

ORDINANCE AMENDING CHAPTER 34 OF THE UNION COUNTY CODE

WHEREAS, the Union County Board of County Commissioners (the “Board”) heretofore enacted certain ordinances related to Union County’s water and wastewater utility system, which are now codified in Chapter 34 of the Union County Code (“Chapter 34”); and

WHEREAS, wastewater connections to the water and wastewater utility system have a major impact on the water and wastewater utility system, including related to, without limitation, capacity in the system and wastewater treatment plant treatment ability and capacity; and

WHEREAS, the Board has a desire to ensure that wastewater connections to the water and wastewater utility system are made, and wastewater from such connections is treated, in an orderly manner in order to allow for sufficient planning for system growth; and

WHEREAS, the Board, as the governing board of Union County, which owns the water and wastewater utility infrastructure, has a vested interest in overseeing the water and wastewater utility system and ensuring that wastewater connections impacting the operations and finances of the wastewater utility system are properly planned for and considered before approval; and

WHEREAS, the Board has determined it may exercise oversight of the water and wastewater utility system to ensure these interests are protected by requiring an approval process for wastewater connections from outside of a defined service area for a wastewater treatment plant, which process includes the Board’s consideration and approval of such connections; and

WHEREAS, the Board has determined that it is in the best interests of Union County and its residents to amend Chapter 34 as hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED by the Union County Board of Commissioners as follows:

1. The Code is hereby amended by adding Article V, “Wastewater Service Area Maps and Connections,” to Chapter 34 as shown on Exhibit A attached to this ordinance.
2. The Code is also hereby amended by adding language to subsection (a) of section 34-336 of the Code as shown below:
 - (a) *Sketch plan submittal.* A developer desiring a water or sewer extension for a development shall first submit to the appropriate planning agency a sketch plan of the proposed development. If the development lies in a jurisdiction where the appropriate planning agency does not provide a central clearinghouse for development review and approval, the developer shall submit the sketch plans directly to the district. The developer shall identify for the district the engineer designated as the developer's engineer of record for the project. For purposes of this article, the sketch plan shall include the following information:
 - (1) Name, address, phone and email of the person submitting the sketch plan (the developer or development firm and designated contact person).
 - (2) Name, address, phone, email, legal description of the owner.

- (3) Identification of property to be developed by tax map, block and lot number, deed book and page number, and any other pertinent information such as subdivision name and lot number, general plat of property, name and/or highway number of adjacent streets and highways and adjacent property owners as may be necessary to properly identify the property.
- (4) Nature of development contemplated and proposed number and type of units, square footage and proposed construction schedule and phases as applicable.
- (5) Services requested with estimated consumption or flow volumes (water, sewer, and/or fire flow, and irrigation). For residential development, the developer shall base water and sewer capacity requests on the number of units planned. For commercial and industrial development, the developer shall base water and sewer capacity requests on total gallons per day in accordance with NCDEQ guidelines. The developer shall list in the sketch plan the proposed number of water meters to serve the development and shall classify whether any of the meters are intended for use as master meters for multiple customers. The district reserves the right, at its discretion, to make the final determination of use of master or individual meter sets.
- (6) For wastewater service, quality of waste to be delivered to UCPW's system for treatment (domestic, industrial, commercial).
- (7) For wastewater service, whether the development will require installation, construction, or placement of a wastewater pump station, or expansion of capacity of an existing wastewater pump station.
- (8) For wastewater service, information confirming whether the development is located within the service area for the wastewater treatment plant that will serve the development. If the development is subject to the procedures set forth in section 34-351 for wastewater connections outside of a service area, the required application under section 34-351 must be received contemporaneously with submission of a sketch plan for the development. A conditional sketch plan comment letter for a development subject to the procedures set forth in section 34-351 for wastewater connections outside of a service area shall not be issued until all approvals required under article 5 of chapter 34 of the code are received for the development.

- 3. The service area maps attached as Exhibit B to this ordinance are hereby adopted each as a service area map as defined in Section 34-505 of the Code, as adopted by this ordinance, for the purposes set forth in Article V of Chapter 34 of the Code, as amended.
- 4. This ordinance, and the modifications to the procedures set forth in the Code, apply: (i) to any proposed development for which a developer has not submitted a sketch plan in accordance with Article IV of Chapter 34 (“Article IV”) as of the effective date of this ordinance, and (ii) to any proposed wastewater connection not subject to Article IV for which an application for a wastewater connection has not been received as of the effective date of this ordinance.
- 5. This ordinance is effective upon adoption.

Adopted this ___ day of _____, 2022.

Dennis Rape
 Chairman, Union County Board of Commissioners

EXHIBIT A

ARTICLE V. – WASTEWATER SERVICE AREA MAPS AND CONNECTIONS

DIVISION 1. - GENERALLY

Sec. 34-501. –Purpose and Intent.

