carolina, recognizes that failing septic systems can negatively impact public health, environmental health, quality of life, and economic growth; and

WHEREAS, the Town realizes that the protection of Bluffton's watersheds and other outstanding natural resources are of the utmost importance to our community; and

WHEREAS, the Town Council adopted the May River Watershed Action Plan (Action Plan) in 2011 as a guide in support of protecting the May River watershed; and

WHEREAS, the Town Council created the May River Watershed Action Plan Advisory Committee (WAPAC) in 2012 to provide recommendations to Town Council on Action Plan policies, projects and programs for implementation; and

WHEREAS, the Action Plan identifies both the elimination of and proper maintenance of septic systems within the May River watershed as key strategies to protect water quality; and

WHEREAS, the Town Council amended Chapter 12, *Environment*, to the Town Code with the addition of Article V, *Sewer Connection*, to reduce septic systems and the risks they pose within the watersheds; and,

WHEREAS, on September 26, 2017, Town Council adopted the Sewer Connection and Extension Policy recommended by WAPAC to further reduce the number of septic systems within the Town; and,

WHEREAS, the Sewer Connection and Extension Policy recommended amendments to Chapter 12, Article V, of the Town Code to clarify notification of qualifying connection events and the timeline for connection to available sewer regardless of a qualifying event; and,

WHEREAS, the Town of Bluffton Town Council desires to amend Chapter 12, *Environment*, Article V, *Sewer Connection*, of the Town Code to enable the Town of Bluffton to better facilitate, regulate, supervise, and provide consistent treatment throughout the Town; and,

WHEREAS, to establish the necessary provisions to accomplish the above, the Town of Bluffton has authority to enact resolutions, ordinances, regulations, and procedures pursuant to South Carolina Code of Laws 1976, Section 5-7-30.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BLUFFTON, SOUTH CAROLINA, IN ACCORDANCE WITH THE FOREGOING, THAT THE CODE OF ORDINANCES FOR THE TOWN OF BLUFFTON, SOUTH CAROLINA, IS HEREBY AMENDED AS FOLLOWS:

SECTION 1. AMENDMENT. Chapter 12, *Environment*, Article 5, *Sewer Connection*, Sections 12-131 through 12-136 of The Code of Ordinances for the Town of Bluffton, South Carolina, are hereby amended as set forth in Exhibit A, attached hereto and fully incorporated herein by reference.

SECTION 2. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. ORDINANCE IN FULL FORCE AND EFFECT. This entire Ordinance shall take full force and effect upon adoption.

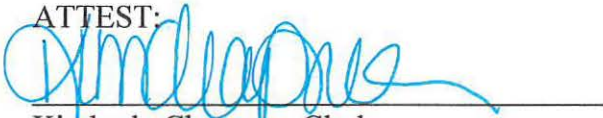
DONE, RATIFIED AND ENACTED BY THE TOWN COUNCIL FOR THE TOWN OF BLUFFTON, SOUTH CAROLINA, this 20th day of September, 2018.

This Ordinance was read and passed at FIRST READING on April 10th, 2018.



Lisa Sulka, Mayor
Town of Bluffton, South Carolina

ATTEST:



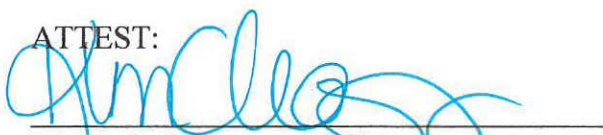
Kimberly Chapman, Clerk
Town of Bluffton, South Carolina

This Ordinance was read and passed at SECOND AND FINAL READING on September 10th, 2018.



Lisa Sulka, Mayor
Town of Bluffton, South Carolina

ATTEST:



Kimberly Chapman, Clerk
Town of Bluffton, South Carolina

DRAFTARTICLE V. - SEWER CONNECTION^[4]

Footnotes:

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Editor's note— Ord. No. 2015-04, § 1(Exh. A), adopted March 10, 2015, set out provisions intended for use as Art. IV. For purposes of classification and to preserve the style of this Code, and at the editor's discretion, these provisions have been included as Art. V, §§ 12-131—12-136.

Sec. 12-131. - Purpose and intent.

The purpose and intent of this article is as follows:

- (a) To protect the public health and safety;
- (b) To reduce pollutant loadings in and damage to the groundwater and the May River by limiting the use of septic systems and requiring connection to sewer in accordance with the May River Watershed Action Plan;
- (c) Apply uniform sewer connection standards for developing properties;
- (d) Facilitate property owner compliance with sewer connection requirements; and
- (e) Minimize any hardships and dislocations caused by sewer connection requirements.

