

ORDINANCE NO. 2010-01

AN ORDINANCE DEFINING SLUM AND BLIGHTED AREAS

WHEREAS, Community Development Block Grants (CDBG) and other sources of funding may be available from time to time for redevelopment of slum and blighted areas; and,

WHEREAS, it is appropriate to define "blighted areas" for purposes of designation of such areas for which funds may be granted for preservation, improvement, and redevelopment in a manner consistent with CDBG program requirements and State Law.

NOW, THEREFORE, BE IT ORDAINED by Mayor and City Council of the City of Orangeburg, South Carolina, in Council duly assembled this 2nd day of February 2010, that the following definition of a "Slum and Blighted Area" is adopted for purposes of designating areas, making application for funds and expenditures of funds for the improvement, preservation, conservation, or redevelopment of such areas as may be identified by Resolution of Council describing the area and identifying the conditions which meet the standards in the definition.

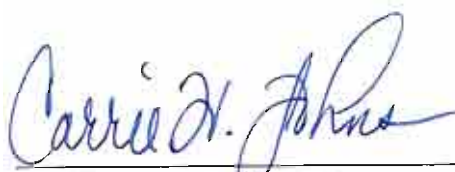
In accordance with South Carolina Code Sec. 31-6-30, a "Slum and Blighted Area" means any improved or vacant area within identified boundaries located within the territorial limits of the municipality which meets the definition of "Blighted Area" as defined in South Carolina Code Sec. 31-6-30 and the following CDBG definition:

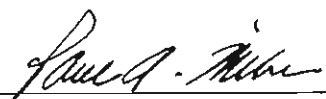
"Slum and Blighted Area": Public improvements are in a general state of deterioration in the designated area or at least 25% of properties in the area must have one or more of the following characteristics:

- Physical deterioration of buildings or improvements
- Abandonment of properties
- Chronic high turnover or vacancy rates in commercial/industrial buildings
- Significant decline in property values or abnormally low property values in relation to other areas in the community;
- Known or suspected environmental contamination

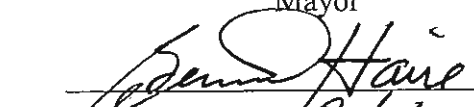
DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA THIS 2nd DAY OF FEBRUARY 2010.

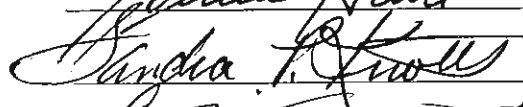


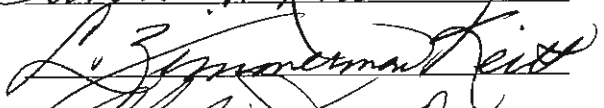

Attest: City Clerk

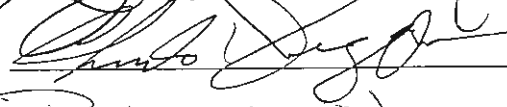



Mayor

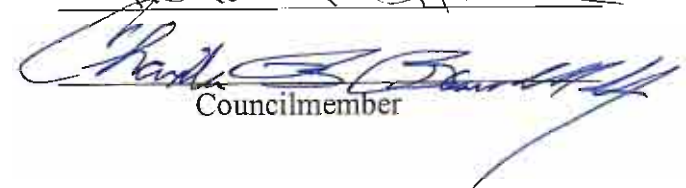












Councilmember

ORDINANCE TO AMEND SECTION 24-4.1, DISTRICT BOUNDARIES AND MAPS OF THE CODE OF ORDINANCES OF THE CITY OF ORANGEBURG AND THE ZONING MAP OF THE CITY OF ORANGEBURG, SOUTH CAROLINA

WHEREAS, South Carolina State University pursuant to section 24-12.1(b)(a) of the Zoning Ordinance of the City of Orangeburg, South Carolina, has petitioned for an amendment of said Ordinance and Map changing from A-2 Multi Unit Residential District and B-1 General Business District to O-I, Office-Institutional Residential District property for property located at TMP #0173-11-10-004; 0173-14-06-002; 0173-14-06-004; 0173-15-023-003; 0173-15-02-004; 0173-15-02-005; 0173-15-02-006; 0173-15-03-001; 0173-15-04-001; 0173-15-04-002; 0173-15-04-003; 0173-15-04-004; 0173-15-04-005; 0173-15-05-001 and property belonging to South Carolina State University National Alumni Association at Tax Map # 0173-15-01-002; and

WHEREAS, proper notice of the public hearing for proposed zoning map amendment has been duly published in accordance with Section 24-12.5 and the property has been duly posted in accordance with Section 24-12.6 of said Zoning Ordinance; and

WHEREAS, the City Council of the City of Orangeburg has reviewed said petition and the recommendation of the Planning Commission and finds that it is in the best interest of the City of Orangeburg to grant the petition;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Orangeburg, State of South Carolina, in council duly assembled and by the authority of same that the Zoning Map of the City of Orangeburg is hereby amended by changing the classification of the below described property from "A-2 Multi Unit Residential District and or B-1 General Business District to O-I, Office-Institutional Residential District"

BE IT FURTHER ORDAINED that this amendment shall be effective as of the date of this Ordinance and the Zoning Administrator is hereby directed to amend the Zoning Map of the City of Orangeburg to reflect the above within seven (7) days if the adoption of this Ordinance.

Description of property:

Subject Property:

All that certain piece, parcel or lot of land, with buildings and improvements thereon, situate, lying and being in School District No. 5, City and County of Orangeburg, State of South Carolina, fronting on East Russell Street and measuring thereon Seventy-five (75) feet and measuring on the rear line Sixty- one (61), four (4) inches; on the East Two Hundred Seventy-four (274) feet, more or less; on the West Two Hundred Fifty-four (254) feet more or less; Said lot being designated on a plat by S. Dibble, Surveyor, dated June 13, 1907 as Lot No 7 and bounded as follows: North by Lot No. 14 and lands now or formerly of the Estate of Florence J. Cope; East by lands of W. J. Bryant; South by Russell Street and West by Estate of Camilla Brailsford; this being the same lot of land conveyed to the grantor herein by Bessie Ayer Limehouse by deed dated December 19, 1951 as recorded in deed book 171 at page 306.

ALSO: All that certain piece, parcel or lot of land situate, lying and being in School District No. 5, City and County of Orangeburg, State of South Carolina, the same being designated as Lot No. 1 on a plat by S. D. Moss, R.L.S., dated December 12, 1929, and being bounded as follows: Northeast by Lot No 2, Estate of J. c. Justice and measuring thereon One Hundred fifty (150) feet; Southeast by Russell Street and measuring thereon Sixty-Eight (68) feet; Southwest by lands of D.E. Watford and measuring thereon One Hundred Fifty (150) feet; Northwest by Lot No. 3, lands of Gussie C. Wannamaker, Et al., and measuring thereon Sixty -Eight (68) feet; being the same lot of land conveyed to E. E. Watford, et al., by Carrie B. Bryant by deed dated October 31, 1967, as recorded in the office of the Clerk of Court for Orangeburg county, S. C., in Deed Book 300 at page 179.

It is understood that this conveyance does not include ten (10) feet frontage along Russell on both lots condemned by the South Carolina Highway Department. TMP# 0173-11-10-004

All that certain piece, parcel or lot of land, with all improvements thereon, situate, lying and being in Orange Township School District No. 5, City and County of Orangeburg, State of South Carolina, fronting on East Russell Street, Measuring thereon Eighty (80) feet; measuring on the rear or back line Seventy-eight (78) feet; measuring on the respective sidelines Two Hundred Twenty (220) feet, and bound now or formerly as follows: on the South by the right-of way of East Russell Street; on the West by property now or formerly of V. J. Hill; on the North by property now or formerly of John S. Bowman and George Bowman; and on the East by property now or formerly of Annie Camilla Foreman. Being the same property conveyed to the Tri-County Commission on Alcohol and Drug Abuse by deed of Camilla B. Kotts recorded in the office of the RMC for Orangeburg County on September 22, 1975 in Deed Book 415 at page 491. TMP# 0173-14-06-002

All that certain piece, parcel or lot of land, with all improvements thereon, situate, lying and being in Orange Township, School district No. 5, City and County of Orangeburg, State of South Carolina, being designated as 840 Russell Street, S.E. and bounded and measuring as follows: On the Northwest by the right-of-way of Russell Street, measuring thereon Sixty-eight (68) feet; on the Northeast by property now or formerly of Brant, measuring thereon Two Hundred Eighty-two (282) feet; on the Northwest by property now or formerly of Bryant, measuring thereon Eighty-two (82) feet; on the Northeast by property now or formerly of Dibble, measuring thereon Twenty-one (21) feet; on the Southeast by property now or formerly of Josie, measuring thereon One Hundred fifty-five (155) feet; and on the Northwest again by property now or formerly of Bolin, measuring thereon Three Hundred and five-tenths (300.5) feet; all measurements being more or less.

Being the same property conveyed to the Tri-County Commission on Alcohol and Drug Abuse by deed of Delores S. Caydon, et al. recorded in the office of the RMC for Orangeburg County on June 18, 19990 in Deed book 555 at Page 67. TMP# 0173-14-06-004

All that certain piece, parcel or lot of land, with improvements thereon, situate, lying and being in the City of Orangeburg, Orangeburg County, South Carolina, being more particularly shown and delineated on a plat by S.D. Moss, RLS, dated April 19, 1946, and recorded in the Office of the Register of Deeds for Orangeburg County in Plat book 7 at page 9, and being bounded on the Southeast by Pearl Street for a distance of 98 feet on the southwest by property now or formerly of Gray for a distance of 114.8 feet; on the Northwest by property now or formerly of A&M College, formerly of Oswald Gramling for a distance of 92.5 feet, and on the Northwest by property now or formerly of Oswald Gramling for a distance of 114.9 feet.

This being the same property conveyed to the grantors by deed of Stephen L. Haigler and Tamlyn H. Haigler dated September 17, 2003 and recorded in the said Register's Office in Deed Book 1004 at page 327.
TMP# 0173-15-02-003

All that certain piece, parcel or lot of land, with building and improvements thereon, situate, lying and being in the City of Orangeburg, County of Orangeburg, State of South Carolina, fronting and measuring on Parker Avenue Sixty (60) feet and running back on the respective sidelines One Hundred and Forty-five (145) feet, and measuring on the rear line sixty (60) feet and bounded on the North by lot, now or formerly of F. F. Kinsey; and on the West by lot, now or formerly of Oswald s. Gramling.

ALSO: All that certain piece, parcel or lot of land with improvements thereon, situate, lying and being in the City of Orangeburg, County of Orangeburg, State of South Carolina and bounded and measuring as follows: On the North by property, now or formerly of Oswald s. Gramling and measuring thereon One Hundred and Forty-five (145) feet; on the East by Parker Street and measuring thereon Sixty (60) feet; on the South by Pearl Street and measuring thereon One Hundred and Forty-five (145) feet; and on the West by property, now or formerly of Oswald s. Gramling and measuring thereon (60) feet. The measurements and boundaries of this parcel of land are more clearly delineated on a plat surveyed for John D. Coulter, Jr., dated May 17, 1996, by Edisto surveyors, Inc. and approved by A. R. Parler, Jr., RLS and recorded in the Office of the Register of Deeds for Orangeburg county in Plat book 75S at Page 275.

This being the same property conveyed to Alix Laincy by Deed of John D. Coulter, Jr. dated June 25, 2003 and recorded in the Office of the Register of Deeds for Orangeburg County in Deed Book 992 at Page 183.
TMP#0173-15-02-004

All that certain piece, parcel or lot of land, situate, lying and being in School District No. 5, City of Orangeburg, County of Orangeburg, fronting on Russell Street in said City and having the following boundaries and measurements: On the Northwest by Pearl Street and measuring thereon 281.2 feet; on the East by the northwest corner of the intersection of Parker Street and Russell Street and measuring thereon 10.0 feet, on the Southeast by Russell Street and measuring thereon 68.2 feet; and of the Southwest by property now or formerly of Flossie Mack, et al and measuring thereon 290.44 feet. Being more fully shown and delineated on a plat prepared for Henry Smith and Lamar Smith by Associates of W. F. Stokes, approved by W. F. Stokes, dated December 16, 1983 and recorded in the Office of the Register of Deeds for Orangeburg County in Plat Book 56 at page 1, all measurements being a little more or less.

This being the same property conveyed to the grantor by deed of Lamar Smith recorded May 6, 1994 and recorded in the said Register's Office in Deed Book 603 at page 869. TMP# 0173-15-02-005

All that certain piece, parcel or lot of land with the dwelling and other improvements thereon, situate, lying and being in the City of Orangeburg, said County and State, located on the north side of Russell Street, N.E., and having the following boundaries and measurements: South by Russell Street, N.E., 170.6 feet; West by property now or formerly of Cauthen, 300 feet; North by Pearl Street, 168 feet and on the East by property now or formerly of Oswald Gramling, 298 feet, more or less; the same being more fully shown and set forth on a plat of property of Estate of C.W. Culler made November 19, 1938, by S.D. Moss, RLS recorded in the Office of the Clerk of Court for Orangeburg County, S.C., in Judgment Roll 288, Package 38.

This being a portion of the same property conveyed to James G. Mack, Stanley r. Mack and Dionne L. Mack by deed of distribution of James G. Mack, as Personal Representative of the Estate of Flossie Williams Mack (2003-ES-38-0498) dated December 2, 2004 and recorded in the RMC Office for Orangeburg County in Deed Book 01069 at Page 0111. TMP#0173-15-02-006

All those certain pieces, parcels or lots of land with a ll buildings and improvements thereon, situate, lying and being in the City of Orangeburg, County of Orangeburg, State of South Carolina, being more clearly shown and delineated on a plat made by L. F. Wolfe, Surveyor, dated June 1914, recorded in Plat Book 2 at Page 139 in the office of the RMC for Orangeburg County, being designated as Lots 1,2,3,4,5,6,7,8 in Block F on said plat. Said lots being bounded as follows: On the Northwest by property of S.C. State University; on the Northeast by Moore Road; on the Southeast by Pearl Street; and on the Southwest by Parker Avenue. TMP# 0173-15-03-001

As these five (5) certain pieces, parcels or lots of land situate, lying and being in School District No 5, in the City and County of Orangeburg, State of South Carolina, and being fully shown and described as Lots number one (1), two (2), three (3), four (4) and five (5), in Block "B" on a plat of Fairview Terrace, made by L. F. Wolfe, surveyor dated June, 1914, and recorded in Plat Book #2, page #139 in the Office of the Clerk of Court for the County of Orangeburg, State of South Carolina, and said lots together being bounded and measuring as follows: Southeast by Russell Street, NE, fronting thereon One Hundred Twenty-five (125) feet; Southwest by Parker Avenue and measuring thereon One Hundred Forty-eight (148) feet; Northwest by lots nine (9), ten (10), eleven (11), twelve (12), and thirteen (13) in Block "B" on said plat of property now or formerly of Bessie Evans Gilliam and measuring thereon One Hundred Twenty-five (125) feet; Northeast by Lot six (6) in Block "B" on said plat and measuring thereon One Hundred Forty-five (145) feet; being the same lots of land conveyed to Mary Gilliam Hawes by Bessie Evans Gilliam by deed dated November 8, 1946 and recorded in Deed Book #143, page # 27 and this being the same lots of land conveyed to Willie Green, Jr., by deed of Mary Gilliam Hawes dated May 21, 1973 as recorded in the Office of the Clerk of Court for the County of Orangeburg, SC in Deed Book #380, page #397.