- (a) The purpose of this article is to provide a framework for the orderly development of wastewater systems to meet the growing commercial, industrial, institutional, and residential needs of the county and to ensure that wastewater treatment plants and wastewater infrastructure which are part of the utility system can adequately serve the areas they are designed to serve in accordance with the county's wastewater system planning practices, procedures, rules, and regulations. This article sets forth the rules and regulations for wastewater connections to the county's wastewater infrastructure system served by certain wastewater treatment plants, under the administration and management of the district. It is intended to afford sufficient flexibility to accommodate the individuality of each potential connection while maintaining an orderly procedure. The rules and regulations established by this article are applicable to all potential connections to the county's wastewater infrastructure which would be served by a wastewater treatment plant subject to a service area map, as further described in this article.
- (b) Although this article is intended to set forth UCPW requirements for potential customers who desire to connect to county wastewater infrastructure served by a wastewater treatment plant subject to a service area map, other regulations may also be applicable. Persons planning a wastewater connection shall be responsible for coordinating with the district's staff to ensure familiarity and compliance with the most current standards and procedures.
- (c) The county reserves the right to revise this article, to revise related policies, and for the district to deny wastewater system connections when sufficient capacity is unavailable in the system for a proposed connection.
- (d) This article shall not be construed in any manner to confer upon a customer requesting a wastewater system connection subject to this article, or any other person, any property right or any other legal expectation of a wastewater connection.

Sec. 34-502. - Authority.

This article is adopted pursuant to authority granted to counties pursuant to G.S. ch. 153A, including, without limitation, G.S. 153A-275, and all other applicable law. Certain provisions contemplate activities by the district pursuant to G.S. ch. 162A, including, without limitation, 162A-88 and all other applicable law. Whenever a provision of this article refers to or cites a section of the North Carolina General Statutes or North Carolina Administrative Code and that section is later amended or superseded, this article shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

Sec. 34-503. – Applicability.

- (a) This article shall apply throughout the county, and it shall be followed by all persons desiring to connect to county wastewater infrastructure which would be served by a wastewater treatment plant subject to a service area map. As to connections to which this article applies, this article shall supersede any directly conflicting prior policies or procedures related to such connections, but shall otherwise be considered to supplement any such policies or procedures.
- (b) This article shall not apply to connections which, as of the effective date of this article, have already been accepted for wastewater service by district, or are actively receiving wastewater service from

district. However, existing connections are subject to this article in the events set forth in subsection (c) below.

- (c) In the event that a customer desires to increase the size of an existing wastewater connection, or change the use of the customer's property in a manner which increases the amount of discharge of wastewater into the county's wastewater infrastructure, after the effective date of this article, the provisions of this article shall thereafter apply to any such wastewater connection.

Sec. 34-504. - Remedies.

The provisions of this article may be enforced with the remedies available under any provision of law, including any appropriate equitable action whether or not there is an adequate remedy at law; provided, however, that violations of the provisions of this article or failure to comply with any of its requirements shall not constitute a misdemeanor as provided in G.S. 14-4 or any other criminal penalty.

Sec. 34-505. - 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:

Board means the board of county commissioners.

District means the Union County Water and Sewer District, which operates the county water and sewer system under interlocal agreement.

Effective date means the date of adoption of the ordinance creating this Article V of Chapter 34 of the Union County Code.

Service area means the area set forth in a service area map in which a wastewater treatment plant is designated to serve wastewater customer connections.

Service area map means a map adopted by the board referencing this article which delineates the area in which a wastewater treatment plant is designated to serve wastewater customer connections in accordance with this article. Only such official service area maps shall be effective under this article.

Wastewater treatment plant means an existing or planned wastewater treatment plant, whether owned by the county or contracted for wastewater service by the county or district.

UCPW means the county, by and through its department, Union County Public Works (Union County Water).

Secs. 34-506-34-519. – Reserved

DIVISION 2. – SERVICE AREA MAPS

Sec. 34-520. –Establishment and Amendment of Service Area Maps.

- (a) The board may establish, in its discretion, a service area map for any wastewater treatment plant. Any such service area map is subject to the provisions of this article. A service area map need not discreetly display every property within the service area so long as the boundaries of the service area are marked on the service area map.
- (b) In establishing a service area map, the board may consider the utility-based factors, including, without limitation, treatment capacity of a wastewater treatment plant, capacity of related wastewater

infrastructure in the service area, conveyance capacity, drainage patterns, existing UCPW infrastructure in the area, UCPW master plan, existing populations, and area growth projections.

- (c) Prior to the board establishing a service area map, the board shall conduct a public hearing to solicit public comment regarding a proposed service area map. Not less than 10 days' public notice shall be given of the public hearing prior to conducting the public hearing.
- (d) A service area map may be amended by the board, at any time, in its discretion. If a service area is amended such that an existing, established connection which was previously included in a service area under a service area map is no longer included in such service area, the existing, established connection may be continued to be served by UCPW, through the district without any additional procedures required under this article. However, in the event that a customer desires to increase the size of an existing wastewater connection, or change the use of the customer's property in a manner which increases the amount of discharge of wastewater into the county's wastewater infrastructure after such service area map amendment, the procedures required under this article shall apply to any such wastewater connection.

Secs. 34-521-34-529. – Reserved

DIVISION 3. – SERVICE AREA CONNECTION PROCEDURES

Sec. 34-530. –Wastewater Connections within a Service Area.

- (a) If a customer desires for a property within a service area to be served with wastewater service, then the customer must request a connection in accordance with all other rules, regulations, and procedures of the county and district. This includes, without limitation, the requirements of article 4 of this chapter.
- (b) Beyond the requirements noted in subsection (a) of this section, there are no additional requirements for such wastewater connections within a service area set forth by this article.
- (c) Notwithstanding anything in this article to the contrary, the location of a property within a service area does not guarantee initial wastewater service, wastewater capacity, or continuous wastewater service for that property.

