

AN ORDINANCE REQUIRING MANDATORY WATER OR SEWER CONNECTIONS AND, IN LIEU OF, PAYMENT OF AVAILABILITY FEES. UNDER CERTAIN CIRCUMSTANCES WITHIN THE ROANOKE RAPIDS SANITARY DISTRICT

WHEREAS, the Roanoke Rapids Sanitary District (District), a municipal corporation created by the North Carolina Board of Health on April 21, 1931 under and by virtue of an act of the General Assembly, ratified on March 4, 1927, providing for the creation, government and operation of sanitary districts whose specific corporate powers are set forth in N.C.G.S. §130A-55, *et seq.*

AND, WHEREAS, the District has extended water or sewer services to the limits of the sanitary district and its coterminous and non-coterminous served surrounding areas;

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

AND, WHEREAS, the District has determined that extension of water or sewer services has benefited those areas now served, but that due to the tremendous costs associated with delivery of water or sewer services to project areas, it is necessary that all available users support the services as empowered by N.C.G.S. §130A-55(16) in the form of mandatory connection and usage charges or through periodic availability fees where connection is not required, upon payment of the minimum usage charge;

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

Section 1. Exceptions.

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

Section 2. Mandatory Connection of Newly Constructed Buildings.

Any new construction requiring a building or zoning permit will be required, at the owner(s) expense, to connect to a District controlled sewer main located within 500 feet of the structure. As a prerequisite to connection to a District controlled sewer main the newly constructed building(s) also shall be connected to a metered public water source owned/operated by the District or Halifax County or Northampton County.

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

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

- (a) A failed septic system
- (b) Damaged septic system requiring permit to repair
- (c) As directed by the Halifax or Northampton County Environmental Health Departments
- (d) As directed/ordered by a court of proper jurisdiction
- (e) Where property has made connection to the Roanoke Rapids Sanitary District sewer system, it cannot be connected back to an individual source of potable water supply (well).

**International Plumbing Code 602.3 Individual water supply.

Section 4. Rates, Charges, Fees and Billing.

(a) Rates for Sewer Service: The District shall set rates for sewer use by adopting a rate schedule, which may be amended from time to time, as the District deems necessary.

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

(1) A minimum charge for all customers including those with zero usage, but not more than 2,000-gallon volume usage, which shall be a periodic service charge to cover the cost of operations and maintenance, debt service, basic facilities charges, and administrative overhead.

(2) A usage charge which shall be a periodic service charge to the consumer or owner equal to the volume of usage all over 2,000 gallons reflected by the water meter reading multiplied by the approved rate.

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

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

(2) For any undeveloped parcel that would qualify for the issuance of a building permit for the construction of one or more buildings, an Availability Fee shall not be applicable unless connected to a metered public water source owned/operated by the District regardless of the size of the parcel.

(3) The Availability Fee will be shown on the bill with other charges. Monies received on account will be applied first to the availability fee and then to other charges making the account subject to cut-off for nonpayment.

Section 5. Enforcement.

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

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

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

Section 6. Nonpayment.

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

(a) Send delinquent notice to the customers.

(b) If the amount owed exceeds \$50, submit account to the N.C. Debt Set-Off program, which will allow the District to retrieve monies owed through income tax returns and lottery winnings.

(c) Seek a judgment in Halifax or Northampton County Small Claims courts. Failure to pay the availability fee constitutes a misdemeanor under state law. See N.C.G.S. 130A-55(16)e.

(d) Impose a fine or penalty for failure to pay the amount due on time.

(e) Disconnect utilities. Sewer disconnections will render any structure uninhabitable.

Net of collected funds shall be remitted to District.

This Ordinance shall be effective upon adoption.

Duly adopted this 9th day of March 2021, upon motion made by Commissioner Gene St. Clair and adopted by the following vote:

Ayes: 3 Noes: 0 Absent —

Roanoke Rapids Sanitary District Board of Commissioners

By: Gregory L. Browning
Gregory L. Browning, Chairman of the Board

Attest:

Steve Holliday
Steve Holliday, Secretary
Roanoke Rapids Sanitary District