AND ALSO, All those three (3) certain pieces, parcels or lots of land situate, lying and being in School District # 5, in the City and County of Orangeburg, State of South Carolina and being fully shown and described as Lots nine (9), ten (10), and eleven (11) in Block "B" on a plat of Fairview Terrace made by L. F. Wolfe, Surveyor, dated June, 1914 and recorded in Plat Book 2, page 139, in the Office of the Clerk of Court for Orangeburg County, S.C. and bounded and measuring as follows; Northwest by Pearl Street and measuring thereon Seventy-five (75) feet; Northeast by Lot twelve (12) in Block "B" on said plat and measuring thereon One Hundred Fifty (150) feet; Southeast by Lots one (1), two (2) and three (3) in Block "B" on said plat and measuring thereon Seventy-five (75) feet and on the Southwest by Parker Avenue and measuring thereon One Hundred Fifty (150) feet; this being the same lots of land conveyed to Willie Green, Jr., by deed of Bessie Evans Gillam dated May 21, 1973 at the City and County of Orangeburg, South Carolina as recorded in the Office of the Clerk of Court for the County of Orangeburg, State of South Carolina in deed Book # 380, at page # 395. TMP#0173-15-04-001

All those certain pieces, parcels or lots of land with all buildings and improvements thereon, situate lying and being in the City of Orangeburg, County of Orangeburg, State of South Carolina, being more clearly shown and delineated on the above referenced plat and being designated as Lots 14, 15, and 16 in Block "B", thereon and being bounded as follows: On the Northwest by Pearl Street; on the Northeast by an alley; on the Southeast by property of SC State University, and on the Southwest by Lot 13 on the plat hereinabove referred to.

The property herein described being the property of which Newman L. Jackson died, seized and possessed on May 21, 1993 and which he devised unto the grantors herein by his Last Will and Testament admitted to Probate on May 28, 1993 and filed as Probate Record 93ES380287, Probate Records for Orangeburg County, South Carolina. TMP# 0173-15-04-002

All those certain pieces, parcels or lots of land, with any improvements thereon, situate, lying and being in the City of Orangeburg, County and State aforesaid, shown as Lots 9 through 16 in Block "C" on a plat by L. F. Wolfe, Surveyor, dated June, 1914, and recorded in the Office of the Clerk of Court for Orangeburg County in Plat Book 2, at page 139, and bounded and measuring as follows; On the North by Pearl Street and measuring thereon Two Hundred (200) feet; on the East by Baldwin Avenue and measuring thereon One Hundred Fifty (150) feet; on the South by Lots 1 through 8 in Block "C" on said plat and measuring thereon Two hundred (200) feet; and on the West by a fifteen foot street and measuring thereon One Hundred Fifty (150) feet.

This being the same property devised to the grantor herein under the Will of Lillian Phillips Thackston, dated September 13, 1949, of record in the office of the Judge of Probate for Orangeburg County in Apartment 393, Package 16, and being a portion of those lots of land conveyed to Lillian P. Thackston by A. J. Thackston by his deed dated December 14, 1926 as recorded in the Office of the Clerk of Court for the County of Orangeburg, State of South Carolina in Deed Book # 82 at page # 7. TMP# 0173-15-04-003

All of grantor's rights, title and interest in and to that certain 15 foot alley which separates the above and below tracts on TMP# 0173-15-04-003 and TMP# 0173-15-04-005. TMP# 0173-15-004

All that certain piece, parcel or lot of land, with improvements thereon, situate, lying and being in the City of Orangeburg, School District #5, Orangeburg county, South Carolina, being more particularly shown and delineated as Lots 6, 7, and 8, Block B, Fairway Terrace, on a plat made by L. F. Wolfe, Surveyor dated June, 1914 and recorded in the office of the RMC of Orangeburg County in Plat Book 2 at Page 39 and being bounded and measuring as follows; On the South by Russell Street Northeast for a distance of 75 feet; on the East by a 15 foot alley for a distance of 144 feet; on the North by Lots 14, 15, and 16 for a distance of 75 feet; and on the West by Lot 5 for a distance of 145 feet.

This being the same property which was conveyed to J.O. Mitchell and Ethel Mitchell by deed of Newman L. Jackson and Lillian B. Jackson dated January 11, 1950 and recorded in the office of the RMC for Orangeburg County on January 12, 1950 in Deed Book 162 at page 91. The said Ethel Mitchell having died testate on October 15, 1991 devising this property to the grantor, J. O. Mitchell, by her Last will and Testament which was duly admitted to probate on June 26, 1992 and filed in the office of the Probate Court for Orangeburg County as Estate No 91ES3800522. TMP#0173-15-04-005

All that certain, piece, parcel or lot of land, with improvements thereon, situate, lying and being at 1195 East Russell Street, City of Orangeburg, County of Orangeburg, State of South Carolina, being set forth and shown as Lot one (1) on a plat of survey, property of Clarence T. Langley, made by H. Frank O'Cain, CE, dated March 17, 1949, and re-divided on August 6, 1954 by S. D. Moss RLS, into three (3) lots as shown on said plat which is recorded in the Office of the Register of Deeds for Orangeburg County in Plat Book 8, at page 115, said lot being bounded and measuring as follows; On the South by East Russell Street, measuring thereon 69.5 feet; on the West by property now or formerly of the Estate of T. B. Bryant measuring thereon 225.00 feet; on the North by property now or formerly of J. M. Hughes measuring 73.6 feet; and on the East by Lot 2, on said plat measuring thereon 225.00 feet. All measurements being more or less.

This being the same property conveyed to the grantor by deed of Henry Smith dated November 6, 1989 and recorded in the Said Register's Office in Deed Book 552 at page 1149. TMP# 0173-15-05-001

All that certain piece, parcel or lot of land, with buildings and improvements thereon, situate, lying and being in School District #5, City and County of Orangeburg, State of South Carolina, fronting on East Russell Street and measuring thereon Seventy-five (75) feet and measuring on the rear line Sixty-one (61) feet, Four (4) inches; on the East Two Hundred Seventy-four (274) feet, more or less; on the West Two Hundred Fifty-four (254) feet, more or less; as lot being designated on a plat by S. Dibble, Surveyor, dated June 13, 1907, as Lot No 7, and bounded as follows; North by Lot No 14 and by lands now or formerly of the Estate of Florence J. Cope; East by lands of W. J. Bryant; South by Russell Street and West by the Estate of Camilla Brailsford; this being the lot of land conveyed to the grantor herein by Bessie Ayer Limehouse by deed dated December 29, 1951, as recorded in Deed Book 171 at page 306.

ALSO: All the certain piece, parcel or lot of land situate, lying and being in School District # 5, City and County of Orangeburg, State of South Carolina, the same being designated as Lot No 1 on a plat by S. D. Moss, RLS dated December 12, 1929, and being bounded as follows: Northeast by Lot No 2, Estate of J. C. Justice, and measuring thereon One Hundred Fifty (150) feet; Southeast by Russell Street and measuring thereon Sixty-eight (68) feet;; Southwest by land of D. E. Walford and measuring thereon One Hundred Fifty(150) feet; Northwest by Lot No 3, lands of Gussie C. Wannamaker, et al., and measuring thereon Sixty-Eight (68) feet; being the same lot of land conveyed to E. E. Walford, et al, by Carrie B. Bryant by deed dated October 31, 1967, as recorded in the Office of the Clerk of Court for Orangeburg County, SC in Deed Book 300 at page 179.

It is understood that this conveyance does not include ten (10) feet frontage along Russell Street on both lots condemned by the South Carolina Highway Department. TMP#0173-15-01-002

This will include all Public Streets now under control of SCSU; Baldwin, Moore, Parker, Pearl , north half of Oakland and two alleys, along with Barry Nalor Street.

DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA
THIS 16TH DAY OF MARCH 2010.



Paul A. Min

Mayor

Sandra A. Roberts

Charles B. Bennett

L. James Keith

Richard A. Syme

Charles D. Dyer

Members of Council

ATTEST:

Carroll W. Hino
City Clerk



Ordinance No. 2010-3

AN ORDINANCE REPEALING THE EXISTING CHAPTER XXIII, TITLED "UTILITIES" OF THE CODE OF ORDINANCES FOR THE CITY OF ORANGEBURG AND ADOPTING IN LIEU THEREOF A NEW CHAPTER XXIII, TITLED "UTILITIES" OF THE CODE OF ORDINANCES FOR THE CITY OF ORANGEBURG.

WHEREAS, The City Of Orangeburg has transferred the responsibilities of building inspections from the Department of Public Utilities to the City's Public Works Department; and

WHEREAS, the City wishes to adopt numerous amendments to Chapter XXIII Titled "Utilities" so as to conform with new regulations of South Carolina Department of Health and Environmental Control and make other minor changes including renumbering of certain sections of the said Chapter; and

WHEREAS, the City Council of the City of Orangeburg has reviewed the proposed changes and amendments and finds that repeal and substitution would simply codification.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Orangeburg, State of South Carolina, in council duly assembled and by the authority of the same that Chapter XXIII Titled "Utilities" of the Code of Ordinances is hereby repealed in its entirety and a new Chapter XXIII Titled "Utilities" of the Code of Ordinances set forth below is adopted.

BE IT FURTHER ORDAINED that this new Chapter XXIII Titled "Utilities" shall be effective as of the date of this Ordinance.

ARTICLE I **DEPARTMENT OF PUBLIC UTILITIES**

23-1 UTILITIES COMBINED INTO ONE SYSTEM.

The electric system, the natural gas system, the wastewater system and the water system of the City of Orangeburg, together with all improvements, extensions and betterments thereto, shall be operated as one (1) system, which shall be interchangeably known as the "Combined Public Utility System of the City of Orangeburg", or as the "Department of Public Utilities". The Department of Public Utilities (DPU) shall be operated on a fiscal year basis, commencing on the first day of October in each year and ending on the thirtieth day of the succeeding September. (Ord. No. 87-4, §27-1)

23-2 COMPOSITION OF THE DEPARTMENT OF PUBLIC UTILITIES.

The department of public utilities shall consist of six (6) divisions: an administrative division, headed by a director of administrative division; a communications division, which shall include the DPU communications system, headed by a director of communications division; an electric division, headed by a director of electric division; a gas division, headed by a director of gas division; a wastewater (sewer) division, headed by a director of wastewater division; and a water division, headed by a director of water division. All division heads named herein shall be appointed by, responsible to and report to the manager of the department of public utilities. In accordance with the city Personnel Policy, each appointed division head shall serve at the will and pleasure of the city and such appointment shall not constitute a contract of employment. Any division head may be removed from office, with or without cause. (Ord. No. 87-4, §27-2; Ord. No. 1992-6; Ord. No. 1994-10)

23-3 MANAGER OF THE DEPARTMENT OF PUBLIC UTILITIES.

The department of public utilities shall operate under a manager who shall be appointed by city council and who shall be directly responsible to and who shall report directly to city council for the total operation and management of the department of public utilities. He shall be known as the

manager of the department of public utilities. Prior to the beginning of each fiscal year, the manager of the department of public utilities shall submit to the city council an annual budget and a list of all capital improvement projects for the department for the year. Upon the adoption of the budget and capital improvement projects, the manager shall be authorized to take whatever actions are necessary to implement the budget and complete the projects, including without limitation the authority to purchase and contract for all supplies, materials, labor and professional services needed for the purpose. All documents and contracts shall be executed in the name of the City of Orangeburg and signed by the manager of the department of public utilities. Provided, however, that all the documents and contracts shall be in compliance with the ordinances of the City of Orangeburg and all statutory laws and regulations. Provided further, that the manager of the department of public utilities shall be required to obtain separate council approval for any capital improvement project in excess of two million (\$2,000,000.00) dollars and any budget item in excess of two hundred fifty thousand (\$250,000.00) dollars. (Ord. No. 87-4, §27-3; Ord. No. 88-6, §1; Ord. No. 1992-6)

23-4—23-7 RESERVED.

ARTICLE II **ADMINISTRATIVE**

23-8 IN GENERAL.

23-8.1 Director of Administrative Division. The administrative division shall operate under a director who shall be appointed by the manager of the department of public utilities, and who is directly responsible to and who shall report directly to the manager of the department of public utilities for the operation and management of all administrative functions of the department other than those connected directly with either/or the electric, gas, wastewater and water divisions. (Ord. No. 87-4, §27-15)

23-9—23-11 RESERVED.

ARTICLE III **COMMUNICATIONS**

23-12 GENERAL.

23-12.1 Director of Communications Division. The communications division shall operate under a director who shall be appointed by the manager of the department of public utilities, and who shall be directly responsible to and who shall report directly to the manager of the department of public utilities for the operation and management of the communications division. His title shall be director of communications division. (Ord. No. 87-4, §27-30; Ord. No. 1992-6)

23-13—23-15 RESERVED.

ARTICLE IV **ELECTRIC**

23-16 GENERAL.

23-16.1 Director of Electric Division. The electric division shall operate under a director who shall be appointed by the manager of the department of public utilities, and who shall be directly responsible to and who shall report directly to the manager of the department of public utilities for the operation and management of the electric division. His title shall be director of electric division. (Ord. No. 87-4, §27-40)

23-16.2 Right of Entry. The department of public utilities shall have the right in the discharge of its duties to enter any building for the purpose of examining and testing the electrical appliances therein contained. And for the purpose it shall be given prompt access to all buildings, public and private, on application to the individual or company owning or in charge of same. (Ord. No. 87-4, §27-41)

23-16.3 Injuring, Tampering With, Etc., Utility Property. It shall be unlawful for any person to use, handle, injure, remove, deface or in any manner whatsoever to interfere or meddle with the electric lights, machinery, wires, poles or any other portion of the electric light plant of the city including: electric transmission, distribution, generation, lighting and transformation facilities belonging to the city of orangeburg, department of public utilities. (Ord. No. 87-4, §27-42)

23-16.4 Personnel to Carry Identification. The department of public utilities shall prepare, and its authorized representatives shall carry, sufficient identification and shall exhibit same before entering any premises for the purpose of inspecting any electrical system at such times as may be reasonably necessary to protect the public health. (Ord. No. 87-4, §27-62)

23-16.5 Location and Installation of Service Wires to and from Buildings. All electrical contractors wiring buildings for lights and power shall locate and install service wires according to the directions and wiring rules and regulations of the department of public utilities. (Ord. No. 87-4, §27-64)

23-16.6 Removal of Service Wires. When-ever builders or persons engaged in repairing, painting, etc., find it necessary to remove service wires from buildings in prosecuting their work, the owner of such building or the contractor engaged thereon shall serve the department of public utilities with written notice seventy-two (72) hours before such contemplated work is begun, and the department of public utilities shall have same removed. (Ord. No. 87-4, §27-65)

23-16.7 Certificate of Approval Prerequisite to Use of Electric Service. No electric service shall be turned onto any installation until a certificate of satisfactory inspection shall be issued unless such electric wiring and appliances are in strict conformity to the rules and regulations prescribed or required by law or ordinances of the City of Orangeburg. (Ord. No. 87-4, §27-66)

23-16.8 Authority to Disconnect Current Upon Failure to Comply with Requirements. In any case of failure to comply with this chapter, the department of public utilities shall have authority, after due notice, to cut off current to any locality concerned and to enforce discontinuance of the same until the requirements are complied with. (Ord. No. 87-4, §27-68)

23-17—23-29 RESERVED.

