

## **ORDINANCE 4312**

**AN ORDINANCE OF THE CITY OF HARTSVILLE, SOUTH CAROLINA AMENDING, RESTATING AND ADDING PROVISIONS TO CHAPTER 82, ARTICLE II, DIVISION I OF THE CODE OF ORDINANCES GOVERNING THE CITY'S WATER AND SEWER SYSTEM; AND OTHER MATTERS RELATED THERETO.**

**WHEREAS**, the City of Hartsville, South Carolina (the "City") is a municipal corporation created under the laws of the State of South Carolina;

**WHEREAS**, the City's existing Code of Ordinances contains provisions regarding the operation and administration of the City's water and sewer system (the "System");

**WHEREAS**, certain additions and amendments are needed to the Code of Ordinances to update, clarify and amend certain provisions of the Code of Ordinances governing the System; and

**NOW, THEREFORE BE IT ORDAINED**, by the City Council of the City of Hartsville, the governing body of the City, as follows:

**Section 1. Amendment of Section 82-26.** Chapter 82 "Utilities," Article II "Water/Wastewater Division," Division 1 "Generally", Section 82-26 "Definitions," is hereby amended to add the following definitions:

Building Drain means the part of lowest horizontal piping of a drainage system which receives discharge of domestic sewage from pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

Building Sewer means the extension from the building drain to the public sewer or other place of disposal.

Privy or Privies means a latrine, bucket, chemical toilet or similar facility for the collection of sewage that is not otherwise connected to sanitary sewer.

**Section 2. Amendment of Section 82-26.** Chapter 82 "Utilities," Article II "Water/Wastewater Division," Division 1 "Generally", Section 82-26 "Definitions," is hereby amended to amend and restate the following definition:

Sanitary sewer means the facilities of the City intended to collect and treat wastewater.

**Section 3. Amendment of Section 82-26.** Chapter 82 "Utilities," Article II "Water/Wastewater Division," Division 1 "Generally", Section 82-26 "Definitions," is

hereby amended to remove the terms “Properly Shredded Garbage” and “Toxic Pollutant” from the list of definitions.

**Section 4. Amendment of Section 82-37.** Chapter 82 “Utilities,” Article II “Water/Wastewater Division,” Division 1 “Generally”, Section 82-37 “Connection to Sanitary Sewer and Water Required,” as previously enacted by the provisions of Ordinance 4291, is hereby amended and restated in its entirety to now read as follows:

Sec. 82-37. – Connection to sanitary sewer and water required.

(a) Within 60 days after the installation of a sanitary sewer line or water line available for service to any premises in the city, the owner or occupant of any improvement on such premises shall be required to connect such improvement with such sanitary sewer line or water line and no other sewer or water system may be utilized.

(b) At the end of the 60 day period in subsection (a) above, a service charges for sewer and water services shall be assessed upon all premises regardless of whether the necessary connection has actually been made. Rate schedules for service are approved by council from time to time and on file in the city clerk's office. Copies shall be made available upon request.

(c) User fees shall be included on the customer's monthly utility (water and wastewater) billing. Penalties adopted by the city for late payment and nonpayment shall apply to user fees as well as all other utility charges.

**Section 5. Addition of Section 82-42.** Chapter 82 “Utilities,” Article II “Water/Wastewater Division,” Division 1 “Generally”, shall be amended to add Sec. 82-42 – “Private Sewage Disposal” as follows:

Sec. 82-42. – Private Sewage Disposal.

(a) It shall be unlawful to construct a private sewage disposal system when sanitary sewer is available.

(b) Where sanitary sewer is not available, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

(c) At such time as sanitary sewer comes available to a property served by a private sewage disposal system, a direct connection shall be made to the sanitary sewer in compliance with this chapter (see Sec. 82-37) and any septic tanks, cesspools or similar private sewage facilities shall be abandoned, cleaned of sludge and filled with clean bank-run gravel or dirt within 60 days of notification to do so by the

city. Any failure to timely act upon the request of the City may result in fines or penalties being assessed.

(d) No statement contained in this section shall be construed to nullify any additional requirements that may be imposed by the appropriate state or county health officials.

**Section 6.** If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, is held or determined to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

**Section 7.** That nothing in this Ordinance hereby enacted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause of causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

**Section 8.** All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this ordinance are hereby repealed to the extent of the conflict or inconsistency. This ordinance shall take effect immediately upon its enactment by the City Council of the City of Hartsville.

DONE AND ENACTED BY COUNCIL ASSEMBLED, this \_\_\_\_\_ day of November, 2017.

CITY OF HARTSVILLE,  
SOUTH CAROLINA

(SEAL)

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Carl M. (Mel) Pennington, Mayor

ATTEST

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Sherron L. Skipper, City Clerk

First Reading: November 2, 2017  
Public Hearing: November \_\_, 2017  
Second Reading: November \_\_, 2017