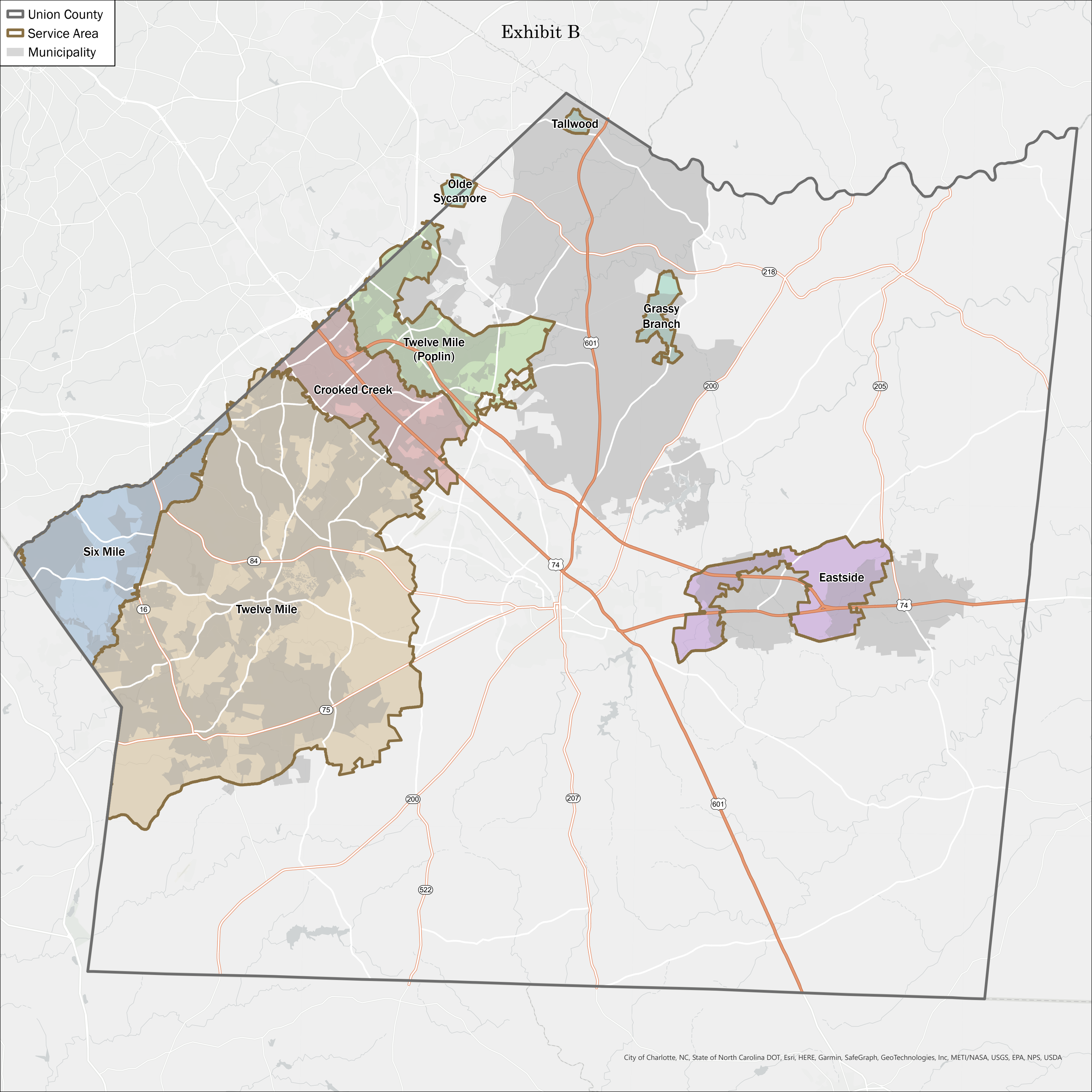
Sec. 34-531. – Wastewater Connections Outside of a Service Area.

- (a) *Wastewater connections outside of a service area generally.* A customer desiring for a property outside of a service area to be served with wastewater service is subject to the provisions of this section for connection to UCPW wastewater infrastructure for service if it is determined by the district, in its discretion and in accordance with subsection (b) (4) of this section, that the property can be reasonably served by a wastewater treatment plant with an established service area map. If any portion of a property is outside of a service area (regardless of the amount of the property inside a service area), any requested wastewater service for the property shall be subject to the process set forth in this section. Any such connection must be requested in accordance with this section, article, and all other rules, regulations, and procedures of the county and district. This specifically includes, without limitation, the requirements of article 4 of this chapter, including the requirement for all approvals required under this article to be made contemporaneous with, or prior to, submittal of a sketch plan in accordance with section 34-336.
- (b) *Process for approval of wastewater connections outside of a service area.* For those potential wastewater service connections which are subject to this section as set forth in subsection (a) above, the following procedure for connection approval applies:
 - (1) The property owner must apply to the district for a wastewater service connection. The district may determine the form on which such an application is made. The district may also require certain information from the property owner regarding such application. Such required information may include, without limitation, expected flow volume from the connection, sketch plan, quality of discharge, site plan, hours and frequency of wastewater use, and any additional information reasonably requested by the district. The applicant must also submit at the time of