ARTICLE V GAS

23-30 GENERAL.

23-30.1 Director of Gas Division. The gas division shall operate under a director who shall be appointed by the manager of the department of public utilities, and who shall be directly responsible to and who shall report directly to the manager of the department of public utilities for the operation and management of the gas division. His title shall be director of gas division. (Ord. No. 87-4, §27-85)

23-30.2 Controversies. The department of public utilities shall decide all controversies which may arise under this chapter. (Ord. No. 87-4, §27-88)

23-30.3 Unlawful for Unauthorized Person to Turn On or Tamper with Gas Mains, Etc.; Exception. No one except the department of public utilities shall at any time turn on any valve or cock or in any way tamper or make any connection with any gas main, meter, meter connection or gas service pipe between the main and the meter. The user, however, may turn off gas at appliances in case of any emergency. (Ord. No. 87-4, §27-89)

23-30.4 Injuring, Tampering With, Etc.; Utility Property. It shall be unlawful for any person to use, handle, injure, remove, deface or in any manner whatsoever to interfere or meddle with any of the pipes, valves, mains or any other part of the gas division of the city. (Ord. No. 87-4, §27-90)

23-30.5 Certificate of Approval Prerequisite to Use of Gas. No gas shall be turned on any installation until a certificate of satisfactory inspection shall be issued unless such piping and appliances are in strict conformity to the rules and regulations prescribed or required by law or ordinances of the City of Orangeburg.

23-30.6 Authority to Disconnect Gas Upon Failure to Comply with Requirements. In any case of failure to comply with this chapter, the department of public utilities shall have authority, after due notice, to cut off gas to any locality concerned and to enforce discontinuance of the same until the requirements are complied with.

23-31—23-33 RESERVED.

23-34 GAS METERS: LOCATION AND INSTALLATION.

23-34.1 Gas Meters; Location and Installation

a. The house piping shall be extended to the meter location designated by the department of public utilities and a threaded stub-out provided for connecting house piping to the meter outlet.

b. No gas meter shall be installed or maintained under the floor of any building or structure unless such installation is required due to space limitations. Such installation, under any floor, shall have suitable ventilation and any such installation shall have an opening in the foundation or skirting of at least (2') feet square and no more than two (2') feet away from the meter.

c. Gas meters shall be located in ventilated spaces readily accessible for examination, reading, replacement or necessary maintenance. (Ord. No. 87-4, §27-97)

23-34.2 Gas Meters; Separate Consumers in Single Structure or Building. When more than one (1) meter is required to serve consumers in one (1) building or structure, the department of public utilities may set as many meters as there are separate consumers, connecting such meters to one (1) service line. When this is done, the riser pipes serving several consumers shall be extended to within thirty inches (30") and within the same enclosure as the meter location and shall not be scattered, but shall drop together in alignment and at least three inches (3") apart to the place where the meters are to be set. (Ord. No. 87-4, §27-98)

23-34.3 Personnel to Carry Identification. The Department of Public Utilities shall prepare, and its authorized representatives shall carry, sufficient identification and shall exhibit same before entering any premises for the purpose of inspecting any gas system at such times as may be reasonably necessary to protect the public health. (Ord. No. 87-4, §27-106)

23-35—23-49 RESERVED.

ARTICLE VI WASTEWATER

23-50 GENERAL.

23-50.1 Director of Wastewater Division. The wastewater division shall operate under a director who shall be appointed by the manager of the department of public utilities, and who shall be directly responsible to and who shall report directly to the manager of the department of public utilities for the operation and management of the wastewater division. His title shall be director of wastewater division. (Ord. No. 87-4, §27-140)

23-50.2 Review of User Charges.

a. Review and Recommendations to be submitted by the manager of the department of public utilities. To comply with federal regulations regarding sewer user charges, i.e., to adopt a system of charges to assure that each recipient of waste treatment services will pay its proportionate share of the costs of operation and maintenance, including replacement, the manager of the department of public utilities shall annually submit to the city council a review of user charges and recommend revised user charges when necessary to reflect actual treatment works operation and maintenance costs.

b. Review and Revision by City Council. To comply with federal regulations regarding sewer user charges, i.e., to adopt a system of charges to assure that each recipient of waste treatment services will pay its proportionate share of the costs of operation and maintenance, including replacement, the city council shall review user charges annually and revise them periodically to reflect actual treatment works operation and maintenance costs. (Ord. No. 87-4, §27-141)

23-50.3 Definitions. Unless the context specifically indicates otherwise, the meaning of the terms used in this division shall be as follows:

Approval Authority shall mean South Carolina Department of Health and Environmental Control (SCDHEC).

Authorized representative of a significant industrial user shall mean:

a. If the significant industrial user is a corporation the authorized representative is:

1. A president, secretary, treasurer or vice-president of the corporation.

2. The manager of a corporate facility employing more than two hundred fifty (250) persons or having expenditures exceeding twenty-five million (\$25,000,000.00) dollars if delegated in accordance with corporate procedures.

b. If the significant industrial user is a partnership or sole proprietorship the authorized representative is a general partner or proprietor.

c. The authorized representative may be designated by an individual specified in paragraph a. or b. above if the designation is made in writing by the individual and submitted to the DPU. The designation must specify either an individual or position having responsibility for the overall operation of the facility from which the facility originates, such as the plant manager, or having overall responsibility for the environmental matters for the company.

Best Management Practices (BMP's) shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 23-54.4 [40 CFR 403.5(a)(1) and (b)]. BMP's include treatment requirements operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

BOD denoting biochemical oxygen demand shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at

twenty (20°) degrees Centigrade, expressed in milligrams per liter and as further defined in standard methods.

Building drain shall mean that part of lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (5') outside the inner face of the building wall.

Building sewer shall mean the extension from the building drain to the public sewer or other place of disposal.

City shall mean the City of Orangeburg, South Carolina.

DPU shall mean the Department of Public Utilities, City of Orangeburg, South Carolina.

EPA shall mean the United States Environmental Protection Agency.

Garbage shall mean solid wastes from the domestic and commercial preparation of cooking and dispensing of food from the handling, storage and sale of produce.

Gender shall mean a word importing masculine gender only, shall extend and be applied to females and firms, partnerships, and corporations as well as to males.

Industrial user shall mean a source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Clean Water Act (33 U.S.C. 1342).

Industrial wastes shall mean the liquid waste from industrial manufacturing processes, trade or business, as distinct from sanitary sewage.

Instantaneous Limit shall mean the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference shall mean a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

a. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge process, use or disposal; and

b. Therefore is a cause of a violation of any requirement of the POTW's National Pollutant Discharge Elimination System (NPDES) permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly known as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Minor industrial user shall mean an industrial user that is not subject to categorical standards; discharges an industrial waste of less than twenty-five thousand (25,000) gallons per day; does not significantly impact the treatment works, degrade receiving water quality, or contaminate sludge; or is subject to specific effluent limitations as outlined in subsection 23-54.4 of this chapter.

Natural outlet shall mean any outlet into watercourse, pond, ditch, lake or other body of surface or groundwater.

Pass-through shall mean a discharge which exits the POTW into the waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

Person shall mean any individual, firm, company, association, society, corporation, group or government group or institution.

pH shall mean the logarithm of the reciprocal of weight of hydrogen ions in grams per liter of solution.

Properly shredded garbage shall mean the waste from the preparation of cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than three-eighths (3/8") inch in any dimension.

Publicly owned treatment works (POTW) shall mean a treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the municipality. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment.

Public sewer shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

Sanitary sewer shall mean a sewer which carries domestic wastewater, industrial wastewater or a combination of both and unto which storm, surface and groundwater are not intentionally admitted.

Scavenger waste shall mean any waste, including septage wastes, which is delivered to the POTW treatment plant or collection system through an unauthorized discharge point or through unauthorized use of an approved discharge point.

Sewage shall mean a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and stormwaters as may be present.

Sewage treatment plant shall mean any arrangement of the devices and structures used for treating sewage.

Sewage works shall mean all facilities for collecting, pumping, treating, and disposing of sewage or industrial wastewaters.

Sewer shall mean a pipe or conduit for carrying sewage.

Sewer surcharge shall mean a charge for sewer service and treatment service for wastes having characteristics different from sanitary wastes and for which additional charges must be assessed in order for the waste to make compensation for additional expenses incurred.

Shall is mandatory; *may* is permissive.

Significant industrial user shall mean any person discharging into the public sewer which:

- a. Is subject to categorical pretreatment standards under 40 CFR Part 403.6 and 40 CFR Chapter I, Subchapter N, as promulgated by the U.S. Environmental Protection Agency; or
- b. Contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the DPU's sewage treatment plant; or
- c. Discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater excluding sanitary, non-contact cooling and boiler blow-down wastewater; or
- d. Has in the opinion of the director of the wastewater division a reasonable potential to adversely affect the operation of the DPU's sewage treatment plant or for violating any pretreatment standard or requirement of this article.

Significant Non-Compliance is applicable to all Significant Industrial Users (or any other Industrial User that violates Paragraphs (c), (d), or (h) of this Section) and shall meet one (1) or more of the following criteria:

- a. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter taken during a six-month (6) period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in Article VI;
- b. Technical review criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each parameter during a six-month (6) period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits as defined in Article VI, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils & grease and 1.2 for all other parameters, except pH);
- c. Any other violation of a pretreatment standard or requirement as defined in Article VI daily maximum, long term average, instantaneous limit as defined above or narrative standard which the DPU believes has caused, alone or in combination with other discharges, interference or pass-through including endangering the health of POTW personnel or the general public;
- d. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the exercise of the DPU's emergency authority to halt or prevent such a discharge;
- e. Any violation by ninety (90) days or more after the scheduled date of any compliance schedule milestone contained in the wastewater discharge permit;
- f. Failure to provide the required pretreatment program reports within forty-five (45) days of the due date;
- g. Failure to accurately report non-compliance;
- h. Any other violation or group of violations which may include a violation of BMP which the DPU determines will adversely affect the operation or implementation of the pretreatment program.

Slug shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration occurring during normal operation.

Standard methods shall mean the examination and analytical procedures set forth in the 1992 (18th Edition) edition of Standard Methods for the Examination of Water and Wastewater, published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.

Storm drain sometimes termed *storm sewer*, shall mean a sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes.

Street shall be construed to embrace streets, avenues, drives, boulevards, roads, alleys, lanes and viaducts and all other public highways.

Suspended solids shall mean solids that either float on the surface of or are in suspension in water, wastewater, or other liquids which are removable by laboratory filtering and is further defined in standard methods.

Total solids shall mean the sum of suspended matter, settleable matter and dissolved matter, both volatile and nonvolatile and as further defined in standard methods.

Treatment works shall mean all facilities for collecting, pumping, treating, and disposing of sewage or industrial wastewaters.

Watercourse shall mean a channel in which flow of water occurs, either continuously or intermittently.

Wastewater shall mean the same as sewage.

All other words shall be construed as having the meaning defined in Glossary Water and Sewage Control Engineering published by the Water Pollution Control Federation, Washington, D.C., or by their general usage, if undefined.

(Ord. No. 87-4, §27-142; Ord. No. 1990-28; Ord. No. 1994-9; Ord. No. 2001-12)

23-50.4 Use of Public Sewers Required.

a. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the DPU any human or animal excrement, garbage, or other objectionable waste.

b. It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the DPU any sewage or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this section.

c. It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for disposal of sewage, where public sewers are available.

d. The owner of a dwelling or structure intended to be used for human occupancy or other purpose, now under construction or hereafter to be constructed shall have dwelling or structure connected with the sanitary sewer system of the city where such sewer lines are available in a street adjoining the property upon which the dwelling or structure is under construction or hereafter constructed.

e. Persons responsible for an accidental spill or discharge of any substance into the treatment works which may adversely affect operation of the treatment works shall immediately notify the DPU of such a discharge.

f. The discharge of wastewaters to storm sewers is, without exception, prohibited.
(Ord. No. 87-4, §27-143)

23-50.5 Personnel to Carry Identification. The department of public utilities shall prepare, and its authorized representatives shall carry, sufficient identification and shall exhibit same before entering any premises for the purpose of inspecting any plumbing system at such times as may be reasonably necessary to protect the public health. (Ord. No. 87-4, §27-144)

23-50.6 Application of Chapter.

a. The provisions of this chapter shall apply to and govern plumbing as defined in this chapter, including the practice, materials, and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances in connection with any of the following: sanitary drainage facilities, the venting system, and the public or private water supply systems, within or adjacent to any building or other structure, of conveyance; also the practice and materials used in the installation, maintenance, extension or alteration of the sanitary sewerage system of any premises to their connection with any point of public disposal or other terminal.

b. It is recognized that certain facilities in or adjacent to public streets are referred to in this chapter and only a portion of which is under the ownership or the control of the owner or occupant of the building or premises to which this chapter applies. (Ord. No. 87-4, §27-145)

23-50.7 Enforcement of Chapter. The administration and enforcement of this chapter shall be the duty of the department of public utilities through its manager and/or his appointed qualified agent. The department of public utilities is hereby authorized to take such action as may be reasonably necessary to enforce the purpose of this chapter. (Ord. No. 87-4, §27-146)

23-50.8 Penalties.

a. Any person found to be violating any provision of this article shall be served by the DPU with a written notice stating the nature of the violation and if the violation continues for more than twenty (20) days following such written notice, the DPU shall discontinue sewer service. (Ord. No. 87-4, §27-147)

23-50.9 Injuring or Tampering with Utility Property. It shall be unlawful for any person to use, handle, injure, remove, deface or in any manner whatsoever to interfere or meddle with any of the pipes, mains or any other part of the wastewater division of the city. (Ord. No. 87-4, §27-148)

23-51—23-53 RESERVED.

23-54 GENERAL.

