

RESOLUTION 2015-04

A RESOLUTION AMENDING RESOLUTION 2009-20, NORTH CHARLESTON SEWER DISTRICT SEWER USE RESOLUTION

Whereas, a need exists to amend Article I Definitions, Article V Building Sewers and Connections; and Article X Enforcement and Penalties.

Whereas, the North Charleston Sewer District is now minded to add to its Use Resolution the definition of "Sewer clean out"; to align its Use Resolution for building and connecting sewers with its standard operating procedures which require existing buildings to have and make accessible a sewer clean out; and revise its Show Cause Hearing procedures to permit the designated officer to impose enforcement action(s) following Show Cause Hearings except in occurrences where civil penalties and/or termination of sewer service are necessary; and

Whereas, this Resolution will do so.

NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE COMMISSION OF THE NORTH CHARLESTON SEWER DISTRICT OF THE STATE OF SOUTH CAROLINA AS FOLLOWS:

Article 1 is amended to add:

Section 1.63 SEWER CLEAN OUT shall mean a capped pipe which provides access to a sewer lateral (service) line for the purpose of performing general maintenance activities and for cleaning out blockages, if necessary.

Article V Section 5.05 is amended to read:

EXISTING BUILDING SEWER. Old building sewers may be used in connection with new buildings only when they are found, upon examination and testing by the District, to meet all of the requirements of this Resolution.

Existing buildings are required to have an accessible sewer clean out installed within five (5) feet of the property or easement line in order to distinguish between District and private ownership. The property owner is responsible for maintaining clean out accessibility. If a clean out is not present, the property owner is responsible for installing one.

Article X Section 10.03 B, C and D are amended to read:

- B)** At any public hearing, testimony taken before the Commission or any person designated by it must be under oath and recorded steno graphically or electronically. The transcript or any part thereof, so recorded, will be made available to the party or to any member of the public upon payment of the costs therefore.
- C)** The Commission may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the District to:

- 1) Issue in the name of the Commission notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any such hearings.
- 2) Take the evidence.
- 3) Determine and notify the Commission of enforcement action taken except in occurrences where civil penalties and/or termination of sewer service are necessary.
 - a) Where enforcement action includes civil penalties and/or termination of sewer service, the designate will transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Commission for action thereon.

D) Where enforcement action includes civil penalties and/or termination of sewer service and after the Commission has reviewed the evidence, the Commission may issue an order to the party 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 or existing treatment facilities, devices or other related appurtenances are properly operated, and such further orders and directives as are necessary and appropriate.

ADOPTED by the North Charleston Sewer District Commission of the State of South Carolina on this 11th day of May, 2015.

WITNESS:

Mary Russell

Matt Clark

NORTH CHARLESTON SEWER DISTRICT

Gary C. McJunkin
Gary C. McJunkin, Commission Chairman

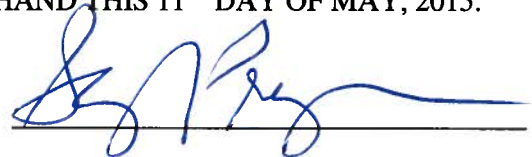
Sylderrial T. Pryor
Sylderrial T. Pryor, Commission Secretary

I, THE UNDERSIGNED, THE DULY QUALIFIED AND ACTING SECRETARY OF THE NORTH CHARLESTON SEWER DISTRICT, AND THE KEEPER OF THE RECORDS OF THE SEWER DISTRICT, INCLUDING THE JOURNAL OF PROCEEDINGS OF THE COMMISSION, DO HEREBY CERTIFY:

1. THAT THE ATTACHED RESOLUTION IS A TRUE AND CORRECT COPY OF THE RESOLUTION AS FINALLY ADOPTED AT A MEETING OF THE GOVERNING BODY HELD ON THE 11TH DAY OF MAY, 2015 AND DULY RECORDED IN MY OFFICE.

2. THAT SUCH MEETING WAS DULY CONVENED AND HELD IN ALL RESPECTS IN ACCORDANCE WITH LAW AND TO THE EXTENT REQUIRED BY LAW, DUE AND PROPER NOTICE OF SUCH MEETING WAS GIVEN; AND A LEGALLY SUFFICIENT NUMBER OF MEMBERS OF THE GOVERNING BODY VOTED IN THE PROPER MANNER AND FOR THE ADOPTION OF SAID RESOLUTION; AND THAT ALL OTHER REQUIREMENTS AND PROCEEDINGS UNDER THE LAW INCIDENT TO THE PROPER ADOPTION OR PASSAGE OF SAID RESOLUTION, INCLUDING PUBLICATION IF REQUIRED, HAVE BEEN FULFILLED, CARRIED OUT, AND OTHERWISE OBSERVED; AND THAT I AM AUTHORIZED TO EXECUTE THIS CERTIFICATE.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS 11TH DAY OF MAY, 2015.



SYLDERRIAL T. PRYOR, SECRETARY

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

PERSONALLY appeared before me the undersigned witness and made oath that (s)he saw the within named North Charleston Sewer District by Gary C. McJunkin, its Chairman and Sylderrial T. Pryor, its Secretary, sign, seal, and as its act and deed, deliver the within written Resolution, and that (s)he with the other witness witnessed the execution thereof.

SWORN to before me this

11TH day of May, 2015


Notary Public for South Carolina



My Commission expires 09/09/2021