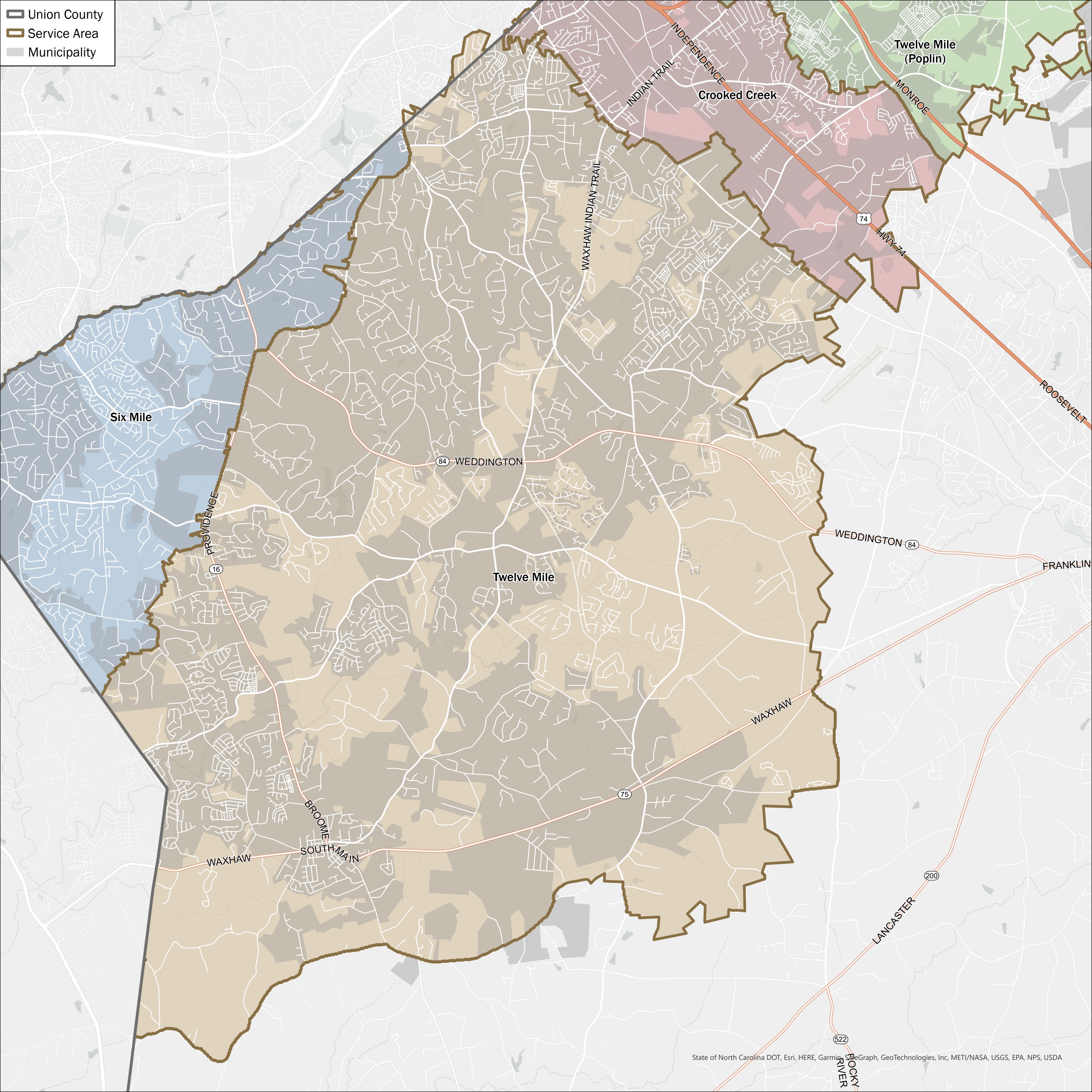
application any fee established by the district for the review of the application and generation of the report, which may include, without limitation, a regulatory fee for modeling or engineering analysis that the district determines, in its discretion, is necessary for analysis of the application and generation of the report.