23-54.1 Building Sewers and Connections.

a. No person not authorized by the DPU shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the DPU. A violation of this subsection shall be a misdemeanor.

b. Service to establishments producing industrial wastes; in either case the owner or his agent shall make application in writing to the DPU. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the DPU. A permit and inspection fee for a residential, commercial building sewer permit or an industrial building sewer permit shall be paid to the DPU at the time the application is filed, as provided in the DPU Rules and Regulations.

c. All costs and expenses incidental to the installation and connection of the building sewer to the property line shall be borne by the owner. The owner shall indemnify the DPU from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

d. A separate and independent building sewer shall be provided for every building. Where one (1) building stands to the rear of any other on a single lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the DPU may grant permission for the building sewer from the front building to be extended to the rear building sewer, upon a showing by the applicant that it is not feasible that the two (2) buildings so connected will ultimately be on separate lots.

e. Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the DPU, to meet all the requirements of this section and any other section of the Code of Ordinances.

f. The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavation, placing of the pipe, jointing, testing and backfilling and trench shall all conform to the requirements of the DPU, all installations to be subject to the expressed written approval of the DPU and in no case shall the size of pipe installed be less than four (4") inches in nominal diameter.

g. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement or first floor. No building sewer shall be made parallel to or within three (3') feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from live loads (automobile, etc.) which may be superimposed. The building sewer shall be made at uniform grade and in straight alignment insofar as possible. The building sewer shall be constructed to such point as directed by the DPU.

h. No person shall maintain or make a connection of roof downspouts, exterior foundation drains, arcaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

i. The installation of the building sewer to the property line should be completed by a person properly licensed by the city to perform such services.

j. The connection of any building sewer shall be made to the public sewer by the DPU and only after inspection. The inspection thereof shall be made within a reasonable time after the receipt of notice by the DPU.

k. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the DPU.

l. The DPU shall keep a permanent and accurate record of the location, depth, and direction of all new sewer connections, including such landmarks as may be necessary to make an adequate description.

m. All pertinent OSHA requirements must be met during the construction of any portion of the building sewers and connections. (Ord. No. 87-4, §27-157)

23-54.2 Use of the Public Sewers.

a. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, or subsurface drainage, to any public sewer.

b. No person shall discharge or cause to be discharged any pollutant or wastewater which will interfere with the operation of the wastewater treatment system or pass through to the environment untreated. No person shall discharge or cause to be discharged any of the following:

1. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than one hundred forty (140°) degrees Fahrenheit using the test methods specified in 40 CFR 261.21. Prohibited substances include, but are not limited to, gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

2. Any waters or wastes having a pH less than 6.5 or greater than 9.0 or containing heavy concentrations of salts or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the POTW.

3. Solids or viscous substances in quantities or of such size capable of causing obstruction in the flow of sewage or other interference to the proper operation of the sewage works such as but not limited to ashes, cinders, sand, mud, straw, metal, shavings, glass, rags, feathers, tar, plastics, wood, hair, and fleshing or entrails, either whole or ground by garbage grinders.

4. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds forty (40°) degrees Centigrade (one hundred four (104°) degrees Fahrenheit) unless the Approval Authority, upon request of the DPU approves alternate temperature limits.

5. Any waters or wastes containing fats, wax, grease or oils of an animal or vegetable origin, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32°) and one hundred fifty (150°) degrees Fahrenheit or zero (0°) and sixty-five (65°) degrees Centigrade, without prior approval of the DPU.

6. Any garbage that has not been properly shredded.

7. Any waters or wastes containing strong acid, iron pickling wastes or concentrated plating solution whether neutralized or not.

8. Any wastewaters containing concentrations of pollutants exceeding the values set forth in the Orangeburg DPU Pretreatment Program.

9. Any waters or wastes containing phenols or other taste or odor producing substances in such concentration exceeding limits which may be established by the DPU as necessary after treatment of the composite sewage to meet requirements of the state, federal, or other public agencies of jurisdiction of such discharge of the receiving waters.

10. Any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the DPU in compliance with applicable state and federal regulations.

11. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through but in no case in amounts greater than one hundred (100) mg/l.

12. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference with the POTW.

13. Materials which exert or cause unusual volume of flow or concentration of wastes constituting slugs as defined herein.

14. Any trucked or hauled pollutants, except at discharge points designated by the DPU.

15. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

16. General prohibitions. A user may not introduce into the POTW any pollutant(s) which cause pass-through or interference. These general prohibitions and the specific prohibitions in subsection 23-54.4a. and b. of this article apply to each user introducing pollutants into the POTW whether or not the user is subject to other national pretreatment standards or any national, state, or local pretreatment requirements.

c. Grease, oil and the interceptors shall be provided when, in the opinion of the DPU they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the DPU and shall be located as to be readily and easily accessible for cleaning and inspection. All interceptors shall be supplied and properly maintained continuously in satisfactory and effective operation by the owner at his expense.

d. Where preliminary treatment for flow equalizing facilities is provided for any waters, or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

e. It shall be required by the DPU that the owner of any property serviced by a building sewer carrying industrial wastes, install a suitable control manhole. When deemed necessary, the DPU may require additional waste metering devices and other appurtenances in the building sewer to facilitate preservation, sampling and measurement of the waste. Such manhole shall be readily accessible for representatives of the DPU and safely located and shall be constructed in accordance with plans approved by the DPU. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

f. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Article shall be determined in accordance with the Federal Register CFR 40, Part 136 and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. Sampling shall be carried out by customarily accepted methods so as to reflect the effect of constituents upon the sewage works and to determine the existence of hazard of life, limb, and property. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge. In order for the DPU to properly evaluate the effect of the waste on the system, an industry may submit, along with plans, etc. required in subsection 23-54.1b., an industrial waste questionnaire summary describing maximum, minimum, and average wastewater characteristics. (Ord. No. 87-4, §27-158; Ord. No. 1990-28; Ord. No. 1994-9)

23.54.3 Scavenger Wastes. The discharge of any scavenger waste into the sanitary sewer system is prohibited. (Ord. No. 87-4, §27-159)

23.54.4 Department of Public Utilities to Make Rules and Regulations. The department of public utilities shall make such rules and regulations in furtherance of the purpose of this chapter and not inconsistent with the specific provisions of this chapter, for the installation, repair or alteration of wastewater treatment equipment and devices as may be deemed necessary to properly protect the wastewater system. (Ord. No. 87-4, §27-160)

23-55—23-57 RESERVED.

23-58 INDUSTRIAL DISCHARGE REGULATIONS.

23-58.1 Definitions. Unless the context specifically indicates otherwise, the terms and definitions used in this section shall be the same as those defined in subsection 23-50.3 and Federal Register 40 CFR Section 403. (Ord. No. 87-4, §27-170) The terms and definitions of 40 CFR Section 403 shall control any conflict.

23-58.2 Industrial Wastewater Discharge Permits.

a. General Permits. All significant users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing significant users connected to or contributing to the POTW shall obtain a wastewater discharge permit within thirty (30) days after the effective date of this article.

b. Permit Applications. Users required to obtain a wastewater discharge permit shall complete then file with the DPU, an application in the form prescribed by the DPU. Existing users shall apply for a wastewater discharge permit within thirty (30) days after the effective date of this subsection, and proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW.

c. Permit Contents. Industrial wastewater discharge permits shall include such conditions as are deemed reasonably necessary by the DPU to prevent Pass Through or Interference protect the quality of the water body receiving the POTW effluent, protect worker health and safety, facilitate sludge management and disposal, protect against damage to the POTW. Permits must contain the following:

1. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;

2. A statement that the wastewater discharge permit is nontransferable without prior notification to DPU in accordance with section 23-58.3 of this ordinance and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

3. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;

4. Self monitoring, sampling, reporting, notification and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sample location, sampling frequency and sample type based on Federal, State and local law;

5. A statement of applicable civil and criminal penalties for violation of pretreatments Standards and Requirements and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State or local law;

6. Requirements to control Slug Discharge, if determined by the DPU to be necessary;

7. A statement that Significant Industrial Users are required to notify the DPU immediately of any changes at its facility affecting the potential for Slug Discharges;

d. Industrial Wastewater Discharge permits may contain, but not limited to, the following conditions:

1. Limits on the average and/or maximum rate and time of discharge, sampling facilities and/or requirements for flow regulation and equalization;

2. Requirements for the installation of pretreatment technology, pollution control or construction of appropriate containment devices, designed to reduce, eliminate or prevent the introduction of pollutants into the POTW;

3. Requirements for the development and implementation of spill control plants or other special conditions including management practices necessary to adequately prevent accidental, unanticipated or non-routine discharges;

4. Development and implementation of waste minimization plans to reduce the wastewater discharge to the POTW;

5. The unit charge or schedule of User charges and fees for the management of wastewater discharges to the POTW;

6. Requirements for installation and maintenance of inspection and sampling facilities, and equipment, including flow measurement devices;

7. A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit;

8. Requirements for notification of the DPU of any new introduction of wastewater constituents or substantial change in the volume or character of the wastewater constituents being introduced into the POTW;

9. Other conditions as deemed appropriate by the DPU to ensure compliance with this ordinance and State and Federal laws, rules and regulations.

e. Permit Duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be specified to expire on a specific date. The user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the DPU during the term of the permit as limitations or requirements as identified in this article are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

f. Additional Powers and Authority of the Department of Public Utilities.

1. The DPU shall have the authority to deny or condition the discharge of new industrial user. Based on approval by the Approval Authority, the DPU has the authority to grant substantial modifications to existing permitted industrial users.

2. The DPU shall have the authority to require that all permitted significant industrial users comply with applicable pretreatment standards and all other requirements that may be imposed by the DPU or the South Carolina Department of Health and Environmental Control.

3. The DPU shall have the power and the authority to adjust or revise permitted significant industrial user discharge limits, including average and maximum pollutant concentrations and wastewater flow rate at any time for just cause including, but not limited to:

- (a) To correct operational or maintenance problems at the POTW or in the collection system;
 - (b) To ensure the POTW's compliance with NPDES requirements;
 - (c) To protect the wastewater treatment and collection system.
- (Ord. No. 87-4, §27-171; Ord. No. 1994-9)

23-58.3 Permit Transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new industrial user, different premises or a new or changed operation without the approval of the DPU. Any succeeding owner or industrial user shall also comply with the terms and conditions of the existing permit. (Ord. No. 87-4, §27-172)

23-58.4 Federal and State Categorical Pretreatment Standards. Upon the promulgation of the federal or state categorical pretreatment standards for a particular industrial subcategory, the federal or state standard, if more stringent than limitations imposed under this article for sources in that subcategory, shall immediately supersede the limitations imposed under this article. The DPU shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12. (Ord. No. 87-4, §27-173; Ord. No. 1994-9)

a. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the DPU convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the DPU. The DPU may establish equivalent mass limits only if the Industrial User meets all the conditions set forth below.

1. To be eligible for equivalent mass limits, the Industrial user must:

- (a) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
- (b) Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
- (c) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
- (d) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and
- (e) Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

2. An Industrial User subject to equivalent mass limits must:

- (a) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
- (b) Continue to record to facility's flow rates through the use of a continuous effluent flow monitoring device;
- (c) Continue to record the facility's production rates and notify the DPU whenever production rates are expected to vary by more than 20 percent from its baseline production rates. Upon notification of a revised production rate, the DPU will re-assess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
- (d) Continue to employ the same or comparable water conservation methods and technologies as those implements pursuant to paragraphs a.1.(a) of the Section so long as it discharges under an equivalent mass limit.

3. When developing equivalent mass limits, the DPU:

(a) Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;

(b) Upon notification of a revised production rate, will re-assess the equivalent mass limits and recalculate the limit as necessary to reflect changed conditions at the facility; and

(c) May retain the same equivalent mass limit in subsequent individual wastewater discharge permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment. The Industrial User must also be in compliance with regards to the prohibition of bypass.

b. The DPU may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the DPU.

c. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.

23-58.5 Compliance Data Reporting Requirements.

a. Within ninety (90) days following the date for final compliance with applicable pretreatment standards, or, in the case of a new source, following commencement of the introduction of wastewater into the DPU sewer, any industrial user subject to pretreatment standards and requirements shall submit to the DPU a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the industrial user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the industrial user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified by a qualified professional.

b. If additional pretreatment and/or O&M will be required to meet the pretreatment standards; a schedule by which the industrial user will provide such additional pretreatment shall be established by the DPU. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

c. The following conditions shall apply to this schedule:

1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

2. No increment referred to in paragraph 1. shall exceed nine (9) months.

3. No later than fourteen (14) days following each date in the schedules and the final date for compliance, the industrial user shall submit a progress report to the director of the wastewater division, DPU, including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the director. (Ord. No. 87-4, §27-174; Ord. No. 1990-28)

23-58.6 Industrial Wastewater Self-Monitoring, Reporting, and Recordkeeping.

a. Self-Monitoring Requirements. Each significant industrial user shall perform, at his own cost and expense, flow measurement, sampling and analysis of the discharge to the DPU sewer. All conditions concerning the self-monitoring including the location of sampling, frequency of monitoring, method of collection, and parameters to be analyzed shall be as outlined on the wastewater discharge permit.

b. Categorical Baseline Report. Upon promulgation a federal categorical pretreatment standard all affected industrial users shall monitor and report to the DPU within one hundred eighty (180) days of effective date of the standard in conformance with the provisions of 40 CFR 403.12.

c. Sample Collection. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on the data that is representative of conditions occurring during the reporting period.

1. Except as indicated in Section 2 and 3 below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling or grab sampling is authorized by the DPU, samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the DPU, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

2. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

3. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 23-58.5 and 23-58.6 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the DPU may authorize a lower minimum. For the reports required by 40 CFR 403.12(e) and 403.12(h), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

d. Self-Monitoring Reporting. Each significant industrial user shall submit to the DPU the results of all self-monitoring in accordance with the requirements contained on each wastewater discharge permit.

e. The DPU may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by paragraph c. above shall indicate the mass of pollutants regulated by pretreatment standards in the effluent to the industrial user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass, where requested by the DPU, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analyses shall be performed in accordance with the procedures established by the DPU pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the DPU. Sampling shall be performed in accordance with the techniques approved by the DPU.

f. If an industrial user monitors any pollutant not required by the DPU or monitors any pollutant more frequently than required by the DPU, the results of such monitoring shall be included in the routine self-monitoring report.

g. If any monitoring indicates a violation of this article or of any conditions of the wastewater discharge permit, the industrial user must notify the DPU within twenty-four (24) hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the analysis to the DPU within thirty (30) days.

h. Recordkeeping Requirements. All industrial users who discharge or propose to discharge wastewaters to the wastewater treatment system shall maintain such records of production and related factors, effluent flows, documentation associated with Best Management Practices established under Section 23-58.2c and pollutant amounts or concentrations as are necessary to demonstrate compliance with the requirements of this article and any applicable state or federal pretreatment standards or requirements. Records shall be maintained for a minimum of five (5) years. This period of retention shall be extended during the course of any unresolved litigation or when requested by the DPU. Such records shall be made available upon request of the DPU and to officials of the U.S. Environmental Protection Agency (EPA) and the South Carolina Department of Health and Environmental Control. (Ord. No. 87-4, §27-175; Ord. No. 1990-28; Ord. No. 1994-9)

i. Periodic Compliance Reports. All Significant Industrial Users must, at a frequency determined by the DPU submit no less than twice per year (June and December) reports indicated the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or

pollution prevention alternative, the User must submit documentation required by the DPU or the Pretreatment Standard necessary to determine the compliance status of the User.