(Ord. No. 2015-04, § 1(Exh. A), 3-10-2015)

Sec. 12-132. - Definitions.

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

Available ~~P~~public ~~s~~Sanitary ~~s~~Sewer. Available ~~P~~public ~~S~~anitary ~~s~~ewer shall mean Public Sanitary Sewer which is deemed immediately available when the subject property is within 300 feet of a subject property, ~~an approved route of service any street, alley or right-of-way in which there shall be located a public conventional sewer to a public sanitary sewer branch or lateral as measured from the closest boundary of the subject property to a~~ to the curb line, property line, or at the boundary of the road, alley, right-of-way, easement or other permanent easement property in which the Public Sanitary Sewer is located. Public Sanitary ~~s~~Sewer availability is not dependent on the provision of gravity service to the property.

Connection. The connection of all sanitary waste and drainage disposal lines from all development on a property to the ~~p~~Public ~~s~~Sanitary ~~s~~Sewer system, and the ~~disconnection or removal/abandonment~~ of all other waste disposal systems such as cesspools or septic systems, in compliance with SC Department of Health and Environmental Control (SCDHEC) regulations, within sixty (60) days of said connection to the sewer.

Functional Sewer System. A pipeline conveying wastewater from a structure with plumbing facilities to the ~~p~~Public ~~s~~Sanitary ~~s~~Sewer.

Plumbing facilities. The pipes, fixtures and other apparatus of a water and sewerage system within a building where the disposal is directed into a wastewater system.

Public ~~s~~Sanitary ~~s~~ewer. A pipeline designed and constructed for the collection and/or transmission of wastewater, including both conventional sewers and sewer force mains, that is owned and operated by Beaufort-Jasper Water Sewer Authority (BJWSA).

(Ord. No. 2015-04, § 1(Exh. A), 3-10-2015)

Sec. 12-133. - Regulatory authority.

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Section 1.1 of the Beaufort-Jasper Water and Sewer Authority (BJWSA) Sewer Use Regulations authorizes municipal regulations to take precedence over the BJWSA regulations provided the municipal regulations are at least as equally stringent.

(Ord. No. 2015-04, § 1(Exh. A), 3-10-2015)

Sec. 12-134. - Connection requirements.

- (a) The owner or legal title holder of any real property located within the Town of Bluffton shall be required to make a Connection upon notification by the Town Manager or his/her designee of the existence of Available Public Sanitary Sewer.
- (b) The Connection required by Section 12-134(a) shall be made within 180 days of such notification from the Town Manager or his/her designee of the existence of Available Public Sanitary Sewer if any of the following conditions on the property are proposed or exist:
 - (1) There is no Functional Sewer System serving a structure with plumbing facilities;
 - (2) There is a cesspool or septic system failure as determined by SCDHEC;
 - (3) Plumbing facilities are being added to an existing structure;
 - (4) A structure with plumbing facilities is being renovated, rehabilitated, altered, improved, expanded, or replaced and the actual cost of construction exceeds 25 percent of the market value of the structure as reported by the current records of the Beaufort County Assessor or actual property appraisal that is less than five years old, whichever is greater, which is applicable for all improvements constructed within a two-year period;
 - (5) Construction of a new structure with plumbing facilities;
 - (6) Change of use resulting in an increased water flow; or
 - (7) Any proposed subdivision as defined in Chapter 23, Article 9, Definitions and Interpretations within the Unified Development Ordinance, shall be required to provide a connection to the sewer system for each lot resulting from the subdivision when the property being subdivided has available public sanitary sewer.
- (c) Provided there is no qualifying event as set forth in Section 12-134(b), the Connection required by Section 12-134(a) shall be made within twelve (12) months of such notification from the Town Manager or his/her designee of the existence of Available Public Sanitary Sewer.