- (2) After receipt of a complete wastewater service connection application, the district shall analyze the application. Such analysis may include a requirement for modeling, in the district's discretion. After analysis of the application, the district shall produce a standardized report regarding the wastewater connection request. The district's report may include, without limitation, the feasibility of the connection, expected flow volume (average and peak flow volumes), expected peak usage times, current committed and actual wastewater treatment plant capacity, expected connection time period, and any other information the district reasonably determines is appropriate for analysis of the potential wastewater connection. The district shall create such a report within ninety (90) calendar days of receipt of a complete wastewater service connection application; however, this time may be extended for an additional thirty (30) days at the discretion of the district due to the complexity of an application, the high volume of applications received, or any other reason which reasonably causes a delay in creating the required report. Once complete, a copy of the report shall be provided to the applicant.
- (3) After the district's creation of the report and transmission of the report to the applicant, the district shall determine if the property associated with the application is located within a municipality's corporate limits. If the property is entirely not within a municipality's corporate limits, then the applicant proceeds to the next step in the process as set forth in subsection 34-531(b)(4). If any portion of a property is within a municipality's corporate limits, then the district shall transmit the report noted in subsection (b)(2) of this section to the applicable municipality within fifteen (15) days of transmission of the report to the applicant. The district shall request that the municipality take action, through its governing board, by making a recommendation as to whether the municipality recommends approval of the proposed connection within its corporate limits. The municipal recommendation shall only be considered a recommendation and shall not in any way be considered a delegation of the board's authority to approve or reject an application for a connection. Once a recommendation regarding the connection is received from the municipality's governing body, the district shall proceed to the next step in the process as set forth in subsection (b)(4) of this section. If a recommendation is not received from a municipality within sixty (60) days of the district's request for a recommendation to the municipality, then the district shall consider the municipality's failure to give a recommendation as a negative municipal recommendation on the application and forward the application on to the next step in the process as set forth in subsection (b)(4) of this section.
- (4) After completion of the standardized report, and receipt of municipal recommendation (or elapse of the 60 day time period for receipt of the municipal recommendation), the district shall send the application to the board for consideration as to whether to allow the desired wastewater service connection. The district shall send to the board any information it deems pertinent to the decision, but shall include a copy of the application, the standardized report, and the municipal recommendation, if any. The board may vote on whether to allow the connection outside of the service area. The board may take into account utility-based factors in its decision which may include, without limitation, current wastewater treatment plant capacity, the type and volume of flow associated with the connection, the cost to operate and maintain any associated infrastructure, and any other factors the board deems appropriate. It is within the board's discretion to approve or reject a connection subject to the process set forth in this section.
- (5) If the board votes to allow the connection, the applicant shall then follow the standard process for wastewater connections as set forth in section 34-530. If the board votes to deny the connection, then no connection to the UCPW wastewater infrastructure shall be made from the property based upon the submitted application. If the board votes to deny the connection, then any future application for a wastewater connection for such property shall not be submitted or considered for a period of twelve (12) months from the date of the board's denial of the connection application.