23-58.7 Enforcement.

a. The DPU may suspend the wastewater treatment service and/or a wastewater discharge permit when such suspension is necessary, in the opinion of the DPU, in order to stop an actual or threatened discharge which presents, or may present, an imminent or substantial danger to the health or welfare of persons or the environment, or which causes interference to the wastewater treatment system or causes the DPU to violate any condition of its NPDES permit.

Any person notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the DPU shall take such steps as deemed necessary including immediate severance of the sewer and/or water connection, to prevent or minimize damage to the wastewater treatment system or endangerment to any individuals. The DPU shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful discharge and the measures taken to prevent any future occurrence shall be submitted to the DPU within fifteen (15) days of the date of occurrence.

b. Revocation of Permit. Any industrial user who violates the conditions of this chapter or applicable state and federal regulations shall have his permit revoked. Without limitation, any one (1) of the following shall be grounds for revocation:

1. Failure of the industrial user to factually report the wastewater constituents and characteristics of his discharge.
2. Failure of the industrial user to report significant changes in operations, or wastewater constituents and characteristics.
3. Refusals of reasonable access to the user's premises for the purpose of inspection or monitoring.
4. Violation of conditions of the permit.

c. Notification of Violation (NOV). Whenever the DPU finds that any person has violated or is violating this article, or any prohibition, limitation, or requirement contained herein, the DPU may serve upon such person a written notice stating the nature of the violation and providing a reasonable time, not to exceed thirty (30) days, for the satisfactory correction thereof. A reasonable time may be defined as meaning immediately in the event of a violation affecting health, life, or damage to the wastewater treatment facilities or violations which cause interference with wastewater treatment operations. A reasonable time may be less than thirty (30) days under other circumstances but in such other circumstances not less than twenty-four (24) hours.

d. Orders.

1. The DPU may enter into a consent order or other similar document of voluntary compliance establishing an agreement with the industrial user responsible for non-compliance.

2. The DPU may issue an administrative order to an industrial user who has violated or continues to violate these resolutions, the wastewater discharge permit or other orders of the DPU. Such administrative orders may direct that, following a specific time period, sewer and/or water service(s) will be discontinued unless appropriated action by the industrial user occurs. Orders may also contain other requirements as might be reasonably necessary to address the non-compliance.

e. Show Cause Hearing. The DPU may order any industrial user who causes or allows an unauthorized discharge to enter the system to show cause before the manager of the DPU why the proposed enforcement action should not be taken. A notice shall be served on the industrial user specifying the time and place of a hearing to be held by the manager regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the industrial user to show cause before the manager why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by certified mail at least ten (10) days before the hearing. Service may be made on any authorized representative of a corporation.

The manager may himself conduct the hearing and take the evidence, or may designate any DPU officer or employee to:

1. Issue in the name of the manager notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
2. Take the evidence;
3. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the manager for action thereon.

At any hearing held pursuant to this article, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges.

After the manager has reviewed the evidence, he may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities and/or devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

f. **Legal Action.** If any person discharges sewage, industrial wastes, or other wastes into the DPU's wastewater treatment system contrary to the provisions of this division, federal or state pretreatment requirements, any permit issued hereunder, or any order of the DPU, the city attorney may commence an action for appropriate legal and/or equitable relief, including injunctive relief, in the circuit court of the county.

g. **Civil Penalties.** Any industrial user who is found to have violated an order of the DPU or who fails to comply with any provisions of this division, and the orders, rules, regulations and permits issued hereunder, shall be fined in accordance with the guidelines established by the DPU in the Enforcement Response Guide included in the industrial pretreatment program. However, the fine shall be no more than two thousand (\$2,000.00) dollars for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the DPU may recover reasonable attorneys' fees, court costs, court reporters' fees, and other expenses of litigation by appropriate suit at law against the person found to have violated this article or the orders, rules, regulations and permits issued hereunder.

h. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document files required to be maintained pursuant to this section or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate information concerning any monitoring device or method required under this chapter, shall, upon conviction, be punished by a fine of not more than two thousand (\$2,000.00) dollars for each offense. (Ord. No. 87-4, §27-176; Ord. No. 1990-28; Ord. No. 1994-9)

23-58.8 Confidential Information. Information and data on an industrial user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the industrial user specifically requests and is able to demonstrate to the satisfaction of the DPU that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the industrial user. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secretory processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this section, the NPDES Permit, State Discharge System Permit and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Action taken under the provisions of this section shall be subject to the Freedom of Information Act. Any data concerning the nature and concentration of pollutants in the effluent shall not be considered to be confidential. (Ord. No. 87-4, §27-177; Ord. No. 1994-9)

23-58.9 Pretreatment Violations. Pursuant to Federal Register 40 CFR Part 403, the DPU shall annually publish in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the industrial users which were substantially not in compliance with any pretreatment requirements or standards at least once during the twelve (12) previous months. The notification shall also summarize enforcement actions taken against the industrial user(s) during the same twelve (12) months. (Ord. No. 87-4, §27-178; Ord. No. 1994-9)

23-58.10 Spill Prevention and Countermeasures.

a. Each industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. In addition, each significant industrial user (SIU) shall develop a plan to control spills and slug discharges. No SIU shall be permitted to introduce pollutants into the system until such a plan has been approved by the DPU. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this article. The plan shall contain, at a minimum, the following elements:

1. Description of discharge practices, including non-routine batch discharge;
2. Description of stored chemicals;
3. Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under subsection 23-54.4 of this article with procedures for follow-up written notification with five (5) days;

4. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

b. If identified in the plan or deemed to be necessary by the DPU, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be approved by the DPU before construction of the facility.

c. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective action. Within five (5) days following an accidental discharge, the user shall submit to the DPU a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to person or property, nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this article or other applicable law.

d. A notice shall be permanently posted on the user's bulletin board or other prominent place advising all employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (Ord. No. 1994-9)

23-58.11 Notification of Hazardous Waste.

a. Each industrial user shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream expected to be discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place within one hundred eighty (180) days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than one hundred eighty (180) days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharge. However, notifications of changed discharges must be submitted under subsection 23-58.2c. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of subsection 23-58.6.

b. Dischargers are exempt from the requirements of paragraph a. of this subsection during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30 (d) and 261.33 (e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or any quantity of acute hazardous wastes as specified in 40 CFR 261.30 (d) and 261.33 (e), requires a one-time (1) notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

c. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as hazardous waste, the industrial user must notify the POTW, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

d. In the case of any notification made under this subsection, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical. (Ord. No. 1994-9)

23-58.12 Pretreatment Charges and Fees. The department of public utilities may impose reasonable fees for reimbursement of costs of setting up and operating the Industrial Pretreatment Program which may include:

a. Fees for wastewater discharge permit applications including the cost of processing such applications;

- b. Fees for monitoring, inspection and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- c. Fees for reviewing and responding to accidental discharge procedures and construction;
- d. Fees for filing appeals; and
- e. Other fees as the department of public utilities may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this article and are separate from all fees, fines and penalties chargeable by the department of public utilities. (Ord. No. 1994-9)

23-59—23-61 RESERVED.

23-62 INSPECTION.

23-62.1 Department of Public Utilities to Make Inspections and Tests Required by Chapter. It shall be the duty of the department of public utilities to make the inspections and tests required by this chapter. (Ord. No. 87-4, §27-190)

23-62.2 Powers and Authority of Inspectors.

a. The DPU or duly authorized representatives of the DPU bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this section. The DPU or its representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

The DPU or duly authorized representative shall be permitted to inspect and copy records related to the significant industrial user's discharge of wastewater to the sewers or waterways or facilities for waste treatment.

b. While performing the necessary work on private properties referred to in paragraph a. above, the DPU or duly authorized representatives of the DPU shall observe all safety rules applicable to the premises established by the owner thereof.

c. The DPU or duly authorized representatives of the DPU bearing proper credentials and identification shall be permitted to enter all private properties through which the DPU holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the treatment works lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of duly negotiated easement pertaining to the private property involved. (Ord. No. 87-4, §27-191; Ord. No. 1994-9)

23-63—23-79 RESERVED.

ARTICLE VII
WATER

23-80 GENERAL.

23-80.1 Director of Water Division. The water division shall operate under a director who shall be appointed by the manager of the department of public utilities, and who shall be directly responsible to and who shall report directly to the manager of department of public utilities for the operation and management of the water division. His title shall be director of water division. (Ord. No. 87-4, §27-240)

23-80.2 Enforcement of Chapter. The administration and enforcement of this chapter shall be the duty of the department of public utilities through its manager and/or his appointed qualified agent. The department of public utilities is hereby authorized to take such action as may be reasonably necessary to enforce the purpose of this chapter. (Ord. No. 87-4, §27-242)

23-80.3 Personnel to Carry Identification. The department of public utilities shall prepare, and its authorized representatives shall carry, sufficient identification and shall exhibit same before entering any premises for the purpose of inspecting any plumbing system at such times as may be reasonably necessary to protect the public health. (Ord. No. 87-4, §27-243)

23-80.4 Interfering with or Obstructing Use of Water Hydrants. It shall be unlawful for any person to interfere with or to obstruct in any manner any of the water hydrants of the department of public utilities, so as to prevent ready access and free use of the same by the Fire Division of the city, and such other persons authorized thereto. (Ord. No. 87-4, §27-244)

23-80.5 Owner to Provide Adequate Supply of Potable Water When Renting House. It shall be unlawful for the owner of any house or structure in the city to rent the same for the purpose

of habitation or to permit human beings to inhabit the same without providing an adequate supply of potable water for the use of the occupants of the house or structure. (Ord. No. 87-4, §27-245)

23-80.6 Injuring or Tampering with Utility Property Prohibited. It shall be unlawful for any person to use, handle, injure, remove, deface or in any manner whatsoever to interfere or meddle with any of the hydrants, fire plugs, pipes, mains or any other part of the waterworks of the city. (Ord. No. 87-4, §27-246)

23-81—23-83 RESERVED.

23-84 RULES AND REGULATIONS

23-84.1 Department of Public Utilities to Make Rules and Regulations. The department of public utilities shall make such rules and regulations in furtherance of the purposes of this chapter and not inconsistent with the specific provisions of this chapter, for the installation, repair or alteration of air conditioning systems, water treatment equipment and water-operated devices as may be deemed necessary to properly protect the water supply system. (Ord. No. 87-4, §27-252)

23-85 DROUGHT MANAGEMENT PLAN.*

23-85.1 Declaration of Policy and Authority. The objective of this Drought Response Ordinance is to establish authority, policy and procedure by which the Department of Public Utilities hereinafter referred to as the “DPU” will take the proper actions to manage water demand during a drought-related shortage. This section satisfies the requirements of the Drought Response Act of 2000 (Code of Laws of South Carolina, 1976, Section 49-23-10, et seq., as amended) and has the goal of achieving the greatest public benefit from limited supplies of water needed for domestic water use, sanitation, and fire protection and of allocating water for other purposes in an equitable manner.

This section outlines the actions to be taken for the conservation of water supplied by the DPU. These actions are directed both towards an overall reduction in water usage and the optimization of supply.

If it becomes necessary to conserve water in its service area and service areas of its wholesale customers due to drought, the DPU is authorized to issue a proclamation that existing conditions prevent fulfillment of the usual water-use demands. The proclamation is an attempt to prevent depleting the water supply to the extent that water-use for human consumption, sanitation, fire protection, and other essential needs becomes endangered.

Immediately upon issuance of such a proclamation, regulations and restrictions set forth under this section shall become effective and remain in effect until the water supply shortage has ended and the proclamation rescinded.

Water uses that are regulated or prohibited under this section are considered to be non-essential and continuation of such uses during times of water supply shortages is deemed to constitute a waste of water, subjecting the offender(s) to penalties.

The Drought Management Plan may be amended from time to time by the Manager of the DPU as necessary, provided that any changes are compatible with the State Water Use Policy and shall be on file with the DPU.

The administration and enforcement of the Drought Management Plan shall be the responsibility of the Manager of the DPU or his designee acting for City Council. (Ord. No. 2003-12).

23-85.2 Definitions of Terms. For the purposes of this plan and accompanying section, the following definitions will apply:

Aesthetic water use shall mean water use for ornamental or decorative purposes such as fountains, reflecting pools, and waterfalls.

Commercial and industrial water use shall mean water use integral to the production of goods and/or services by any establishment having financial profit as their primary aim.

Conservation shall mean reduction in water use to prevent depletion or waste of the resource.

Customer shall mean any person, company, political subdivision or organization using water supplied by the DPU, or by its wholesale customers.

Department shall mean South Carolina Department of Natural Resources.

Domestic water use shall mean water use for personal need or for household purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry or institution.

Drought alert phases shall mean moderate drought, severe drought, and extreme drought.

*Editor's Note: Prior ordinance history includes portions of Ordinance No. 87-11.

Drought Response Committee shall mean a committee created pursuant to the South Carolina Drought Response Act of 2000 (Code of Laws of South Carolina, 1976, Section 49-23-10, et seq., as amended) composed of state and local representatives, created for the purpose of coordinating responses to water shortages within drought management areas and making recommendation for action to the South Carolina Department of Natural Resources and/or the Governor. The committee is composed of state agency representatives from the South Carolina Emergency Management Division of the Office of the Adjutant General, South Carolina Department of Health and Environmental Control, South Carolina Department of Agriculture, South Carolina Forestry Commission, and South Carolina Department of Natural Resources, as well as local committees representing counties, municipalities, public service districts, private water suppliers, agriculture, industry, domestic users, regional councils of government, commissions of public works, power generation facilities, special purpose districts and Soil and Water Conservation Districts.

Essential water use shall mean water used specifically for firefighting, maintaining in stream flow requirements, and to satisfy federal, state, or local public health and safety requirements.

Finished water shall mean water distributed for use after treatment. The terms “water use”, “water-user”, and “water customer” refer to finished water use unless otherwise defined.

Institutional water use shall mean water used by government, public and private educational institutions, public medians and rights-of-way, churches and places of worship, water utilities, and other lands, buildings, and organizations within the public domain.

Landscape water use shall mean water used to maintain gardens, trees, lawns, shrubs, flowers, athletic fields, rights-of-way and medians.

Non-essential water use shall mean categories of water use other than essential water use not needed to satisfy public health and safety requirements. Examples of non-essential water use include landscape irrigation and the washing of buildings, parking lots, automobiles, etc.

Residential Equivalent Unit (REU) shall mean an equivalency unit defined to be equal to one single-family residence. The DPU’s allocated water capacity equals four hundred (400) gallons per day per REU.