~~As set forth herein, a property owner or legal title holder is required to connect to the Available Public Sanitary Sewer when notified by the Town Manager or designee that public sanitary sewer is available and the on-site structure contains plumbing facilities requiring sanitary waste disposal. In absence of an on-site inspection or other documentation demonstrating existing sanitary disposal for the structure, the receipt of water service from BJWSA, another water provider or a private well will be evidence of the presence of sanitary waste disposal. The property owner or legal title holder shall be required to make a connection within 180 days of receiving notice that public sewer is available if any of the following conditions are proposed or exist:~~

- ~~(1) There is no functioning sewer system serving structure with plumbing facilities;~~
- ~~(2) There is a cesspool or septic system failure as determined by South Carolina Department of Health and Environmental Control (SCDHEC);~~
- ~~(3) Plumbing facilities are being added to an existing structure;~~
- ~~(4) A structure with plumbing facilities is being renovated, rehabilitated, altered, improved, expanded, or replaced and the actual cost of construction exceeds 25 percent of the market value of the structure as reported by the current records of the Beaufort County Assessor or actual property appraisal that is less than five years old, whichever is greater, which is applicable for all improvements constructed within a two-year period;~~

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- ~~(5) Construction of a new structure with plumbing facilities;~~
- ~~(6) Change of use resulting in an increased water flow; or~~
- ~~(7) Any proposed subdivision as defined in Chapter 23, Article 9, Definitions and Interpretations within the Unified Development Ordinance, shall be required to provide a connection to the sewer system for each lot resulting from the subdivision when the property being subdivided has available public sanitary sewer.~~
- ~~(b) Within twelve (12) months from written notification from the Town Manager or designee that public sanitary sewer is available, regardless of a qualifying event occurring. Property owners must meet their mandatory sewer connection obligation within 180 days of receiving notice that public sewer is available.~~
- ~~(ed)~~ Any construction for which a building permit is required that meets the requirements of this sSection ~~12-134(a)~~ must have completed a eConnection to the pPublic Sanitary sewer system prior to a final building permit inspection (or issuance of a certification of occupancy).
- ~~(de)~~ Any proposed subdivision that meets the definition of subdivision, as defined in Chapter 23, Article 9, Definitions and Interpretations within the Unified Development Ordinance, shall be required to provide a viable Connection to the Public Sanitary sewer system for each lot resulting from the subdivision prior to the issuance of a Final Certificate of Construction Compliance.

(Ord. No. 2015-04, § 1(Exh. A), 3-10-2015)

Sec. 12-135. - Connection deferrals.

Property owners may request deferrals of the Connection due dates in 180-day ~~Sections 12-134 (a) and 12-134(b)~~ connection due date for the following property and owner specific reasons:

- (a) *Deferrals related to financial or other hardship-*
 - (1) *Financial hardship-* A property may qualify for a Connection deferral in the event of financial hardship of the property owner.
 - a. *Owner occupants-* The Town Manager or designee will use the criteria established by the Neighborhood Assistance Program (NAP) to determine eligibility. The applicant must submit documentation required by the NAP. A determination for Town financial assistance will be provided by the Town based on income eligibility.
 - b. *Non-occupancy owner-* A non-occupant owner may qualify for a Connection deferral for a one-year period only if financial hardship prevents the applicant from financing the cost of sewer connection. The applicant must provide financial documentation, including an accounting of net operating income and net assets of the property, outstanding debts and other financial obligations. The applicant must submit a plan and schedule for future Connection.
 - (2) *Unforeseen events-* A property may qualify for a connection deferral in the event of death, injury or long-term serious illness of a household member or an unforeseen event. The applicant must describe and document the situation and submit a plan for future connection.
- (b) *Deferrals related to extraordinary circumstance-* The Town Manager or designee may grant a connection deferral for extraordinary circumstances that do not otherwise qualify under this section. The applicant must describe and document the situation and submit a plan for future connection.
- (c) *Deferrals prohibited-* Notwithstanding any other provision of these rules, in the event of cesspool or septic system failure in accordance with the SCDHEC, all deferrals will be terminated and connections must occur immediately. No connection deferrals will be granted if the property poses an immediate health concern or public nuisance.
- (d) *Terms and conditions-*

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- (1) Unless specifically provided otherwise in a deferral granted in accordance with Section 12-135(b), all Deferrals granted to property owners will not exceed one-year from the original due date.
- (2) The Town and BJWSA must approve the deferral request.
- (3) The deferral may be renewed for an owner-occupant for an additional one-year period if the applicant continues to qualify for the deferral.
- (4) The deferral is discontinued when property ownership changes due to sale, transfer or other transaction. The new owner will be given 180 days from the date of title transfer to connect.

(Ord. No. 2015-04, § 1(Exh. A), 3-10-2015)

Sec. 12-136. - Penalty.

Any person, persons, firm, company, representative of any firm or company otherwise violating the provisions of this article shall, upon conviction, be guilty of a misdemeanor. Each day during which a violation of the provisions of this article occurs, or each separate instance, shall be considered a separate offense punishable as provided in section 1-7.

(Ord. No. 2015-04, § 1(Exh. A), 3-10-2015)