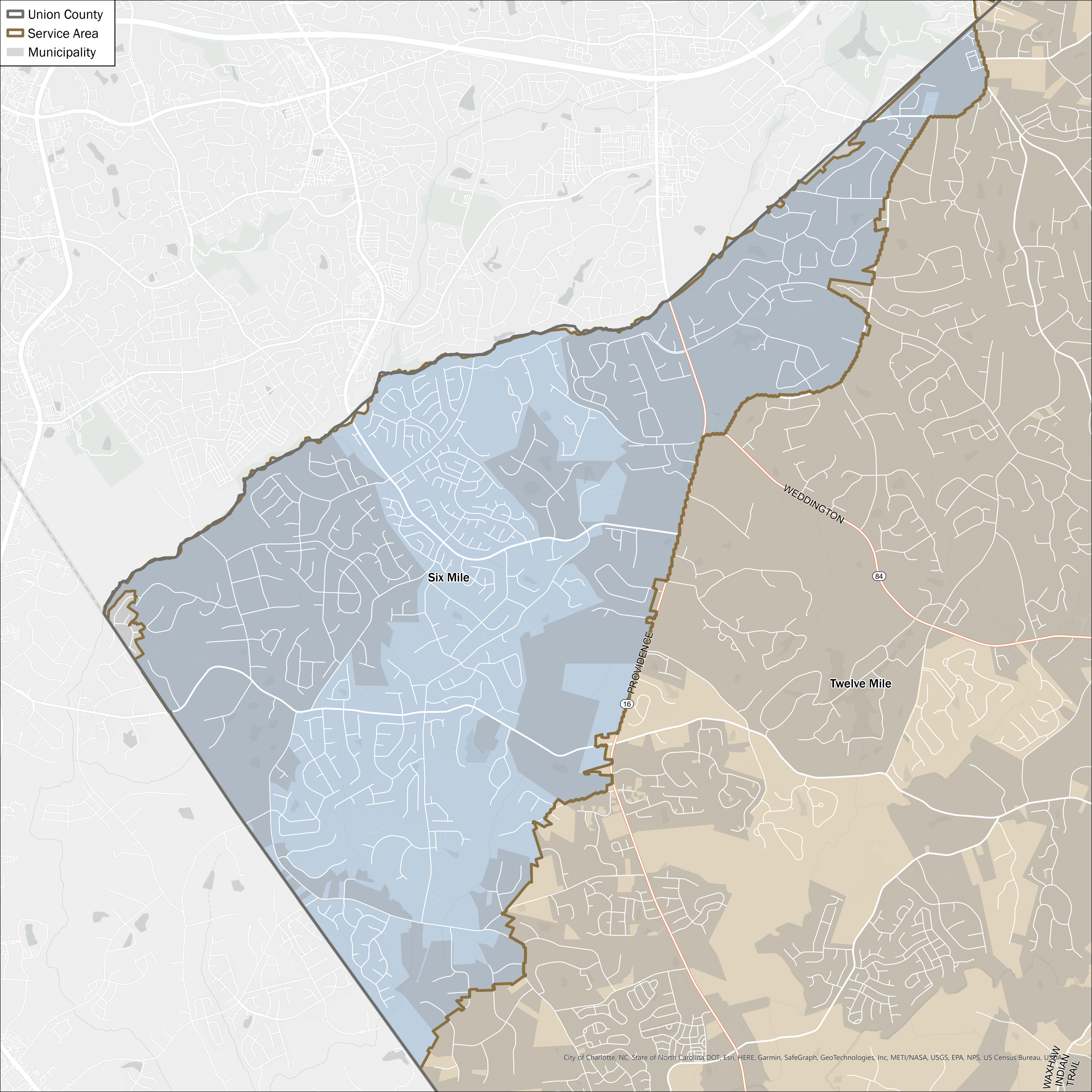
Exhibit B



- Union County
- Service Area
- Municipality



- Union County
- Service Area
- Municipality



- Union County
- Service Area
- Municipality

Six Mile

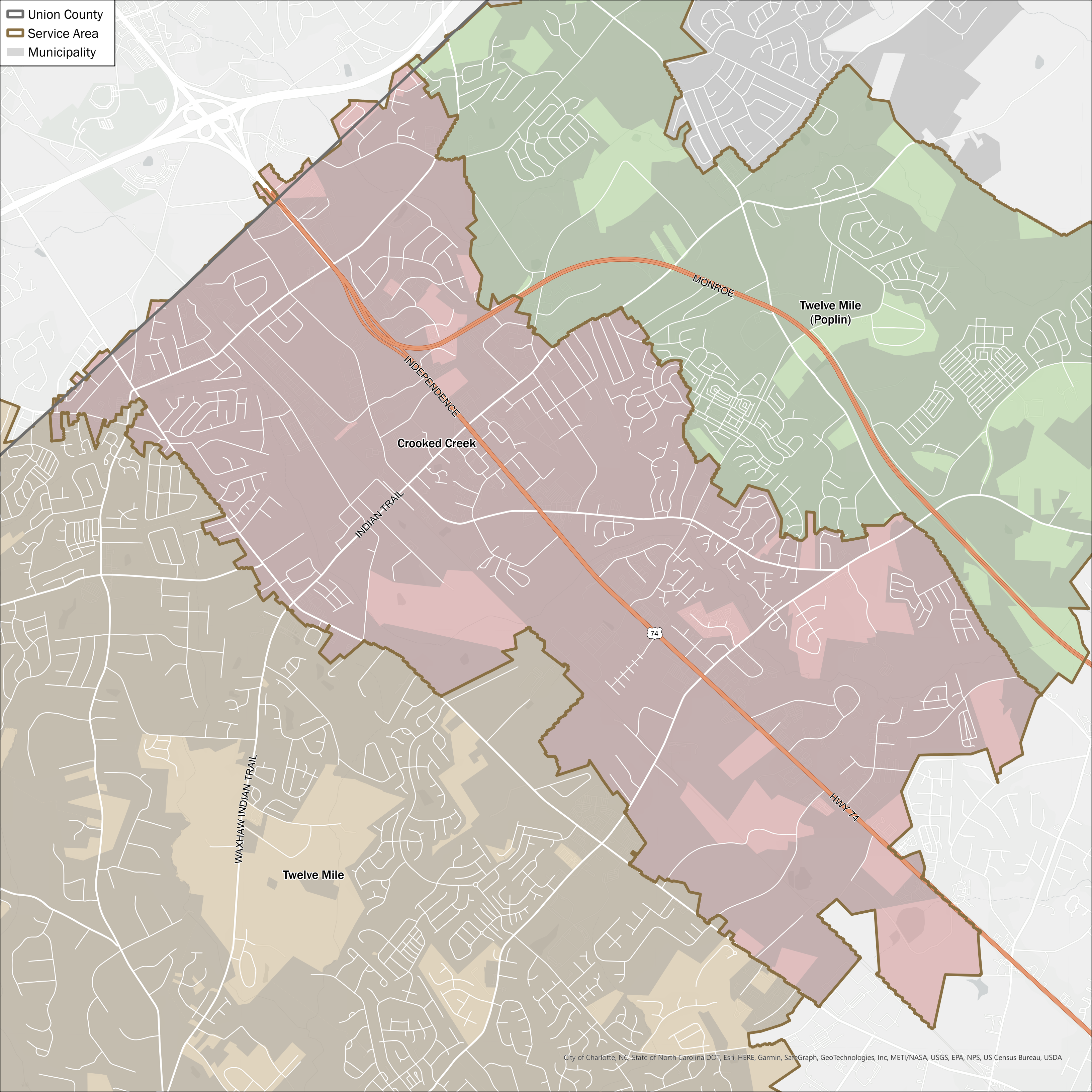