SC Department of Natural Resources shall mean the state agency with primacy to implement the provisions of the Drought Response Act.

Water supply shortage shall mean lack of adequate, available water caused by drought to meet normal demands. (Ord. No. 2003-12)

23-85.3 Responses to Drought Phases.

a. Moderate Drought Phase. Upon notification by the Drought Response Committee that a moderate drought condition is present and is expected to persist and/or upon determination by the DPU that a moderate water supply shortage exists based on trigger levels, the DPU will seek voluntary reductions from its customers in the use of water for all purposes and voluntary reductions on using water during certain peak water demand periods. Specifically, the goal during this phase is to achieve a reduction of twenty percent (20%) in residential water use and fifteen percent (15%) in other water uses such as commercial, industrial, institutional and irrigation; and a reduction in overall water use of fifteen percent (15%). To accomplish this, the DPU will take the following actions:

1. Issue a proclamation to be released to local media, the DPU’s customers and to the South Carolina Department of Natural Resources Drought Information Center that moderate drought conditions are present.

2. Provide written notification to the South Carolina Department of Natural Resources Drought Information Center and routinely publish in a newspaper of general circulation in the service area of the water system the voluntary conservation measures that the customers are requested to follow during moderate drought conditions, including:

- (a) Reduce residential water use to sixty-five (65) gallons per person per day and a maximum of two hundred (200) gallons per household per day;

- (b) Eliminate the washing down of sidewalks, walkways, driveways, parking lots, tennis courts, and other hard surfaced areas;

- (c) Eliminate the washing down of buildings for purposes other than immediate fire protection;

- (d) Eliminate the flushing of gutters;

- (e) Eliminate the domestic washing of motorbikes, boats, cars, etc.;

- (f) Eliminate the use of water to maintain fountains, reflection ponds and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life;

(g) Reduce watering of lawns, plants, trees, gardens, shrubbery, and flora on private or public property to the minimum necessary. Encourage outdoor watering to be done during off-peak hours.

(h) Reduce the amount of water obtained from fire hydrants for construction purposes, fire drills or for any purpose other than firefighting or flushing necessary to maintain water quality; and

(i) Limit normal water use by commercial and individual customers including, but not limited to, the following:

(1) Stop serving water in addition to another beverage routinely in restaurants;

(2) Stop maintaining water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support aquatic life;

(3) Cease water service to customers who have been given a 10-day notice to repair one or more leaks and have failed to do so.

3. Intensify maintenance efforts to identify and correct water leaks in the distribution system.

4. Cease to install new irrigation taps on the water system.

5. Continue to encourage and educate customers to comply with voluntary water conservation.

b. Severe Drought Phase. Upon notification by the Drought Response Committee that a severe drought condition is present and is expected to persist and/or upon determination by the DPU that a severe water supply shortage exists based on trigger levels, the DPU will seek voluntary reduction in the use of water for all purposes and mandatory restrictions on non-essential usage and restrictions on times when certain water usage is allowed. Specifically, the goal during this phase is to achieve a reduction of twenty-five percent (25%) in residential water use, twenty percent (20%) in all other water use categories, and a reduction in overall water use of twenty percent (20%). To accomplish these goals, the DPU will take the following actions:

1. Issue a proclamation to be released to the local media, the DPU's customers and to the South Carolina Department of Natural Resources Drought Information Center that severe drought conditions are present.

2. Provide written notification to the South Carolina Department of Natural Resources Drought Information Center and routinely publish in a newspaper of general circulation in the service area of the water system the voluntary conservation measures and mandatory restrictions to be placed on the use of water supplied by the utility, including:

(a) Voluntary reduction of residential water use to fifty-five (55) gallons per person per day and a maximum of one hundred seventy (170) gallons per household or REU per day.

(b) Control landscape irrigation by staggering watering times.

(c) Mandatory restrictions on the use of water supplied by the utility for activities including:

(1) Eliminate the washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas;

(2) Eliminate the washing down of buildings for purposes other than immediate fire protection;

(3) Eliminate the flushing of gutters;

(4) Eliminate domestic washing of motorbikes, boats, cars, etc.;

(5) Eliminate the use of water to maintain fountains, reflection ponds and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life;

(6) Eliminate filling or maintaining public or private swimming pools;

(7) Eliminate obtaining water from fire hydrants for construction purposes, fire drills or any purpose other than firefighting or flushing necessary to maintain water quality;

(d) Limit use of water by commercial and individual customers including, but not limited to, the following:

(1) Stop serving water in addition to another beverage routinely in restaurants;

(2) Stop maintaining water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support aquatic life;

- (3) Limit irrigating golf courses and any portion of the golf course grounds;
- (4) Cease water service to customers who have been given a 10-day notice to repair one or more leaks and have failed to do so;
- (5) Limit expanding commercial agricultural nursery facilities, placing new irrigated agricultural land in production or planting or landscaping when required by site design review process.

3. Intensify maintenance efforts to identify and correct water leaks in the distribution system.

4. Continue to cease installation of new irrigation taps on the water system.

5. Publicize widely the penalties to be imposed for violations of mandatory restrictions and the procedures to be followed if a variance in the restrictions is requested.

6. Expand the use of education and public relations efforts and emphasize the penalties associated with violating the mandatory restrictions.

7. Provide written notification monthly to the South Carolina Department of Natural Resources Drought Information Center regarding the success of the voluntary and mandatory restrictions.

c. Extreme Drought Phase. Upon notification by the Drought Response Committee that an extreme drought condition is present and is expected to persist and/or upon determination by the DPU that an extreme water supply shortage exists based on the trigger levels, the DPU will impose mandatory restrictions in the use of water for all purposes and on the times when certain water usage is allowed. Specifically, the goal during this phase is to achieve a reduction of thirty percent (30%) in residential water use, twenty-five percent (25%) in all other categories of water uses and a reduction in overall water use of twenty-five percent (25%). To accomplish these goals, the DPU will take the following actions:

1. Issue a proclamation to be released to the local media, the DPU customers and to the South Carolina Department of Natural Resources Drought Information Center that extreme drought conditions are present;

2. Provide written notification to the South Carolina Department of Natural Resources Drought Information Center and routinely publish in a newspaper of general circulation in the service area of the water system the mandatory restrictions to be placed on the use of water supplied by the utility, including:

(a) Limiting residential water use to forty-five (45) gallons per person per day and a maximum of one hundred fifty (150) gallons per household or REU per day.

(b) Eliminate landscape irrigation.

(c) Mandatory restrictions on the use of water supplied by the utility for activities including:

(1) Eliminate the washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas;

(2) Eliminate the washing down of buildings for purposes other than immediate fire protection;

(3) Eliminate the flushing of gutters;

(4) No domestic washing of motorbikes, boats, cars, etc.;

(5) Eliminate the use of water to maintain fountains, reflection ponds, and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life.

(6) Eliminate filling or maintaining public or private swimming pools;

(7) Eliminate obtaining water from fire hydrants for construction purposes, fire drills, or any purpose other than firefighting or flushing necessary to maintain water quality;

(d) Limit normal water use by commercial and individual customers including, but not limited to, the following:

(1) Stop serving water in addition to another beverage routinely in restaurants;

(2) Stop maintaining water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support fish and wildlife;

(3) Limit irrigating golf courses and any portion of the golf course grounds;

(4) Cease water service to customers who have been given a 10-day notice to repair one or more leaks and have failed to do so;

(5) Limit expanding commercial, agricultural nursery facilities, placing new irrigated agricultural land in production or planting or landscaping when required by site design review process.

3. Intensify maintenance efforts to identify and correct water leaks in the distribution system.

4. Continue to cease installation of new irrigation taps on the water system.

5. Place a moratorium on the issuance of all new water service connections and contracts for all new water main extensions. As part of the public information process, provide notice to developers of the moratorium.

6. Encourage all residential water customers to voluntarily reduce overall monthly water usage to fifty (50%) percent of the customer's monthly average.

7. Publicize widely the penalties to be imposed for violations of mandatory restrictions and the procedures to be followed if a variance in the restrictions is requested.

8. Expand the use of education and public relations efforts as conducted under the moderate and severe drought phase and emphasize the penalties associated with violating the mandatory restrictions.

9. Provide written notification monthly to the South Carolina Department of Natural Resources Drought Information Center regarding the success of the mandatory restrictions. (Ord. No. 2003-12)

23-85.4 Responses to Water Treatment/Delivery Crisis Due to Causes Other Than Drought. The DPU will have the authority to implement water conservation measures in any or all areas to which it supplies water service upon the determination by the manager of the department of public utilities that such measures are necessary for any reason to protect the health, safety or welfare of the customers served or to preserve the integrity of the water supply system.

The manager of the DPU may declare that a moderate, severe, or extreme water supply crisis exists in all of the water supply system or any part of the system and may impose voluntary or mandatory reductions in the use of water in all or any part of the water distribution system in the same phases or steps outlined in subsection 23-85.3 above. (Ord. No. 2003-12)

23-85.5 Rationing. If a drought threatens the protection of public health and safety, the DPU is hereby authorized to ration water. (Ord. No. 2003-12)

23-85.6 Enforcement of Restrictions. If any customer of the DPU fails to comply with the mandatory water use restrictions of this section, the customer shall be given a written notice of such failure to comply, which cites the date of said violation, and shall be assessed surcharges in accordance with the following schedule:

a. First Violation: Fifty (\$50.00) dollar surcharge shall be added to the customer's water bill.

b. Second Violation: An additional one hundred (\$100.00) dollar surcharge shall be added to the customer's water bill.

c. Third Violation: The customer's water service shall be terminated and restored only after payment of a surcharge of two hundred fifty (\$250.00) dollars in addition to all previously assessed surcharges.

Law enforcement agencies and other authorized agencies or designated employees in the respective jurisdiction which is being supplied water by the DPU shall diligently enforce the provisions of the Drought Response Ordinance. (Ord. No. 2003-12)

23-85.7 Variances. Customers, who in their belief are unable to comply with the mandatory water use restrictions of this Drought Response section, may petition for a variance from restrictions by filing a petition with the DPU within ten (10) working days after the issuance of the proclamation requiring water use restrictions.

All petitions for variance shall contain the following information:

a. Name and address of the petitioner;

b. Purpose of water usage;

c. Special provision from which the petitioner is requesting relief;

d. Detailed statement as to how the curtailment declaration adversely affects the petitioner;

e. Description of the relief desired;

f. Period of time for which the variance is sought;

- g. Economic value of the water use;
- h. Damage or harm to the petitioner or others if petitioner complies with the section;
- i. Restrictions with which the petitioner is expected to comply and the compliance date;
- j. Steps the petitioner is taking to meet the restrictions from which the variance is sought and the expected date of compliance; and
- k. Other information as needed.

In order for the variance to be granted, the petitioner must demonstrate clearly that compliance with the section cannot be technically accomplished during the duration of the water supply shortage without having an adverse impact upon the best interests of the community. The DPU is authorized to grant the request for variance.

In addition, the DPU is authorized to grant temporary variances for existing water uses otherwise prohibited under the section if it is determined that failure to grant such variances could cause an emergency condition adversely affecting health, sanitation and fire protection for the public. No such variance shall be retroactive or otherwise justify any violation of this section occurring prior to the issuance of the variance. Variances granted by the DPU shall include a timetable for compliance and shall expire when the water supply shortage no longer exists, unless the petitioner has failed to meet specified requirements. (Ord. No. 2003-12)

23-85.8 Wholesale Customers. All wholesale customers of the DPU shall adopt and enforce a Drought or Water Supply Ordinance and Response Plan with the same surcharges as set forth in subsection 23-85.6. Failure to adopt and enforce said ordinance and Plan shall be grounds to discontinue service and the water supply to any wholesale customer not in compliance. (Ord. No. 2003-12)

23-85.9 Status of the Section.

a. If any portion of this section is held to be unconstitutional for any reason, the remaining portions of the Drought Response Ordinance shall not be affected.

b. The provisions of this section shall prevail and control in the event of any inconsistency between this section and other rules and regulations of the DPU.

c. Nothing in this section shall be deemed to invalidate or be interpreted in a manner inconsistent with any covenants now in effect and given as security to holders of bonds secured by revenues of the system. (Ord. No. 2003-12)

23-86—23-87 RESERVED.

23-88 INSPECTION.

23-88.1 Department of Public Utilities to Make Inspections; Tests. It shall be the duty of the department of public utilities to make the inspections and tests required by this chapter and the General Terms and Conditions of the Department of Public Utilities. (Ord. No. 87-4, §27-260)

23-89—110 RESERVED.

ARTICLE VIII
SURFACE WATERS

23-111 DIVERSION AND CONCENTRATION OF SURFACE WATERS ONTO LOWER LANDS, STORM SEWERS, DITCHES AND WATERCOURSES.

23-111.1 Purpose. The purpose of this section is to provide for temporary detention and gradual release of surface water on land where buildings, parking areas, driveways or other less pervious areas have replaced vacant land, lawns or gardens. The construction of buildings, parking lots, driveways and the like prevents the ground from absorbing surface waters and causes increased quantities of surface water to run off more quickly onto lower lands, storm sewers, ditches and watercourses. This can overload the lower lands, storm sewers, ditches and water-courses, causing water to back up and results in flooding of public streets, public places and private places. This ordinance provides a way to control runoff, making flooding less likely and reducing damage to public and private properties. (Ord. No. 1991-4, §1)

23-111.2 Definitions. As used in this section, the following words and phrases will have the following meanings, unless the con-text clearly indicated a different meaning:

City shall mean the City of Orangeburg.

Director of public works shall mean the director of public works of the city, or any person working under his supervision and direction to carry out duties and responsibilities under this section.

Detention shall mean the short-term storage of runoff which reduces the peak flow rate and distributes the flow over a larger period of time. The volume of runoff is not changed.

Land disturbing activity shall mean any land change or construction activity for residential, commercial, industrial, or institutional land use which may result in increased and accelerated stormwater runoff, including but not limited to, clearing, grading, excavating, paving, transporting and filling of land.

Person shall mean any state or federal agency, an individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, municipality or other political subdivision of this state, interstate body, or other legal entity.

Surface water shall mean water occurring on the surface of the land, from natural causes such as rainfall and melting of snow and ice, whether falling on the land in question or flowing onto the land in question.

Water detention facility shall mean any pipe, watercourse, pond, outlet or other thing designed to hold surface water, control the flow of surface water, detain surface water or gradually release surface water, and including any part of any such facility.

