

## **HARKERS ISLAND SANITARY DISTRICT AMENDMENT TO MANDATORY WATER CONNECTION ORDINANCE**

WHEREAS, Harkers Island Sanitary District was established under the provisions of N.C.G.S. (the "District") 130A-55; and

WHEREAS, N.C.G.S. 130A-55(16) (a) authorizes sanitary districts to require mandatory connection to water systems operated by such districts for the promotion and protection of the public health; and

WHEREAS, on December 4, 2014 the district's governing board adopted an ordinance requiring mandatory connection of certain improved developments to the district's water system; and

WHEREAS, the district's governing board finds that potable water to wet slips in marinas promotes the public health and safety by (i) making potable water readily available to live- aboard boats moored in marinas, (ii) by providing clean water for washing food preparation utensils and containers for cooling and storing food that are often carried on boats, and (iii) by providing clean water for fish cleaning stations that are often maintained at boat slips;

NOW, THEREFORE, BE IT ORDAINED and resolved by the Harkers Island Sanitary District Board of Directors that the ordinance captioned AN ORDINANCE REQUIRING MANDATORY WATER CONNECTION FOR NEW CONSTRUCTION, adopted December 4, 2014, is re-written to read as follows:

### **Section 1. Mandatory Connection**

- a. New Construction – Single-family homes and commercial establishments for one business  
On existing tax parcels of land, each new single family home, and each new commercial establishment, is required to connect to the District's water system if (1) there is a District-owned water main within 200 feet of the parcel, or (2) the District agrees to extend a line to the property line. Application for service is required at the time of application for a building permit to the Carteret County Building Inspector's Office. Connection is required before a certificate of occupancy is issued by the building inspector's office.
- b. Newly placed manufactured homes on single parcels  
All manufactured homes placed on existing tax parcels of land not classified as manufactured home parks shall be required to connect to the District's water system if (1) there is a District-owned water main within 200 feet of the parcel, or (2) the District agrees to extend a water line to the property line. Application for service is required at the time of application for a manufactured home permit to the Carteret County Building Inspector's Office. Connection is required before a certificate of occupancy is issued by the building inspector's office.
- c. Multi-family and multiple commercial projects.  
The developers of all multi-family residential projects (such as condominiums, apartments, and townhouses) all recreational vehicle parks, all marinas with more than three boat slips, all manufactured home parks, all multiple unit commercial projects (where separate units are available for sale, lease, or occupation) , and any and all other developments where multiple units are constructed or located on one tax parcel of land, are required to provide potable water service infrastructure within the development in accordance with District specifications for such developments, and when (1) any part of the boundary of the development is within the distances shown on Table 1 below (subsection d below) to an existing District water main adequate to serve the project, or (2) the District agrees to extend a water line to the property line, to connect such development to the District's water system prior to the conveyance, leasing, or licensing of the first unit therein. When determining the number of units in a development, the greater of (1) all units in any sketch plan for the division including all phases submitted to Carteret County, or (2) the number of units in the plat(s) for the project submitted to Carteret County, shall be determinative.

d. Table 1.

<b>Number of Dwelling, Commercial or Other Units</b>	<b>Distance to District's Water System</b>
2-10	200 feet or less
11-20	300 feet or less
21-50	600 feet or less
51-100	1,000 feet or less
101 or more	1,500 feet or less

e. Provisions applicable to all mandatory connections.

- i. The terms of connection to the District's water system, including fees, shall be according to the District's rules for connection at the time of application for connection.
- ii. Tax parcels are determined by the Carteret County Tax Office and are shown on the County's Geographic Information System ("GIS") maps.
- iii. The definitions in Carteret County's ordinances are incorporated herein unless the context of this Ordinance requires a different definition.
- iv. Once a building, manufactured home, residential unit, commercial unit, recreational vehicle, or marina, is connected to the District's water system, it must remain so connected and receive its sole source of potable water from the District.
- v. For developments that are required to connect to the District's water system, the tax parcel on which they are located may have one or more private water wells for non-human consumption for such things as irrigation and swimming pools as long as such wells conform to the ordinances and regulations of Carteret County and its agencies, including the Carteret County Health Department, and the statutes and regulations of the State of North Carolina and its agencies.
- vi. The applicant for water service shall be responsible for the installation, maintenance and replacement of all service lines and mains, and the costs thereof, from existing District mains to applicant's building, manufactured home, or project and for all costs of connection of such lines and mains to the District's mains. All such service lines and mains will be installed in accordance with best engineering practices and in accordance with applicable statutes and regulations, including the regulations of the District. Prior to or after installation, should applicant wish for such lines and mains to become District lines or mains, the applicant and District will attempt to determine terms by which applicant may transfer ownership to the District.

## Section 2. Mandatory Connection Exemptions

The mandatory connection required by this Ordinance does not apply in the following circumstances:

- a. To existing buildings and manufactured homes as of the date of adoption of this Ordinance that have not previously applied for, and were not required under other ordinances or regulations to so apply for, district water.
- b. To a tax parcel with an existing private potable well thereon, and to structures constructed thereon, or uses established thereon, as long as the tax parcel is not subdivided or converted to multifamily use, multiple unit commercial use, recreational vehicle park, or marina with boat slips. If a tax parcel has an existing potable water well and such well fails, the owner is permitted to drill a new well and to connect existing structures thereon to the new well. If the parcel has no improvements, but an existing potable well thereon fails, the owner may drill a new well and construct a new single family residential unit or a single commercial unit thereon and connect such unit to the well.
- c. The District determines that service is not available.
- d. Special purpose uses not needing potable water (i.e., cemeteries, etc.)
- e. An easement for extending water service to a tax parcel is not available or cannot be obtained

either by the owner of the parcel or the District. Documentation of good faith effort to secure an easement will be required prior to qualifying for this exemption.

- f. Potable water service is being provided to a development by a public utility regulated by the North Carolina Utilities Commission pursuant to Chapter 62 of the General Statutes.

### Section 3. Severability

If any provision, paragraph, word, section or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, and sections, shall not be affected and shall continue in full force and effect.

### Section 4. Notice of Violation

Any owner of property subject to this Ordinance, including a developer, shall be given notice by the District of his failure to comply with this Ordinance and shall be given thirty (30) days to remedy the noncompliance. If said owner, including a developer, fails to remedy its non-compliance with this Ordinance in the time required by said Notice, then the District shall take enforcement actions in accordance with this Ordinance.

### Section 5. Enforcement

- a. The District may take civil action against any violator of this Ordinance to compel compliance herewith, or to enjoin or abate any unlawful activity or condition, or for damages.
- b. Any violation of any provision of this Ordinance which is also a criminal violation under State law may be prosecuted under the State law.
- c. Any violation of this Ordinance which is not a violation of State law shall be a Class 1 misdemeanor. Each day a violation exists is a separate offense.

### Section 6. Effective date

This Ordinance shall be effective upon adoption.

Adopted on motion of member Wayne Willis, seconded by member Arnold Asdenti, and carried on a vote of all in favor and none against.

Adopted this the 16<sup>th</sup> day of August, 2016.

Signed: Clifford Rice, Chairman, Harkers Island Sanitary District

Attest: Cheryl Slater, Secretary