Twelve Mile

PROVIDENCE

WEDDINGTON

16

84

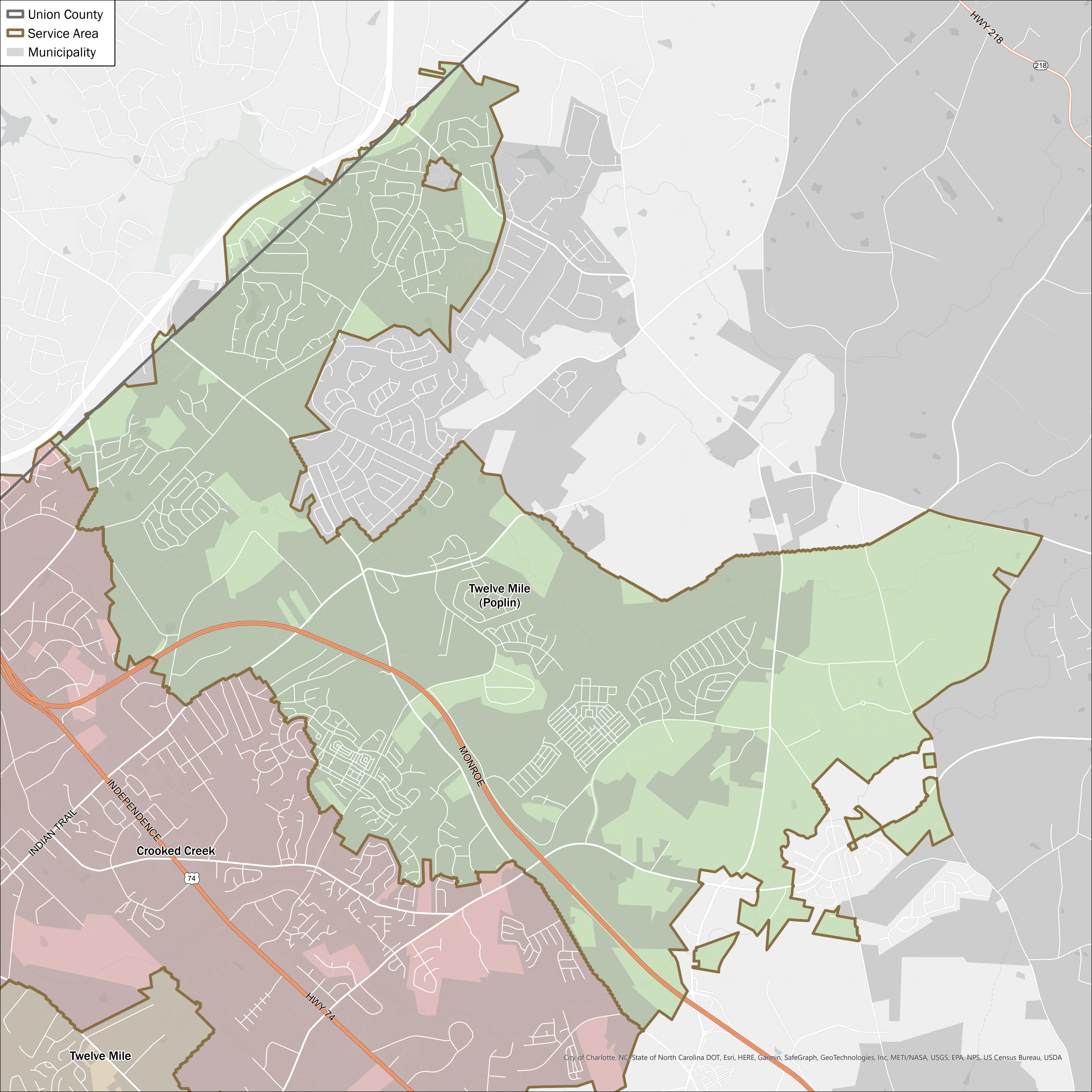


- Union County
- Service Area
- Municipality

Crooked Creek

Twelve Mile (Poplin)

Twelve Mile



- Union County
- Service Area
- Municipality

Twelve Mile (Poplin)