Watercourse shall mean any ditch, swale, creek, river or land over which surface water flows, whether constantly or occasionally. (Ord. No. 1991-4, §2)

23-111.3 Compliance Required. No person shall undertake a land disturbing activity within the city limits of the City of Orangeburg without complying with the terms of this section, except as provided in subsection 23-111.4. (Ord. No. 1991-4, §3)

23-111.4 Exceptions. This section shall not apply to any land disturbing activity which disturbs less than one-half (1/2) acre. Construction or improvement of single family residences or their accessory buildings which are not a part of a residential subdivision are exempt from the provisions of this section, but the initial development of residential subdivisions is not exempt from the requirements of this section. All construction work, including roads, sewers and lot grading, done to establish a residential subdivision for the construction of single family residences on individual lots shall comply with the provisions of this section. (Ord. No. 1991-4, §4)

23-111.5 Affidavits. The director of public works may accept a sworn affidavit from a registered architect, Tier B land surveyor, landscape architect or engineer stating that the plans and design conform to the requirements of this section. Where the director of public works relies upon such affidavit, the architect, Tier B land surveyor, landscape architect or engineer shall assume full responsibility for the compliance with all provisions of this section and other pertinent laws or ordinances. (Ord. No. 1991-4, §5)

23-111.6 Approval Required Building Permit. No building permit will be issued for any construction on any lot of one-half (1/2) acre or more, and no land disturbing activity will be permitted unless the plans for construction include provisions for water detention in accordance with the requirements of this section. All building permit applications and all plans for land disturbing activities covered by this ordinance will be submitted to the director of public works for examination. The plans will be accompanied by an approval from the owner(s) of the land upon which the activities will be conducted and a survey or sketch of the lot with location of proposed improvements shown and calculations as specified in subsection 23-111.9. If the materials submitted for review and approval contain all information necessary for the director of public works to determine whether the provisions of this section have been followed, no additional materials will be required, but if all necessary information is not shown on the documents submitted, the director of public works shall request and the applicant will furnish additional material. The director of public works may approve the water detention provisions, require changes to comply with this section, or disapprove the plans. If the proposed water detention plans are not approved, the director of public works will state in writing the reasons for disapproval. (Ord. No. 1991-4, §6)

23-111.7 Conference and Appeals. At any time an applicant may ask for a conference with the director of public works concerning any application under this section, and the director of public works will meet with the applicant to discuss the matter. If an applicant has been dealing with any person working under the supervision of the director of public works, at the applicant's request, the director of public works and the subordinate will hold a conference with applicant. (Ord. No. 1991-4, §7)

23-111.8 Appeals. Any applicant may appeal any decision of the director of public works to the building board of appeals, in the manner provided by ordinance, provided that no such appeal shall be taken until and unless the applicant has requested a conference with the director of public works, not a subordinate of the director of public works, and either the conference has been held or the director of public works has not scheduled a conference. (Ord. No. 1991-4, §8)

23-111.9 Specifications. The volume of water to be detained, and the rate at which water may be gradually released from detention, shall be calculated based on the area of land proposed to be covered with a building, driveway, sidewalk, mall or other covering as well as the capacity of the existing storm sewers and watercourses in the city to handle runoff of surface water to be anticipated when all the vacant lots in the area affecting the runoff have been developed in accordance with all applicable laws and ordinances.

The calculations used in determining the volume of water to be detained; the rate of release of water from detention facilities and the sizing of drainage facilities shall be based on the following specifications:

- a. The two (2) year, twenty-four (24) hour rainfall amount is 3.9 inches.
- b. The ten (10) year, twenty-four (24) hour rainfall amount is 6.0 inches.
- c. The twenty-five (25) year, twenty-four (24) hour rainfall amount is 6.8 inches.
- d. The one hundred (100) year, twenty-four (24) hour rainfall amount is 8.5 inches.
- e. All roadway drainage facilities (i.e., curb and gutter and inlets) shall be designed to accommodate the ten (10) year, twenty-four (24) hour rainfall event.
- f. All drainage facilities in the area disturbed by the permitted activity and which only accommodate runoff generated on the permitted area shall be designed for the twenty-five (25) year, twenty-four (24) hour storm.
- g. All drainage facilities which accommodate runoff generated off of the permitted site shall be designed for the one hundred (100) year, twenty-four (24) hour system.
- h. Detention facilities shall be designed to restrict the peak runoff rate from a disturbed area to the peak runoff rate that existed prior to development for the two (2) year, ten (10) year, and twenty-five (25) year, twenty-four (24) hour storm. Overflow structures and emergency spillways shall be designed to accommodate the one hundred (100) year, twenty-four (24) hour rainfall event.
- i. Individual pipe culverts, which are not part of a larger drainage network, may be designed using the rational method.
- j. Drainage networks and detention facilities shall be designed using a hydrograph method such as the Soil Conservation Service TR-55 model or other method acceptable to the director of public works.
- k. The storage volume of detention facilities and outlet structures shall be designed using a routing procedure such as the modified-Puls method. (Ord. No. 1991-4, §9)

23-111.10 Methods of Water Detention. Water may be detained in a water detention pond, in enclosed storage or underground storage, in parking lots, on roof tops or other methods. (Ord. No. 1991-4, §10)

23-111.11 Fencing Required. No outdoor water detention pond shall be constructed or maintained unless the pond itself or a larger area including the pond is surrounded by a fence at least six (6') feet in height. The area fenced in around a water detention pond may be part of a lot, all of a lot, or parts or all or more than one (1) lot. If more than one (1) lot is to be fenced in, a joint plan must be presented and approved as required in subsection 23-111.13 of this section. (Ord. No. 1991-4, §11)

23-111.12 Detention Pond Specification. Outdoor detention pond shall have maximum side slopes of 3:1 and a maximum depth of four (4') feet. (Ord. No. 1991-4, §12)

23-111.13 Joint Construction and Operation. Owners of any two (2) or more properties may apply jointly for approval of a water detention plan combining more than one (1) property. The joint plan will be approved by the city if the joint plan complies with the applicable provisions of this section and all other relevant laws and ordinance. No construction will be started under any joint plan until owners of all of the property affected have entered into a mutual agreement for joint maintenance of the water detention system and until all easements needed to effectuate the plan have been granted. The mutual agreement and the easements must be signed, acknowledged, delivered and recorded in the manner required for documents relating to real estate titles. (Ord. No. 1991-4, §13)

23-111.14 Continuing Duty to Maintain. Each owner of each property on which any facility for water detention is made in accordance with the requirements of this section, must keep such facilities in working order and in good repair, and must take no steps to cause such facilities to malfunction or to cease to function. (Ord. No. 1991-4, §14)

23-111.15 No Warranty. The city is enacting this section and the specifications contained therein in its governmental capacity. The city makes no warranty of any kind to any person in connection with any facility constructed pursuant hereto. (Ord. No. 1991-4, §17)

DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA
THIS 6th DAY OF April 2010.



Lawry Miller
Mayor
James Hais
Charles O. Donnell
Charles Dyer
L. Zimmerman Keitt
Richard A. Hoffman

Members of Council

ATTEST: Carrie H. Johnson
City Clerk

AN ORDINANCE AMENDING CHAPTER XIII OF THE CODE OF ORDINANCES FOR THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA FOR THE PURPOSE OF IMPLEMENTING THE INSPECTION DUTIES OF THE CITY'S BUILDING OFFICIAL

WHEREAS, the City of Orangeburg has adopted standard building codes as required by the South Carolina Building Codes Council, and

WHEREAS, all inspections as required by said standard building codes are now conducted by the building official of the City of Orangeburg, and

WHEREAS, the City finds it necessary to amend its Code of Ordinances in order to designate the additional duties and responsibilities of the building official.

NOW THEREFORE BE IT ORDAINED BY CITY COUNCIL DULY ASSEMBLED, that Chapter XIII, Section 13.3 of the Code of Ordinances of the City of Orangeburg, State of South Carolina is amended by adding the following paragraphs e-k.

"e. The Building Official shall meet all requirements for full registration by the South Carolina Building Codes Council, as a building official within 24 months of the date employed. The Building Official shall be appointed or hired by the City Administrator.

f. The building official may designate an employee of the Department of Public Works as the deputy building official to act on his/her behalf during absence or disability.

g. No person employed as a building official, deputy building official, chief building inspector, building inspector, plan reviewer or in any position within the Department of Public Works, may have direct or indirect financial interest in the furnishing of labor, material or appliances for the construction, alteration or maintenance of a building, structure, service system or in the preparation of plans, specifications or any other construction related service.

h. No employee of the Department of Public Works may perform inspections or consultation, for any form of compensation, other than as required in the performance of his/her duties in an official capacity for the City of Orangeburg.

i. Upon adoption by City Council, the Building Official shall have the authority and duty to administer and enforce all nationally recognized building codes and standards referenced in said codes.

j. The Building Official shall have all authority and duties conferred on the office pursuant to S.C. Code Ann. §6-9-5 thru §6-9-135 (Supp. 2009).

k. All building officials in performance of their duties shall carry sufficient identification and shall exhibit same before entering any premises for the purpose of performing any duties of the office."

DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA THIS 20 DAY OF April, 2010.



ATTEST:

Carol H. Johnson
City Clerk

Mayor

Paul J. Hain
Sam Hain
Steven A. Hain
Charles B. Hain
Richard P. Hain
Richard P. Hain
Members of Council

ORDINANCE NO. 2010-5

AN ORDINANCE TO ANNEX THE WITHIN DESCRIBED PROPERTY INTO THE CITY OF ORANGEBURG, SOUTH CAROLINA

WHEREAS, a proper petition has been filed with the City Council by the property owner Samuel O and Mary Thompson at 193 Clarendon Street at TMP# 0173-15-06-008, being 100 percent of the freeholders owning 100 percent of the assessed value of the property in the contiguous territory described below and shown on the attached plat or map, hereby petition for annexation of said territory to the City of Orangeburg by ordinance effective as soon hereafter as possible, pursuant to South Carolina Code Section § 5-3-150 (3); and,

WHEREAS, it appears to Council that annexation would be in the best interest of the property owner and the City of Orangeburg; and,

WHEREAS, notice and public hearing requirements of S.C. Code Section § 5-3-150 (3) have been complied with.

The property is designated as follows on the City/County tax maps:

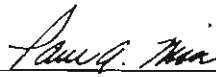
The territory to be annexed is described as follows:


All that certain piece, parcel or lot of land, with buildings and improvements thereon, situate, lying and being in the City of Orangeburg, School District No 5, County of Orangeburg, State of South Carolina, and bounded and measuring now or formerly as follows; On the North by lands of Dr. J. T. Green, One hundred forty-four (144) feet, more or less; on the East by land of Dr. J. T. Green, One hundred (100) feet; South by Lancaster Street, One hundred forty-four (144) feet, more or less and on the West by Clarendon Avenue, One Hundred (100) feet. Being the same tract of land conveyed to W. L. Glaze by Ed. C. Mamm, Master, by deed dated April 15, 1926, and recorded in the office of the Clerk of Court for Orangeburg County, S. C., in Deed Book 79, at Page 63. The said W. L. Glaze having died testate in the County of Orangeburg on June 6, 1951, devised said lands to his wife, Annie Watson Glaze. The proceedings of the Estate of W. L. Glaze are recorded in the office of the Judge of Probate for Orangeburg County, S. C. in Apartment 313, Package 20. TMP# 0173-15-06-008

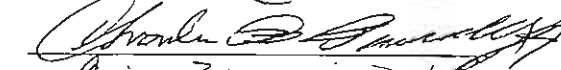
The property shall be zoned "A-2 Multi-Unit, Residential District" pending confirmation or rezoning pursuant to the Zoning Ordinance.

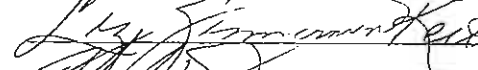
NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Orangeburg, South Carolina, this 4th day of May, 2010, that the property herein described in hereby annexed to and becomes a part of the City of Orangeburg effective May 5, 2010.

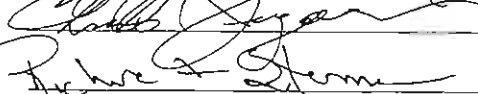



MAYOR



Sandra P. Luster


Lizzy Zimmerman


Richard A. Stern


Richard A. Stern

Attest:


City Clerk

ORDINANCE NO. 2010-6

AN ORDINANCE TO AMEND THE MUNICIPAL DISTRICT MAP DATED NOVEMBER 6, 2001, FOR THE PURPOSE OF ADDING NEWLY ANNEXED CITY PROPERTY TO MUNICIPAL COUNCIL DISTRICT FOUR

WHEREAS, the City of Orangeburg annexed the properties, as described herein below, into the corporate limits of the City of Orangeburg by Ordinance No. 2010- , and;

WHEREAS, it is necessary that the annexed area be included in one of the six (6) Municipal Council Districts, and;

NOW, THEREFORE, BE IT ORDAINED, by City Council duly assembled, that the Municipal District Map dated November 6, 2001 is amended by making the following addition to District 4.

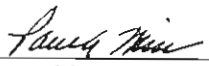
The territory to be annexed is described as follows:


All that certain piece, parcel or lot of land, with buildings and improvements thereon, situate, lying and being in the City of Orangeburg, School District No 5, County of Orangeburg, State of South Carolina, and bounded and measuring now or formerly as follows; On the North by lands of Dr. J. T. Green, One hundred forty-four (144) feet, more or less; on the East by land of Dr. J. T. Green, One hundred (100) feet; South by Lancaster Street, One hundred forty-four (144) feet, more or less and on the West by Clarendon Avenue, One Hundred (100) feet. Being the same tract of land conveyed to W. L. Glaze by Ed. C. Mann, Master, by deed dated April 15, 1926, and recorded in the office of the Clerk of Court for Orangeburg County, S. C., in Deed Book 79, at Page 63. The said W. L. Glaze having died testate in the County of Orangeburg on June 6, 1951, devised said lands to his wife, Annie Watson Glaze. The proceedings of the Estate of W. L. Glaze are recorded in the office of the Judge of Probate for Orangeburg County, S. C. in Apartment 313, Package 20. TMP# 0173-15-06-008

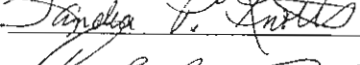
BE IT FURTHER ORDAINED, that upon passage of this Ordinance, the City Administrator is hereby directed to submit said annexation and district assignments to the United States Department of Justice for approval.

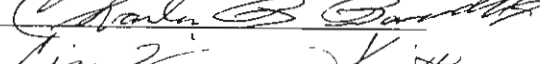
DONE AND RATIFIED by City Council for the City of Orangeburg, State of South Carolina, in Council duly assembled this 4th day of May, 2010.

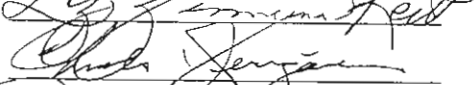


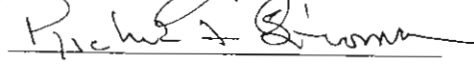


Mayor










Attest:



City Clerk

AN ORDINANCE PROVIDING FOR THE TRANSFER OF AUTHORITY FOR CONDUCTING MUNICIPAL ELECTIONS FOR THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA TO THE ORANGEBURG COUNTY VOTER REGISTRATION AND ELECTION COMMISSION

WHEREAS, the City of Orangeburg is governed under the council form of government, with a Mayor and six council members, with all elections for Mayor being non partisan, at large and all elections for council members being non-partisan, single member, and

WHEREAS, candidates for the above offices are nominated by petitions pursuant to SC Code Ann. Section 5-15-110, and

WHEREAS, general elections for said offices are held on the second Tuesday of the month of September of each election year, and

WHEREAS, the Orangeburg County Voter Registration and Election Commission have assisted the City of Orangeburg in the conduction of its elections, and

WHEREAS, the City of Orangeburg and County of Orangeburg wish to comply with South Carolina Code Ann. Section 5-15-145 by enacting ordinances setting forth the election authorities being transferred by the city to the county.

