

**AN ORDINANCE REQUIRING MANDATORY WATER AND SEWER CONNECTION UNDER CERTAIN CONDITIONS**

**WHEREAS**, Eastover Sanitary District, (ESD) was established by N.C.G.S. 130A-55; and

**WHEREAS**, Eastover Sanitary District continues to expand the availability of the water system and the gravity sewer collection system; and

**WHEREAS**, N.C.G.S. 130A-55(16) (a) authorizes Eastover Sanitary District to require mandatory connection; and

**NOW, THEREFORE, BE IT ORDAINED** by the Eastover Sanitary District Board of Directors that the following requirements are established for Mandatory water and sewer connection:

**Section 1. Mandatory Connection (New Construction)**

- a. *New Construction (single lots, multi-family, subdivisions, non-residential):* All new construction requiring a Building Permit will be required to connect to the Eastover Sanitary District (ESD) water and/or sewer system if there is an ESD owned water main or gravity sewer main within a minimum distance of 300 feet of the closest property line.
- b. Provided the service is available, no property owner shall be allowed to make a connection to ESD sewer unless a connection also is made to the ESD water.

**Section 2. Mandatory Connection (Existing structures prior to adoption of Ordinance)**

When the property is subject to any of the following, mandatory connection will be required:

- a. A failed septic system;
- b. Damaged septic system requiring permit to repair;
- c. As directed by the Cumberland County Environmental Health;
- d. As directed/order by a court of proper jurisdiction;
- e. Where property has made connection to the ESD water system, it cannot be connected back to an individual source of potable water supply (well).  
\*\*International Plumbing Code 602.3 Individual water supply.

### **Section 3. Mandatory Connection Exemptions**

- a. Existing structures as of the adoption of this Ordinance, unless the structure is or becomes subject to any of the provisions in Section 2.
- b. ESD determines that service is not available.
- c. Special purpose lots (i.e., Uses not needing water supply such as cemeteries, etc.)
- d. An easement for extending utility service to a single lot is not available or cannot be obtained. Documentation of good faith effort to secure an easement will be required prior to qualifying for this exemption;

The Board of Directors may exempt Mandatory extension of and connection to the water and sewer system when any of the following conditions warrant:

- a. Public sanitary sewer is within a different drainage basin or sub-basin;
- b. Crossing of controlled access highways such as Interstate 95, Business 95 and the Fayetteville Outer Loop; or
- c. Extensions exceeding 2,000 feet from existing ESD water or sewer services.

### **Section 4. Severability**

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

### **Section 5. Enforcement**

- a. Any violation of any provision of this ordinance which is also a criminal violation under State law shall be prosecuted under the State law.
- b. Any violation of this ordinance which is not a violation of State law shall be a Class III misdemeanor punishable by a maximum fine of \$500.00.
- c. In addition to any prosecution in criminal court, the District may take civil action against any violator of this ordinance to enjoin or abate any unlawful activity or condition or for damages.

**Section 6. Effective**

This Ordinance shall be effective upon adoption.

**ADOPTED THIS THE 27<sup>th</sup> DAY OF AUGUST.**