Crooked Creek

74

INDIAN TRAIL

INDEPENDENCE

MONROE

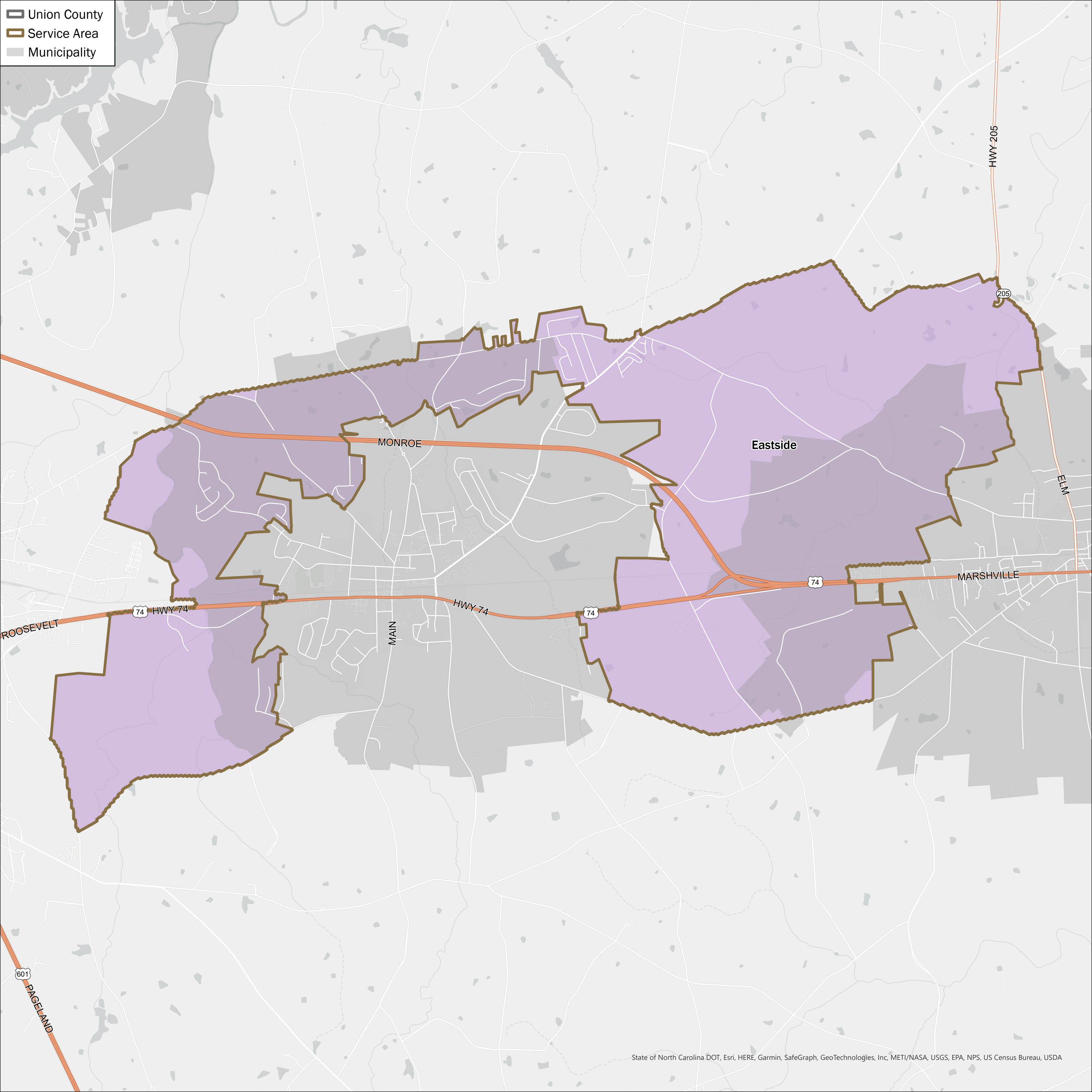
HWY 218

218

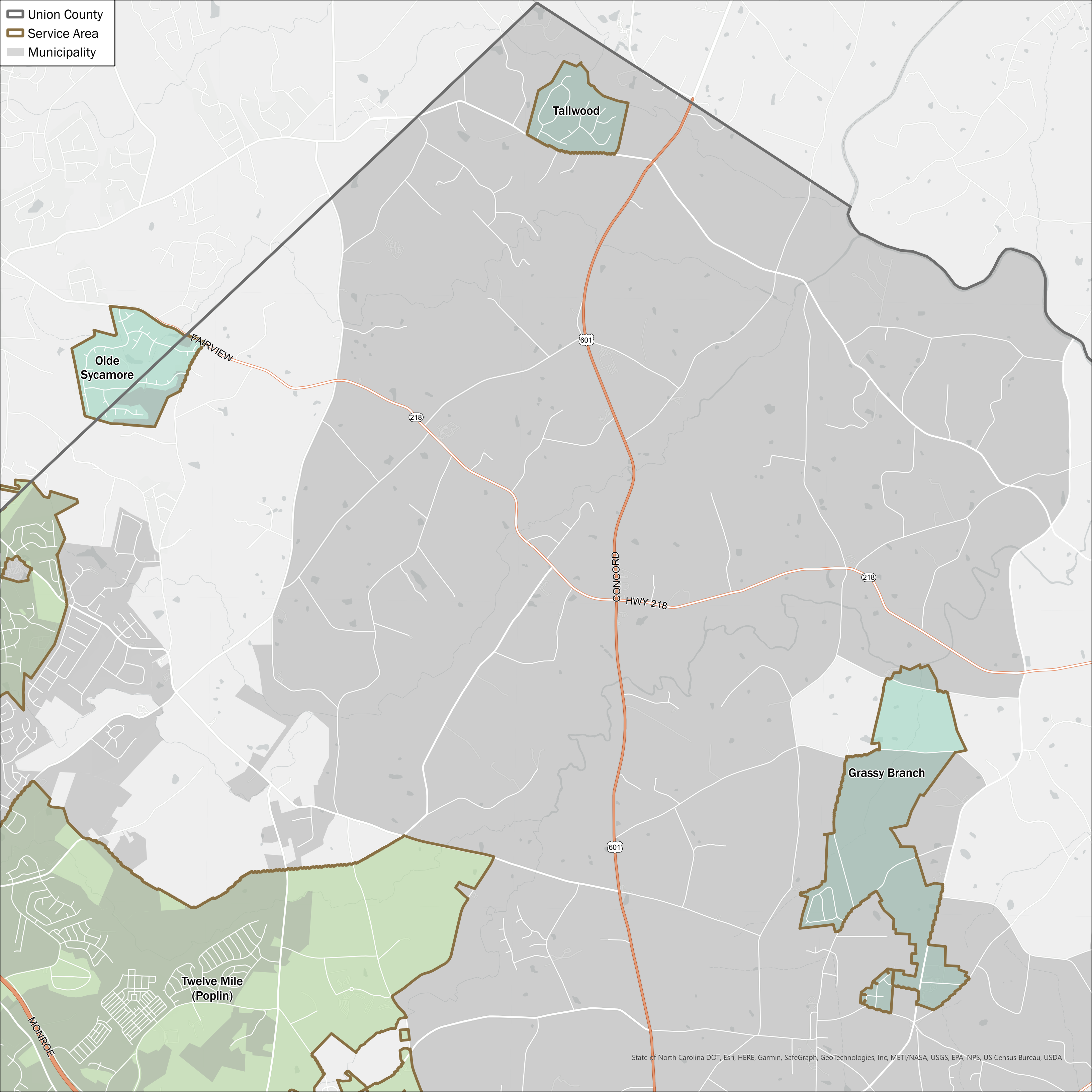
HWY 74

Twelve Mile

- Union County
- Service Area
- Municipality



- Union County
- Service Area
- Municipality



Tallwood

Olde Sycamore

Grassy Branch

Twelve Mile (Poplin)

601

218

218

601

CONCORD

HWY 218

MONROE