NOW THEREFORE BE IT ORDAINED BY CITY COUNCIL DULY ASSEMBLED, that pursuant to South Carolina Code Ann. Section 5-15-145, the City by this Ordinance transfers to the Orangeburg County Voter Registration and Election Commission the authority to conduct all general and special elections in the City of Orangeburg, State of South Carolina, with the exception of the following authorities which are retained by the City of Orangeburg Municipal Election Commission:

- (1) Conducting all referendum elections;
- (2) Conducting all bond issuance elections;
- (3) Receipt of result certifications from poll managers and declaration of election results as set forth in South Carolina Code Ann. Section 5-15-100;
- (4) After signature certifications by the County Voter Registration and Election Commission, examine nominating petitions and declare petition validity in compliance with South Carolina Code Ann. Section 5-15-110 and place names of qualified nominees upon the ballots;
- (5) Hear and determine any election contests;
- (6) Conduct election contest hearings in accordance with South Carolina Code Ann. Section 5-15-130;
- (7) Declare the results of elections pursuant to South Carolina Code Ann. Section 5-15-100.

The City of Orangeburg shall reimburse the Registration and Election Commission of Orangeburg County for all costs incurred in providing ballots, advertising elections, printing costs, postage, transportation costs, temporary help, programming charges, poll managers compensations and other related additional expenses incurred in its conduct of municipal elections in the City of Orangeburg. The Orangeburg County Registration and Election Commission shall provide invoices and/or other documentation to the City of Orangeburg of all such costs and expenses.

This Ordinance shall be effective upon approval by Ordinance of the Orangeburg County Council and submission approval of the United States Department of Justice.

DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA THIS 1st DAY OF June, 2010.



ATTEST:

[Signature of City Clerk]

City Clerk

Mayor

[Signatures of Council Members]

Members of Council

ORDINANCE No. 2010--8

AN ORDINANCE TO REPEAL ORDINANCE NO. 2010-6 AND AMEND THE MUNICIPAL DISTRICT MAP DATED NOVEMBER 6, 2001, FOR THE PURPOSE OF CORRECTING NEWLY ANNEXED CITY PROPERTY FROM MUNICIPAL COUNCIL DISTRICT FOUR TO MUNICIPAL COUNCIL DISTRICT FIVE

WHEREAS, a clerical error was made in Ordinance No. 2010-6 by placing the below described annexed property in District Four when said annexed property should have been placed in District Five,, and;

WHEREAS, the City of Orangeburg annexed the property as described, into the corporate limits of the City of Orangeburg by Ordinance No. 2010-5 on May 4, 2010, and;

WHEREAS, it is necessary that the annexed area be included correctly into one of the six (6) Municipal Council Districts, and;

NOW, THEREFORE, BE IT ORDAINED, by City Council duly assembled, that the Municipal District Map dated November 6, 2001 is amended by placement of this newly annexed area as described below in Municipal Council District Five:

All that certain piece, parcel or lot of land, with buildings and improvements thereon, situate, lying and being in the City of Orangeburg, School District No 5, County of Orangeburg, State of South Carolina, and bounded and measuring now or formerly as follows; On the North by lands of Dr. J. T. Green, One hundred forty-four (144) feet, more or less; on the East by land of Dr. J. T. Green, One hundred (100) feet; South by Lancaster Street, One hundred forty-four (144)) feet, more or less and on the West by Clarendon Avenue, One Hundred (100) feet. Being the same tract of land conveyed to W. L Glaze by Ed. C. Mann, Master, by deed dated April 15, 1926, and recorded in the office of the Clerk of Court for Orangeburg County, S. C., in Deed Book 79, at Page 63. The said W. L Glaze having died testate in the County of Orangeburg on June 6, 1951, devised said lands to his wife, Annie Watson Glaze. The proceedings of the Estate of W. L. Glaze are recorded in the office of the Judge of Probate for Orangeburg County. S. C. in Apartment 313, Package 20. TMP# 0173-15-06-008

BE IT FURTHER ORDAINED, that upon passage of this Ordinance, the City Administrator is hereby directed to submit said annexation and district assignment to the United States Department of Justice for approval.

BE IT FURTHER ORDAINED, that Ordinance No. 2010-6 is repealed in its entirety.

DONE AND RATIFIED by City Council for the City of Orangeburg, State of South Carolina, in Council duly assembled this 15thday of June, 2010.



Attest:

Carroll W. Johnson
City Clerk

Paul G. Min

Mayor

James Haire
Jandra R. Russell
Charles B. Brown
L. Zimmerman
Richard Spina

ORDINANCE NO. 2010-9

ORDINANCE TO AMEND SECTION 24-4.1, DISTRICT BOUNDARIES AND MAPS OF THE CODE OF ORDINANCES OF THE CITY OF ORANGEBURG AND THE ZONING MAP OF THE CITY OF ORANGEBURG, SOUTH CAROLINA

WHEREAS, Claflin University owner of parcel at 783 Goff Avenue pursuant to section 24-12.1(b)(a) of the Zoning Ordinance of the City of Orangeburg, South Carolina, has petitioned for an amendment of said Ordinance and Map changing from "A-2, Multi Unit Residential District" to "O-I, Office-Institutional Residential District" property for property located at 783 Goff Avenue, TMP #0173-11-01-019.000; and,

WHEREAS, proper notice of the public hearing for proposed zoning map amendment has been duly published in accordance with Section 24-12.5 and the property has been duly posted in accordance with Section 24-12.6 of said Zoning Ordinance; and

WHEREAS, the City Council of the City of Orangeburg has reviewed said petition and the recommendation of the Planning Commission and finds that it is in the best interest of the City of Orangeburg to grant the petition;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Orangeburg, State of South Carolina, in council duly assembled and by the authority of same that the Zoning Map of the City of Orangeburg is hereby amended by changing the classification of the below described property from "A-2 Multi Unit Residential District" to "O-I, Office-Institutional Residential District"

BE IT FURTHER ORDAINED that this amendment shall be effective as of the date of this Ordinance and the Zoning Administrator is hereby directed to amend the Zoning Map of the City of Orangeburg to reflect the above within seven (7) days if the adoption of this Ordinance.

Description of property:

All that certain piece, parcel or lot of land, with dwelling and other improvements thereon, situate, lying and being in the City of Orangeburg, Orangeburg County, South Carolina, more particularly shown and delineated on a plat of Lot 19, prepared for Robert L. Brown and Thelma Dash by Donald J. Smith, Jr., Inc., approved by Donald J. Smith, Jr., R.L.S., dated August 18, 1987, recorded in the office of the clerk of Court for Orangeburg County in Plat Book 66 at Page 442, and shown thereon as being bounded on the Northeast by property now or formerly of S.S. Sifly for a distance of 228.87 feet; on the Southeast by Goff Avenue for a distance of 80.00 feet; on the Southwest by property now or formerly of Thompson for a distance of 225.61 feet; and on the Northwest by property now or formerly of Dunton for a distance of 80.00 feet.

DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA THIS 22nd DAY OF June, 2010.



ATTEST: Carol H. Johnson
City Clerk

Paul M.
Mayor
Charles B. Samuels
L. Zimmerman Keitt
Chad Dejean
Richard F. Turner

Members of Council

ORDINANCE NO. 2010-10

AN ORDINANCE AMENDING THE BUDGET FOR THE CITY OF ORANGEBURG, SOUTH CAROLINA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010

THE CITY COUNCIL OF THE CITY OF ORANGEBURG HEREBY ORDAINS AND RATIFIES:

Section 1. That the Budget of the City of Orangeburg for the Fiscal Year beginning October 1, 2009 and ending September 30, 2010, designated as Ordinance No. 2009-14, shall be and hereby is amended so to levy a tax to cover the period from the first day of January 2009 to the thirty-first day of December 2009, both inclusive, for the sums and in the manner hereinafter mentioned and shall be levied, collected and paid into the Treasury of the City of Orangeburg, South Carolina, for the use and service thereof; i.e., a tax of eighty-seven (87) mills and the same is hereby assessed on each dollar of the assessed value of all real estate and personal property within the City of Orangeburg, South Carolina, except as such which is exempt from taxation by law.

Section 2. That in all other respects, except as hereby and heretofore amended, the budget for the City of Orangeburg for the Fiscal Year beginning October 1, 2009 and ending September 30, 2010 shall remain in full force and effect.

Section 3. That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Adopted by the Council of the City of Orangeburg on this 7th day of Sept., 2010, at which a quorum was present and voting.



ATTEST:

Cassidy Johnson
CITY CLERK

James M. Min
MAYOR
Samuel H. Hines
Sandra P. Krotter
Charles B. Bandy
L. Zimmerman
Chris Day
Richard A. Starnes
MEMBERS OF COUNCIL

ORDINANCE NO. 2010-11

AN ORDINANCE TO RAISE REVENUE AND ADOPT A BUDGET FOR THE CITY OF ORANGEBURG, SOUTH CAROLINA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011

BE IT ORDAINED by the Mayor and Council Members of the City of Orangeburg, South Carolina, in Council assembled, and by authority of the same:

SECTION 1. In accordance with Section 5-7-260 of the 1976 Code of Laws of South Carolina, and Council shall act by Ordinance to adopt budgets, levy taxes, and collect all other income sources available to the City pursuant to public notice.

SECTION 2. That the prepared budget for the fiscal year October 1, 2010-September 30, 2011, and the estimated revenue for payment of same is hereby adopted.

SECTION 3. That a tax to cover the period from the first day of January, 2010 to the thirty-first day of December, 2010, both inclusive, for the sums and in the manner hereinafter mentioned, is and shall be levied, collected and paid into the Treasury of the City of Orangeburg for the use and service thereof; i.e., a tax of 87 mills be and the same is hereby assessed on each dollar of the assessed value of all real estate and personal property within the City of Orangeburg, South Carolina, except as such which is exempt from taxation by law.

SECTION 4. Tax levied under this Ordinance shall be due and payable at the office of the City Clerk and Treasurer, in the Municipal Building of the City of Orangeburg, South Carolina, from the first day of November, 2010, until the fifteenth day of January 2011, from the hours of 8:00 A.M. until 5:00 P.M., Monday through Friday, Saturdays and Sundays excepted.

SECTION 5. On January 16, 2011, a penalty of fifteen (15) percent shall be added on all unpaid taxes. The City Clerk and Treasurer shall on March 17, 2011, place all delinquent properties in execution in accordance with and adding an additional execution cost of \$60.00 to \$90.00 based on costs to City, Section 6-1-10, as amended, of the Code of Ordinances of the City of Orangeburg, South Carolina.

SECTION 6. If for any reason, any sentence, clause or provisions of this Ordinance shall be declared invalid, such shall not affect the remaining provisions thereof.

DONE AND RATIFIED BY THE CITY COUNCIL OF ORANGEBURG, SOUTH CAROLINA, IN COUNCIL ASSEMBLED THIS 7th DAY OF Sept. 2010.



[Signature]
MAYOR

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

MEMBERS OF COUNCIL

ATTEST:

[Signature]
CITY CLERK



ORDINANCE No. 2010 – 12

AN ORDINANCE
TO ADOPT A BUDGET FOR THE OPERATION OF
THE DEPARTMENT OF PUBLIC UTILITIES OF THE
CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA
FOR THE FISCAL YEAR OCTOBER 1, 2010 THROUGH SEPTEMBER 30, 2011
INCLUDING THE ADOPTION OF NEW RATES
FOR THE DEPARTMENT OF PUBLIC UTILITIES EFFECTIVE ON THE DATES
INDICATED ON THE RATE SCHEDULES
PERTAINING TO WATER AND WASTEWATER

BE IT ORDAINED by City Council duly assembled that the attached budget consisting of seven (7) pages is hereby adopted as the operating budget for the Department of Public Utilities of the City of Orangeburg for the fiscal year October 1, 2010 through September 30, 2011.

BE IT FURTHER ORDAINED that the Manager of the Department of Public Utilities is authorized to transfer budgeted amounts between line items and/or divisions or between approved capital projects in accordance with the duties and responsibilities of said Manager.

BE IT FURTHER ORDAINED that the following rates, hereto attached, be adopted, and declared effective and full force on the dates indicated on the rate schedule;

Water Rates

Water Rate – Code 4A, 4B, 4C (General Service – Inside City Limits)
Water Rate – Code 4D, 4E, 4F (General Service – Outside City Limits)
Water Rate – Code 4G (Detecto Check Fire Service – Inside City Limits)
Water Rate – Code 4H (Multiple Unit Dwellings or Businesses – Inside City Limits)
Water Rate – Code 4I (Multiple Unit Dwellings or Businesses - Outside City Limits)
Water Rate – Code 4J (Detecto Check Fire Service – Outside City Limits)
Water Rate – Code 4K (Combined General & Private Fire Protection Service)
(Inside City)
Water Rate – Code 4L (Combined General & Private Fire Protection Service)
(Outside City)
Water Rate – Code 4M (Separate Private Fire Protection Service – Inside City Limits)
Water Rate – Code 4N (Separate Private Fire Protection Service – Outside City Limits)
Water Rate – Code 4P (Fire Hydrants – Inside City Limits)
Water Rate – Code 4Q (Fire Hydrants – Outside City Limits)
Water Rate – Code 4R (Silver Springs Rural Community Water District – Wholesale)
Water Rate – Code 4S (Town of Norway – Wholesale)

Wastewater Rates

Wastewater Rate – Code 5A (Small General Service – Inside City Limits)
Wastewater Rate – Code 5B (Commercial – Inside City Limits)
Wastewater Rate – Code 5C (Industrial – Inside City Limits)
Wastewater Rate – Code 5D (Small General Service – Outside City Limits)
Wastewater Rate – Code 5E (Commercial – Outside City Limits)

Wastewater Rate – Code 5F (Industrial - Outside City Limits)
Wastewater Rate – Code 5H (Multiple Unit Dwellings or Businesses)
(Inside City Limits)
Wastewater Rate – Code 5I (Multiple Unit Dwellings or Businesses)
(Outside City Limits)
Wastewater Rate – Code 5J (Wholesale – Outside City Limits)

DONE AND RATIFIED by Council duly assembled this 7th day of
September, 2010.



Paul G. Niles
Mayor

Richard F. Estima

Charles D. Dyer

L. J. Zimmerman Keith

Sandra L. Smith

James H. Hare

Charles B. Bannock
Members of Council

ATTEST:

Carrie H. Phares
City Clerk